

# Planning Applications Committee

22 July 2020



Working in Partnership



Time: 5.00pm

**PLEASE NOTE:** This will be a 'virtual meeting', held remotely in accordance with section 78 of the Coronavirus Act 2020 and section 13 of the related regulations.

Members of the press and public can view or listen to proceedings by clicking on the link provided on the agenda page on the Council's website.

Instructions for members of the Committee and Officers to join the meeting have been circulated separately.

**\*Anticipated Membership:**

Councillor Sharon Davy (Chair); Councillors Graham Amy, Lynda Duhigg, Tom Jones, Christoph von Kurthy, Sylvia Lord, Imogen Makepeace, Milly Manley, Laurence O'Connor, Nicola Papanicolaou and Steven Saunders

*\*Membership of the Planning Applications Committee will be confirmed at the Lewes District Annual Full Council meeting on Monday, 20 July 2020.*

**Quorum: 5**

*Published: Monday, 13 July 2020*

## Agenda

**1 Introductions**

**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 Election of Vice-Chair**

To elect a Vice-Chair of the Planning Applications Committee for the remainder of the 2020/2021 municipal year.

**5 Minutes (Pages 5 - 8)**

To confirm and sign the minutes of the previous meeting held on 1 July 2020 (attached herewith).

**6 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 posted on the Council's website prior to the start of the meeting to update the main reports with any late information.

**7 Petitions**

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

**8 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**

**9 LW/19/0205 - Land at Valley Road, Newhaven, East Sussex, BN9 9TH**  
(Pages 9 - 26)

**10 LW/20/0124 - Land adjacent to The Rough and Vernons Road, Newick, East Sussex** (Pages 27 - 36)

**11 LW/18/0566 - Nuggets, Valebridge Road, Burgess Hill, West Sussex, RH15 0RT** (Pages 37 - 66)

**Non-planning application related items**

**12 Date of next meeting**

To note that the next meeting of the Planning Applications Committee which is scheduled to commence at 5:00pm on Wednesday, 12 August 2020, will take place in a virtual capacity, via Microsoft Teams, and in accordance with section 78 of the Coronavirus Act 2020 and section 13 of the related regulations.

## 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:** 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.

**Public participation:** Please contact Democratic Services (see end of agenda) for the relevant deadlines for registering to submit a speech on a matter which is listed on the agenda if applicable. Where speeches are normally allowed at a Committee, live public speaking has temporarily been suspended for remote meetings. However, it remains possible to submit speeches which will be read out to the committee by an Officer.

## 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 meeting while the matter is being considered (unless he/she has obtained a dispensation).

**Councillor right of address:** A member of the Council may submit a question to ask the Chair of a committee or sub-committee 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 Head of Democratic Services 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.

**Other participation:** Please contact Democratic Services (see end of agenda) for the relevant deadlines for registering to speak on a matter which is listed on the agenda if applicable.

## Democratic Services

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

**Email:** [committees@lewes-eastbourne.gov.uk](mailto:committees@lewes-eastbourne.gov.uk)

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Working in Partnership



## **Planning Applications Committee**

**Minutes of the remote meeting held (via Microsoft Teams) on 1 July 2020 at 5.00pm**

### **Present:**

Councillor Sharon Davy (Chair)

Councillors Steve Saunders (Deputy-Chair), Graham Amy, Lynda Duhigg, Tom Jones, Christoph von Kurthy, Sylvia Lord (Minute No 140 to 145 and Minute No 147 to 149), Sean MacLeod, Imogen Makepeace, Laurence O'Connor (Minute No 140 to 145 and Minute No 147 to 149) and Roy Burman

### **Officers in attendance:**

Andrew Hill (Senior Specialist Advisor, Planning)  
Jennifer Norman (Committee Officer, Democratic Services)  
Leigh Palmer (Interim Head of Planning)  
Joanne Stone (Solicitor, Planning)

### **140 Introductions**

The Chair introduced members of the Committee via roll call, and those officers present during the remote meeting.

### **141 Apologies for absence/Declaration of substitute members**

An apology for absence had been received from Councillor Nicola Papanicolaou. Councillor Roy Burman declared that he was acting as substitute for Councillor Papanicolaou for the duration of the remote meeting.

### **142 Declarations of interest**

Councillor Lord declared a disclosable pecuniary interest in agenda item 8 (planning application LW/20/0058) as she was owner of the property.

Councillor Jones declared a personal interest in agenda item 8 (planning application SDNP/20/00069) as he knew the applicant.

Councillor O'Connor declared a personal and prejudicial interest in agenda item 8 (planning application LW/20/0058).

### **143 Minutes**

The minutes of the meeting held on 10 June 2020 were submitted and approved, and the Chair was authorised to sign them as a correct record.

