

Planning Applications Committee

20 November
2019



Working in Partnership



Time and venue:

5.00pm in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE

Membership:

Councillor Sharon Davy (Chair); Councillor Steve Saunders (Deputy-Chair); Graham Amy, Lynda Duhigg, Tom Jones, Christoph von Kurthy, Sylvia Lord, Sean MacLeod, Imogen Makepeace, Laurence O'Connor and Nicola Papanicolaou

Quorum: 5

Published: Monday, 11 November 2019

Agenda

1 Minutes (Pages 5 - 8)

To confirm and sign the minutes of the previous meeting held on 30 October 2019 (attached herewith).

2 Apologies for absence/Declaration of substitute members

3 Declarations of interest

Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct.

4 Urgent items

Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972. A supplementary report will be circulated at the meeting to update the main reports with any late information.

5 Petitions

To receive petitions from councillors or members of the public in accordance with Council Procedure Rule 13 (Page D9 of the Constitution).

6 Written questions from councillors

To deal with written questions from members pursuant to Council Procedure Rule 12.3 (page D8 of the Constitution).

Planning applications outside the South Downs National Park

- 7 LW/18/0351 - Woods Fruit Farm, Goldbridge Road, Newick, East Sussex, BN8 4QP** (Pages 9 - 34)
- 8 LW/18/0880 - Lower Lodge Farm, Laughton Road, Ringmer, East Sussex** (Pages 35 - 60)
- 9 LW/19/0364 - Homefield Place, Homefield Road, Seaford, East Sussex, BN25 3DG** (Pages 61 - 78)
- 10 LW/19/0597 - Land North of Chapters, Bishops Lane, Ringmer, East Sussex** (Pages 79 - 84)

Non-planning application related items

- 11 Enforcement monitoring from 1 July 2019 to 30 September 2019 (Part A)** (Pages 85 - 88)

Report of Director of Regeneration and Planning

- 12 Enforcement monitoring from 1 July 2019 to 30 September 2019 (Part B)** (Pages 89 - 96)

Report of Director of Regeneration and Planning

- 13 Summary of appeal decisions received from 1 July 2019 to 30 September 2019** (Pages 97 - 100)

- 14 Tree Preservation Order (No.2) 2019 - Caxton Court, Park Street, Falmer** (Pages 101 - 108)

Report of Specialist Advisor (Arboriculture)

- 15 Tree Preservation Order (No.3) 2019 - 18 Common Lane, Ditchling** (Pages 109 - 114)

Report of Specialist Advisor (Arboriculture)

- 16 Date of next meeting**

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 11 December 2019 in the Council Chamber, County Hall, St Anne's Crescent, Lewes, BN7 1UE, commencing at 5:00pm.

General information

Planning Applications outside the South Downs National Park: Section 2 of each report identifies policies which have a particular relevance to the application in question. Other more general policies may be of equal or greater importance. In order to avoid unnecessary duplication general policies are not specifically identified in Section 2. The fact that a policy is not specifically referred to in this section does not mean that it has not been taken into consideration or that it is of less weight than the policies which are referred to.

Planning Applications within the South Downs National Park: The two statutory purposes of the South Downs National Park designations are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas; and
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes. Government policy relating to national parks set out in National Planning Policy Framework and Circular 20/10 is that they have the highest status of protection in relation to natural beauty, wildlife and cultural heritage and their conservation and enhancement must, therefore, be given great weight in development control decisions.

Information for the public

Accessibility: Please note that the venue for this meeting is wheelchair accessible and has an induction loop to help people who are hearing impaired. This agenda and accompanying reports are published on the Council's website in PDF format which means you can use the "read out loud" facility of Adobe Acrobat Reader.

Filming/Recording: This meeting may be filmed, recorded or broadcast by any person or organisation. Anyone wishing to film or record must notify the Chair prior to the start of the meeting. Members of the public attending the meeting are deemed to have consented to be filmed or recorded, as liability for this is not within the Council's control.

Public participation: There will be an opportunity for members of the public to speak on an application on this agenda where they have registered their interest with the Planning department by 12:00pm on the day before the meeting.

Information for councillors

Disclosure of interests: Members should declare their interest in a matter at the beginning of the meeting.

In the case of a disclosable pecuniary interest (DPI), if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

Councillor right of address: If members have any questions or wish to discuss aspects of any application listed on the agenda they are requested to contact the Planning Case Officer prior to the meeting.

A member of the Council may ask the Chair of a committee or sub-committee a question on any matter in relation to which the Council has powers or duties or which affect the District and which falls within the terms of reference of that committee or subcommittee.

A member must give notice of the question to the Committee and Civic Services Manager in writing or by electronic mail no later than close of business on the fourth working day before the meeting at which the question is to be asked.

Democratic Services

For any further queries regarding this agenda or notification of apologies please contact Democratic Services.

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Working in Partnership



Planning Applications Committee

Minutes of the meeting held in Sutton Hall, Downs Leisure Centre, Sutton Road, Seaford, East Sussex, BN25 4QW, on 30 October 2019 at 5.00pm

Present:

Councillor Sharon Davy (Chair)

Councillors Steve Saunders (Deputy-Chair), Graham Amy, Lynda Duhigg, Tom Jones, Christoph von Kurthy, Sylvia Lord, Sean MacLeod, Laurence O'Connor and Nicola Papanicolaou

Officers in attendance:

Jennifer Norman, Committee Officer (Democratic Services)

Leigh Palmer, Interim Head of Planning

Joanne Stone, Solicitor (Planning)

Tondra Thom, Planning Policy Lead

62 Minutes

The minutes of the meeting held on 9 October 2019 were submitted and approved, and the Chair was authorised to sign them as a correct record.

63 Apologies for absence/Declaration of substitute members

An apology for absence had been received from Councillor Imogen Makepeace.

64 Declarations of interest

There were none.

65 Petitions

There were none.

66 Written questions from councillors

There were none.

67 LW/19/0258 (Application A) and LW/19/0475 (Application B) - Newlands School, Eastbourne Road, Seaford, East Sussex, BN25 4NP

Geoff Johnson spoke on behalf of Seaford Town Council. Julian Goodban (Applicant) spoke for the proposal. Councillors Phil Boorman and Julian Peterson spoke in their capacity as Lewes District Ward Councillors.

Resolved:

1. That **Application A: LW/19/0258**: Subject to a s106 agreement reserved matters of layout, scale, appearance and landscaping of a residential development of 162 homes, pursuant to application LW/16/0800 be approved, subject to the conditions set out in the report and supplementary report; and
2. That **Application B: LW/19/0475**: Demolition of the existing school building and construction of two buildings to provide 21 residential units including provision of public open space and associated landscaping (to run concurrently with reserved matters application LW/19/0258 for the provision of 162 residential units) be approved, subject to the conditions set out in the report and supplementary report, and the s106 agreement to include:
 - **Option 1** - Full open space with LEAP and £350,000 contribution to offsite sports provision in Seaford;
3. **Government Office referral**: The Head of Planning be delegated to refer the application (s) to the relevant Government Office to establish whether the Government Office wish to call in the application for their determination;

The response from the Government Office be reported to a future meeting of the Planning Applications Committee;
4. **Advertise**: Delegate to the Head of Planning to advertise the application (s) in accordance with article 15(3) of the Development Management Procedure Order;
5. **Changes to the S106 Agreement**: Delegate to the Assistant Director of Legal and Democratic Services to negotiate and make modifications to the original S106 connected to LW/16/0800 to reflect the changes to the overall proposal as agreed in the above applications; and
6. **Issue the Decision Notice**: Delegate to the Head of Planning to issue the appropriate decision notices once 1-5 have been completed.

68 Date of next meeting

Resolved:

That the next meeting of the Planning Applications Committee that is scheduled to be held on Wednesday, 20 November 2019, in the Council Chamber, County Hall, St Anne's Crescent, Lewes, BN7 1UE, commencing at 5:00pm, be noted.

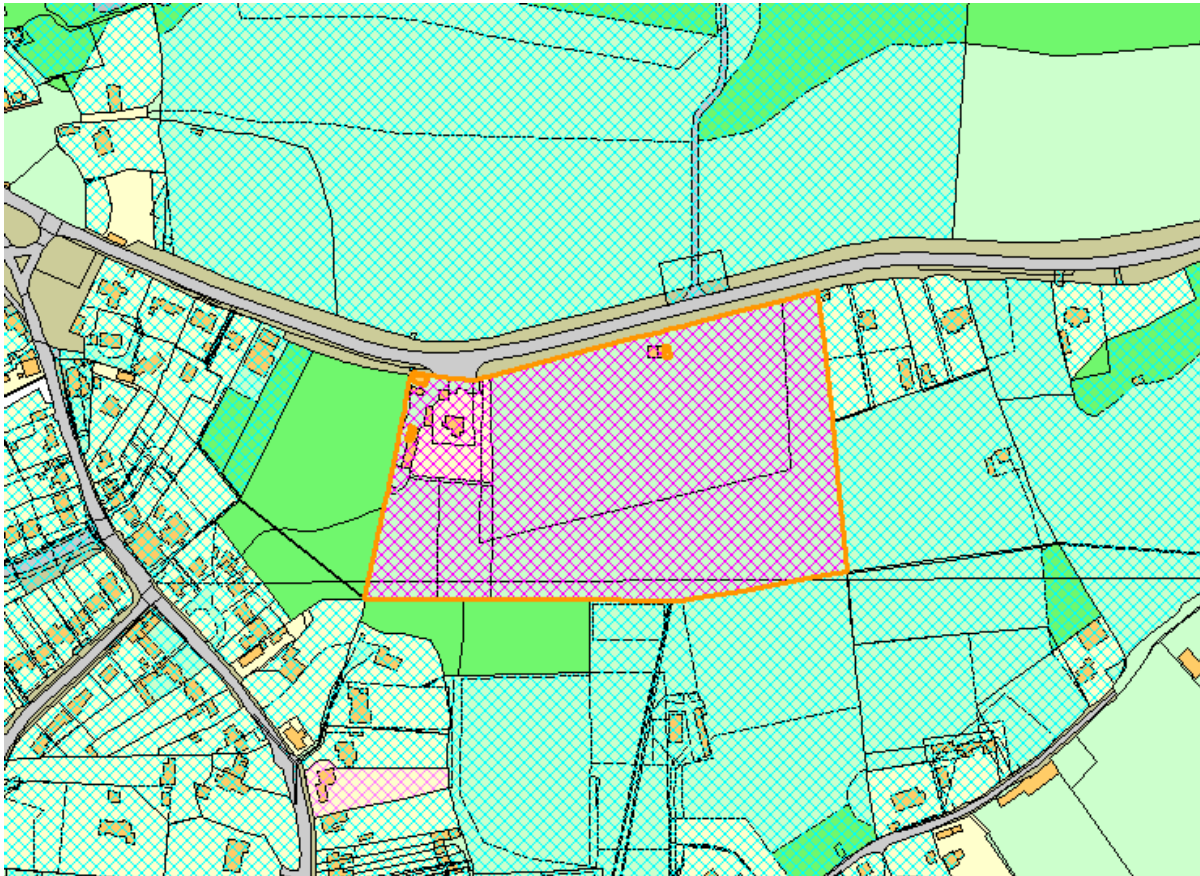
The meeting ended at 6.45pm.

Councillor Sharon Davy (Chair)

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Agenda Item 7

APPLICATION NUMBER:	LW/18/0351		
APPLICANTS NAME(S):	P Wood, J Wood & C Wood	PARISH / WARD:	Newick / Newick
PROPOSAL:	Planning application for demolition of Oakside and the erection of 69 residential homes, with associated access, car parking, cycle parking, refuse/recycling storage, landscaping and infrastructure		
SITE ADDRESS:	Woods Fruit Farm Goldbridge Road Newick East Sussex BN8 4QP		
GRID REF:			



1. SITE DESCRIPTION / PROPOSAL

1.1 The application site lies to the north east of the village, on the southern side of the A272, and covers an area of approximately 3.7 hectares. The site currently accommodates a single detached dwelling, close to the western boundary, with a number of outbuildings, set within a large residential plot. The remainder of the site is grassland with a derelict farm building located close to the northern boundary. There are a few trees, largely around the periphery of the site or around the dwelling house. The site boundary consists of mature mixed hedging.

1.2 The site is located outside of the defined settlement boundary and abuts the Newick Conservation Area at the south west corner of the site. The nearest residential dwellings are located adjacent to the eastern boundary and close to the south west corner of the site. The western part of the development site is identified and allocated within the Newick Neighbourhood Plan for housing (Policy H04 for 39 dwellings).

1.3 The proposal is seeking permission to construct 69 new dwellings of which 40% (28) would be affordable - 16 flats (10 x 1 bed and 6 x 2 bed) and 6 x 2 and 6 x 3 bed houses, whilst the private housing would consist of 9 x 2 bed, 22 x 3 bed and 10 x 4 bed houses. The scheme will also provide car parking, cycle storage, landscaping and open space.

2. RELEVANT POLICIES

LDLP: – CP1 – Affordable Housing

LDLP: – CP10 – Natural Environment and Landscape

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP14 – Renewable and Low Carbon Energy

LDLP: – CT01 – Planning Boundary and Countryside Policy

LDLP: – ST03 – Design, Form and Setting of Development

LDLP: – DM1 – Planning Boundary

LDLP: - DM24- Protection of biodiversity and geodiversity

LDLP: - DM25 - Design

LDLP: - DM27 – Landscape Design

LDLP: – NNPH11 – HO1.1-New Housing Design

LDLP: – NNPH12 – HO1.2 -New Housing Materials

LDLP: – NNPH13 – HO1.3-New Housing Height

LDLP: – NNPH14 – HO1.4-New Housing Size

LDLP: – NNPH15 – HO1.5-New Housing Parking

LDLP: – NNPH41 – HO4.1-Housing Site

3. PLANNING HISTORY

E/57/0709 - Outline Application to erect ten dwelling houses. - **Refused**

EV/63/0006 - Two advertisement boards. - **Approved**

E/56/0085 - Planning and Building Regulations Applications for proposed addition. Building Regulations Approved. Commenced. - **Approved**

LW/18/0351 - Demolition of Oakside and the erection of 69 residential homes, with associated access, car parking, cycle parking, refuse/recycling storage, landscaping and infrastructure -

E/63/0023 - Formation of additional vehicular access with lay-by. - **Approved**

E/57/0709 - Outline Application to erect ten dwelling houses. - **Refused**

EV/63/0006 - Two advertisement boards. - **Approved**

E/56/0085 - Planning and Building Regulations Applications for proposed addition. Building Regulations Approved. Commenced - **Approved**

LW/16/0058 - Retention of a double sided panel sign and a proposed single sided panel sign with matching design/lettering - **Approved**

LW/18/0351 - Demolition of Oakside and the erection of 69 residential homes, with associated access, car parking, cycle parking, refuse/recycling storage, landscaping and infrastructure -

E/68/0909 - Planning and Building Regulations Applications for domestic boiler house. Building Regulations Approved. Completed. - **Approved**

E/63/0023 - Formation of additional vehicular access with lay-by. - **Approved**

LW/01/0242 - Part two storey, part single storey rear extension - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

British Telecom – I write in response to your letter dated 9th May regarding the above property and advise that BT are keen to receive further information, based on the location of the demolition of Oakside and the erection of 69 residential homes near BT's Telephone Exchange, Newick, Goldbridge Road.

Using the property postcode, the site of this demolition appears to be less than 300 ft. from BT's site and I am mindful of BT's underground equipment also being affected.

I have therefore sent a copy of this letter and your documentation to the following email address for the network teams' information and look forward to receiving updates regarding this demolition as appropriate.

Environmental Health – I am aware that a site investigation report has been prepared by Geo-environmental (dated 17 May 2017 report ref: GE15497-GIRv2.0-MAY17) and submitted with the planning application, which identified the need for remediation at the site. I am also aware that some demolition activities are involved at the site.

If LPA is minded to grant a planning permission, then considering the information available to me, following land contamination conditions are pertinent:

Condition 1 Land contamination

(1) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

(a) Further site investigation scheme, based on Geo-environmental report (dated 17 May 2017, report ref: GE15497-GIRv2.0-MAY17) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(b) The site investigation results and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Condition 2 Unsuspected contamination

If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Condition 3 Verification report

Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason (for all) : To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 120 and 121].

(2) Construction environment management plan

No development shall take place, including any works of demolition, until a Construction Environment Management Plan has been submitted to, and approved in writing by the local planning authority. The Construction Environment Management Plan shall provide for:

- i) traffic management in the adjoining highways;
- ii) site operatives' travel plan;
- iii) the parking of vehicles of site operatives and visitors;
- iv) loading and unloading of plant and materials;
- v) storage of plant and materials used in constructing the development;
- vi) the erection and maintenance of security hoarding;
- vii) measures to control all environmental effects of the development including artificial illumination, noise, vibration, dust, air pollution and odour, including the effects of decontamination, and site illumination during construction.

The approved Construction Environment Management Plan shall be adhered to throughout the construction period for the development.

Reason: In the interests of amenity of the locality

ESCC Highways – Executive Summary

ESCC's consultation response dated 7 June 2018 recommended that consent be refused for this application on the grounds of inadequate vehicle parking facilities within the site, insufficient information on cycle parking facilities within the site and insufficient information in relation to the necessary pedestrian and public transport facilities required to serve the development.

In response the applicant submitted a Technical Note, including amended plans and a Framework Travel Plan, with the intention of addressing the above concerns. In August 2018, the County Council provided a formal response to the submitted documents, retaining the original objection due to issues related to parking, footway provision, public transport connectivity, and the submitted Framework Travel Plan.

Following the County Council's response, the applicant has submitted additional information, including amended plans and a new Technical Note dated December 2018. The comments below should be read in conjunction with the County Council's previous responses.

I have reviewed the amended proposals and would not object to this application on highways grounds, subject to conditions and appropriate legal agreements.

Comments

Walking and Cycling

As set out in the County Council's previous comments; to encourage walking and cycling to and from the site the developer should widen the existing southern footways of the A272 to a minimum of 2m along the site edge and towards the A272/The Green junction. Drawing 2018/4221/011RevA submitted as part of the latest proposals shows the proposed footway improvements along the site boundary.

The full extent of the southern footway widening towards the A272/The Green junction should be discussed and agreed between the Highway Authority and the applicant, and then secured under a s278 agreement.

Public Transport

Drawing 2018/4221/011RevA shows two new bus stops located on the A272, adjacent to the site access. The drawing further shows a pedestrian crossing across the A272 to help pedestrians access the northern bus stop, as well as a 2m footway on the north side of the A272.

The provision of these bus stops and the associated pedestrian infrastructure is welcomed by the County Council as they are considered essential to the success of the development and should be secured through an s278 agreement. The Technical Note submitted by the applicant sets out how the current iteration of the bus stop design does not fully comply with guidance as set out in the Design Manual for Roads and Bridges (DMRB). Nevertheless, further discussions between the County Council and the applicant have resulted in an acceptable design, subject to the resolution of any safety concerns raised in the Stage 1 Road Safety Audit. The resolution of these issues can be covered through the detailed design and s278 agreement process.

Car and Cycle Parking

The on-site car parking arrangements have been amended to be in line with the ESCC car parking demand calculator and are generally in line with the County Council's standards. The proposed parking arrangements are therefore considered acceptable.

Cycle parking in line with 2017 ESCC 'Guidance for Parking at New Residential Developments'. Should be secured through a condition as part of any planning permission for the site.

Refuse and Servicing Arrangements

Drawings 2018/4221/005, 2018/4221/008, and drawing 2018/4221/004 show that a refuse vehicle will be able to access and egress the site in forward gear and that the proposed site access road is wide enough to allow a refuse vehicle and a private car to pass one another. It is therefore considered that the proposed design is acceptable.

As the Local Authority, Lewes District Council's Waste Management Team should satisfy themselves that the proposed collection arrangements are acceptable.

Travel Plan

The amended Framework Travel Plan submitted by the applicant is considered to be sufficiently committal and in line with the County Council's standards. The monitoring of the travel plan for the first five years of the travel plan is considered acceptable and should be secured through condition.

A Travel Plan Audit fee for £6,000 would be required, to be secured by a S106 agreement.

Conclusion

The additional information supplied by the applicant shows that the proposed development is generally in line with the County Council's standards and guidelines and is unlikely to have a severe impact on the local highway network. The proposed improvements should be secured through s106 and s278 legal agreements as well as the appropriate conditions. I would therefore not object to the proposed development on highways grounds, subject to a s106 agreement to secure the Travel Plan fee (£6000) and highway works (site access, the provision of new bus stops, pedestrian crossing, right-turn lane and improvements to the footway along the A272) by s278 agreement, and the following conditions.

(The conditions have been included in the draft decision and can be viewed online).

Natural England – The application site is within 7km of Ashdown Forest SPA and SAC and as such has the potential to impact on the designated site through increased recreational pressure. As your authority has measures in place to manage these potential impacts through the agreed strategic solution, subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential effects of the development on the site and that the proposal should not result in a likely significant effect.

ESCC SUDS – No objection. The information provided is satisfactory and enable the LLFA to determine that the proposal development is capable of managing flood risk effectively. Although there will be a need for standard conditions which are outlined in this response.

(A full copy of the response is available to view online).

Main Town Or Parish Council – At the meeting, Councillors noted the letters already received from a number of residents and the valid points that had been made in these letters, including that raised by a member of the public present at the meeting who referenced a letter dated 26th October 2016 from Lewes DC to the applicant stating that the proposals were unlikely to be supported unless the land to the east of that allocated in Neighbourhood Plan Policy H04 had been subsequently allocated for development in the Lewes District Local Plan Part 2.

It was unanimously agreed to object to this planning application on the following grounds:-

- Although part of the site is allocated under policy H04 of Newick's Neighbourhood Plan, the proposal includes further land to the east which is not allocated either in the Newick Neighbourhood Plan or the Lewes District Local Plan Part 2. If this land were to be used for development it would be outside the development boundary and contrary to Newick Neighbourhood Plan policy H01.4 and Lewes District saved policy CT1.

- Newick Neighbourhood Plan and Lewes District Local Plan Part 2 have allowed for 100 new homes in Newick and sites have been allocated for this number of additional homes following lengthy preparation and consultation with local residents. There is no good reason why Newick should have to accept an additional 30 homes on this site over and above what has been planned for, particularly in view of the fact that the adjacent site to the west (H03 in Newick Neighbourhood Plan) is earmarked for the development of up to 30 new homes.

- If this development is allowed to proceed regardless of the planning and consultation referred to in the previous paragraph, it would create a precedent for other sites around the village that are not currently allocated for development and in which developers are known to have an interest to come forward, potentially resulting in uncontrolled expansion of the village.

- The consultation process referred to in paragraph 4.3 of the applicant's Planning Statement was extremely limited and inadequate as very few residents who would be impacted by the proposed development had been included in the leaflet drop.

- The parking provision is inadequate for the number of homes and contrary to Newick Neighbourhood Plan policy H01.5.

- The density of housing on the western side of the site is considered to be too high.

- As highlighted in East Sussex County Council's letter of 18th May 2018, the applicant has failed to provide sufficient information in respect of surface drainage and flood risk.

If this application is to be considered by Lewes District Council's Planning Application Committee, Newick Parish Council would like to be represented. Please ensure that the Parish Council is advised of the date of the relevant meeting when this is known.

LDC Planning Policy Comments

This planning application should be considered against the policies of the adopted 2016 Lewes District Local Part 1: Joint Core Strategy (LPP1) together with the retained 'saved'

policies of the 2003 Lewes District Local Plan (LDLP) as listed in Appendix 2 of the LPP1, so far as they are consistent with the National Planning Policy Framework (NPPF), the Newick Neighbourhood Plan (NNP) and the NPPF itself. It should also be noted that the Local Plan Part 2: Site Allocations and Development Management Policies DPD (LPP2) is a material consideration and has now reached the stage where substantial weight can be given to a number of policies.

The application is for full planning permission for a residential development of 69 dwellings. From a planning perspective, the following issues should be considered when determining the above planning application:

- o Development outside the planning boundary (CT1 and DM1);
- o District Council's five year housing land supply;
- o Newick Neighbourhood Plan (Policies HO1 and HO4); and
- o Ashdown Forest 7km Zone (Core Policy 10).

Development in the countryside

The application site is located approximately 100m east of the built edge of Newick. The site is, as amended by the Newick Neighbourhood Plan, partially outside the planning boundary. Policy CT1 and LPP2 Policy DM1 therefore apply. Policies CT1 and DM1 seek to restrict development outside the planning boundaries except in very specific circumstances, the criteria for which is set out within the Policies. It is not considered that the proposal meets any of these criteria. Development of this site is therefore contrary to retained 'saved' Policy CT1 and Policy DM1.

Housing land supply

Paragraph 73 of the NPPF (2019) requires local planning authorities to identify a five year supply of deliverable land for housing. As at 1st April 2019, the Council is able to demonstrate a supply of deliverable housing land equivalent to 5.59 years (a surplus of 207 units) outside the South Downs National Park (SDNP) and against its separated housing requirement figure (minimum 5,494 net dwellings). Further information on the Council's five year housing land supply position can be found in the published Note .

The latest housing land supply position is calculated in the context of the publication of Government's Housing Delivery Test results in February 2019. The HDT compares the number of houses delivered against the housing requirement over the last three year period. Depending on the outcome certain actions must be implemented.

Government's February HDT result for Lewes was 50%, requiring an Action Plan to be prepared and a 20% buffer to be applied to the five year housing land supply calculation. However, the Council raised significant concerns regarding their calculation, namely that it had failed to recognise that the Council has an up-to-date Plan and the incorrect housing requirement figure had been used. Following the consideration of evidence put forward by the Council, Government has reissued the HDT figure for Lewes (outside the South Downs National Park). The revised HDT result is 86%, thereby only requiring an Action Plan to be prepared. Both the letter from Government setting out the revised HDT figure and the Council's Action Plan can be found on the Council's Housing Delivery Test webpage .

As such, relevant policies within the Development Plan, including the Local Plan and neighbourhood plans, are considered up to date. Decision making on planning applications should therefore be made against policies within the adopted development plan.

Newick Neighbourhood Plan

The Newick Neighbourhood Plan (NNP) was 'made' (adopted) on 16 July 2015 and is therefore part of the development plan. The NNP sets out a number of planning policies and four housing site allocations (HO2, 3, 4 and 5) for a total of 100 net additional dwellings. HO2 to the north of Newick is complete, HO3 and 4 are located to the east and HO5 is within the built up area and has extant planning permission. Spatial Policy 2: Housing Distribution of the LPP1 requires a minimum 100 net additional dwellings to be delivered at Newick over the Plan period.

The western half of the application site forms part of the NNP housing allocation Policy HO4, identified for 38 (net) dwellings. The application proposal extends the site approximately 100m to the east and increases the number of dwellings by 31. The application is therefore inconsistent with HO4, albeit it is acknowledged that the NNP has sought to locate new development broadly within this area due to its proximity to village services.

Policies HO1 and TC1 may also be considered important to making the decision on the planning application. The criteria of HO1 relate to the design and density of new housing development etc. and TC1 relates to provision for sustainable transport within new development.

Ashdown Forest 7km Zone

The application site is located entirely within the Ashdown Forest 7km mitigation zone. The Ashdown Forest is designated as a Special Protection Area (SPA) and a Special Area of Conservation (SAC).

Core Policy 10 of the Joint Core Strategy seeks to ensure that the Ashdown Forest (SAC and SPA) is protected from recreational pressure, and that residential development that results in a net increase of one or more dwellings within 7km of the Ashdown Forest will be required to contribute to:

- i. The provision of Suitable Alternative Natural Greenspaces (SANGs) at the ratio of 8 hectares per additional 1,000 residents; and
- ii. The implementation of an Ashdown Forest Strategic Access Management and Monitoring Strategy (SAMMS).

A SANG, Reedens Meadow, located at Jackies Lane, Newick was completed earlier this year and is now fully operational. To secure the SANGs long term costs a tariff is currently being developed by the Council. Until this has been finalised a 'capped SANG tariff', at £5,000, per dwelling is in place. A financial contribution rate towards SAMMS of £1,170 per dwelling has also been set. This is identified within the Tariff Guidance Note agreed between Lewes, Wealden and Tandridge District Councils. These mitigation measures need to be considered within an Appropriate Assessment (AA) for the application site, which has now been undertaken by the Council. The AA concludes that there should be no adverse effects on the integrity of the Ashdown Forest from recreation impacts from this development either alone or in combination with other plans and programmes if the mitigation measures as detailed above are secured.

Further to a High Court Challenge to the Council's Habitat Regulations Assessment in respect of air quality impacts on the Ashdown Forest, the Council has undertaken a robust Appropriate Assessment (AA) of air quality impacts on the Ashdown Forest SAC (2018 HRA Addendum). This work has been reviewed and endorsed by Natural England; it assesses all planned (LPP1, Local Plan Part 2 and Neighbourhood Plans) and known

development (as at April 2018) coming forward up to 2030, including the Neighbourhood Plan allocation of Woods Fruit Farm for 38 dwellings and concludes no adverse effect on the integrity of the SAC.

The applicant has submitted an AA of the air quality impacts of the additional 30 dwellings proposed by the application that builds upon the Council's 2018 HRA Addendum. AECOM has factored in the additional AADT to the transport model developed for the Council's AA and used the same methodology to calculate the air quality impacts. The Applicant's AA concludes that for NO_x the additional 30 dwellings makes a negligible contribution to concentrations at the closest areas of heathland and the NO_x concentrations and nitrogen deposition rates on even the most affected link (the A22 at Wych Cross) are essentially the same as forecast in the Council's AA. On all other transects, the contribution of the additional 30 dwellings at the nearest area of heathland is too small to show in the air quality calculations.

The conclusion of the applicant's AA is that the application proposal will not result in an adverse effect on the integrity of Ashdown Forest SAC either on its own or 'in combination' with other plans and projects, this can be considered robust.

Summary

The proposed development is located partially outside the planning boundary, therefore it is contrary to retained 'saved' policy CT1 and Policy DM1 which should now be given substantial weight in the decision making process. As at 1st April 2019, the Council is able to demonstrate a five year housing land supply (now confirmed in the letter from MHCLG dated 22 October 2019 which agreed to revise the Housing Delivery Test score for Lewes District Council). As such, policies relevant to the consideration of this proposal should be given full, and where relevant substantial, weight.

The submitted scheme is inconsistent with Newick Neighbourhood Plan policy HO4, a policy which should be given full weight in making planning decisions as the Council can demonstrate a five year housing land supply.

The application should be subject to the relevant mitigation required by Core Policy 10 of the LPP1 and identified in the AA.

Given the above, from a planning policy perspective, an objection is raised in principle to this planning application.

CPRE – object - extends beyond boundary of the site, twice as many homes, contrary to NPPF para 12 and 47, contrary to CT1 and DM1, no material considerations to recommend approval, precedents set with previous appeals with regards to CT1, being considered before expiry of departure advertisement, contrary to adopted and emerging policy.

Newick Society – object – The Society objected to this application eight months ago in May 2019. It is noted that the application has now been recognised as 'not according to the provisions of the development plan' and has accordingly been advertised as such, with a site notice and by statutory notice in the Sussex Express newspaper on 8th February 2019, inviting representations by 25th February 2019.

The original Village Society's objections still stand. The Society now wishes to amplify its objection, particularly in view of the changed circumstances since May 2019, including sight of the planning officers published report to committee. The amplification below relates to the principle of the development and a highways issue.

Principle

I understand that local planning authorities should only depart from an up-to-date Development Plan if material considerations indicate that the plan should not be followed. The planning officer clearly accepts that the proposed development does not accord with the Development Plan. Large parts of the 24-page officer's report are written in a manner which points towards a recommendation for refusal, but then, somewhat curiously, the conclusion, in sweeping generalised statements, recommends approval. The reasoning in the conclusion could hardly be recognised as being so material as to justify permission being granted contrary to the development plan policies.

All parties know that the Newick Neighbourhood Plan examiner said that the Neighbourhood Plan does not place a cap or a maximum limit on the number of dwellings to be built in Newick during the plan period. However, by recommending planning permission for this current application, this is clearly opening the door to further housing developments beyond the 100 envisaged in the Neighbourhood Plan. It is accepting a developer-led approach for Newick village rather than a plan-led approach and clearly could not be described as effective localism. For the officer's report to suggest that the development would not compromise or undermine community wants is entirely misguided.

There is evidence that Lewes District Council planning officers in the past and recently have recognised the problems of excessive expansion of Newick. Here are some quotes from District Council documents....

The District Council's 1981 appeal statement resisting a proposal for a private housing estate on the edge of Newick (application LW/81/0627) stated 'to all intents and purposes Newick has almost reached the limit of its natural growth...'. Those are words from the District Council planners stated over 30 years ago!

If that quote appears somewhat out-dated to be relevant today, then I refer you to one from 2013. The District Council's Sustainability Appraisal for the Joint Core Strategy, in referring to Newick, considered option A (planned growth of approx 100 homes) or option B (approx 154 homes). As you know, Option A for 100 was pursued. Option B for 154 homes was not pursued because it was... '...seen as having more considerable negative consequences to the community, travel and land efficiency objectives'. Furthermore, the tables in that Appraisal added that, if the village had 154 new homes (ie Option B) it 'may alter the character of the village, which may have a negative effect on community happiness'.

Why shouldn't we even have 200 more houses in Newick? The answer is in the Council's 2014 document 'Justification for the Housing Strategy' said (para 10.32) ...which says that 200 extra houses in Newick 'would result in substantial harm to the rural character and setting of the village'.

These are all District Council words referring to the problems and dangers of excessive expansion of Newick. Surely these quotes are now relevant to this current planning application, whereby, if permission is granted we will end up with more than 100 new homes in Newick. A planning permission will undoubtedly be referred to by developers as a precedent. You will of course understand the current severe pressures for development at Mitchelswood Farm and at 45 Allington Road.

I know that you now have to have regard to the latest National Planning Policy Framework and have regard to central government's continuous pressure for more housing but surely you recognise that continuous unlimited developer-led development in Newick is unacceptable. I invite you to recognise the merits of a village....it is a village because of its size...it is a large thriving village....it will suffer from continuous expansion...it will be

urbanisedit will soon not have the character of a village. The Newick Village Society has consistently said over many years that new housing should be provided in the parts of the District where it could provide a benefit.

Highway Issue

The latest submitted revised plans show an extremely elaborate new road junction here... main road to be widened, a lengthy right turn lane, illuminated bollards and two bus shelters, all urbanising this spot on the edge of the village

Please note that the currently proposed right turn lane and its associated road markings are in front of the adjoining 'telephone exchange site' which will surely have a great influence on achieving a safe access to that site when it is developed as a Neighbourhood Plan housing site. We don't know yet what form of access the highway authority will require for that telephone exchange site to overcome this potential conflict of traffic movements...will it be another right turn lane with more bollards, more traffic islands, more road widening, will they require a roundabout to cope with all the traffic movements here to the two estates? The planning officer's have not considered the final environmental impact of highway works upon this spot. This is not simply a highway engineers matter. It is a matter for the planning officers to consider in terms of the full impact upon this vulnerable spot at the entrance to the village.

Your Conservation Area Appraisal in 2006 referred to this spot, stating that 'this rural setting is an integral part of the character of the Conservation Area'. Also, in regard to this part of Goldbridge Road the District Council's Landscape Capacity Study in 2012 recognised the need to 'retain countryside entrance to village'.

It is clear that the total highway works here will have an urbanising impact at the very spot where it should have a rural village character.

Even though this highways matter was fully explained in the Village Society's May objection letter, it has been completely ignored in the officer's report, so the report is incomplete and therefore fails to present to the district councillors a fair and balanced case.

The Newick Village Society requests that these above comments are fully considered by your Planning Applications Committee, along with all other comments that you may receive up to the 25th February 2019. The Newick Village Society requests that planning permission should be refused for the development.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

14 objections on the following grounds - blot on the landscape, contrary to NNP, increase traffic on A272, contrary to Inspectors views, land not allocated in NNP, increase in density, Newick should not take more of the District Council's housing supply, insufficient evidence to indicate that drainage proposals are acceptable, overlooking and loss of privacy, no change in adopted policies, contrary to LDLP Policy CT1, allowing this would exceed the 100 homes allocated for Newick, intrusive and will dominate high ground, inability to cope with increased traffic, demand for school places, parking, pressure on infrastructure, A272 already congested, NNP policies tested in court, the application is a departure from adopted policy, would prejudice the implementation of housing on the adjacent site, need to consider implications of the Housing Delivery Test.

1 objection from owner of adjacent site on the grounds of conflict with Policies CT1 and H04.1 and that development would prejudice the delivery of the adjacent site for housing.

3 letters neutral /support - Adding more houses is welcomed and expected, the plan does not restrict housing development to 100 units, general issue of footpath routing in the south east corner, existing infrastructure can support population growth, extra housing is needed locally and nationally, will provide long term sustainability for the village.

6. PLANNING CONSIDERATIONS

Design, layout and appearance

6.1 Access to the site would be gained at its western end with the existing access, which currently serves Oaksides, being widened and improved to accommodate a two way access which meets the Highway authorities requirements. It will be the only access to the site, serving both vehicles and pedestrians, and will run through the site with four spurs off the road to provide access to the development. The spurs will extend into shared surfaces which will help to define the residential blocks and the public realm. A new right turn lane (for vehicles approaching from the west) will be provided on the A272.

6.2 Two areas of open space will be provided - one on the eastern side of the entrance which will serve to provide a 'village green' type gateway, creating an open and verdant entrance to the development, and the other in the south east corner of the site providing a more open amenity space with enhanced landscaping to the south and east boundaries, together with a community orchard and a pumping station. The existing mature hedgerow to the northern boundary will also be enhanced with additional planting to create a small 'shaw' which will extend along the eastern boundary, helping to soften the views of the development from Goldbridge Road and neighbouring dwellings as well as creating a green buffer. Dwellings to the north of the site will be set back between 15-25m from the northern boundary which will further lessen the visual impact from Goldbridge Road. Overall the development will provide 1.4 hectares of open space, 37% of the total site area.

6.3 The dwellings will be traditional two storey buildings with pitch roof, with some single storey units. They will incorporate a range of materials and design features found in the locality - brick, painted brick, tile hanging, render, timber boarding, chimneys, projecting gables, eaves gables, various porch designs. The design, appearance and scale of the buildings will result in an attractive and varied development, consistent with the surrounding context of Newick.

6.4 All of the dwellings have generous gardens, with the flats having a large communal space associated with each block. Provision has been made for cycle storage - 1 space per flat and 2 per dwelling. Some dwellings have garages, other allocated parking spaces, equating to approximately 2.3 spaces per dwelling in line with the ESCC Highways standard. Vehicle charging points will be provided for all dwellings with a charging point provided within the communal parking area for the flats. All the dwellings will meet the National Space Standards.

6.5 In terms of general landscaping, the majority of trees around the periphery will be retained with all new dwellings set outside of the root protection areas. The planting to the periphery of the site will be enhanced with further hedgerow and tree planting, which will maintain the countryside quality of the site whilst providing the opportunity for enhancing the biodiversity. The planting along the southern boundary is less dense and designed to follow the site topography of the site, softening views and linking to the new small orchard adjacent to the eastern boundary. The road and spurs within the site are also landscaped with prominent street trees.

6.6 The development provides a well-designed and laid out development which comfortably sits on the periphery of the settlement, forming an acceptable transition to the surrounding countryside at a density of 19 units per hectare. The proposal is well landscaped, which serves to integrate the development into its surroundings and reduce the wider visual impact.

Policy

Newick Neighbourhood Plan

6.7 The Newick Neighbourhood Plan (NNP) was 'made' (adopted) on 16 July 2015 and is therefore part of the Development Plan for the area. The NNP sets out a number of planning policies and four housing site allocations (HO2, 3, 4 and 5) for a total of 100 net additional dwellings. HO2 to the north of Newick is complete, HO3 and 4 are located to the east and HO5 is within the built up area and currently subject to a planning application.

6.8 The western half of the application site forms part of the NNP housing allocation Policy HO4, identified for 38 (net) dwellings. The application proposal extends the site approximately 100m to the east and increases the number of dwellings by 31. The application is therefore inconsistent with HO4, albeit it is acknowledged that the NNP has sought to locate new development broadly within this area due to its proximity to village services.

6.9 In considering these allocations it is important to note that the Independent Examiner into the Newick Neighbourhood Plan stated on page 19 of his report that -

'Representations have been received highlighting that the Neighbourhood Plan "only" plans for 100 houses. However, this is not the case. The Neighbourhood Plan helpfully includes specific allocations for housing. This provides for a high degree of certainty with regards the delivery of around 100 houses. Nowhere does the Neighbourhood Plan seek to place a cap, or a maximum limit on the number of dwellings to be built in the Neighbourhood Area during the plan period. This approach has regard to the Framework's presumption in favour of sustainable development'.

6.10 Policies HO1 and TC1 may also be considered important to making the decision on the planning application. The criteria of HO1 relate to the design and density of new housing development etc. and TC1 relates to provision for sustainable transport within new development.

Lewes District Local Plan

6.11 Policy CT1 seeks to restrict development outside the planning boundaries except in very specific circumstances, the criteria for which is set out within the Policy. It is not considered that the proposal meets any of these criteria. Development of this site is therefore contrary to retained 'saved' Policy CT1

6.12 Spatial Policy 2: Housing Distribution of the JCS requires a minimum 100 net additional dwellings to be delivered at Newick over the Plan period.

Ashdown Forest 7km Zone

6.13 The application site is located entirely within the Ashdown Forest 7km mitigation zone. The Ashdown Forest is designated as a Special Protection Area (SPA) and a Special Area of Conservation (SAC).

6.14 Core Policy 10 of the Joint Core Strategy seeks to ensure that the Ashdown Forest (SAC and SPA) is protected from recreational pressure, and that residential development that results in a net increase of one or more dwellings within 7km of the Ashdown Forest will be required to contribute to:

- i. The provision of Suitable Alternative Natural Greenspaces (SANGs) at the ratio of 8 hectares per additional 1,000 residents; and
- ii. The implementation of an Ashdown Forest Strategic Access Management and Monitoring Strategy (SAMMS).

The applicant has submitted an AA of the air quality impacts of the additional 30 dwellings proposed by the application that builds upon the Council's 2018 HRA Addendum. AECOM has factored in the additional AADT to the transport model developed for the Council's AA and uses the same methodology to calculate the air quality impacts. The Applicant's AA concludes that for NO_x the additional 30 dwellings makes a negligible contribution to concentrations at the closest areas of heathland and the NO_x concentrations and nitrogen deposition rates on even the most affected link (the A22 at Wych Cross) are essentially the same as forecast in the Council's AA. On all other transects, the contribution of the additional 30 dwellings at the nearest area of heathland is too small to show in the air quality calculations.

6.15 The conclusion of the applicant's AA, that the application proposal will not result in an adverse effect on the integrity of Ashdown Forest SAC either on its own or 'in combination' with other plans and projects, can be considered robust. For the avoidance of doubt it is confirmed that Appropriate Assessment has been carried out by the Council, as competent authority, for recreation impacts on the Ashdown Forest SPA and the strategic mitigation measures contained within CP10 have been applied at this stage of the Habitat Regulations Assessment (HRA) process to ascertain that there will be no adverse effect on the integrity of this European site. This, of course, requires the mitigation measures to be secured via a S106 planning obligation.

6.16 Therefore in policy terms as part of the development (20% of the proposed housing) is located outside of the site allocation, the development is a departure from the Local Plan, and is contrary to both CT1 of the Lewes District Local Plan and H04 of the Newick Neighbourhood Plan.

Highways

6.17 The site is located within walking distance of the centre of Newick village with its range of service. The site is also in close proximity to bus stops. The development would meet the ESCC residential parking demand calculator tool and cycle parking will be provided for all of the units.

6.18 East Sussex CC Highways have been actively involved in the application since submission. Their initial response to the application, received in June 2018 recommended that consent be refused for this application on the grounds of inadequate vehicle parking facilities within the site, insufficient information on cycle parking facilities within the site and insufficient information in relation to the necessary pedestrian and public transport facilities required to serve the development.

6.19 In response the applicant submitted a Technical Note, including amended plans and a Framework Travel Plan, with the intention of addressing the above concerns. In August 2018, the County Council provided a formal response to the submitted documents,

retaining the original objection due to issues related to parking, footway provision, public transport connectivity, and the submitted Framework Travel Plan.

6.20 The applicant has since submitted additional information, including amended plans and a new Technical Note dated December 2018. The additional information supplied by the applicant shows that the proposed development is generally in line with the County Council's standards and guidelines and is unlikely to have a severe impact on the local highway network. The proposed improvements should be secured through s106 and s278 legal agreements as well as the appropriate conditions. As such ESCC Highways has not objected to the proposed development on highways grounds, subject to a s106 agreement to secure the Travel Plan fee (£6000) and highway works (site access, the provision of new bus stops, pedestrian crossing, right-turn lane and improvements to the footway along the A272) by s278 agreement, and the following conditions.

(The full comments from ESCC Highways can be found within the consultation response section of the report).

Drainage

6.21 It is proposed to deal with surface water runoff by utilising sustainable techniques (SuDS), ensuring that there is no increase in the rate of volume of run off leaving the site. The measures used will include measures to improve the water quality of the run off prior to it infiltrating in to the ground. Water storage will be provided on site in cellular tanks.

6.22 ESCC as the Lead Local Flood Authority (LLFA) have stated that as an alternative solution to infiltration the applicant is proposing to discharge surface water runoff to the River Ouse, a designated main river approximately 550m east of the application site. The applicant has provided enough detail to assure us that the proposed drainage design can be practically implemented while discharging into the Ouse. However, an environmental permit from the Environment Agency for the construction of the outfall on the Ouse and a license from East Sussex Highways will be required for the construction of the pipe from the application site to the river.

6.23 They also note that the ground investigation showed that groundwater on site is less than 3m below ground level and this was recorded in summer. This is reinforced by existing data which indicates that there is a potential for groundwater flooding to occur at the site.

6.24 However the LLFA are satisfied form the information submitted in the FRA and the Planning statement that the development could proceed without detriment to its surroundings and that satisfactory measures can be put in place to ensure that the site can be adequately drained, and as such have requested a number of conditions.

Sustainability

6.25 The issue of sustainability is addressed within the submitted Design and Access Statement, and covers the measures that can be incorporated to mitigate climate change. The overall strategy is to reduce demand for energy by creating thermally efficient buildings which are well designed and appropriately orientated. Therefore it is not envisaged that renewable energy technologies will be used on the site as the dwellings will be built to such an efficient standard that they will minimise energy consumption and meet the requirements of Building Regulations and adopted planning policy.

6.26 It has been possible to ensure that over half of the dwellings have a southerly orientation which maximises natural energy gain and minimises energy demand for

heating. Energy efficiency measures and improved thermal specifications last the entire lifetime of the building. This will be coupled with air tightness of the building's design, which will reduce the size of heating systems, energy use and carbon emissions.

6.27 Non-permeable surfaces will be minimised, SuDS systems will be employed to enhance drainage and accommodate a 1 in 100 year return storm period as well as accommodating increased rainfall as a result of climate change, and all internal devices will have water efficient fittings.

6.28 Sourcing local materials will reduce transport costs, and all materials will be selected to improve environmental performance. The site is also well located in terms of existing village facilities, and allows for trips to be made by foot and cycle. Vehicle charging points will be provided for all dwellings with a charging point provided within the communal parking area for the flats.

6.29 Notwithstanding the above it is considered that further measures should be considered to reduce to impact of the development on the climate and therefore a condition requiring the developer to show how the development will incorporate measures to reduce carbon energy use, facilitate renewable energy installations, and lower household water consumption, has been proposed.

Wider Visual Impact

6.30 As described above the site is relatively flat and devoid of significant landscape features. As grazing land the mature vegetation exists largely around the periphery of the site. The site is not situated within any specific landscape designation. There is no right of way cross the site, with the nearest ROW, excluding Goldbridge Road, being located approximately 180m to the south, or 400m to the north near Alexander Mead.