**144 Petitions**

There were none.

**145 Written questions from councillors**

There were none.

**146 LW/20/0058 - Bybuckle Court, Marine Parade, Seaford, East Sussex, BN25 2PZ****Resolved:**

That planning application LW/20/0058 for change of use from a nursing home to residential flats (six dwellings) be refused for the following reason:

- 1) The inadequate size of the flats, and the cramped and inadequate level and arrangement of parking, represents an overdevelopment of the building.

*(Councillor Lord declared a disclosable pecuniary interest in relation to the application as she was owner of the property. She therefore left the meeting for this item and did not take part in the consideration, discussion and voting thereon.)*

*(Councillor O'Connor declared a personal and prejudicial interest in relation to the application. He therefore left the meeting for this item and did not take part in the consideration, discussion and voting thereon.)*

**147 SDNP/20/00069/HOUS - 26 Shirleys, Ditchling, Hassocks, East Sussex, BN6 8UD**

Written representations for the proposal were read aloud by the Committee Officer on behalf of Simone May (applicant), David Collins (agent) and Julie Middleton (neighbour).

**Resolved:**

That planning application SDNP/20/00069/HOUS for remodelling to form a two-storey dwelling with single storey rear extension, two-storey side extension, raising the ridge to create a first floor and demolition of existing detached garage be refused, subject to the reasons set out in the report.

*(Councillor Jones declared a personal interest in relation to the application as he knew the applicant. He therefore took part in the consideration, discussion and voting thereon.)*

**148 SDNP/19/05763/HOUS - Astley, 5 Ashcombe Lane, Kingston, Lewes, East Sussex, BN7 3JZ**

A written representation from Fiona Johnson was read aloud by the Committee Officer on behalf of Kingston Parish Council. Written representations for the proposal were read aloud by the Committee Officer on behalf of Paul Sheffield (applicant) and Grant Sheperd (agent).

**Resolved:**

That planning application SDNP/19/05763/HOUS for demolition of existing single dwelling and replaced with a four bedroom detached house be approved, subject to the conditions set out in the report.

**149 Date of next meeting****Resolved:**

That the next meeting of the Planning Applications Committee which is scheduled to commence at 5:00pm on Wednesday, 22 July 2020 in a virtual capacity, via Microsoft Teams, and in accordance with section 78 of the Coronavirus Act 2020 and section 13 of the related regulations, be noted.

The meeting ended at 7.54pm.

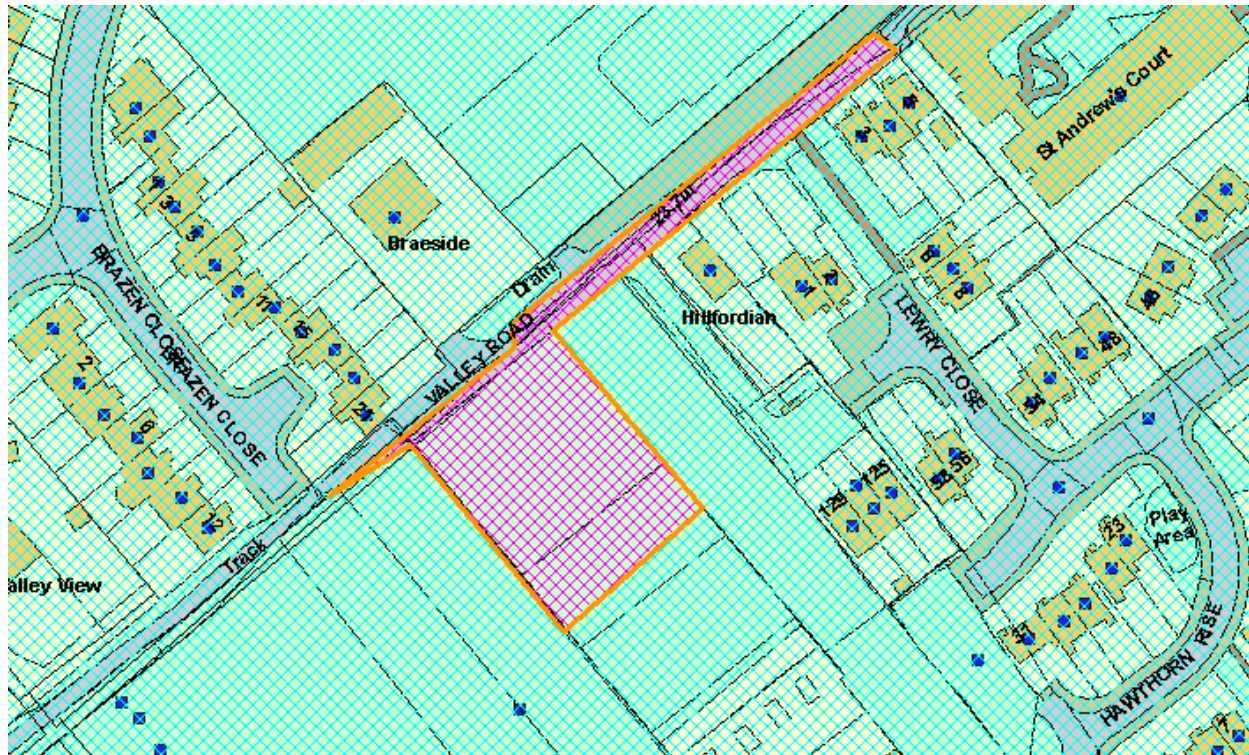
Councillor Sharon Davy (Chair)