6.31 The site falls within the Upper Ouse Valley landscape character area, as defined in the East Sussex Landscape Character Assessment. The area is largely unspoilt with few intrusive features, characterised by gently undulating terrain, a countryside of low ridges and wide valleys covered by an intricate patterns of streams and woods, heavily wooded in places, with small village settlements with distinctive churches, with historic farmhouse and large farmsteads. The Lewes District Landscape Capacity Study (2012) identified one of the preferred locations for development at Newick is to the east of the village and included the current site. The landscape guidance focused on reinforcing the network of structural vegetation, defining settlement boundaries, maintaining views to the High Weald (to the north), introducing extensive green infrastructure including community orchards/allotments, protecting distinctive local character and maximising opportunities for SuDS.

6.32 It is considered that the current proposal has taken account of these guiding documents and has created a scheme that will sit comfortably within the wider countryside context without undue harm to the intrinsic character of the area. The proposed landscaping and enhanced shaw and boundary hedges helps the development to integrate into the landscape whilst minimising visual impact beyond the site, allowing the development to form a transition from the village to the countryside beyond.

Legal Agreement

6.33 The development would require a S106 agreement to secure the following -

- the Travel Plan fee (£6000)
- highway works (to include site access, the provision of new bus stops, pedestrian crossing, right-turn lane and improvements to the footway along the A272) secured by s278 agreement

- SAMM contribution of £1170 per dwelling which equals £80,730
- SANG contribution of £5,000 per dwelling which equates to £345,000 (however this amount can be discounted by £25,000 as the SANG has not yet been handed over to the Council and the current maintenance has and is being carried out by the developer – these amounts could change to offset the developers reasonable maintenance costs up to the date of the first occupation against the capped contribution).
- 40% affordable housing - 16 flats (10 x 1 and 6 x 2 bed) and 6 x 2 and 6 x 3 bed houses

Conclusion

6.34 In policy terms it is acknowledged that part of the development (20% of the proposed housing) is located outside of the site allocation and as such is contrary to both CT1 of the Lewes District Local Plan and H04 of the Newick Neighbourhood Plan and is therefore a departure from the Local Plan. However, the scheme would provide a well-designed housing development, which provides a range of house types and styles which would sit comfortably on this edge of settlement site, without detriment to wider amenity or the countryside beyond. The development is both spacious and well landscaped, integrating into the surrounding countryside, whilst being in a sustainable location within walking distance of the village facilities.

6.35 The revised 2018 NPPF as amended makes it clear that Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990). The development plan includes local and neighbourhood plans that have been brought into force.

6.36 The NPPF at paragraph 12 states that 'the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making'. It goes on to say that 'Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed'. In this case it is considered that the proposed development would not compromise or undermine the implementation of the Newick Neighbourhood Plan, its objectives or the community 'wants' contained therein. Also, having due regard to the fact that the site allocation is located outside of the defined settlement boundary, it is not considered that the 14 units proposed to be built outside of the allocated site would result in any demonstrable harm, to the wider countryside setting or wider amenity. Therefore, and on balance, it is considered that planning permission can be granted.

7. RECOMMENDATION

7.1 That planning permission is granted subject to a legal agreement and the conditions listed below.

The application is subject to the following conditions:

1. No part of the development shall be occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing (Ref: 2018/4221/011RevA).

Reason: In the interests of road safety.

2. The access shall have maximum gradients of 4% (1 in 25) / 2.5% (1 in 40) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.

Reason: In the interests of road safety

3. Dwellings shall not be occupied until the car parking for that dwelling has been constructed and provided in accordance with the approved plans. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide car-parking space for the development.

4. Dwellings shall not be occupied until covered and secure cycle parking spaces have been provided for that dwelling in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

5. Dwellings shall not be occupied until the road(s), footways and parking areas serving that relevant part of the development have been constructed, surfaced, drained and lit in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development.

6. No development shall take place, including demolition, on the site unless and until an effective vehicle wheel-cleaning facility has been installed in accordance with details provided to and approved in writing by the Local Planning Authority and such facility shall be retained in working order and utilised throughout the period of work on site to ensure the vehicles do not carry mud and earth on to the public highway, which may cause a hazard to other road users.

Reason: In the interests of road safety.

7. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,

- o the anticipated number, frequency and types of vehicles used during construction,
- o the method of access and egress and routeing of vehicles during construction,
- o the parking of vehicles by site operatives and visitors,
- o the loading and unloading of plant, materials and waste,
- o the storage of plant and materials used in construction of the development,
- o the erection and maintenance of security hoarding,
- o the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- o details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

8. Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site

shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.

Reason: In the interests of highway safety

9. Upon the occupation/commencement of use, the Applicant shall implement the measures incorporated within the approved travel plan. The Applicant shall thereafter monitor report and subsequently revise the travel plan as specified within the approved document.

Reason: To encourage and promote sustainable transport.

10. No development shall commence until such time as revised plans and details for off-site highway works incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of road safety.

11. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

(a) Further site investigation scheme, based on Geo-environmental report (dated 17 May 2017, report ref: GE15497-GIRv2.0-MAY17) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(b) The site investigation results and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason : To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 120 and 121].

12. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason : To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without

unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 120 and 121].

13. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason : To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 120 and 121].

14. Surface water discharge rates shall not exceed 6.3 l/s for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.

Reason: To secure a satisfactory standard of development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

15. The details of the outfall of the proposed pond and how it connects into the main river should be provided as part of the detailed design. This should include cross sections and invert/cover levels and levels of the receiving watercourse.

Reason: To secure a satisfactory standard of development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

16. The condition of the main river which will take surface water runoff from the development should be investigated before discharge of surface water runoff from the development is made. Any required improvements to the condition of the main river should be carried out prior to construction of the outfall. Evidence that the Environment Agency agrees to the proposed rate and connection should be submitted.

Reason: To secure a satisfactory standard of development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

17. The detailed design of the pond and geocellular storages should be informed by findings of additional groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.

Reason: To secure a satisfactory standard of development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

18. A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan should cover the following:

- a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details.
- b) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.

Reason: To secure a satisfactory standard of development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

19. The applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.

Reason: To secure a satisfactory standard of development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

20. Prior to occupation of the development, evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: To secure a satisfactory standard of development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

21. Before the development hereby approved progresses above ground level details/samples of all external materials including all facing and roofing materials as well as surfacing materials, shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

Reason: To ensure a satisfactory development in keeping with the locality having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

22. Before work associated with the construction of the pumping station takes place on site, details of the buildings appearance (including materials) together with details to show that the pumping station will not increase background noise level when measured from the nearest residential properties, shall be submitted to and approved in writing by the LPA, and shall be carried out in accordance with that approval.

Reason: To secure a satisfactory standard of development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

23. Before the buildings hereby approved are occupied, details for the provision of bird and bat boxes, and hedgehog passes in garden fences shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with the approved details.

Reason: In the interest of wider ecological enhancement having regard to ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

24. No external lighting, either on the buildings hereby approved, or the new street, shall be installed/erected without the prior written approval of the Local Planning Authority.

Reason - To preserve the character of the area and to prevent light pollution in this countryside setting having regard to Policy ST3 of the Lewes District Local Plan, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

25. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development described in Part 1 Class A to F of Schedule 2, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area and the amenity of adjacent occupiers having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

26. No development shall take place until detailed plans for the design and layout of the LAP /LEAP (including any play equipment, together with a plan for the management and maintenance of this area and all other public open space within the development including the landscaped buffer to the northern boundary have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the occupation of any part of the residential development or in accordance with a programme agreed in writing by the local planning authority and the areas shall be managed and maintained thereafter in accordance with the approved plan and the management strategy.

Reason: To ensure the long term benefit to residents of the development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

27. Before the dwellings hereby approved are occupied the electric car charging points indicated on the approved plans, both for residents and visitors, shall be installed and made operational.

Reason - In order to provide a more sustainable development having regard to Core Policy 14 of the Joint Core Strategy Part 1 and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

28. The hard and soft landscape works hereby approved and indicated on plans L7 Rev E and L8 shall be carried out as approved before first occupation. If within a period of five years from the date of the planting any tree, or any tree planted in replacement for it, is removed, uprooted destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason - In order to secure an acceptable form of development and having regard to ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

29. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of how the development will incorporate measures to reduce carbon energy use, facilitate renewable energy installations, and lower household water consumption, have been submitted to and approved in writing by the local planning authority. The approved measures shall be put in place prior to the first occupation of each of the residential units, and shall be retained as such thereafter.

Reason: In order to reduce locally contributing causes of climate change in accordance with policy CP14 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework 2019.

Informatives

1. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>

2. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

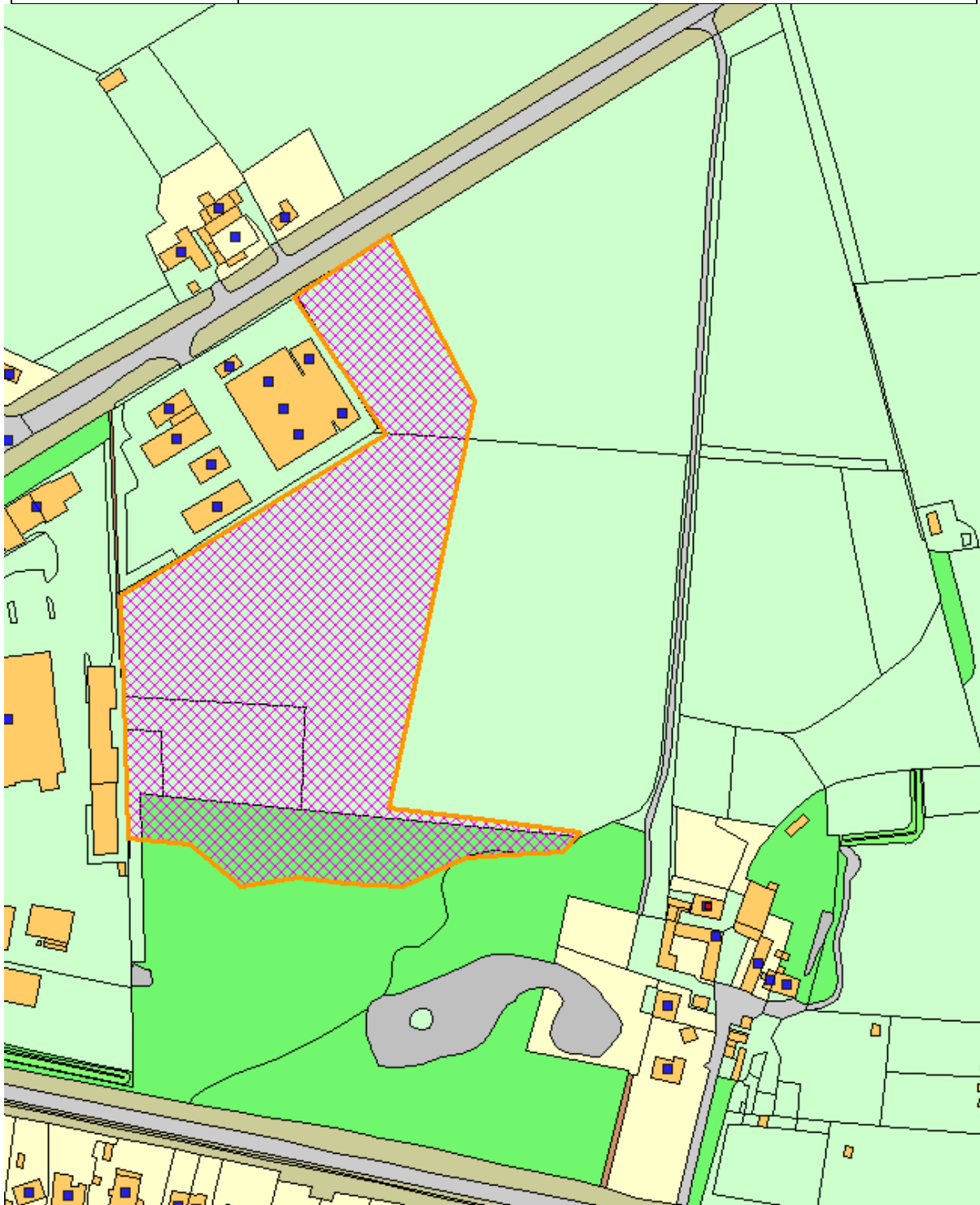
This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Additional Documents	10 December 2018	2018-4221-011 Rev A
Planning Statement/Brief	21 May 2018	LAND SUPPLY
Location Plan	30 April 2018	SLP-01
Existing Block Plan	30 April 2018	SLP-02
Proposed Layout Plan	10 December 2018	M-01H
Other Plan(s)	10 December 2018	M-02E
Other Plan(s)	10 December 2018	M-03E
Other Plan(s)	10 December 2018	M-04E

Other Plan(s)	10 December 2018	M-05E
Other Plan(s)	10 December 2018	M-06E
Other Plan(s)	10 December 2018	M-07D
Proposed Parking Plan	10 December 2018	M-08E
Planning Statement/Brief	30 April 2018	
Transport Assessment	30 April 2018	PT1
Transport Assessment	30 April 2018	PT2
Transport Assessment	30 April 2018	PT3
Transport Assessment	30 April 2018	PT4
Transport Assessment	30 April 2018	PT5
Tree Statement/Survey	30 April 2018	
Tree Statement/Survey	30 April 2018	TREE PROTECTION PLN
Tree Statement/Survey	30 April 2018	REPORT AND PLAN
Additional Documents	30 April 2018	LVIA1
Additional Documents	30 April 2018	LVIA2
Additional Documents	30 April 2018	LVIA3
Additional Documents	30 April 2018	LVIA4
Additional Documents	30 April 2018	LVIA5
Additional Documents	30 April 2018	LVIA6
Additional Documents	30 April 2018	LVIA7
Additional Documents	30 April 2018	LVIA8
Additional Documents	30 April 2018	LVIA9
Additional Documents	10 December 2018	LVIA10 L7 REV E
Additional Documents	30 April 2018	LVIA10 L8
Additional Documents	30 April 2018	UTILITIES REPORT T050-U1

Additional Documents	30 April 2018	DRAFT HEADS OF TERMS
Additional Documents	30 April 2018	DRAWING SCHEDULE
Additional Documents	30 April 2018	GROUND INVESTIGATION 2
Additional Documents	30 April 2018	GROUND INVESTIGATION 3
Additional Documents	30 April 2018	GROUND INVESTIGATION REP
Additional Documents	7 August 2018	HOUSE TYPE PACK
Design & Access Statement	30 April 2018	REV D 1-2
Design & Access Statement	30 April 2018	REV D 2-2
Flood Risk Assessment	30 April 2018	
Illustration	10 December 2018	EL-01E STREET ELEVATIONS
Justification / Heritage Statement	30 April 2018	ARCHAEOLOGICAL REPORT
Other Plan(s)	10 December 2018	M-09A car charging
Additional Documents	7 August 2018	CIL EXEMP
Additional Documents	3 August 2018	EIA ADDENDUM

APPLICATION NUMBER:	LW/18/0880		
APPLICANTS NAME(S):	pp Parkgate Land Limited	PARISH / WARD:	Ringmer / Ouse Valley & Ringmer
PROPOSAL:	Outline Planning Application for Development of Land at Lower Lodge Farm to create a village care centre and 16 x affordable housing units, including a new access from The Broyle / B2192		
SITE ADDRESS:	Lower Lodge Farm Laughton Road Ringmer East Sussex		
GRID REF:			



1. SITE DESCRIPTION / PROPOSAL

SITE DESCRIPTION

1.1 The application site covers an area of 2.33ha (23,000 square metres) and lies south of The Broyle and next to the east end of the Caburn Enterprise Park/Broyle Business Centre. To the south planning permission has been granted for 30 new dwellings (Ref. LW/15/0542), including 12 affordable homes.

1.2 The site lies some 1700m east of Ringmer village centre and at present it is open countryside.

PROPOSAL

1.3 The application seeks outline planning permission for a village care home accommodation along with 16 x affordable homes and a new access road from The Broyle / B2192.

1.4 The care home element of the proposed development would comprise 80 x en-suite, accessible bedrooms, with a further 40 units being provided as assisted living accommodation with an associated care package factored in. The care centre would also feature consultation and treatment rooms as well as community facilities. The full details, including details of the proposed care packages for the assisted living accommodation, would be provided at reserved matters stage.

1.5 All matters are being reserved, including the scale, appearance, landscaping, layout and access, notwithstanding that the description of the outline application includes provision of a new access.

1.6 The applicant has submitted a detailed Design and Access statement which describes the scheme as fitting within the existing field boundaries and retaining existing planting and vegetation, the development allowing the landscape to flow through the site in order to reduce the urbanising impact of developing the site and helping to create a semi-rural feel to the scheme.

PLANNING HISTORY

LW/96/0200 - Provision of a new access to fields from Laughton Road. Refused 4 April 1996.

LW/90/0412 - Erection of stables on land off The Broyle (O.S. Parcel 7030). Refused 18 September 1990.

LW/88/2335 - Section 32 application for continued reclamation and landscaping of waterlogged land by backfilling with subsoil and chalk. Approved 20 April 1989.

2. RELEVANT POLICIES

LDLP: – RNP61 – Policy 6.1-Housing Allocation

LDLP: – RNP51 – Policy 5.1-Employment Sites

LDLP: – RNP98 – Policy 9.8-Housing for Elderly/Disabled

LDLP: – RNP99 – Policy 9.9-Housing for Supported Living

LDLP: – CT01 – Planning Boundary and Countryside Policy

LDLP: – ST03 – Design, Form and Setting of Development

LDLP: – SP2 – Distribution of Housing

LDLP: – CP10 – Natural Environment and Landscape

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP12 – Flood Risk, Coastal Erosion and Drainage

LDLP: – CP13 – Sustainable Travel

LDLP: – CP14 – Renewable and Low Carbon Energy

3. PLANNING HISTORY

LW/91/0193 - Conversion of barn to dwelling - **Withdrawn**

LW/88/2335 - Section 32 application for continued reclamation and landscaping of waterlogged land by backfilling with subsoil and chalk. - **Approved**

LW/09/0329 - Installation of a horse walker - **Withdrawn**

LW/09/0443 - Use of buildings and land as riding school, stables and livery yard - **Withdrawn**

LW/15/0542 - Erection of 30 dwellings (including 12 affordable) with associated car parking, landscaping and community woodland - **Approved**

LW/18/0221/CD - Discharge of Conditions 5, 6, 11, 14, 22, 23, 24 and 31 relating to approval LW/15/0542 - **Approved**

LW/18/0243/CD - Discharge of conditions 7, 8 and 10 relating to approval LW/15/0542 - **Approved**

LW/18/0244/CD - Discharge of Conditions 2, 3 & 4 relating to approval LW/15/0542 -

LW/18/0330 - Variation of condition 20 relating to planning approval LW/15/0542 relating to the construction of Estate Road - **Approved**

LW/18/0803/CD - Discharge of condition 29, 32, 33 and 35 relating to planning approval reference LW/15/0542 - **Split**

LW/18/0880 - Development of Land at Lower Lodge Farm to create a village care centre and affordable housing, including a new access from The Broyle / B2192 -

LW/19/0574/CD - Discharge of conditions 2, 4, 11, 12 & 13 relating to planning approval LW/15/0542 -

LW/86/1943 - Change of Use, alterations and extensions to form new dwelling at The Barn, Lower Lodge Farm. - **Refused**

LW/89/0525 - Change of use of office, two W.C's and one stable to one or two-bedroomed cottage. - **Refused**

LW/90/0412 - Erection of stables on land off The Broyle (O.S. Parcel 7030). - **Refused**

LW/90/0078 - Renewal of temporary permission (LW/88/2335) for reclamation and landscaping of waterlogged land by back filling. - **Withdrawn**

LW/98/1121 - Section 73A Retrospective application for the retention of eight velux windows 90cm x 48cm and other alterations to building, including flue, round gable window and weather vane - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Environmental Health – No objection

A desktop study report has not been submitted with the application. If the local planning authority is minded to grant planning permission, in consideration of the proposed sensitive uses of the site, site history and site surroundings, conditions are recommended included a scheme to deal with the risks associated with contamination of the site to include preliminary risk assessment, investigation scheme, remediation strategy, and a verification plan. In addition a condition to cover any unsuspected contamination is recommended.

ESCC Highways – No objection

This consultation comment is issued in response to further information from the applicant dated 4th and 17th June 2019 and a meeting on 12th June 2019 between the highway authority, the local planning authority and the Transport Agent on behalf of land owner.

Speed surveys have been undertaken to establish the actual speed to determine the visibility splay distance requirements.

The applicant has also attempted to demonstrate the trip generation further using this proposed new access point onto the B2192 with comparisons also given for Industrial Estate. Although the eventual end user is still unknown and the trip generation figures are only indicative at this stage, the applicant indicates that a right turn lane may be possible in this location. The applicant is also willing to provide a 2 metres wide footway along the eastern side of The Broyle [B2192] from the site access to connect to the existing footways and bus stops on Broyle Lane and to the village centre. Whilst no Road Safety Audit has been carried out on the indicative proposed access arrangement the issues raised are not considered insurmountable subject to the following points being addressed/provided at reserved matters stage:-

- o Full Trip generation for the end user proposed for care centre and residential element
- o Further speed survey undertaken and submitted to determine visibility splay distance requirements onto B2192.
- o Access details to be provided and agreed which may include right turn lane or by other means depending on trip generation and other factors.
- o RSA Stage 1 on proposed access arrangements together with appropriate Designers Response as necessary.
- o Satisfactory on-site parking in accordance with ESCC's parking guidelines
- o Satisfactory on- site turning area.
- o No vehicular through route between B2192 and B2124.
- o Details of highway improvements to provide site sustainability to include a 2 metres wide footway along the eastern side of the B2192 from site access to connect to existing footways to the south to provide pedestrian links to the bus stops on Broyle Lane and to

Ringmer village. Together with suitable crossing points on the B2192 [controlled or uncontrolled to be agreed]; Also improvements to the existing bus stops to the north of the access.

It should be noted that the access details including right turn lane and trip generation figures submitted with this OUTLINE application are INDICATIVE only with all these above details to be provided and agreed at reserved matters stage.

Thus the highway authority does not object to the application subject to the above being conditioned within any planning permission or preferably secured through a Section 106 Agreement. Previous objections given in consultation comments dated 7th February and 30th April 2019 are withdrawn.

Response

1. Trip Generation

The applicant has provided trip generation figures using the TRICS database and other care centres. Given the land allocation as employment use within the local plan the applicant has attempted to compare the proposed use with trips associated with a Business Industrial Estate. However, whilst the trips given for a Business Industrial Estate are credible the comparison is not as the end user/use is not known at this stage. Therefore the trip rates currently given for the proposed use are theoretical and not acceptable.

The trip generation would need to be agreed at reserved matters stage to ensure the design of the access arrangements are acceptable and appropriate for the volume of traffic generated by this new development.

2. Access/Visibility

The applicant has provided plans showing the access onto the B2192 (The Broyle) together with a right turn lane. These details are for indicative purposes only and any access arrangement would necessitate a Road Safety Audit to be carried out and submitted with any access proposal at Reserved Matters stage.

A speed survey has been carried out by the applicant [to north and south of access] to assess the speeds pass the site and to determine the visibility splay requirement. However, these speeds cannot be accepted as the southern survey apparatus was damaged and only 3 days of recordings recovered. Furthermore, the survey was undertaken at the time of roadworks within the village which affected the traffic flow and speeds on this section of The Broyle. Further speed surveys will be required at Reserved Matters stage to determine a more accurate reading of speeds here unless visibility splays of 2.4m x 215m can be shown to be provided wholly within the applicants control or within the highway.

In order to prevent a vehicular route through the site between the B2192 (The Broyle) and the B2124 (Laughton Road) the only route through the site should be for cycles and pedestrians.

3. Parking/turning

Parking can be dealt with at Reserved Matters stage and would need to be in accordance with ESCC's parking guidelines [October 2017] for both the residential element and village care centre use. Adequate on site turning would also be required and laid out in accordance with the details set out in the Manual for Streets with appropriate vehicle tracking provided.

4. Accessibility

The proposed development would give rise to needs for improvement to the local highway network to accommodate the additional demands the use of the site will place on existing facilities. There are no pedestrian facilities in the vicinity of the site with the nearest bus stops being on Broyle Lane some 580m from all parts of the site. Whilst this distance is outside the desirable walking distance of 400m to a bus stop it is within the acceptable distance of 800m. Therefore in order for residents/employees to reach the facilities within Ringmer village and to reach the bus stop facilities on Broyle Lane a 2 metres wide footway is required to be provided on the eastern side of The Broyle from the site access to connect to existing footway links to the south. Suitable crossing points on The Broyle would also need to be provided to enable pedestrians to reach these facilities.

Highway Mitigation Works

The off site highway works [including, access arrangement, footways, crossing points etc] would normally be secured through a legal agreement (Section 106), however, as this application is for all matters to be dealt with at reserved matters stage and thus all details are yet to be agreed these should be secured by condition at this stage. At reserved Matters stage the off site highway works would require the applicant entering into a s278 Agreement with the Highway Authority.

5. Travel Plan

A Travel Plan will be required for this development, for the whole site, also to be secured by legal agreement (Sec106). The legal agreement will need to secure the following:

- o The agreement of a "measures" approach which; a) specifies targets / outcomes; and, b) identifies specific measures designed to achieve the agreed targets / outcomes and c) identifies the remedies and/or sanctions that shall be applied if the targets / outcomes are not achieved.

- o The appointment of a Travel Plan Coordinator to coordinate implementation of the TP and take responsibility for achieving targets including handover arrangements from the developer to a management or residents' group.

- o The completion of the appropriate monitoring reports, including multi-modal travel surveys to be carried out for five years following occupation/operation of the Development based on the standard survey requirement in East Sussex, i.e. a Level 2 TRICS survey (known in this context as SAM: Standard Assessment Methodology).

- o The payment of a Travel Plan Audit fee of '6000 (Six thousand pounds).

The Travel Plan and Travel Plan Audit Fee needs to be secured through a Section 106 Legal Agreement.

Conditions

1. No development shall commence until details of the vehicular access arrangement serving the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the use hereby permitted shall not be occupied until the access arrangement is fully constructed.

2. The development shall not commence until plans and details incorporating the recommendations given in a Stage 1 Road Safety Audit and accepted in any Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of road safety

3. There shall be no vehicular access connection through the site between the B2192 [The Broyle] and the B2124 [Laughton Road] via the adjacent residential site to the south.

Reason: In the interests of highway safety and to prevent a vehicular route through the site between the two roads.

4. The development shall not be occupied until parking areas have been provided in accordance with details which have been submitted to and approved in writing by the

Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

5. The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development

6. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with details which shall have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the turning space shall thereafter be retained for that use and shall not be used for any other purpose;

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

7. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road[s], surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with the Highway Authority

Reason: In the interests of highway safety and for the benefit and convenience of the public at large

8. Development shall not commence until such time as temporary arrangements for access and turning for construction traffic has been provided in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: To secure safe and satisfactory means of vehicular access to the site during construction.

9. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,

- o the anticipated number, frequency and types of vehicles used during construction,
- o the method of access and egress and routing of vehicles during construction,
- o the parking of vehicles by site operatives and visitors,
- o the loading and unloading of plant, materials and waste,
- o the storage of plant and materials used in construction of the development,
- o the erection and maintenance of security hoarding,
- o the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- o details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

10. No part of the development shall commence until details of the accessibility connection between the site, Ringmer Village and Bus stops on Broyle Lane, which should include a suitable crossing point on the B2192, have been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority and be constructed prior to occupation of the development

Informatives

This Authority's requirements associated with this development proposal will need to be secured through a Section 106 and /278] Legal Agreement between the applicant and East Sussex County Council. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

The applicant should be made aware that the creation/alteration of this access will require the compliance with the Traffic Management Act 2004 and that the contractor will have to book road space with the East Sussex Highways Network Co-ordination team (0845 6080193)

The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway. The applicant should contact East Sussex Highways (0345 6080193)

The applicant is advised that the erection of temporary directional signage should be agreed with East Sussex Highways (01345 6080193) prior to any signage being installed.

ESCC SUDS – No objection

Having reviewed the additional information in respect of the existing ditch submitted on 8th April 2019 following an initial objection dated 3rd January 2019, it is believed that flood risk and surface water drainage at this site can be managed through the imposition of suitably worded planning conditions should planning permission be granted. It should be recognised that in the event that planning permission is granted, in order to satisfy the requirements of the matters the SuDS team would wish to be addressed through planning conditions, there may well be implications for the layout of the proposal. As such, if possible, information and details required pursuant to compliance with the relevant planning conditions is recommended to be complied in parallel with the preparation of any reserved matters planning application.

It is understood from the information submitted by the applicant that surface water run-off will be managed through the use of permeable paving and green roofs before it is discharged to the existing ditch. The condition of the existing drainage system and current different invert levels between the ditch, ditch outfall (headwall inlet) and headwall outfall could lead to an increased risk of surface water overtopping the ditch and into the adjacent industrial estate. Therefore, the applicant should carry out any required improvements to the entire existing drainage system to make sure that this situation is avoided. This should include detailed hydraulic calculations which consider the connectivity of the different drainage features (existing and proposed) and should include the entire expected flow/volume that the ditch will manage. The hydraulic calculations should demonstrate the expected performance of the entire drainage system for several events ranging from those with a 100% (1 in 1) annual probability of occurrence to 1% (1 in 100) plus climate change.

The Environment Agency Updated Flood Map for Surface Water shows an overland flow path for the 1 in 30 year event within the application site with surface water being stored on site before it flows away. This could have an impact on the hydraulic capacity of the

permeable paving and it is not clear from the information submitted how this flow route will be managed to ensure there is no increase in surface water flood risk on or off site, and also to ensure that storage capacity of the proposed drainage system is not compromised.

British Geological Survey data shows that part of the site is at risk of groundwater flooding and that groundwater on site is less than 3m below ground level. Therefore high groundwater should be taken into consideration in the design of any surface water management measures. No information has been provided offering assurance that the impact of high groundwater on the proposed development, the surface water drainage proposals and consequential impacts on off-site areas will be managed appropriately. However, impacts of high groundwater on the development and surface water drainage proposals can be addressed at a later stage in the planning process once the outstanding items above have been resolved.

The application site discharges surface water runoff to ditches and drains which eventually connect to the Norlington Stream flowing through the Broyleside estate. There have been repeated incidents of flooding around Broyleside Cottages which could be made worse if surface water runoff is not managed appropriately from this application site. Therefore the applicant should retain the existing 225mm outfall pipe of the ditch outfall to ensure no downstream displacement of flood water.

Southern Water Plc – No objection

There is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme.

It may be possible for some initial dwellings to connect pending network reinforcement. Southern Water will review and advise on this following consideration of the development program and the extent of network reinforcement required.

Conditions are recommended.

Planning Policy Comments

This planning application should be considered against the policies of the adopted 2016 Lewes District Local Part 1: Joint Core Strategy (LPP1) together with the retained 'saved' policies of the 2003 Lewes District Local Plan (LDLP) as listed in Appendix 2 of the LPP1, so far as they are consistent with the National Planning Policy Framework (NPPF), the Ringmer Neighbourhood Plan (RNP) and the NPPF itself.

In addition, the emerging Local Plan Part 2: Site Allocations and Development Management Policies (LPP2), is a material consideration and has now reached the stage where substantial weight can be given to a number of policies.

From a planning policy perspective, the following key issues should be considered when determining the above planning application:

- o Spatial distribution of development (SP2);
- o Ringmer Neighbourhood Plan;

Other relevant policies that should be considered: Core Policies 10 (Natural Environment and landscape); 11 (Built and Historic Environment and High Quality Design); 12 (Flood Risk, Coastal Erosion & Drainage); 13 (Sustainable Travel); and 14 (Renewable and Low Carbon Energy and Sustainable Use of Resources) and LPP2 Policy DM23 (Noise).

This proposal would constitute a significant level of development over and above the 385 planned for in Ringmer and it is important in this respect to consider the supporting text to spatial policy SP2 limits further growth. Paragraph 6.43 states: "East Sussex County Council has advised that the design traffic flows are the maximum acceptable for the agreed junction improvement (new traffic signals and an extended right turn lane from the A26 to the B2192) and this effectively sets a cap on further development in Ringmer & Broyleside beyond the planned growth of 385 dwellings over the plan period." Therefore we, Planning Policy, would raise concerns regarding the scale of the proposals put forward here; it is not considered that C2 use generates no traffic. From a planning policy perspective it is expected that ESCC, as the Highways authority, will take this into account when providing their statutory consultation response.

Policy DM1 in LPP2 has substantial weight at this time. Whilst the buildings are within the planning boundary the access is outside, albeit adjacent, to it.

The village care centre, as proposed, is classified as C2 use and therefore does not require affordable housing contribution.

However, if at Reserved Matters stage the form or mix of accommodation evolves so that it should be categorised as C3, then affordable housing contributions will be sought, in accordance with Core Policy 1 (Affordable housing).

Ringmer Neighbourhood Plan

Ringmer Neighbourhood Plan Principle 2, supported by LPP1 Core Policy 4 (Encouraging Economic Development and Regeneration) seeks to improve the sustainability of the parish by enhancing local employment opportunities in a range of sectors. Local employment will be supported by maintaining and enhancing existing employment opportunities and providing a supply of new sites.

Policy 5.1 seeks to ensure that there will be sufficient suitable employment sites available to support economic growth. Policy 5.1(a) identifies 23 major employment sites to be retained or developed to meet anticipated employment demand. The application site is allocated as an extension to employment site EMP7: Broyle Business Area. Ringmer has a high proportion of elderly residents and recognises that support to those living independently and in residential care will provide employment opportunities over the Plan period. Policy 5.3 states that 'Proposals for new provision for the elderly & disabled will be supported provided that they are within the Ringmer village planning boundary'.

Habitat Regulations Assessment

Advice was provided at the pre-application stage that the proposal is outside of the scope of the Council's Habitat Regulations Assessment for air quality impacts on the Ashdown Forest SAC and that the Council would wish to instruct its HRA consultant to verify the Appropriate Assessment that would need to be produced to support this application. It is not clear whether any consideration has been given to the likely traffic movements generated from this proposal across the Ashdown Forest SAC. It is considered that due to the nature of the proposal this may not be significant, nonetheless planning policy did request this matter to be addressed, such that the Council can discharge its duty as the Competent Authority in determining that there will be no adverse effects on the integrity of the Ashdown Forest SAC from this proposal either alone or in combination with other plans and projects.

Summary

From a planning policy perspective, the proposal is considered contrary to Spatial Policy 2 (unless the local highway authority is satisfied that capacity exists at Earwig corner), Core Policy 10 and RNP Policy 5.1 of the Ringmer Neighbourhood Plan. It should also be acknowledged that part of the site (the access) is outside the planning boundary; LPP2 Policy DM1. However, this will need to be balanced against the benefits of the scheme, namely the provision of accommodation for older people.

Appropriate Assessment

Appropriate Assessment in relation to the potential for air quality impacts on the Ashdown Forest SAC, for the purposes of compliance with the Habitat Regulations 2017.

Further to planning policy comments provided on 11th October, the council has received sufficient technical information from the applicant to undertake the necessary Appropriate Assessment of air quality impacts on the Ashdown Forest SAC.

The information received includes detail of the method used for establishing the Annual Average Daily Trips (AADT) arising from the development and the resulting AADT figures for the routes crossing the Ashdown Forest:

Three potential routes across Ashdown Forest have been identified, those being:

- o The A22 for journeys to and from East Grinstead,
- o The A26 for journeys to and from Crowborough / Tunbridge Wells; and
- o The B2026 for journeys to and from areas within the Forest and north towards Edenbridge.

The resultant AADT provided for the three routes is set out in the table contained within the applicant's submission dated 29th October.

Very small changes in 24hr AADT flows (certainly single figure changes in AADT) would not materially alter the Local Plan air quality modelling results (and thus ecological effects), and would thus be essentially nugatory, for two reasons:

- o Firstly, daily traffic flows are not fixed numerals but fluctuate from day to day. The AADT for a given road is an annual average (specifically, the total volume of traffic for a year, divided by 365 days). It is this average number that is used in air quality modelling, but the 'true' flows on a given day will vary around this average figure. Small changes in average flow will lie well within the normal variation (known as the standard deviation or variance) and would not make a statistically significant difference in the total AADT; and
- o Secondly, when converted into NO_x concentrations, ammonia concentrations or nitrogen deposition rates, our experience is that very small changes in AADT (tens of AADT) would only affect the third decimal place. The third decimal place is never reported in air quality modelling to avoid false precision. For this reason, pollution is generally not reported to more than 2 decimal places (0.01).

Anything smaller is simply reported as less than 0.01 (< 0.01) i.e. probably more than zero but too small to model with precision.

Additional growth to that assessed through the Council's HRA is still very small, with notably only two applications (including this one) due to be put before planning committee this year that are outside the scope of the Joint Core Strategy housing requirement and in need of additional consideration of in-combination air quality impacts on the Ashdown Forest SAC. The other application for land at Woods Fruit Farm Newick has been modelled by our consultants AECOM as instructed by Thakeham; here Thakeham

instructed AECOM to re-run the assessment taking into account the additional 30 proposed dwellings and AECOM concluded that the development 'effectively makes no contribution' to the pollutants within the closest part of the SAC and that when considered in combination, changes were either negligible or not discernible. The technical information was submitted as part of the application and the results summarised with the applicant's ecological report.

AECOM has been consulted on this application and the Council is content that the above bullet points are robust in the context of such a limited amount of development over and above that proposed within the Joint Core Strategy.

The conclusion therefore is that the information provided by the applicant has been sufficient for the Council to carry out an Appropriate Assessment of air quality impacts likely to arise from the proposed development, in combination with other plans and projects, and to robustly conclude no adverse effect on the integrity of the Ashdown Forest SAC should this development proposal be approved at Planning Committee.

It is advised that this Appropriate Assessment is reviewed by Natural England to ensure compliance with the Habitat Regulations 2017.

Main Town Or Parish Council – Support

Ringmer Parish Council supports this application in principle for the purposes of employment activity and creation of the type of accommodation proposed. This is on the proviso that the use of the site is for commercial and employment reasons as identified in Ringmer Neighbourhood Plan. Clarity is sought as to whether the residential element of the application will be acceptable as the application is on an employment site.

Ringmer Parish Council would like assurance regarding the 16 units for key worker accommodation. Ringmer Parish Council considers that these units should remain as affordable housing and for ancillary purposes only. This will then meet the criteria of paragraph 77 of the National Planning Policy Framework.

ESCC Archaeologist – No objection

A development site (LW/15/0542) located to the immediate south and east of this application is currently the subject of a comprehensive archaeological excavation following initial archaeological evaluation. Although this investigation is still on going, it is clear from the discoveries made so far that the local area was the scene of significant prehistoric settlement and funerary activity. For this reason an Archaeological Notification Area encompassing the land around Lower Lodge Farm and hence the site of the current application was created on the 22nd January 2019.

The archaeological remains now being recorded to the south and east of the application include a series of later Bronze Age ditches suggestive of a 'road' / trackway and associated field system, three or perhaps four broadly contemporaneous structures (probable roundhouses) a number of fairly large pits and a spread of inurned and unurned human cremations. The latter may indicate the former presence of barrows possibly dating back to the Early Bronze Age. Evidence of later stone age activity in the area has been confirmed by the discovery of Neolithic flintwork, including tools. At least one ditch dating to the Romano-British period has also been identified. This excavation promises to provide important information on the settlement and funerary practices of the Bronze Age and on the wider prehistoric and Romano-British exploitation of the local landscape.

Surviving evidence for the prehistoric community (or communities) represented by the remains so far discovered at Lower Lodge Farm (LW/15/0542) is likely to extend into the current application site in the form of further buried ditches, pits, structures, artefacts and in-situ human remains.

In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be subject to archaeological assessment defined by a programme of archaeological works and the results used to inform a sympathetic design enabling the possible retention in-situ of the archaeological remains within the development.

If the Local Planning Authority is minded to grant planning permission, we consider that consideration should be made to preserve in-situ archaeological remains through a sympathetic design and we ask that conditions be applied.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

One representation has been received from 4 Yeomans, objecting to the application for the following reasons:-

- o Outside Planning Boundary
- o Building in countryside
- o Open land in countryside
- o Contrary to policy
- o Fails the tests set out in the Lewes Local Plan and NPPF
- o On land shown for business uses
- o Land not zoned for these purposes in the Ringmer Neighbourhood Plan
- o Three storey buildings contrary to Neighbourhood Plan
- o Not in a sustainable location
- o Highway hazards
- o Larger area purchased for potential future development

6. PLANNING CONSIDERATIONS

6.1 The main considerations in the determination of the application include the principle of development; the design concept; impact on the countryside; suitability of the location; sustainability; and planning obligations.

Policy/Principle

6.2 The proposed development has been designed to fit within two sites which are allocated in the Ringmer Neighbourhood Plan:

6.3 Site RES25 - an area of land allocated for 8 residential units to come forward as part of the larger overall development of site EMP7 and site RES11 (30 residential units) that should also help to bring forward the new community woodland.

6.4 Site EMP7 - an area of land allocated for business use pursuant to policy 5.1 of the Ringmer Neighbourhood Plan which seeks to ensure there are sufficient suitable employment sites available to support economic growth throughout the plan period. Policy 5.1 seeks to develop for employment sites listed as allocation EMP1-23 for major business, retail, service and leisure. The policy does not specifically identify B class uses, such as

office space or light industry, and the proposed development in this instance can be classed as a major business and service use that will undoubtedly employ a number of staff. The Ringmer Neighbourhood Plan at policy 5.2 reserves the core retail area EMP1 site predominantly for retail, service, office and leisure uses. The proposed care village is therefore considered in principle to meet the requirements of policy 5.1.

6.5 In principle the proposed use is considered to be acceptable because it would help to meet a need for care facilities in Ringmer and, although it cannot be specified at this early outline stage, the proposed use is likely to employ a number of people.

6.6 The proposed affordable housing is also considered to be acceptable in principle, because part of the site is allocated as an exception site for affordable housing in the Ringmer Neighbourhood Plan.

6.7 In addition, policy 9.9 of the Ringmer Neighbourhood Plan states that development of an additional supported living facility will be supported if required.

6.8 The affordable housing can be secured by way of S106 Agreement. The S106 Agreement will also seek to ensure that the development makes a contribution towards creating the nearby accessible Community-Managed Woodland, which is one of the objectives of the Ringmer Neighbourhood Plan (policy 4.6).

Design Concept

6.9 Whilst the plans and illustrations submitted are only indicative at this outline stage, they do set the general parameters with which subsequent applications for approval of the details Reserved Matters will be expected to conform.

6.10 The design approach aims for the effect of the natural landscape and countryside flowing through and beyond the site, with tree planting both to the perimeter and within the site and large areas of green space, including green roofs to the majority of buildings. The form of the buildings uses curves and low profile roof shapes in order replicate natural and organic lines and avoiding long straight edges, which would otherwise be discordant and jarring in this location and in view of the proportions of the buildings. The proposed affordable housing would be more traditional in style, two storey in height and with pitched roofs.

6.11 Notwithstanding the representations received, policy 6.3 of the Ringmer Neighbourhood Plan relates only to the scale of new residential development, and rather than specifying a number of storeys the policy states that all new proposals for development within or extending the village planning boundaries should respect the village scale. Only developments that respect the village scales appropriate to Ringmer village or the Broyleside will be permitted. Similarly policy 9.1 states that houses of more than two storeys are generally inappropriate in a village setting. Notwithstanding that the policy also affords for some flexibility ("generally inappropriate"), the proposed affordable homes within the current planning application are indicated to be two storeys in scale on the submitted plans.

6.12 The village care centre buildings are shown to be mostly two storeys in height although some elements would go up to three storeys. It is important to note that the indicative roof designs are low profile and seek to use gentle curves and shallow angles of pitch and it is considered that whilst these feature elements would be three storeys, they should not appear overly dominant and should not be significantly taller than traditional two storey buildings with pitched roofs.

Impact on Countryside

6.13 Notwithstanding the representations received the application site does lie within the Planning Boundary as expanded by the Ringmer Neighbourhood Plan. Although the site is presently open countryside, the design concept clearly indicates a landscape led approach to the development with planting and space between buildings and through the use of green roofs. To the west the development will be seen through the adjoining industrial estate and to the south through previously approved development for 30 new dwellings. To the east views to the site would be filtered through the Community Woodland, the delivery of which is one of the objectives set out in the Ringmer Neighbourhood Plan for land to the east of the site.

Suitability of Location

6.14 The application site lies on the eastern edge of Ringmer village and as an allocated site within the Ringmer Neighbourhood Plan, the suitability of the location for employment and residential use has previously been examined. However, it is noted that the nature of the proposed use may mean that those who are less mobile are visiting and using the facilities.

6.15 The nearest bus stop on The Broyle is some 580m from the application site, farther than the desirable walking distance of 400 but within the upper limited of 800m. However, there is no public footway along the road leading to the bus stop and the developer will need to provide a 2m wide pavement in order to make the proposed development acceptable in planning terms. Such works will also need to include pedestrian crossing points (normally a lowered kerb and tactile surface).

6.16 It is understood from the information submitted, that a future end user of the development would operate a shuttle bus / minibus service between the site and the centre of Ringmer, and this will help to reduce private car use and assist those who are less mobile and need access to local shops and services.

6.17 There is scope within an agreed layout to provide pedestrian and cycle links both into the industrial estate and to the housing development to the south, which in turn connects with Laughton Road. Pedestrian (and cycle) access can also be achieved to the proposed Community Woodland.

6.18 With respect to the affordable housing units, it should be noted that part of the site has been allocated for affordable housing and also that future residents may also work in the adjoining care village, therefore minimising the need to travel or use private vehicles for work.

6.19 The highway authority also requires a Travel Plan to be submitted via the S106 Agreement in order to ensure that alternatives to private car use are encouraged, provided and monitored.

6.20 Given the apparent conflict with Policy SP2 and its supporting text, which places a cap on Ringmer development, whilst the proposal does significantly exceed the cap, ESCC does not consider that this proposal would adversely affect Earwig corner junction due to the predominant times of day of traffic movements and the effect of the affordable housing - and that the 'cap' is therefore not affected.

Sustainability

6.20 At this outline application stage there is little detail of proposed sustainability measures other than the proposed care village is proposed to use green roofs and would be constructed to current standards of energy conservation and efficiency. The applicant will be required to provide electric vehicle charging points as well as demonstrate ecological mitigation and biodiversity enhancement measures. Planning conditions will cover this in the event that outline planning permission is granted, in addition to a condition requiring details of measures to combat climate change.

Ashdown Forest

6.21 The applicant has submitted sufficient technical information in order for the Council to undertake the necessary Appropriate Assessment of air quality impacts on the Ashdown Forest Special Area of Conservation (SAC). This has been required due to the potential uplift in Annual Average Daily Trips (AADT) crossing the Ashdown Forest, arising from the proposed development, which would not have previously been taken into account at the time the Development Plan was adopted.

6.22 The information provided shows very small changes that would not materially alter the Local Plan air quality modelling results (and thus the ecological effects). As such there would be no adverse impact on the integrity of the Ashdown Forest SAC as a result of the proposed development.

6.23 The Appropriate Assessment is also being reviewed by Natural England to ensure compliance with the Habitat Regulations 2017 and these comments will be reported to Planning Committee.

Planning Obligations

6.24 No other details of the proposal are available at present and in view of this the subsequent applications for approval of reserved matters will come under future scrutiny and the S106 Agreement attached to this outline application should contain the necessary wording to allow for future contributions and works, commensurate and appropriate to the final details of the scheme. Such additions would include highway works and financial contributions, for example in order to provide for a pedestrian footway and crossing for access to the bus stops on The Broyle.

6.25 A list of recommended conditions follows and, as well as ensuring that the subsequent applications for approval of reserved matters fall into general conformity with the indicative drawings submitted, the conditions that are recommended are also intended to preserve a semi-rural and well landscaped form of development once the full details are known at reserved matters stage.