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# Agenda Item 9

<b>APPLICATION NUMBER:</b>	LW/19/0205		
<b>APPLICANTS NAME(S):</b>	Jass and Co.	<b>PARISH / WARD:</b>	Newhaven / Newhaven Valley
<b>PROPOSAL:</b>	Outline planning application for erection of 9 x 3 bedroom dwellings with off road parking and landscaping and new access from Valley Road		
<b>SITE ADDRESS:</b>	Land at Valley Road, Newhaven, East Sussex, BN9 9TH		
<b>GRID REF:</b>			



## 1. SITE DESCRIPTION / PROPOSAL

Site and surrounding area.

1.1 The application site is located on the south side of Valley Road, Newhaven, oriented NW/SE. The site covers approximately 0.4ha and is rectangular in shape with a narrow leg extending from the south east corner. It slopes steeply upwards from north-west to south-east and across the site. Formerly in use as a paddock, the site is covered with low grade vegetation. There are hedges and some trees on the site boundaries; none are protected. To the south east is a detached property set in a large plot. To the north-east and north-west are low density residential developments in a mix of house types and styles. The site immediately adjacent to the south-west, known as August Fields, is a much larger housing scheme that is currently under construction, with its vehicular access from the A259 (ref. LW/12/0850). Valley Road runs from Lewes Road in a north-east/south-west direction before turning a right angle to join with the A259. The section of Valley Road that starts alongside the application site and terminates at the A259 is an un-adopted single track, with very limited access for vehicles. Beyond the site to the south east are Peacehaven Golf Club and the SDNP.

Proposal

1.2 Outline Planning Permission, with only access and layout determinable at this stage, is sought for the development of the site to provide 9 x 3 bedroom properties arranged as 4 pairs of semi-detached and 1 detached house in a cul-de-sac. Each house will have 2 off-street parking spaces, with 2 unallocated visitor spaces with a turning area at the south-east end of the site, a total of 20 spaces. An area at the front of the site will be laid out as a vehicle turning area for general use to ease the access issues along this part of the road. This has been provided at the request of ESCC Highways. Finally, each house is indicated as having a shed in the rear garden for cycle storage. The site boundary has been amended since the application was submitted to incorporate an area to mitigate the impact on the ecological value of the part of the site that is to be developed.

## 2. RELEVANT POLICIES

**LDLP: – CP2 – Housing Type, Mix and Density**

**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**

**LDLP: – DM1 – Planning Boundary**

**LDLP: – DM24 – Protection of Biodiversity**

**LDLP: – DM25 – Design**

**LDLP: – DM26 – Refuse and Recycling**

**NTP: - NE1 – Biodiversity protection and enhancement**

**NTP: - D1 – Promoting good design**

**NTP: - D2 – Design and climate change**

**NTP: - H1 – A Spatial Strategy for Newhaven**

**NTP: - R1 – Recreation, Leisure and Local Green Spaces**

**NTP: - T1 – Congestion Mitigation and Sustainable Movement**

### **3. PLANNING HISTORY**

**LW/11/0419** - Residential development of 150 Units comprising 26 x 1 Bed Houses, 14 x 2 Bed Houses, 20 x 2 Bed Maisonettes, 82 x 3 Bed Houses and 8 x 4 Bed Houses - **Withdrawn**

**LW/14/0853** - Erection of twelve x three bedroom houses and four x two bedroom houses, including creation of access from Valley Road - **Refused**

**LW/15/0881** - Erection of 8 x 3 bedroom semi-detached houses and 1 x 3 bedroom detached house all with parking and associated landscaping and new turning area - **Withdrawn**

### **4. REPRESENTATIONS FROM STANDARD CONSULTEES**

**Main Town Or Parish Council** – The committee objected to this development on the following grounds:

- Increase of congestion on the highway, especially when children arrive and leave the school. It was not felt that the improvements proposed to the road surface would be sufficient to mitigate against the increase in traffic and danger to pedestrians accessing the school.
- Drainage issues.
- Damage to the local ecology and protected species. It was felt that the species survey was inadequate and there was no information about what had happened to protected species in contravention of the International Berne Convention.
- Lack of visitor parking, due to the narrowness of the access road. There were concerns that parking would take place in the turning area.
- Increased pressure on Valley Road, the committee suggested passing places should be provided further down Valley Road.
- Difficulties of access for service vehicles.