Heads of Terms

6.26 Outline planning permission will be granted only on completion of a S106 Agreement covering the following heads of terms:

- Securing 16 units of Affordable housing as rural exception housing
- Community Woodland Contribution
- Recycling Contribution of £19 per dwelling
- Travel Plan
- Travel Plan Audit Fee

- A clause allowing for future works to the public highway to be secured [The Broyle] eg. Footway widening/provision, pedestrian crossing points.
- Securing shuttle/mini bus link between the centre of Ringmer and the site

7. RECOMMENDATION

7.1 In view of the above, subject to condition and completion of a S106 Agreement, the proposed development is considered to be acceptable in principle but further detailed assessment will be possible only at such time as subsequent applications for approval of the Reserved Matters are submitted.

The application is subject to the following conditions:

1. Details of the layout, appearance, landscaping, scale and means of access (hereinafter called "the Reserved Matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To meet the provisions of paragraph (1) of Article 5 of the Town and Country Planning (Development Management Procedure)(England) Order 2015.

2. Applications for approval of the Reserved Matters shall be made to the local planning authority before the expiration of three years from the date of this permission, and the development to which this permission relates shall be begun before the expiration of two years from the date of the final approval of the last of the Reserved Matters.

Reason: To meet the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

3. The Reserved Matters shall be in general conformity with drawing numbers 27229-(00)-02 Revision A and 27229-(00)-03 submitted with the application hereby approved. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the amenities of nearby residents and the character of the locality, and to create a satisfactory layout and appearance to the development with provision for safe vehicular access and off-street car parking, having regard to retained policy ST3 and Core Policies 10, 11, 12 and 13 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

4. No building or other structure within the development hereby approved shall exceed three storeys in height (with flat roof) or two storeys in height (pitched roof).

Reason: To safeguard the amenities of nearby residents and the character of the locality, and to create a satisfactory appearance to the development having regard to retained policy ST3 and Core Policies 10, 11 and 12 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

5. No development shall take place until evidence that surface water discharge rates do not exceed existing greenfield runoff rates for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence (in the form hydraulic calculations) together with detailed drainage drawings, has been submitted to the local planning authority for approval. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features.

Reason: In the interests of amenity, sustainability and ensuring that flood risk is minimised and appropriately managed in accordance with policies CP11 and CP12 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

6. No development shall take place until full details of the outfall for the permeable pavement and the method with which it will connect to the ditch has been submitted as part of the detailed design for the approval of the local planning authority. The details shall include cross sections and invert levels.

Reason: In the interests of amenity, sustainability and ensuring that flood risk is minimised and appropriately managed in accordance with policies CP11 and CP12 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

7. No development shall take place until details of an investigation into the condition of the ditch and existing drainage system which will take surface water runoff from the development has been submitted to the local planning authority for approval. Any required improvements to the condition of the ditch and headwall shall be carried out in accordance with the approved details prior to construction of the outfall, in order to ensure that flood risk is not increased to the adjacent industrial estate. The 225mm size ditch outfall should be maintained.

Reason: In the interests of amenity, sustainability and ensuring that flood risk is minimised and appropriately managed in accordance with policies CP11 and CP12 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

8. No development shall take place until information and details as to how surface water flows exceeding the capacity of the surface water drainage features will be managed safely have been submitted to the local planning authority for approval.

Reason: In the interests of amenity, sustainability and ensuring that flood risk is minimised and appropriately managed in accordance with policies CP11 and CP12 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

9. No development shall take place until the detailed design of the permeable pavement has been submitted to the local planning authority for approval. The detailed design shall be informed by findings of groundwater monitoring between autumn and spring. The design shall leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level, otherwise details of measures which will be taken to manage the impacts of high groundwater on the drainage system shall also be provided.

Reason: In the interests of amenity, sustainability and ensuring that flood risk is minimised and appropriately managed in accordance with policies CP11 and CP12 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

10. No development shall take place until a maintenance and management plan for the entire drainage system has been submitted to the planning authority and approved in writing, in order to ensure the designed system takes into account the design standards of those responsible for its maintenance. The management plan should cover the following:

a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details.

b) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the local planning authority.

Reason: In the interests of amenity, sustainability and ensuring that flood risk is minimised and appropriately managed in accordance with policies CP11 and CP12 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

11. No development shall take place until measures to manage flood risk, both on and off the site, during the construction phase, having been submitted to the local planning authority for approval. The measures may take the form of a standalone document or be incorporated into the Construction Management Plan for the development.

Reason: In the interests of amenity, sustainability and ensuring that flood risk is minimised and appropriately managed in accordance with policies CP11 and CP12 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

12. No part of the development hereby permitted shall be occupied or brought into use until evidence (including photographs) showing that the drainage system has been constructed as per the final agreed detailed drainage designs has been submitted to the local planning authority for approval.

Reason: In the interests of amenity, sustainability and ensuring that flood risk is minimised and appropriately managed in accordance with policies CP11 and CP12 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

13. No part of the development hereby permitted shall be occupied or brought into use until details of how the phasing and implementation shall align with the delivery of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development has been submitted to the local planning authority for approval in writing.

Reason: In the interests of amenity, sustainability and to ensure adequate capacity within the sewerage network at each stage of the development, in accordance with policies CP11 and CP12 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

14. No development shall take place until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of amenity, sustainability and to ensure adequate capacity within the sewerage and surface water disposal network in accordance with policies CP11 and CP12 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

15. No development shall take place until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved, in writing, by the local planning authority:

- (a) A preliminary risk assessment which has identified:
 - (i) All previous uses;
 - (ii) Potential contaminants associated with those uses;

- (iii) A conceptual model of the site indicating contaminants, pathways and receptors; and
- (iv) Potentially unacceptable risks arising from contamination at the site.
- (b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (c) The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with the National Planning Policy Framework.

16. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with the National Planning Policy Framework.

17. Prior to the occupation of any part of the development hereby permitted, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with the National Planning Policy Framework.

18. No development shall take place until details of the vehicular access arrangement serving the development have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall not be occupied or brought into use until the access arrangement is fully constructed.

Reason: In the interests of highway safety and amenity in accordance with policies CP11 and CP13 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

19. No development shall take place until plans and details incorporating the recommendations given in a Stage 1 Road Safety Audit and accepted in any Designer's Response have been submitted to and approved in writing by local planning authority.

Reason: In the interests of highway safety and amenity in accordance with policies CP11 and CP13 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

20. Notwithstanding any subsequent application for approval of Reserved Matters, no vehicular access connection through the site between the B2192 [The Broyle] and the B2124 [Laughton Road] via the adjacent residential development site to the south of the application site will be permitted.

Reason: In the interests of highway safety and amenity and to prevent a vehicular route through the site between the two roads, in accordance with policies CP11 and CP13 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

21. No part of the development shall be occupied or brought into use until parking areas have been provided in accordance with details which have been submitted to and approved in writing by the local planning authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: In the interests of highway safety and amenity in accordance with policies CP11 and CP13 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

22. No part of the development shall be occupied or brought into use until cycle parking areas and facilities have been provided in accordance with details which shall be submitted to and approved in writing by the local planning authority. The cycle parking areas and facilities shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development in accordance with policies CP13 and CP14 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

23. No part of the development shall be occupied or brought into use until a turning space for vehicles has been provided and constructed in accordance with details which shall have been submitted to and approved in writing by the local planning authority. The turning space(s) shall thereafter be retained for that use and shall not be used for any other purpose.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with policies CP11 and CP13 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

24. No development shall take place until detailed drawings, including levels, sections and constructional details of the proposed road[s], surface water drainage, outfall disposal and street lighting to be provided, have been submitted to the local planning authority for approval in writing.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large in accordance with policies CP11 and CP13 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

25. No development shall take place until such time as temporary arrangements for access and turning for construction traffic have been provided in accordance with plans and details that shall have been submitted to and approved in writing by the local planning authority.

Reason: To secure safe and satisfactory means of vehicular access to the site during construction in accordance with policies CP11 and CP13 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

26. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,

- o the anticipated number, frequency and types of vehicles used during construction,
- o the method of access and egress and routeing of vehicles during construction,
- o the parking of vehicles by site operatives and visitors,
- o the loading and unloading of plant, materials and waste,
- o the storage of plant and materials used in construction of the development,
- o the erection and maintenance of security hoarding,
- o the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- o details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with policies CP11 and CP13 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework 2019.

27. No development shall take place until details of an accessible connection between the site, Ringmer Village and the bus stops on Broyle Lane, which should include a suitable crossing point on the B2192, have been submitted to and approved in writing by the local planning authority. The accessible connection and crossing shall be provided and constructed prior to the occupation or bringing into use of the development hereby permitted.

Reason: In the interests of highway safety, sustainability and amenity in accordance with policies CP11, CP13 and CP14 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

28. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of how the development will incorporate measures to reduce carbon energy use, facilitate renewable energy installations, and lower household water consumption, have been submitted to and approved in writing by the local planning authority. The approved measures shall be put in place prior to the first residential of the new dwellings as they are each completed, and retained as such thereafter.

Reason: In order to reduce locally contributing causes of climate change in accordance with policy CP14 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework 2019.

29. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of how the development will incorporate measures to

mitigate the ecological impact of the development and to enhance biodiversity within the site have been submitted to and approved in writing by the local planning authority. The approved measures shall be put in place prior to the first residential occupation of the new dwellings as they are each completed, or the bringing into use of the village care centre, whichever is the sooner, and retained as such thereafter.

Reason: In order to reduce locally contributing causes of climate change in accordance with policies CP8, CP10 and CP14 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework 2019.

30. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all electric vehicle charging points, for residents, staff and visitors to the site, have been submitted to and approved in writing by the local planning authority. The approved electric vehicle charging points shall be put in place prior to the first residential occupation of the new dwellings as they are each completed, or the bringing into use of the village care centre, whichever is the sooner, and retained as such thereafter.

Reason: In order to reduce locally contributing causes of climate change in accordance with policies CP13 and CP14 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework 2019.

31. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To enable the recording of any items of historical or archaeological interest in accordance with Core Policy 11 in the Lewes District Local Plan Part 1; Joint Core Strategy 2010 - 2030; coupled with the requirements of paragraphs 189 - 199 of the National Planning Policy Framework.

32. No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition 32.

REASON: To enable the recording of any items of historical or archaeological interest in accordance with Core Policy 11 in the Lewes District Local Plan Part 1; Joint Core Strategy 2010 - 2030; coupled with the requirements of paragraphs 189 - 199 of the National Planning Policy Framework.

33. Prior to the commencement of development and subsequent to an approved archaeological site investigation [conditions 32 and 33] a construction method statement to show if required the preservation in-situ of significant archaeological remains shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To enable the recording of any items of historical or archaeological interest in accordance with Core Policy 11 in the Lewes District Local Plan Part 1; Joint Core Strategy 2010 - 2030; coupled with the requirements of paragraphs 189 - 199 of the National Planning Policy Framework.

INFORMATIVE(S)

1. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>

2. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

3. The highway authority requirements associated with this development proposal will need to be secured through a Section 106 and 1278 Legal Agreement between the applicant and East Sussex County Council. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

4. The applicant should be made aware that the creation/alteration of this access will require the compliance with the Traffic Management Act 2004 and that the contractor will have to book road space with the East Sussex Highways Network Co-ordination team (0845 6080193).

5. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>

6. The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway. The applicant should contact East Sussex Highways (0345 6080193)

7. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>

8. The applicant is advised that the erection of temporary directional signage should be agreed with East Sussex Highways (01345 6080193) prior to any signage being installed.

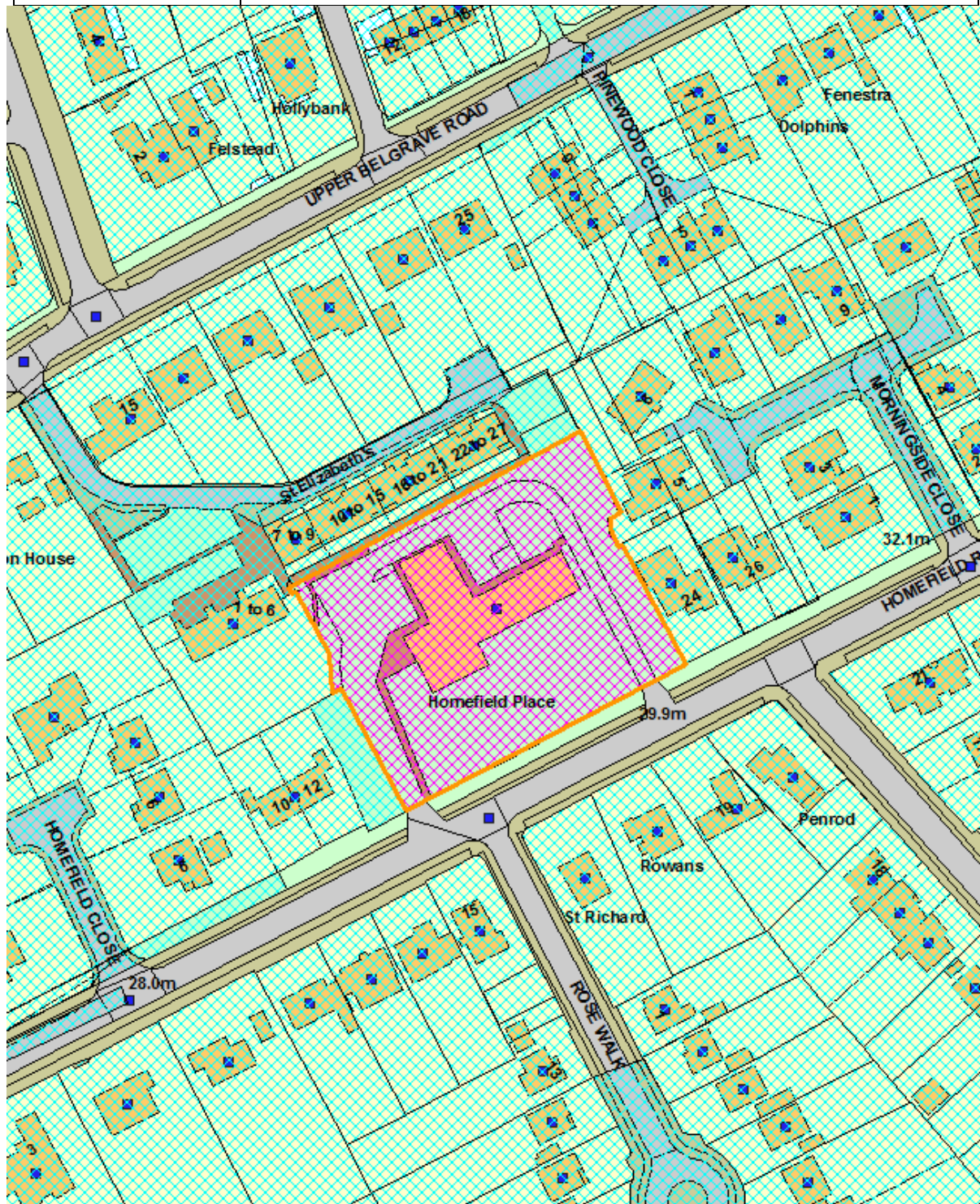
This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Illustration	12 November 2018	Artists impression
Illustration	12 November 2018	Artists impression

Illustration	12 November 2018	Artists impression
Illustration	12 November 2018	Artists impression
Illustration	12 November 2018	Artists impression - aerial
Illustration	12 November 2018	Artists impression - aerial
Illustration	12 November 2018	Artists impression - aerial
Location Plan	12 November 2018	1:1250
Design & Access Statement	12 November 2018	
Additional Documents	12 November 2018	Precedents
Landscaping	12 November 2018	Landscape Strategy
Additional Documents	12 November 2018	Preliminary Ecological Appraisal
Flood Risk Assessment	12 November 2018	
Proposed Block Plan	12 November 2018	03
Proposed Layout Plan	12 November 2018	02
Location Plan	12 November 2018	01
Transport Assessment	12 November 2018	Transport Statement

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APPLICATION NUMBER:	LW/19/0364		
APPLICANTS NAME(S):	Frontier Estates (Sea) Limited	PARISH / WARD:	Seaford / Seaford North
PROPOSAL:	Planning Application for Demolition of existing building and erection of a 55-bedroom care home (within Use Class C2), with associated works including access, parking, and landscaping		
SITE ADDRESS:	Homefield Place Homefield Road Seaford East Sussex BN25 3DG		
GRID REF:			



SITE DESCRIPTION / PROPOSAL

- 1.1 The application site is located on the north side of Homefield Road, Seaford. On the site at present is a two storey redundant 16 bed adult social care residential home, formerly run by ESCC. The facility was closed in 2014 following relocation of service and the site was sold.
- 1.2 The site benefits from mature and abundant tree screening to the south (front) and west (side) boundaries and mature hedges to east (side) boundary. The site is open to the north (rear) boundary, facing the rear of residential properties on St Elizabeth's. There is a mature and somewhat overgrown garden area within the site and 6 trees are subject to a TPO.
- 1.3 The site slopes in a north/south direction and is set lower than the residential properties that bound it to the north, west and east. There are currently two vehicle access points, one at each end of the site. There is currently no physical boundary between the site and the rear of St Elizabeth's. It is understood that residents use the site as a cut-through to and from Homefield Road to St Elizabeth's and then to bus stops in Upper Belgrave Road via steps in the north-west corner of the site; however, this is not a public right of way.
- 1.4 The surrounding area is almost entirely residential in character, with mainly detached bungalows and houses along Homefield Road. In terms of building appearance there is no clear vernacular, but pitched roofs, some with dormers, brick, render and hanging tiles are common features.
- 1.5 The application seeks full planning permission to demolish the existing building and to construct a new 55 bed care home (Use Class C2) set over $2\frac{1}{2}$ stories plus basement. The new building would be roughly "L" shaped and sited to avoid the existing mature planting in the south-west quadrant. The area to the front of the two "wings" will be landscaped, incorporating existing retained trees. The area to the rear will also be landscaped to provide a buffer with the rear of the properties in St. Elizabeth's.
- 1.6 The two existing access points – and the distinctive brick pillars that demarcate them - are to be retained. The eastern-most access will be the main point of entry for vehicles and pedestrians. The main entrance to the home is on the east side elevation. Eighteen car parking spaces are proposed, including two disabled bays, placed mainly along the eastern boundary. A cycle store is also sited within the parking area.
- 1.7 The western-most access will be for servicing, and there are stores indicated for refuse, and recycling.
- 1.8 The basement would occupy approximately half of the upper floor footprint and will contain staff facilities, kitchen, laundry, storage and plant. The ground floor will accommodate the manager's office, a café (for residents and visitors) opening onto the central landscaped area, lounge/dining room opening onto a terrace at the rear and a separate lounge with doors opening on to a south-east facing terrace. There will be sixteen bedrooms on the ground floor, each with an en-suite bathroom. Special assisted bath and toilet facilities will also be provided as well as a nurse station, medical store and housekeeping store. At first floor, there will be twenty one bedrooms and a hairdressing/therapy room. Lounge, dining, medical support and storage facilities are repeated at first and second floor. The lounge at first floor will open onto a terrace above the one below. The second floor will be set within the roof in order to reduce the impact of an additional storey. There will be eighteen rooms at this level. The rooms are mainly 15-17m², which is standard for this type of use. There will be four larger rooms at first and second floor, sized to accommodate couples if required.

2. RELEVANT POLICIES

LDLP: – ST03 – Design, Form and Setting of Development

LDLP: – CT01 – Planning Boundary and Countryside Policy

LDLP: – CP08 – Green Infrastructure

LDLP: - CP11 – Built and Historic Environment and design

LDLP: - CP12 – Flood Risk, Coastal Erosion and Drainage.

LDLP: – CP13 – Sustainable Travel

LDLP: – CP14 – Renewable and Low Carbon Energy

LDLP: - DM14 – Multifunctional Green Infrastructure

LDLP: - DM25 - Design

LDLP: - DM26 – Refuse and recycling

LDLP: - DM27 – Landscape Design

Seaford Neighbourhood Plan:

SEA15:- Site allocated for 19 dwellings, including affordable.

3. PLANNING HISTORY

S/71/0198 - Outline application for twelve town houses with garages. - **Refused**

LW/85/1514 - Development comprising a home and day centre for elderly people with facilities for producing meal for delivery to people in their own home. Deemed permission. No objection by LDC. - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Town Council – At tonight's Planning and Highways Committee meeting it was RESOLVED to OBJECT to the application on the following grounds:-

That Homefield Place was a site allocated for general housing (including affordable housing) in the Seaford Neighbourhood Plan. That the plan, although still not adopted, was at a late stage of the planning process having been through several rounds of public consultation and been approved formally by the Town Council. No objection had been raised to this particular allocation.

The report submitted by the applicants alleging and supporting a demonstrable need for more care home beds was flawed in that it covered too large and arbitrary an area, i.e. a 10km radius of Seaford, rather than concentrating on the Town itself where there was an acknowledged surplus of care home beds.

That under the guidance in Para 48 of the NPPF (2018) weight could and should be placed on the emerging Neighbourhood Plan sufficient to support a formal objection in that, by effectively removing a prime residential site from the Plan allocation in favour of a use for which there was no demonstrable need, it would undermine the implementation of the Plan and be directly contrary to its policies and provisions.

Housing Needs and Strategy Division –

The Lewes District Council (LDC) Affordable Housing Supplementary Planning Document (SPD) provides an explanation of how the Council's affordable housing policy as set out in the Lewes District Local Plan Part 1 - Joint Core Strategy is to be implemented. The LDC Affordable Housing SPD webpage explains:

July 2018 update - Lewes Affordable Housing SPD

Since the adoption of the Lewes Affordable Housing Supplementary Planning Document government has published an update to the National Planning Policy Framework (NPPF). Paragraph 63 states that "Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas". The NPPF defines major developments as "For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more."

Therefore, the requirement for 40% affordable housing will now apply to developments of 10 or more homes, rather than 11 or more, or a site area of 0.5 hectares or more. This should be noted when reading the Lewes Affordable Housing SPD.'

Page 13 of the LDC Affordable Housing SPD states:

4.2 The criteria for determining whether the use of particular premises should be classified within the C3 Use Class include both the manner of the use and the physical condition of the premises. Premises can properly be regarded as being used as a single dwelling house where they are:

- A single, self-contained unit of occupation which can be regarded as being a separate 'planning unit' distinct from any other part of the building containing them;
- Designed or adapted for residential purposes - containing the normal facilities for cooking, eating and sleeping associated with use as a dwelling house.

4.3 For clarity, the affordable housing policy applies to sheltered, extra care and assisted living residential development in the same way as it does to general dwelling houses, where each residential unit is designated within the C3 Planning Use Class. The affordable housing requirements do not apply to developments designated within the C2 Planning Use Class.

As the planning application refers only to Use Class C2, and if the housing units are to only consist of Use Class C2, then there is no affordable housing requirement. As such, I have no comments to add to this particular application.

Natural England – No Objection

Sussex Police – National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. No major concerns with the proposal but recommends additional measures to mitigate against any identified local crime trends

and site specific needs. Access to main and staff accesses should be controlled, enhanced security certification advised for ground floor doors and windows, internal doors to sensitive areas to be properly secured. Secure covered cycle store should be provided, preferably with security lighting. Letter copied to applicant.

Highways - The applicant has previously assessed the parking accumulation based on TRICS [with 18 parking spaces] with the peak suggested being at lunch time. The further information suggests that the accumulative parking could be 20 spaces at the times of staff changeover [i.e. around 8am and 8pm]. This is based on 17 staff on site at any one time during the daytime [based on one per 3 residents] with less staff in the evening/night. The eventual end user is still not known, thus the shift patterns may change and thus the parking requirement may not be appropriate. However, given the circumstances and provided the Travel Plan is robust and secured along with the bus stop improvements mentioned below this should mitigate any possible increase in parking demand for this site.

Access - The position of the two reconstructed accesses are acceptable with the existing southern access being for deliveries/refuse collection etc only and the northernmost access being the main access point.

Parking - At pre app stage whilst the parking numbers were accepted they depended on details regarding staffing levels being provided at planning application stage and so could alter. Still Insufficient information on the staffing numbers and shifts etc to determine/justify the number of parking spaces.

Ambulance Bay - Due to its parallel location to the access road and no formal turning head being provided the Ambulance would have to do effectively a 3 point turn within the internal road. Whilst it is beneficial for an Ambulance to turn [without doing a 3 point turn] on site a turning space is not necessarily required here onto Homefield Road being an unclassified road. Therefore whilst it would be beneficial for the Ambulance bay to be repositioned to be at a right angle to the access/internal road – the bay as shown is acceptable.

Tracking – Swept path has been provided for a 11.22m long refuse vehicle only whereas ESCC require 11.997m which is the current largest refuse vehicle. However, I note that the refuse collection will be as existing and taken from Homefield Road and thus will not go into site. This being the case and/or if Lewes District Council's waste team have agreed this, or that a smaller vehicle can be used then the tracking as shown is acceptable.

Pedestrian Link - It is noted that no pedestrian link is to be retained through "St Elizabeth's" to Upper Belgrave Road. This is considered an important pedestrian link through to the nearest bus stops on Upper Belgrave Road and thus I would have preferred to see this link via the existing steps retained. However, I understand that the applicant cannot provide this facility due to operational issues and lack of land control.

Mitigation Measures - The proposed development would give rise to needs for improvement to the local highway network to accommodate the additional demands the use of the site will place on existing facilities. Bus stop improvements are considered necessary and should take the form of hardstanding and DDA compliant kerbing at the two nearest bus stops on Upper Belgrave Road.

The works should be secured by condition and a Legal Agreement with the Highway Authority. (This is acceptable to the Highway Authority. Update – this is now to be secured by condition.)

Travel Plan - A draft travel plan has been submitted with the application. A Travel Plan is required in association with this development to ensure that private car trips to and from the site are minimised. The travel plan should include targets for reduced car use and a

monitoring programme to ensure these targets are met. It is understood that the Applicant has agreed to secure the Travel Plan and Travel Plan Audit Fee [£6,000] by way of a Unilateral Undertaking Agreement. (This is acceptable to the Highway Authority. Update – this is now to be secured by condition.)

Conditions recommended.

ESCC SUDS – Whilst there is anecdotal evidence which that suggests surface water currently discharges through a series of soakaways, we remain concerned that the surface water drainage proposals have not adequately considered risk particularly with regards to the use of shallow infiltration, the impacts on ground stability and the existing surface water flow paths though the site. The applicant proposes to discharge surface water runoff through the use of infiltration and we note that BGS data indicates very serious constraints for ground stability. Despite this, there are no indications that the implications of infiltration on ground stability have been considered and we request that further information is submitted to address these concerns. In the event that infiltration is not feasible, it is unclear where surface water runoff would be discharged to as there are no watercourses or public sewers within the vicinity of the site. Furthermore, we are concerned that the permeable paving is proposed directly adjacent to the building. This permeable paving will be used to discharge water from the building in addition to rainfall falling directly on its surface. In such cases the CIRIA SuDS Manual 2015 states that infiltration features should not be sited within 5m of buildings. The applicant has undertaken infiltration testing at this site, however this has not been undertaken in accordance with the BRE365 as the testing was not repeated in each trial pit three times. This is particularly important as the site relies entirely on the use of infiltration, and is underlain by superficial deposits that BGS data indicates has 'highly variable permeability' In addition, BGS data indicates that the site may be susceptible to groundwater flooding, and we request that groundwater monitoring is undertaken between autumn and spring to ascertain the seasonal variability in groundwater levels. The updated Flood Map for Surface Water (uFMfSW) indicates that surface water flows through the site from St Elizabeth's towards the south, with additional surface water being stored on site. This flow path contributes to surface water flooding of the Brooklyn Road area (identified as a flooding hotspot in the Peacehaven/Newhaven/Seaford surface water management plan). Whilst this is indicated to only occur during the 1 in 100 and 1 in 1000 year events, due to the reliance on permeable paving for infiltration there is a risk that these flows could reduce the storage capacity of the permeable paving which is only sized to accommodate the development. The applicant should ensure that storage capacity is not taken up by these flows, and that these flows can be appropriately managed without increasing flood risk on or off site.

Conditions recommended.

Tree and Landscape Officer – Site is subject to Tree Preservation Order (No.2) 1985. With regard to the existing trees, the applicant's tree expert provides a clear indication which trees are identified for removal. The important element with regards the trees are those that are subject to the above Order. The tree survey identifies a group of trees on the south western boundary and next to the access to be retained. These are the principle trees within the Order. The trio to the east are in a poorer condition but are also to be retained. Other trees of much less quality will be removed. The applicant's tree expert gives clear instructions on tree protections measures, tree protection supervision and methods which should be implemented in full. With regards the proposed soft landscaping scheme: I could see no soft landscaping scheme. Conditions requiring soft landscaping in key area would be prudent.

Conditions recommended.

Planning Policy - This planning application should be considered against the policies of the adopted Lewes District Local Plan Part 1 (LPP1), the policies of the Submission Lewes District Local Plan Part 2 (LPP2), and relevant 'saved' policies of the Lewes District Local Plan 2003 (LDLP 2003).

The National Planning Policy Framework (NPPF) may also be a material consideration. In accordance with the Cabinet resolution of 17th April 2012, only those 'saved' LDLP 2003 policies that are consistent with national planning policies are applicable to the determination of planning proposals in the district.

The LPP2 will not gain full weight as part of the development plan for the area until it is adopted. However, the plan was submitted for examination in December 2018 and a number of hearing sessions were held April 2019.

Following these hearing sessions, the Inspector has recommended that modifications to a small number of policies be published for consultation prior to the submission of his final report. The modifications have now been consulted upon and we are awaiting the Inspector's Report.

All the other LPP2 policies have essentially been found 'sound' and can therefore be given substantial weight in the determination of relevant planning applications, unless other material considerations indicate that it would be unreasonable to do so. The 'sound' policies are BA01, BA02, BA03, CH01, DM1-23, and DM25-37.

The Seaford Neighbourhood Plan (SNP) is currently in examination which will conclude in November 2019. Policy SEA15 allocates the application site for the development of 19 dwellings including affordable housing. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application. As the examination of the SNP is on-going and there are no objections to the allocation in the Plan, the SNP should be given some weight in decision making. The application would not provide any affordable housing.

The application site is located within the Seaford planning boundary and its redevelopment to provide a residential care home is therefore acceptable in principle, in accordance with Policy DM1 of the LPP2 and 'saved' Policy CT1 of the LDLP 2003. Whilst there are no specific policies addressing Use Class C2 accommodation within the adopted or emerging development plan, the adopted LPP1 does acknowledge the growing need for specialist accommodation suitable for older people (paras. 7.22 – 7.23).

In addition to Policies DM1 and CT1, the principal planning policies that should be taken into consideration in determining the acceptability of the proposed development are:

- Core Policy 8 (Criteria 2 and 4) of the LPP1
- Core Policy 11 of LPP1
- Core Policy 12 (Criterion 5) of LPP1
- Core Policy 13 of LPP1
- Policy DM14 of the LPP2
- Policy DM25 - 27 of the LPP2

The Lewes District Electrical Vehicle Charging Points Technical Guidance Note should also be taken into account. If it is considered that the proposed development accords with these policies, it should be recommended for approval.

If the application is found to be acceptable, it is worth noting that the national Planning Practice Guidance now states that local planning authorities should count specialist housing provided for older people (including residential care homes) against their housing requirement.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

Three objections received concerned with lack of parking spaces for staff and visitors, lack of consultation, need to protect boundary planting, loss of trees, loss of informal footpath, flood risk and parking.

Three representations received, whilst not objecting, concerned over amount of beds proposed, lack of parking and possible use of footpath between Homefield Road and Blatchington Hill, the height of the building, boundary treatment and access issues to St Elizabeth's'.

One representation received not objecting to the proposal but commenting that contractor parking should be on site during the construction stage.

6. PLANNING CONSIDERATIONS

Principle

- 6.1 The proposal falls in the same use class as the existing building on the site. There are no specific policies relating to the this type of accommodation within the adopted or emerging Development Plan, however the need to acknowledge the growing need for specialist accommodation suitable for older people is set out in the adopted LPP1. Furthermore, National Planning Practice Guidance states that LPAs should count such housing, including residential care homes, against their housing requirement.
- 6.2 It is noted that the Town Council has lodged an objection to the proposal as the site is included in the draft Neighbourhood Plan for general needs housing for 19 units. The SNP has been through local consultation stage, which closed on 5th July. The Examination into the SNP is due to conclude in November 2019. The SNP should be afforded some weight in the determination of this application. However, on balance and given the NPPG advice that acknowledges specialist housing is both needed and does count towards the council's housing requirement, it is not considered that the proposal should be refused based on the Town Council's objection alone.

Design

- 6.3 The design strategy has been informed by identified characteristics of the surrounding residential area – pitched roof, dormer windows and material palette of brick, render feature panels, plain roof tiles and hanging tiles. The long elevations are broken up with feature gables and the roof with dormer windows.
- 6.4 Although the ridge height of the new building is higher than the existing building on the site, it is mostly comparable with the ridge height of the properties in St Elizabeth's to the rear. Although the footprint of the new building would be approximately one third larger than the existing, it is set further towards the front of the site, away from properties in St Elizabeth's and where it will be screened at the front by the existing trees and hedges . In terms of height and bulk, the impact of the new building on adjoining occupiers will be an improvement on the existing situation.

6.5 Overall, the design of the building is considered to be acceptable and will make a positive contribution to the character of the neighbourhood.

Amenity

6.6 The entire rear building line of the new building will be 20m from the rear of properties in St. Elizabeth's. Generally, this distance is considered to be sufficient to ensure that there is no mutual overlooking or overshadowing. The level of activity will be similar to the previous use.

Trees and Landscaping

6.7 The Tree and Landscape officer has recommended conditions to safeguard the trees that are to be retained during construction. An outline landscape strategy was submitted with the application but more details are to be secured by condition. The strategy includes retention of the mature planted screen to the front of the site and to introduce additional trees to the rear, various seating areas, including break out areas from the ground floor lounges and dining areas. The key TPO'd trees will be retained and protected.

Parking and servicing

6.8 ESCC Highways raises no objections to the level of parking or traffic generation. Following negotiations with the applicants, conditions have been drafted to secure highways improvements to nearby bus stops to encourage use by staff and to secure a Travel Plan that relates to the end user.

6.9 Final details of the cycle store and arrangements for storage and collection of refuse, recycling and specialist waste will be secured by condition.

Sustainability

6.10 A Sustainability Statement has been submitted with the application, which sets out the measures that will be taken to tackle climate change. The key measure is to adopt a 'Fabric First' approach that is expected to exceed Building Regulations in relation to heat conservation and reduction of carbon emissions. Notwithstanding the statement, a condition will be attached to require electric vehicle charging points in the car park and measures to reduce impact on the climate.

Conclusion

6.11 On balance, the proposal is considered to be an acceptable use for the site and will help to address the District's housing need, in particular that for special accommodation for older people. The new building is well designed, using materials and features that are to be found in the wider area. The proposal broadly meets the relevant plan policies and approval is recommended.

7. RECOMMENDATION

Approval is recommended.

The application is subject to the following conditions:

1. No development shall take place above ground floor slab levels until details and samples of all external materials including the fenestration, hard surfaces, roof materials, details of balustrades to balconies and external finishes to the walls have been submitted to and approved

in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and samples and retained as such thereafter.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policy ST3 of the Lewes District Local Plan policy CP11 of the Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework.

2. No development shall take place above ground floor slab levels until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed prior to the first occupation or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policy ST3 of the Lewes District Local Plan policy CP11 of the Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework.

3. The Arboricultural Method Statement section 11 of the Arboricultural Report (The Mayhew Consultancy AR/62118/R1) and associated tree protection plan (appendix B of the Arb Report) submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision by a suitably qualified tree specialist. This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during demolition and subsequent construction operations.

Reason: In order to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with policy ST3 of the Lewes District Local Plan, policy CP11 of the Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework.

4. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development process and up until completion and full occupation of the buildings for their permitted use within 2 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

Reason: In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with in accordance with policy ST3 of the Lewes District Local Plan, policy CP11 of the Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework.

5. The approved tree pruning works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: In order to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with in accordance with policy ST3 of the Lewes District Local Plan, policy CP11 of the Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework.

6. No development shall take place until ; hard and soft landscaping details of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- 1) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
- 2) further ecological input into the scheme design to secure biodiversity. Such gains are to be designed so as to meet the requirements be appropriate and sympathetic to the assessed ecological merit of the site and surrounds. This condition may only be fully discharged subject to satisfactory written evidence of compliance by a qualified ecologist.
- 3) location, type and materials to be used for hard landscaping including specifications where applicable for:
 - a) permeable paving
 - b) tree pit design
 - c) underground modular systems
 - d) Sustainable urban drainage integration
 - e) use within tree Root Protection Areas (RPAs);
- 4) A schedule detailing sizes and numbers/densities of all proposed trees/plants;
- 5) Specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and there shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.
- 6) Unless required by a separate landscape management condition, all soft landscaping shall have a written five year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

Reason: In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with policy ST11 of the Lewes District Local Plan, policy CP8 of the Joint Core Strategy and having regard to the National Planning Policy Framework.

7. Notwithstanding anything contained in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any amendment or replacement thereof, prior to the commencement of any building or engineering operations for the development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include the following information and the development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority:-

- a) The temporary arrangements for access and turning for construction traffic;
- b) The size of vehicles (contractors and deliveries);

- c) The routing of vehicles (contractors and deliveries) and traffic management (to allow safe access and turning for construction vehicles);
- d) The temporary arrangements for parking of vehicles associated with deliveries, site personnel, operatives and visitors;
- e) A contractors' parking and Travel Plan;
- f) Facilities for the loading and unloading of plant and materials;
- g) The location(s) for storage of plant and materials used during construction;
- h) The location(s) of any site huts/cabins/offices;
- i) Details of temporary lighting during construction;
- j) Details of the proposed security arrangements for the site including temporary site security fencing and site hoardings;
- k) Hours of construction and hours of deliveries;
- l) Details of the precautions and facilities put in place to guard against the deposit of mud and substances from the application site on the public highway, to include wheel washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed in order to be free of mud and similar substances prior to entering the public highway;
- m) Details outlining the proposed range of dust and dirt control measures and noise mitigation measures during the course of construction of the development, having regard to Section 61 consent under the Control of Pollution Act 1974;
- n) Details of off-site monitoring of the CEMO; and
- o) Assurance that the construction will be undertaken in accordance with the Considerate Constructor's Scheme.

Reason: In the interests of the residential amenities of the neighbours and to secure safe and satisfactory means of vehicular access to the site during construction, having regard to retained policy ST3 and Core Policies 11 and 13 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework.

8. The development hereby permitted shall not be occupied until full details of the secure, covered cycle store have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be implemented prior to the first residential occupation of the development, and be retained thereafter for the parking of cycles associated with residents and visitors to the development hereby permitted.

Reason: To provide alternative travel options and encourage use of alternatives to the use of the private car, in the interests of sustainability in accordance with current sustainable transport policies including retained policy ST3 and Core Policy 13 of Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework.

9. No part of the development shall be occupied until the car parking has been constructed and provided in accordance with the approved plans. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: In the interests of amenity and highway safety and to ensure adequate car-parking provision for the development.

10. No dwelling hereby permitted shall be occupied (or use hereby permitted commenced) unless and until provision for the storage of refuse/recycling has been made for that dwelling (or use) in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be retained for use at all times.

Reason: Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies ST3 and CP11 of the Lewes District Local Plan.

11. The principles of surface water drainage as indicated in drawing 10414-500p should be taken forward to detailed design and implementation. Evidence of this (in the form hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.

Reason: In the interests of amenity and to ensure that flood risk is managed, in accordance with Core Policies 11 and 12 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework

12. Proposals to use infiltration should be supported by additional infiltration testing in accordance with BRE365 at the locations of and depths commensurate to the proposed soakaways.

Reason: In the interests of amenity and to ensure that flood risk is managed, in accordance with Core Policies 11 and 12 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

13. A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan should cover the following:

a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details.

b) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.

c) Details of measures which will be taken to ensure that the structural integrity of both the soakaways and the permeable paving is maintained over the lifetime of the development should be provided.

Reason: In the interests of amenity and to ensure that flood risk is managed, in accordance with Core Policies 11 and 12 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

14. Prior to occupation of the development, evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: In the interests of amenity and to ensure that flood risk is managed, in accordance with Core Policies 11 and 12 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

15. No part of the development shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by East Sussex County Council [September 2008] and by the Department for Transport.

Reason: To encourage and promote sustainable travel options and encourage use of alternatives to the use of the private car, in the interests of sustainability in accordance with current sustainable transport policies including retained policy ST3 and Core Policy 13 of Lewes

District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework

16. The development shall not be occupied until details of the layout of the reconstructed accesses and the specification for the construction of the access which shall include details of levels, surface water drainage and tactile paving/dropped kerbs [across the access] have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the development not be occupied until the construction of the accesses have been completed in accordance with the agreed specification.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

17. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 500m where spaces abut walls).

Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

18. Prior to commencement of development details of the improvements to two existing bus stops on Upper Belgrave Road [known as North Way and Firle Road Stops] to include new hardstanding areas and DDA compliant kerbing to be submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and shall be implemented prior to occupation of the development.

Reason: In the interest of highway safety and to encourage the use of sustainable travel (by bus) to the site.

19. Development shall not commence until such time as temporary arrangements for access and turning for construction traffic has been provided in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: To secure safe and satisfactory means of vehicular access to the site during construction.

20. The development shall not be occupied until parking areas have been provided in accordance with the approved plans/details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

21. The completed access shall have maximum gradients of 2.5% (1 in 40) from the channel line and 11% (1 in 9) thereafter.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

22. Details of the siting and design of the external electric car charging points to be provided, shall be submitted to and approved in writing by the Local Authority prior to installation. The works hereby permitted shall be carried out in accordance with the approved details before the units are occupied.

Reason: To secure a proper standard of development having regard to policy CP14 of the Lewes Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

23. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of how the development will incorporate measures to reduce carbon energy use, facilitate renewable energy installations, and lower water consumption, have been submitted to and approved in writing by the local planning authority. The approved measures shall be put in place prior to the first occupation of each of the residential units, and shall be retained as such thereafter.

Reason: In order to reduce locally contributing causes of climate change in accordance with policy CP14 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework 2019.

INFORMATIVE(S)

1. With regard to works to trees, the following British Standards should be referred to:

- a) BS: 3882:2015 Specification for topsoil
- b) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
- c) BS: 3998:2010 Tree work - Recommendations
- d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
- e) BS: 4043:1989 Recommendations for Transplanting root-balled trees
- f) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
- g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
- h) BS: 8545:2014 Trees: from nursery to independence in the landscape - Recommendations
- i) BS: 8601:2013 Specification for subsoil and requirements for use

2. 1. This Authority's requirements associated with this development proposal will need to be secured through a Legal Agreement [171 or 278] between the applicant and East Sussex County Council. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

2. The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway. The applicant should contact East Sussex Highways (0345 6080193)

3. The applicant is advised that the erection of temporary directional signage should be agreed with East Sussex Highways (01345 6080193) prior to any signage being installed.

This decision is based on the following submitted plans/documents:

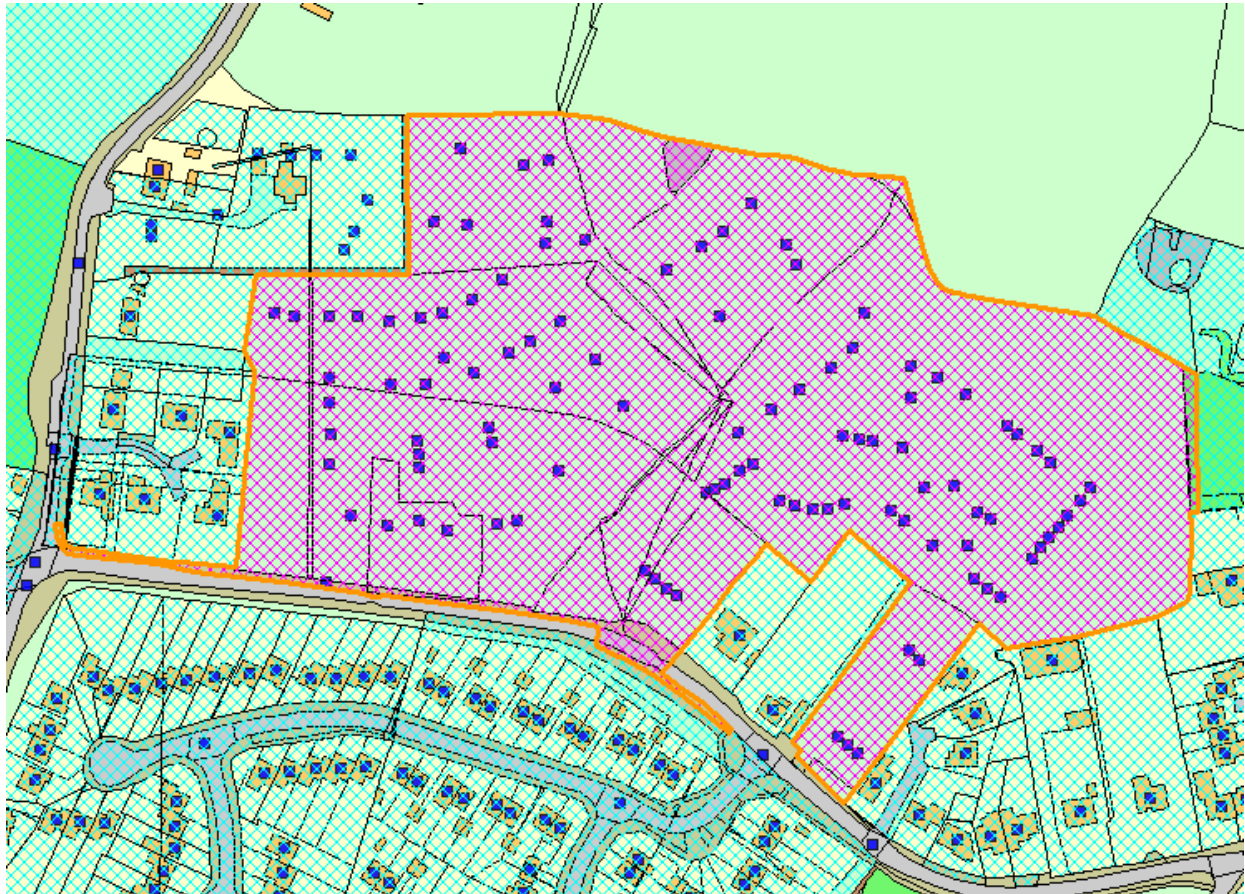
<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Transport Assessment	17 May 2019	Transport Statement
Travel Plan	17 May 2019	Travel Plan

Additional Documents	17 May 2019	Proposed Surface Water Drainage Strategy
Other Plan(s)	17 May 2019	TR06 Vehicle Swept Path Analysis
Other Plan(s)	17 May 2019	TR04 Vehicle Swept Path Analysis
Other Plan(s)	17 May 2019	TR03 Vehicle Swept Path Analysis
Other Plan(s)	17 May 2019	TR01 Vehicle Swept Path Analysis
Other Plan(s)	17 May 2019	SK07 Access Layout
Other Plan(s)	17 May 2019	SK04 Vehicle Visibility Splays
Additional Documents	17 May 2019	Market Analysis
Existing Layout Plan	17 May 2019	10414-100P Existing Drainage Layout
Design & Access Statement	28 August 2019	Design & Access Statement Rev C
Tree Statement/Survey	17 May 2019	Tree Survey, Arboricultural Impact Assessment & Tree Protection Plan
Other Plan(s)	17 May 2019	Tree Protection Plan
Other Plan(s)	17 May 2019	Tree Protection Plan
Proposed Layout Plan	28 August 2019	G4214 (90)01J Proposed site plan
Proposed Elevation(s)	28 August 2019	G4214(02)02A proposed South _ West Elevation
Proposed Elevation(s)	28 August 2019	G4214(02)01A Proposed North _ East Elevation
Proposed Roof Plan	28 August 2019	G4214(01)04A Proposed Roof Plan
Proposed Floor Plan(s)	24 September 2019	G4214(01)03G Proposed 2nd Floor Plan
Proposed Floor Plan(s)	28 August 2019	G4214(01)02G Proposed 1st Floor Plan
Location Plan	17 May 2019	G4214 01
Proposed Floor Plan(s)	28 August 2019	G4214 (01)01H proposed Ground Floor Plan
Survey Plan	17 May 2019	1:200 Site Survey
Proposed Floor Plan(s)	28 August 2019	G4214 (01)00C proposed Basement Floor Plan
Other Plan(s)	17 May 2019	10414-501P Proposed Suds Features

Other Plan(s)	17 May 2019	10414-500P Proposed Drainage Layout
Proposed Layout Plan	28 August 2019	G4214(90)01K Site Plan as proposed
Survey Plan	17 May 2019	1:200 Site Survey
Other Plan(s)	17 May 2019	10414-501P Proposed Suds Features
Other Plan(s)	17 May 2019	10414-500P Proposed drainage Layout
Planning Statement/Brief	17 May 2019	Drainage Strategy
Planning Statement/Brief	17 May 2019	Planning Statement
Planning Statement/Brief	28 August 2019	Design and Access Statement

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APPLICATION NUMBER:	LW/19/0597		
APPLICANTS NAME(S):	Bovis Homes Ltd	PARISH / WARD:	Ringmer / Ouse Valley & Ringmer
PROPOSAL:	Planning Application for The erection of a FIRS mast (Fibre integrated receiver system) within the approved residential development site		
SITE ADDRESS:	Land North Of Chapters Bishops Lane Ringmer East Sussex		
GRID REF:			



1. SITE DESCRIPTION / PROPOSAL

1.1 The application site lies on the northern edge of Ringmer village and construction is underway as part of a scheme to build 110 new houses (refs. LW/14/0127 and LW/18/0331 refer).

1.2 The application seeks planning permission for the erection of a standalone TV mast supported on a metal pole on a site towards the eastern edge of the housing development. The mast would be made from metal and would measure 7m in height. The applicant is proposing this aerial/mast in order to boost the local TV signal with the aim of preventing a proliferation of private TV masts and satellite dishes on each individual house, which would no longer be necessary and which may degrade the aesthetics of the housing development overall. The single mast would deliver signals to each property using fibre optic cabling.

2. RELEVANT POLICIES

LDLP: – ST03 – Design, Form and Setting of Development

LDLP: – CP10 – Natural Environment and Landscape

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – DM32 – Telecommunications Infrastructure

LDLP: – RNP91 – Policy 9.1-Design, Massing and Height

LDLP: – RNP93 – Policy 9.3-Materials

3. PLANNING HISTORY

E/53/0494 - Outline Application to erect two pairs of semi-detached houses. - **Approved**

E/50/0024 - Proposed vehicular access. ESCC Determined. - **Approved**

LW/14/0127 - Erection of up to 110 dwellings to include affordable housing, access and public open space - **Refused**

LW/15/0152 - Erection of up to 110 dwellings to include affordable housing, access and public open space (resubmission of LW/14/0127) - **Refused**

LW/16/0876/CD - The erection of up to 110 dwellings to include affordable housing, access and public open space on land north of Bishops Lane, Ringmer, East Sussex, BN8 5JT -

LW/16/0895/CD - Discharge of conditions 8 and 22 relating to LW/14/0127 (approved on Appeal under APPEAL/15/0001) - **Approved**

LW/17/0045 - Application for approval of the Reserved Matters following Outline Permission LW/14/0127 (Allowed on Appeal) for the erection of up to 110 dwellings relating to appearance, landscaping, layout and scale - **Refused**

LW/18/0331 - Application for approval of the Reserved Matters following Outline Permission LW/14/0127 (Allowed on Appeal) for the erection of up to 110 dwellings relating to appearance, landscaping, layout and scale (resubmission of application LW/17/0045) - **Approved**

LW/18/0885/CD - Approval of details reserved by condition 5 (materials) of application LW/18/0331. - **Approved**

LW/18/0886/CD - Discharge of conditions 12 (Soil Survey) and 16 (Contamination Risk) relating to Planning Approval reference LW/14/0127 - **Approved**

LW/18/0926/CD - Discharge of condition 14 of application LW/14/0127 relating to a submission of a construction management plan - **Approved**

LW/18/0964/CD - Discharge of conditions 6, 8 9, 16 and 18 in relation to planning application LW/18/0331 -

LW/18/0965/CD - Discharge of Conditions 1 (landscaping), 17 (Verification Report) and 20 (Noise Assessment) relating to Planning Approval Reference LW/14/0127 -

LW/19/0134/CD - Application for the discharge of condition 11 (temp arrangements for access and turning of construction traffic) relating to LW/18/0331 - **Approved**

LW/19/0149/CD - Discharge of condition 12 (pre commencement condition survey of the surrounding highways) in relation to application LW/18/0331) - **Approved**

LW/19/0150/CD - Discharge of Conditions 5 (scheme of flood mitigation measures), 6 (surface water drainage scheme), 7 (scheme for disposal of foul sewage), 9 (details of floor/ground level in relation to existing) and 10 (levels, section and construction details of proposed estate roads)in relation to application LW/14/0127 -

LW/19/0257/CD - Discharge conditions 4 and 7 in relation to planning application LW/18/0331 - **Approved**

LW/19/0399 - Temporary consent (maximum 5 years) for a sales complex consisting of an approved house (Plot 3) being used as a sales office and the provision of 2 show houses (Plots 1 and 2) - **Approved**

LW/19/0400 - Development sales display signage and flags - **Approved**

LW/19/0549 - Variation of Condition 3 relating to reserved matters application LW/18/0331 for the re-wording of the condition to allows works to commence before condition is discharged -

LW/19/0597 - The erection of a FIRS mast (Fibre integrated receiver system) within the approved residential development site -

LW/86/0157 - Outline Application for erection of nineteen houses and garages, roadway and footpaths. - **Refused**

APPEAL/15/0001 - Erection of up to 110 dwellings to include affordable housing, access and public open space - **Allowed**

APPEAL/18/0006 - Application for approval of the Reserved Matters following Outline Permission LW/14/0127 (Allowed on Appeal) for the erection of up to 110 dwellings relating to appearance, landscaping, layout and scale - **Appeal In Progress**

APPEAL/86/0157 - Development Appeal - **Dismissed**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Main Town Or Parish Council – Objection [16 September 2019]

Ringmer Parish Council strongly objects to this application and fully supports the objections made by North Ringmer Residents' Group.

Ringmer Parish Council strongly recommends that if planning permission is granted, the mast should be situated in the middle of the site. Ringmer Parish Council would not like for residents and users of the village green to be able to see the mast as this would be of detriment to the purpose of the green. Ringmer Parish Council recommends that if the mast is erected that there should be some form of natural screening so not to impact the street scene.

Lastly, Ringmer Parish Council is perplexed as to why a mast was not submitted in the original application if there is a need to provide one in the first instance. Ringmer Parish Council considers the mast an unnecessary amenity provision.

ESCC Archaeologist – No objection [4 September 2019]

Although this application is situated within an Archaeological Notification Area, based on the information supplied, I do not believe that any significant archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

North Ringmer Residents' Group has raised the following objections:-

"The proposed location adjacent to the pumping station at one end of the site will have a severe effect on the neighbouring property Lionville. Bovis should explain what other locations are possible and why a more central position to the north of the site would not be better in planning and technical terms."

Representations have been received from Fair Meadow, objecting to the application for the following reasons:-

TV mast is unnecessary as reception is good in this area
Location will maximise negative impact on neighbours and the affordable housing
Impact on market housing will be minimised
Unneighbourly behaviour
Will intrude into views of countryside particularly from Ringmer Village Green
Must be positioned in a central location

6. PLANNING CONSIDERATIONS

6.1 The main considerations in the determination of the application include the appearance and visual impact of the mast, and the impact on residential amenity.

Design and Appearance-

6.2 The submitted plans indicate that the mast structure would be lightweight and slender. The mast would be 7m in height, which is comparable to the overall ridge height of the new dwellings themselves. In itself, the appearance of the mast is not likely to be as harmful to the character of the locality in comparison to a proliferation on individual satellite dishes

and aerials on each new house. The mast would be seen in an isolated position against a backdrop of trees, the wider countryside and the new dwellings themselves. The applicant has submitted a response to the objections received from the North Ringmer Residents' Group in order to justify the proposed location of the mast within the site and an explanation as to how alternative locations may be more harmful to visual amenity and wider views through the site and towards the surrounding countryside.

Amenity-

6.3 Objections have been received citing the fact that the mast would be distant from the market housing and closer to the affordable housing element of the scheme and existing neighbouring dwellings on the eastern edge of the application site, such as Lionville.

6.4 It is noted also that the proposed mast would be near to the approved electricity substation and near to the border of the site with Diplock's Yard, a neighbouring industrial use.

6.5 Notwithstanding these concerns, the proposal must be considered on its merits. The applicant has given consideration to alternative locations for the mast and should the visual impact be deemed acceptable, whilst as a matter of principle and ethics the location of the mast near to the affordable housing element of the scheme and neighbouring properties may be questionable, this would not form a satisfactory planning reason to refuse permission.

7. RECOMMENDATION

7.1 The comments from both neighbouring residents and the Parish Council have been taken into consideration. However, for reasons including the height of the mast, which would be comparable to the height of the new houses; the light colour material; and the slender framework of the mast, the proposed development is not considered likely to give rise to a significant level of visual harm. Accordingly approval is recommended.

The application is subject to the following conditions:

1. The overall height of the mast including aerials shall not exceed 7m above the level of the ground on which the structure is erected.

Reason: In order to mitigate the visual impact of the development in accordance with policies ST3 and CP11 of the Lewes District Local Plan and having regard to the National Planning Policy Framework.

INFORMATIVE(S)

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	20 August 2019	

Design & Access Statement	20 August 2019
Proposed Elevation(s)	20 August 2019
Proposed Block Plan	20 August 2019
Proposed Layout Plan	20 August 2019

Committee: Planning Applications Committee

Date: 20 November 2019

Department: Planning & Environmental Services

Subject: Enforcement Monitoring (Part A)

Purpose of Report This report provides an overview of enforcement matters throughout the Lewes District during the period 1 July 2019 – 30 September 2019. A separate report follows giving a detailed progress report for all cases where enforcement action has been commenced.

1 Complaints Received

1.1 A **total** of 82 complaints (20 of which are National Park (NP) cases) were received in the period, as follows:-

Alleged breaches of planning control	59	(20 NP cases)
Other complaints – Untidy sites, adverts etc.	3	(0 NP cases)
During this period the total number of cases disposed of was:- (1 of which were National Park (NP))	71	(17 NP cases)
No breach found	20	(5 NP cases)
Compliance achieved	10	(4 NP cases)
No action to be taken	24	(8 NP cases)

2 Enforcement Action Authorised

2.1 Section 215 Notices	0	(0 NP cases)
2.2 Breach of Condition Notices	0	(0 NP cases)
2.3 Enforcement Notices	4	(2 NP cases)
2.4 Prosecution Proceedings or Direct Action/Injunction	0	(0 NP cases)
2.5 Stop Notices & Temporary Stop Notices	0	(0 NP cases)
2.6 Planning Contravention Notices	2	(0 NP cases)

3 Enforcement Notices Served etc.

3.1 Section 215 Notices	0	(0 NP case)
3.2 Breach of Condition Notice	0	(0 NP case)
3.3 Enforcement Notices	1	(0 NP case)

3.4	Prosecution Proceedings/Court Action	0	(0 NP case)
3.5	Stop Notices & Temporary Stop Notices	0	(0 NP cases)
3.6	Planning Contravention Notices	2	(0 NP cases)

4 Retrospective Applications Submitted

- 4.1 Retrospective planning and Certificate of Lawful Use applications have been submitted in response to enforcement enquiries in respect of the following 9 sites:-
- 6 LDC apps
3 SDNP apps

		Submitted following enf officer investigation
1	The Granary, Burtenshaw Farm, Spithurst Road, Barcombe – LW/19/0423 – Divide existing dwelling to create two dwellings	✓
2	47 Piddinghoe Avenue, Peacehaven – LW/19/0503 – Section 73A retrospective application for the retention of rooflights and creation of rooms in bungalow roof	✓
3	35 Gorham Way, Telscombe Cliffs – LW/19/0542 – Section 73A retrospective application for the retention a rear dormer	✓
4	7 Romney Close, Seaford – LW/19/0523 – Section 73A retrospective application for the erection of garden outbuilding	
5	30 Dukes Close, Seaford – LW/19/0154 – Section 73 A retrospective application for a replacement outbuilding	✓
6	Seahaven Maritime Academy, East Quay, Newhaven Port – LW/19/0665 – Section 73A retrospective application to retain a three sided framework	✓
7	70 East End Lane, Ditchling – SDNP/19/03132/HOUS – Section 73A retrospective application for the retention of single storey side extension with pitched roof and canopy	✓
8	The Bull, 2 High Street, Ditchling – SDNP/19/04021/FUL – Section 73A retrospective application for ventilation grilles to East elevation to gable end of flint barn	✓
9	The Bull, 2 High Street, Ditchling – SDNP/19/002022/LIS – Retention of ventilation grilles to East elevation to gable end of flint barn. Triangular ventilation grille to apex of gable wall, powder coated aluminium louvered grille, dark grey to match existing windows and doors. Rectangular, dark grey powder coated aluminium grille at first floor height	✓

5 Contact Officer

The contact officer in connection with this report is Jennifer Baxter, Specialist Advisor (Planning Enforcement).

Ian Fitzpatrick,
Director of Regeneration and Planning
07/10/2019

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Committee: Planning Applications Committee

Date: 20 November 2019

Department: Planning & Environmental Services

Subject: Enforcement Monitoring Reports (Part B)

This report details the cases which have had notices authorised and/or served within the quarter 1 July 2019 – 30 September 2019

Address/Breach	Current Position	SDNP area
<p>BARCOMBE</p> <p>Station Masters House, Barcombe EN/17/0054</p> <p><u>Breach</u></p> <p>Alleged that the main property has been split into multiple and the annexe is being used as residential accommodation</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Following a site visit it was apparent that there are a number of separate units within the property • Planning Contravention Notice served on the owners and occupiers to gather the relevant information 	
<p>IFORD</p> <p>Iford Farm Shoot, Iford SDNP/18/00346/COU</p> <p><u>Breach</u></p> <p>Use of land for shooting for over the 28 day permitted rights</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Enforcement notice served on 14 August 2018 • Enforcement notice appealed • Awaiting appeal start date from the Planning Inspectorate 	✓

Address/Breach	Current Position	SDNP area
<p>DITCHLING</p> <p>The Bull, 2 High Street, Ditchling – SDNP/17/00780/OPDEV</p> <p><u>Breach</u></p> <p>Level of car park, unauthorised seating area and erection of a store to the rear</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Planning and Listed Building applications refused. • Planning enforcement and the legal team drafting an enforcement notice relating to the unauthorised works to the pub 	<p>✓</p>
<p>LEWES</p> <p>The Volunteer, 15 Eastgate Street, Lewes SDNP/17/00131/OPDEV</p> <p><u>Breach</u></p> <p>Unauthorised smoking shelter</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Planning permission refused for the retention of the smoking shelter • Appeal against the refusal of planning permission dismissed • Enforcement notice pending service • Enforcement notice served and appeal lodged against the enforcement notice • Awaiting appeal start date from the Planning Inspectorate • Awaiting site visit date from the Planning Inspectorate • Appeal dismissed and enforcement notice upheld, compliance date for the removal of the timber smoking shelter is 19.11.2019 	<p>✓</p>

Address/Breach	Current Position	SDNP area
<p>LEWES</p> <p>The Lamb, Fisher Street, Lewes – SDNP/18/00640/LB</p> <p><u>Breach</u></p> <p>Unauthorised timber structure to the rear of the pub</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Work on drafting an enforcement notice commenced • The structure has now been removed so compliance achieved prior to the enforcement notice being served 	<p>✓</p>
<p>NEWHAVEN</p> <p>Foxhole Farm, Seaford Road, Newhaven SDNP/16/00444/BRECON</p> <p><u>Breach</u></p> <p>Unauthorised mobile home</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Planning permission for retention of mobile home refused and dismissed at appeal • Enforcement notice served for the unauthorised mobile home • Appealed lodged against the enforcement notice • Awaiting appeal start date from the Planning Inspectorate • Council has submitted the statement of case and now awaiting the site visit by the Planning Inspectorate • Appeal dismissed and enforcement notice upheld. Compliance period to vacate the current tenants and remove the mobile home from the land is 6 months. Compliance date 04.01.2020 	<p>✓</p>

Address/Breach	Current Position	SDNP area
<p>NEWHAVEN</p> <p>Land at The Highway, Newhaven EN/16/0148</p> <p><u>Breach</u></p> <p>Unauthorised residential use and storage of the land</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Enforcement notice served on 10 August 2018 • Compliance deadline for the use to cease and site to be cleared is 12 November 2018 • Enforcement notice remains in breach, quotes are now being obtained for direct action to seek the removal of the residential use and items relating to this use • Council has prepared papers to seek an injunction from the Magistrates Court • Letter has been served on the occupier to update on the above • Court Action took place on 12.07.2019, the Court granted the Injunction and the occupier now has until 23 August 2019 to comply with the terms of the Injunction, which is to cease the use and remove the items from the land • Application to vary the injunction submitted to the Court, awaiting the Court's decision 	

Address/Breach	Current Position	SDNP area
<p>NEWHAVEN</p> <p>Downland Caravan Park, Court Farm Road, Newhaven EN/19/0084</p> <p><u>Breach</u></p> <p>Breach of condition – 29 caravans permitted on site and 30 now in place</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Enforcement notice served on 27.06.2019 to remove one caravan from the site • If no appeal is lodged then the enforcement notice becomes effective on 02.08.2019 • Appeal lodged against the issue of the enforcement notice, awaiting start letter from the Planning Inspectorate 	
<p>NEWICK</p> <p>Land at Jackies Lane, Newick – EN/16/0001</p> <p><u>Breach</u></p> <p>Unauthorised use of the land for storage</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • A number of opportunities given to the owner of the land to submit a planning application for the use and no application has been forthcoming • Enforcement notice now in the process of being drafted and prepared 	

Address/Breach	Current Position	SDNP area
<p>NORTH CHAILEY</p> <p>Land at Wapsbourne Wood, North Chailey EN/17/0082 and other cases</p> <p><u>Breach</u></p> <p>Unauthorised use of the woodland and erection of structures</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • 31 Planning Contravention Notices (PCN) served on all owners/occupiers of the woodland to establish what is taking place. • Planning enforcement officer and Tree officer carrying out site visits to check information received on PCN's is as per the wood and to determine what action is required 	
<p>RINGMER</p> <p>Downsview Farm, Laughton Road, Ringmer – EN17/0149</p> <p><u>Breach</u></p> <p>Two unauthorised residential units</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Two unauthorised residential units found on site whilst dealing with another matter • A Certificate of Lawful Use application for one of the units was submitted and refused due to lack of evidence to support the use had been continuous for at least 4 years • Enforcement notice served on 12.09.2019 • Effective date of the notice is 17.10.2019 unless an appeal is lodged beforehand 	

Address/Breach	Current Position	SDNP area
<p>TELSCOMBE CLIFFS</p> <p>16 The Esplande, Telscombe Cliffs – EN/16/0072</p> <p><u>Breach</u></p> <p>Unauthorised structure in the front garden</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Enforcement notice authorised and papers being drawn up for the service of the notice • Planning application submitted so enforcement notice on hold • The structure was removed from the planning application and application given 28 days to remove it. • Structure remains in situ so enforcement notice now being prepared to seek the removal 	

Contact Officer

The contact officer in connection with this report is Jennifer Baxter, Specialist Advisor (Planning Enforcement).

Ian Fitzpatrick,
Director of Regeneration and Planning
07/10/2019

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Report to	Planning Applications Committee
Date	20 November 2019
Title of Report	Summary of appeal decisions received from 1/7/19 to 30/9/19
Purpose of Report	To update members of the Planning Applications Committee on appeal decisions received.
Recommendation: To note the outcome of appeal decisions.	

I. Overview

- I.1 The attached table (**Appendix I**), ordered by date of decision, provides Members with a summary and brief commentary on the appeal decisions recently received by the Authority. This covers those appeals dealt with by the Lewes District Council for the Lewes District Council area but not those dealt with by Lewes District Council on behalf of the South Downs National Park Authority. These decisions will be reported by the SDNP.
- I.2 In summary, in the last 3 months there were:
 - 5 appeal decisions, 4 of which were dismissed (80%) and 1 allowed (20%).
 - No award of costs.
 - No Judicial Reviews.
- I.3 The Authority's appeal performance in the financial year to date is 83% of appeals being dismissed.
- I.4 Whilst the appeal decisions are individually important none raise issues of wider strategic importance to the Authority as a whole.

Key to Appeals Reporting

Appeal method

All are through written representations unless otherwise specified

Allowed A
Dismissed D

Planning Appeals			
Planning Application No	Site	Description of Development	Decision
LW/18/0513 APP/P1425/D/19/3224993	5A Stanley Road Peacehaven BN10 7SP	Extension to existing flat roof to provide additional living space.	D 2 July 2019 Delegated decision
Inspector's Reasoning <ul style="list-style-type: none"> Property sits below road level, road has variety of architectural styles, new development create eclectic streetscape. The proposed form, roof and architectural expression would be radically different from the host of the pair of semis and would read as a separate dwelling. Due to levels and prominent location the proposal would result in a bulky and overbearing appearance in relation to the host dwelling and the surroundings. The overbearing scale and design would be discordant with the host dwelling and appear incongruous within the street scene, contrary to ST3 and RES13. The proposal would also result in overshadowing and loss of light and be detrimental to the living conditions of the adjacent dwelling. It would also impact on overlooking and privacy to number 31 being detrimental to their living conditions. 			
Planning Application No	Site	Description of Development	Decision
LW/19/0066 APP/P1425/D/19/3228210	9 Carey Down, Telscombe Cliffs, Peacehaven BN10 7LF	Construction of a 3 storey side extension to an existing 3 storey split level detached house.	D 1 July 2019 Delegated decision
Inspector's Reasoning <ul style="list-style-type: none"> Whilst the elevations, fenestration and materials would match the existing, the increase in size would result in a cramped development, prominent within the street scene and at odds with the wider area, and not subsidiary to the host dwelling. It would be detrimental to the character and appearance of the area. 			

- The proposal would harm the living conditions of adjacent occupiers and result in the loss of 2 protected trees which make an important contribution to the character of the area.
- Did not consider that the increase in the number of bedrooms would result in increased parking demand or that the level of off street parking was unable to meet future needs.

Planning Application No	Site	Description of Development	Decision
LW/18/0989 APP/P1425/W/19/3225258	Thelkenber, Green Lane, South Street, Chailey BN8 4BT	Demolish existing dwelling and construct 5 x 2 storey houses	D 18 July 2019 Delegated decision

Inspector's Reasoning

- Result in significant intensification of the plot, significantly reduce the spacing either side of the plot giving a cramped appearance. Overly intensive development causing harm to the character and appearance of the area, unduly prominent within the street scene. Leads to unacceptable urbanisation of the plot out of keeping with the semi-rural character.
- It would be prejudicial to neighbouring occupiers through perceived and actual overlooking into private rear gardens. It would also not provide adequate living conditions for future occupiers due to size and internal arrangement.
- The inspector accepted the parking arrangement (tandem spaces).
- Considered the proposal would be contrary to ST3 CPI I and para 127 of the NPPF.

Planning Application No	Site	Description of Development	Decision
LW/19/0065 APP/P1425/W/19/3229364	45 Cliff Gardens Telscombe Cliffs BN10 7BX	Erection of a one bed house.	A 30 August 2019 Delegated decision

Inspector's Reasoning

- Site is occupied by a two storey semi-detached dwelling located in a quiet residential area. Permission refused due to impact on residential amenity, and impact on highway safety.
- It was not considered that the subdivision of the garden would not impact on privacy of neighbouring occupiers and the use would not impact on noise or disturbance. There would be no material harm to the living conditions of neighbours or future occupiers.

- The proposed parking arrangement would not have an unacceptable effect on highway safety.
- Whilst the narrower dwelling of differing design and appearance, as the area has a range of architectural style it was not considered that the proposed would appear incongruous when viewed from the public realm.

Planning Application No	Site	Description of Development	Decision
LW/18/0854 APP/PI425/W/19/3231717	Plot at end of Ringmer Road, Newhaven BN9 9TN	Building a 2 bedroom house	D 25 September 2019 Delegated decision

Inspector's Reasoning

- The site lies outside of the planning boundary and within the countryside. Well screened from public views by mature trees and dense foliage.
- Inspector considered that whilst the proposed dwelling would be well located in relation to the accessibility requirements within the NPPF, these would not overcome or out-weigh conflict with CTI which seeks to control development in the countryside and which would lead to the erection of an isolated home and not accord with any of the requirements of para 79 (a) to (e)
- The inspector did not agree with officers that the scheme would not be capable of providing adequate access parking and cycle storage.

Planning Application No	Site	Description of Development	Decision

Inspector's Reasoning

Appeal Reference	Site	Description	Decision

Inspector's Reasoning

Report to:	Planning Applications Committee
Date:	20 November 2019
Title:	Tree Preservation Order (No.2) 2019 – Caxton Court, Park Street, Falmer [file ref: 3825:0598]
Report of:	Specialist Advisor (Arboriculture)
Ward(s):	Kingston
Purpose of report:	To report to committee the objections and/or representations made in respect of the provisional Tree Preservation Order (No.2) 2019
Officer recommendation(s):	To confirm without modification Tree Preservation Order (No.2) 2019
Reasons for recommendations:	It is considered that the Sycamore tree (T1 of the Order) is a defining feature of this part of Falmer Village and a key component of the character of this part of Falmer Conservation Area and the South Downs National Park. The Council is under a duty to protect important trees where appropriate under Section 198 of the Town & Country Planning Act 1990.
Contact Officer(s):	Name: Daniel Wynn Post title: Specialist Advisor (Arboriculture) E-mail: Daniel.wynn@lewes-eastbourne.gov.uk Telephone number: 01273 085035

1 Introduction and background Information

- 1.2 Falmer village is located with the South Downs National Park (SDNP) which is administered by the SDNP Authority via its agents, which in this case is Lewes District Council. Please note the SDNP can decide to 'call in' or recover the case at any time and determine it themselves.
- 1.3 The site its self is located within Falmer Conservation Area. If a tree is located within a Conservation Area anyone who wishes to undertake works to trees that meet the size threshold must give this Authority six weeks' notice in writing (called a section 211 notification). Such a Notice to remove the tree in question was received on 16 July 2019 (reference SDNP/19/03580/TCA). Section 211 of the Town and Country Planning Act 1990 provides that anyone proposing to cut down or carry out work on a tree in a conservation area that is not protected by a Tree Preservation Order ("TPO") must give the local planning authority (LPA) six weeks' prior notice (a section 211 notice). This enables the LPA to decide whether it would be expedient to impose a TPO to protect the tree(s).

- 1.4 The tree is considered to be a feature of this part of Falmer Village and a key component of the character of this part of Falmer Conservation Area. As well as being visually prominent it is also considered that it provides ornament and beauty to the local area. It is considered that its loss would have a significant detrimental impact on the local environment and its enjoyment by the wider public.
- 1.5 It is also considered that the protection of the tree meets the first of the SDNP's twin purposes which is:
- *“To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.”*
- 1.6 Likewise section 40 of the Natural Environment & Rural Communities Act 2006 places a duty on the Council to preserve and/or enhance biodiversity, which will include trees and the flora and fauna they support:
- *Section 40: “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those function, to the purpose of conserving biodiversity “*
- 1.7 For the above reasons a provisional Tree Preservation Order was imposed to preserve the tree in the wider public interest. The term provisional means that the initial Order came into effect on a temporary basis on **20 August 2019**, and will remain in force for six months until **20 January 2020** after which it will expire and cease to provide legal protection for the tree.
- 1.8 The Scheme of Delegations provide that The Director of Regeneration and Planning has delegated powers to deal with tree preservation orders except when objections to the making of the Order have been received then confirmation with or without modifications of the Order shall be referred to the Planning Applications Committee for determination

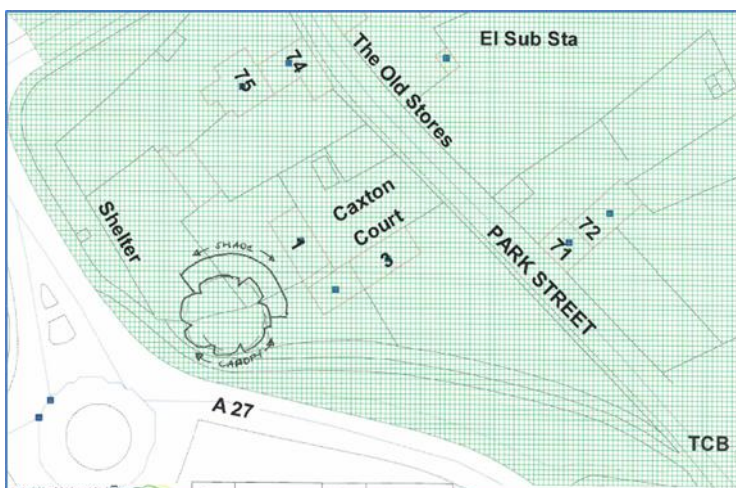
2 Written Representations

- 2.1 Letters have been received from the occupants of 1 and 2 Caxton Court, and the occupant of the Swan Public House, Park Street, Falmer each of which object to the confirmation of the Tree Preservation Order and by implication the refusal of the application to fell the tree in question.
- 2.2 The principle points made against the imposition of the Order are as follows:
- They disagree with the visual importance attributed to the tree
 - They consider a Sycamore tree to be an invasive weed species and not worthy of protection.
 - They consider its condition to be questionable particularly in relation to the pair of co-dominant stems which supports the canopy.
 - They consider it to be too large and too tall and that if it were to fall it would ‘demolish’ the surrounding dwelling houses. There is also a fear of damage to the building foundations from the tree’s rooting system.

- They point out that the canopy causes loss of light to the house and garden and that shade has a detrimental impact on the ability to grow a vegetable garden.
- The tree sheds leaves, seeds and 'sap' which is a burden to clear up
- The tenants of the property state they are willing to replace it

3 Information

- 3.1 The Committee's principle consideration should relate to the 'amenity' value of the tree. In addition, special attention should be given to the desirability of preserving or enhancing the character or appearance of the conservation area and as agents acting on behalf of the SDNPA, to meeting the first of the twin purposes of the SDNP.
- 3.2 No evidence has been submitted to corroborate the claim that the tree is in a poor condition or at an elevated risk of failure or that it is causing localised differential soil shrinkage (subsidence damage) to nearby building structures. We will of course reconsider the situation in the light of any new information submitted in accordance with mandatory requirements of an application to undertake works to the tree.
- 3.3 The size and height of trees, or the fear of it falling is not sufficient reason in its self to allow the lopping, topping or removal of important trees. Research by the centre for decision analysis and risk management (DARM) demonstrates that the overall risk to the public from falling trees is extremely low and broadly well within the Tolerability of Risk Framework (ToR). ToR is recognised internationally and by the UK's Health & Safety Executive (HSE) as way of assessing, quantifying and managing risk.
- 3.4 The issue of loss of light is accepted and is a material consideration when determining whether to confirm the Order. The degree and extent of shade over a solar year, however, is not considered sufficient to have a significant detrimental impact on the reasonable use and enjoyment of the house and garden in this case. The approximate position of the tree and the approximate shade segment is shown on the following illustration which is orientated on a north/south axis.



- 3.5 The deposition of leaves, seeds and general tree dander is a natural consequence of nature and is not considered to be a material consideration in this case. Likewise, the deposition of 'sap', which in actual fact is called Honeydew, is a harmless sugary deposit from aphids which is generally easily cleaned from surfaces with soapy water. In both cases the clearance of fallen leaves, the removal of seedlings and the cleaning of garden furniture are all considered to be part of routine household and garden maintenance.
- 3.6 In deciding whether a tree in a conservation area merits a TPO, the LPA's main consideration should be the amenity value of the tree. In addition, the council must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Even if the tree's amenity value may merit a TPO the authority can still decide that it would not be expedient to make one. Likewise, in our capacity as agents acting on behalf of the SDNPA consideration should also be given to the first of the SDNP's twin purposes which is to "*..conserve and enhance the natural beauty, wildlife and cultural heritage of the area.*"

'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order. Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm a TPO they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.

4 Material Considerations

- 4.1 It is considered that the tree both merits and qualifies for a Tree Preservation Order.
- 4.2 It is considered that the protection of the tree meets the first of the SDNP's twin purposes to conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
- 4.3 The relative risks to people and/or property is statistically so small as to be practicably negligible and as a consequence is not considered to be a material consideration in this case.
- 4.4 The shedding of leaves, seeds etc is not considered to be a material consideration and is instead is regarded as a consequence of the natural environment. The clearing of material such as fallen leaves is considered to be part of routine household maintenance.
- 4.5 With regards claims concerning potential harm or damage to property the Council can reconsider its position in the light of any evidence put forward that would support claims of this nature.

5 Summary

- 5.1 The relative visual amenity value of the tree is considered to outweigh the reasons given against the imposition of the Order and for this reason the imposition of the TPO is considered to be justified. .

6 Financial appraisal

- 6.1 There are no financial implications for the SDNPA or LDC at this time.

7 Legal implications

- 7.1 Once a TPO is confirmed there is no right of appeal to the Secretary of State. However it is possible to apply to the High Court for a TPO to be quashed (section 284 and section 288, TCPA 1990). An application must be made within six weeks from the date of confirmation of the TPO. The challenge can only be made on a point of law, not on the merits of the decision.

008732-EBC-HM 08.11.2019

8 Risk management implications

- 8.1 There are no identifiable risks to the South Downs National Park Authority or Lewes District Council at this time.

9 Equality analysis

- 9.1 An Equality Analysis is not constructive in this instance.

10 Sustainability implications

- 10.1 It is considered that there are no relevant sustainability implications in accordance with LDC Sustainability Policy (Dec 2018).

11 Appendices

- Appendix 1 – Photographs of the principle views of the Sycamore tree (T1 of the Order)
- Appendix 2 – Copy of TPO plan
- Appendix 3 – Plan of Falmer Conservation Area.

12 Background papers

The background papers used in compiling this report were as follows:
(please provide a URL link to each paper – remove this text from final version)

- Tree Work Application SDNP/19/03580/TCA
<https://planningpublicaccess.southdowns.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

- Tree Preservation Order (No.2) 2019 – Caxton Court, Park Street, Falmer [file ref: 3825:0598]
- Amenity Assessment (file 3825:0598)
- Common Sense Risk Management of Trees: Tree Safety Group (Forestry Commission –Forest Research)
<https://www.forestresearch.gov.uk/research/common-sense-risk-management-of-trees/>

Appendix 1 – View from public footpath and national cycle route



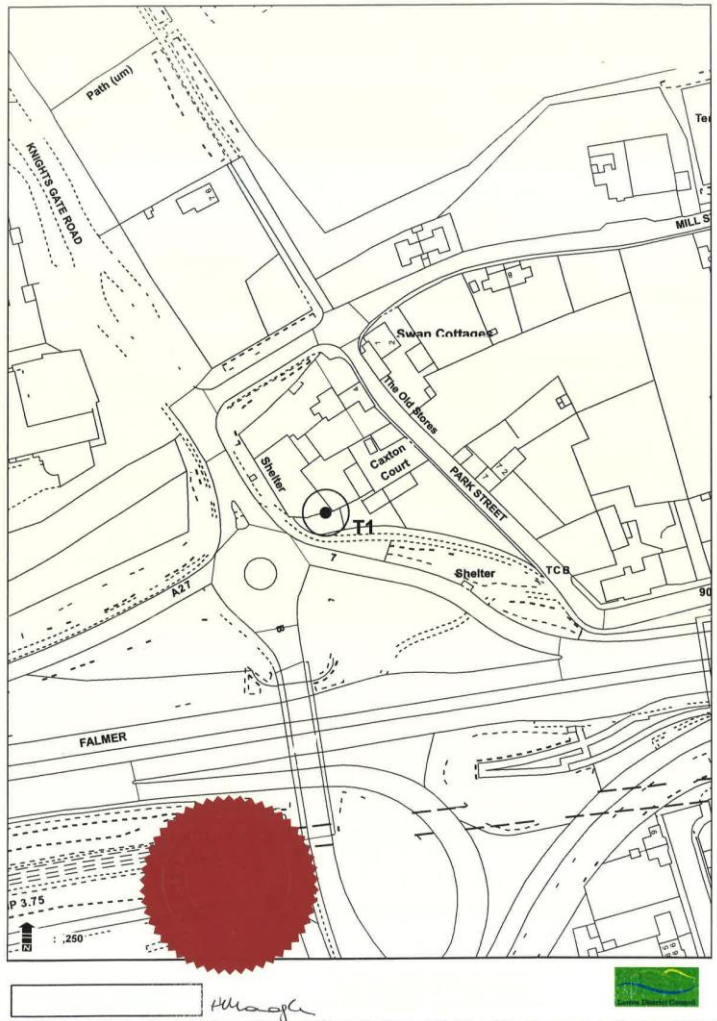
Below: View from A27 Falmer slip road and B2128 Knights Gate Road (which access Sussex University).



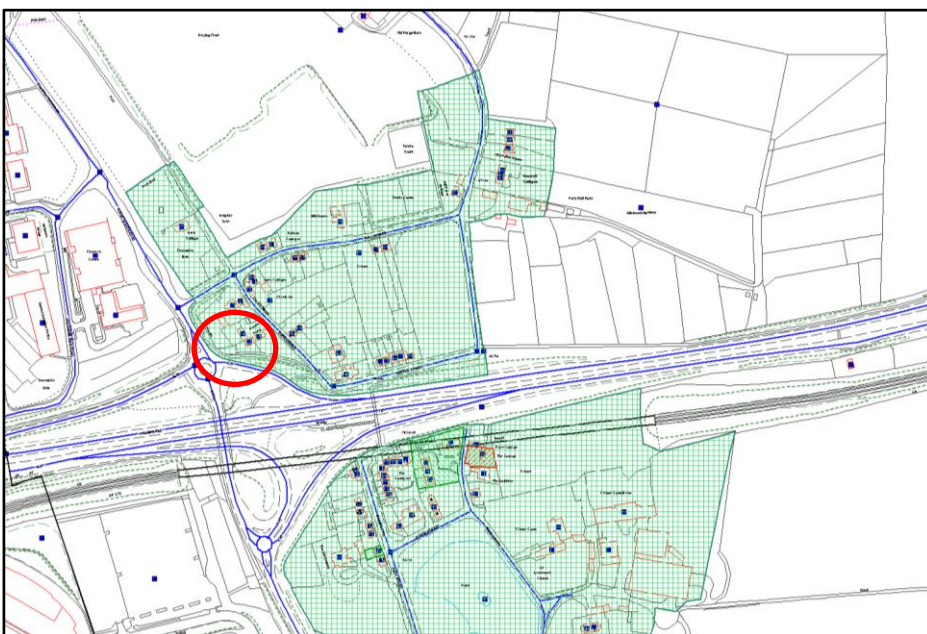
Below: View from Park Street at rear and from Falmer Conservation Area



Appendix 2 – Copy of the Tree Preservation Order plan



Appendix 3 – Plan of Falmer Conservation Area (shaded green)



Report to:	Planning Applications Committee
Date:	20 November 2019
Title:	Tree Preservation Order (No.3) 2019 – 18 Common Lane, Ditchling [file ref: 3825:0599]
Report of:	Specialist Advisor (Arboriculture)
Ward(s):	Ditchling & Westmeston
Purpose of report:	To report to committee the objections and/or representations made in respect of the provisional Tree Preservation Order (No.3) 2019.
Officer recommendation(s):	To confirm without modification Tree Preservation Order (No.3) 2019.
Reasons for recommendations:	It is considered that the pair of Deodar Cedar trees (T1 and T2 of the Order) are an important arboricultural feature and a defining element of this part of the South Downs National Park. The Council is under a duty to protect important trees where appropriate under Section 197 of the Town & Country Planning Act 1990.
Contact Officer(s):	Name: Daniel Wynn Post title: Specialist Advisor (Arboriculture) E-mail: Daniel.wynn@lewes-eastbourne.gov.uk Telephone number: 01273 085035

1 Introduction

- 1.1 Ditchling is located within the South Downs National Park (SDNP) which is administered by the SDNP Authority via its agents, which in this case is Lewes District Council. Please note the SDNP can decide to 'call in' or recover the case at any time and determine it themselves
- 1.2 In accordance with The Town and Country Planning Act 1990, if it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees they may for that purpose make an order with respect to such trees as may be specified in the order
- 1.3 The Town and Country Planning (Tree Preservation)(England) Regulations 2012/605 provides for the procedure for making tree preservation orders. A tree preservation order comes into force on the date it is made, which in this case was 23 August 2019 and lapses after six months, unless it has been confirmed by the Local Planning Authority (LPA).

- 1.4 The 2012 regulations state that the LPA shall not confirm an order which they have made unless they have considered the objections and representations made, after which they may confirm with or without modification, or not confirm the order
- 1.5 The Order has been raised in response to a potential threat to the trees which came to light during a routine planning enquiry (ref SDNP/19/03277/DINPP). This triggered an assessment of the two trees and shortly after the above provisional Tree Preservation Order was imposed.

2 Site Description

- 2.1 The site is located at the northernmost end of Ditchling Village on eastern side of Common Road. The property forms part of a widely spaced set of detached dwellings on the eastern side of the road facing the open countryside to the west.
- 2.3 The residential side of Common Road is reasonably well populated with predominately, but not exclusively, ornamental type trees most of which appear to be of comparable age to the dwellings they grow near to. The opposite side of the road by contrast is simply open mixed arable fields with little in the way of tree cover

3 Representations

- 3.1 The Scheme of Delegations provide that The Director of Regeneration and Planning has delegated powers to deal with tree preservation orders except when objections to the making of the Order have been received then confirmation with or without modifications of the Order shall be referred to the Planning Applications Committee for determination
- 3.2 There have been one letter received from the tree owners of the property at 18 Common Lane. The reasons for objecting to the Order are reproduced verbatim as follows:

“My main objection is that I do not wish to be constrained by a TPO in the event that the trees become a Health and Safety issue or pose a threat to the property (physical or unsustainable and unreasonable financial maintenance burden). In terms of health and safety, apart from the air quality issue currently across the site (see photo of pollen in a puddle on the drive) and the occasional fallen unripe fruit the size and weight of a small hand grenade (I have a 5 year-old son), I worry about the proximity of the tree to my sons bedroom in the event of a storm. These are huge trees and I understand that several of this species blew down in this area in the great storm of '87 – some 30 years ago. The trees are a lot taller and wider now; they threaten not only No.18 but also No.16 Common Lane. Our neighbour said that last time the trees were pruned they produced some 8 tonnes of wood !

The second objection relates to the structure of our house as well as drainage. Our structural engineer has stated in 2 separate reports that:

“the two mature trees adjacent to the southern boundary need to be severely pollarded or trimmed so as to restrict their water demand”. We’re also struggling with the continuous stream of needles which fill gutters, block downpipes, block drains and unfortunately are probably responsible for the silting up of the soak-away in the front garden, which in turn is causing a drainage issue. I note that one of the branches is now almost touching my neighbour’s chimney (house actually built 2014, not 1920)”.

4 Information

- 4.1 The Committee’s principle consideration should relate to the visual ‘amenity’ value of the tree. Consideration should be given to the desirability of preserving or enhancing the character or appearance of the area and as agents acting on behalf of the SDNPA, to meeting the first of the twin purposes of the SDNP which is to “..conserve and enhance the natural beauty, wildlife and cultural heritage of the area.”
- 4.2 The size and height of trees, or the fear of it falling is not sufficient reason in its self to allow the lopping, topping or removal of important trees. Research by the centre for decision analysis and risk management (DARM) demonstrates that the overall risk to the public from falling trees is extremely low (about 1:10 million chance of an individual being seriously injured or worse) and broadly well within the Tolerability of Risk Framework (ToR). ToR is recognised internationally and by the UK’s Health & Safety Executive (HSE) as way of assessing, quantifying and managing risk
- 4.3 The deposition of leaves, seeds and general tree dander is a natural consequence of nature and is not considered to be a material consideration in this case. The clearance of fallen leaves (needles), flowers, pollen etc is considered to be a routine part of ordinary household and garden maintenance.
- 4.4 No evidence has been submitted to corroborate the claim that the trees are causing actual localised differential soil shrinkage or subsidence damage to nearby building structures. We will of course reconsider the situation in the light of any new information submitted in accordance with the requirements of an application to undertake works to the tree.
- 4.5 It is reasonable for the tree owner to expect permission to prune branches that are touching, or about to touch through incremental growth building structures. A tree work application submitted in the normal way will be assessed so as to consider whether or not the proposal is justified, having regard to the reasons put forward in support of it.

5 Material Considerations

- 5.1 It is considered that the trees both merit and qualify for a Tree Preservation Order.
- 5.2 It is considered that the protection of the trees meets the first of the SDNP’s twin purposes to conserve and enhance the natural beauty, wildlife and cultural heritage of the area.

- 5.3 The relative risks to people and/or property is regarded to be statistically so small as to be practicably negligible and as a consequence is not considered to be a material consideration in this case.
- 5.4 The shedding of leaves, seeds etc is not considered to be a material consideration and is instead is regarded as a consequence of the natural environment. The clearing of material such as fallen leaves is considered to be a routine part of ordinary household maintenance.
- 5.5 With regards claims concerning potential harm or damage to property the Council can reconsider its position in the light of any evidence put forward that would support claims of this nature.
- 5.6 In deciding whether a tree merits a TPO, the LPA's main consideration should be the amenity value of the tree. Even if the tree's amenity value may merit a TPO the authority can still decide that it would not be expedient to make one.

Likewise, in our capacity as agents acting on behalf of the SDNPA consideration should also be given to the first of the SDNP's twin purposes which is to "...conserve and enhance the natural beauty, wildlife and cultural heritage of the area."

'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order. Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm a TPO they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.

6 Summary

- 6.1 The relative visual amenity value of the tree is considered to outweigh the reasons given against the imposition of the Order and for this reason the imposition of the TPO is considered to be justified.

7 Financial appraisal

- 7.1 There are no financial implications for the SDNPA or LDC at this time.

8 Legal implications

- 8.1 Once a TPO is confirmed there is no right of appeal to the Secretary of State. However it is possible to apply to the High Court for a TPO to be quashed (section 284 and section 288, TCPA 1990). An application must be made within six weeks from the date of confirmation of the TPO. The challenge can only be made on a point of law, not on the merits of the decision.

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9 Risk management implications

- 9.1 There are no identifiable risks to the South Downs National Park Authority or Lewes District Council at this time.

10 Equality analysis

- 10.1 An Equality Analysis is not constructive in this instance

11 Sustainability and/or carbon reduction implications

- 11.1 It is considered that there are no relevant sustainability implications in accordance with LDC Sustainability Policy (Dec 2018).

12 Appendices

- Appendix 1 – Photographs of the principle views
- Appendix 2 – Copy of TPO plan

13 Background papers

- 13.1 The background papers used in compiling this report were as follows:
- Planning Enquiry SDNP/19/03277/DINPP
 - Tree Preservation Order (No.3) 2019 – [file ref: 3825:0599]
 - Amenity Assessment (file 3825:0599)

Appendix 1 – View from public highway (18 Common Lane, Ditchling).



View from the South looking North (16 Common Lane in the foreground)



Appendix 2 – Copy of the Tree Preservation Order plan