The committee asked for this application to be decided by the Lewes District Council Committee.

#### **Planning Policy Team –**

Post LPP2 approval

This planning application should be considered against the policies of the adopted Lewes District Local Part 1: Joint Core Strategy (LPP1), the adopted Lewes District Local Plan Part 2: Site Allocations and Development Management Policies (LPP2) and the 'made' Newhaven Neighbourhood Plan (NNP).

The application site is located within the Newhaven planning boundary and is allocated for residential development by Policy NH01 of the LPP2. Whilst the application only applies to part of the wider site allocated by Policy NH01, it is acknowledged that the indicative layout

allows for the remaining part of the allocated site to come forward in future, utilising the proposed access from Valley Road.

In principle, therefore, the proposed development is acceptable, subject to compliance with the criteria (a) to (d) of Policy NH01 and other relevant development plan policies, in particular Core Policies 2, 11, 12, 13 of the LPP1, Policies DM24, DM25 and DM26 of the LPP2, and Policies D1, D2, H1, NE1, R1 and T1 of the NNP.

#### Principle of development in this location

The application site is located in the North West area of Newhaven town and within the planning boundary (Policy CT1 was replaced by Policy DM1 of the adopted LPP2) where the principle of development is generally acceptable. The development proposal comprises of nine net dwellings. The site is currently scrubland and bordered by housing to the east and north. Land to the west has recently been granted planning permission for the development of 85 dwellings (LW/18/0406). If the application site were approved and developed it would sit well within the general wider residential area.

In addition to the above, the application site covers the northern section of the larger 2003 LDLP housing site allocation; retained 'saved' Policy NH4. The allocation is for the development of 24 net dwellings. Policy NH4 has been reviewed as part of the LPP2 and remains a housing allocation, Policy NH01, for 24 net dwellings.

It is acknowledged that the indicative layout submitted by the Applicant allows for the remaining part of the allocated site to come forward in future, utilising the proposed access from Valley Road. This aspect of the development should be retained in the layout and design at the future Reserved Matters stage.

#### Summary

The proposed development is located within the planning boundary (Policy CT1) and established residential area. The development forms part of the adopted 2003 LDLP housing allocation (NH4) for 24 net dwellings, the principle of which is retained by the LPP2. From a planning policy perspective, provided that the proposal is otherwise compliant with relevant policies within the Development Plan, then it should be recommended for approval.

#### Newhaven Neighbourhood Plan

This planning application should be considered against the policies of the development plan for Lewes District. These comments are provided with regard to the Newhaven Neighbourhood Plan, but all relevant development plan policies and documents should be considered in the assessment of the application.

The Newhaven Neighbourhood Plan was 'made' on 27<sup>th</sup> November 2019 and its policies carry full weight in decision-taking. The following policies are relevant to the planning application:

- Policy D1 – Promoting Good Design
- Policy D2 – Design and Climate Change
- Policy H1 – A Spatial Strategy for Newhaven
- Policy NE1 – Biodiversity Protection and Enhancement
- Policy R1 – Recreation, Leisure and Local Green Spaces
- Policy T1 – Congestion Mitigation and Sustainable Movement

## Design

Criteria 4, Policy D1 applies in the context of this planning application. The design of a scheme should be formulated against its sub-criteria and planning applications should be subject to these requirements to the satisfaction of the case officer.

In all cases, Policy D2 applies. Criteria 3. of this policy states that the proposed scheme is, "...expected to demonstrate how it is resilient to longer term impacts of climate change where appropriate". By using the content of the policy, this resilience should be demonstrated to the satisfaction of the case officer. It should be noted that SuDS are included in the body of the policy.

## Natural Environment

The site could be considered to be lowland calcareous grassland. In order to fully address the requirements of Policy NE1, this point should be examined within a relevant assessment for biodiversity. The submitted documents do not mention this point or whether the site would meet this classification. If the site is considered to be lowland calcareous grassland or another biodiversity asset identified in criteria 1., Policy NE1, appropriate mitigation measures should be provided as per criteria 2. of the policy.

In all cases, criteria 3. of Policy NE1 applies and actions to increase ecological value should be provided to the satisfaction of the case officer. It is noted the application enclosures make some recommendations in this respect.

## Opportunities

Criteria 2. of Policy R1 states that, "Development proposals should take every opportunity to contribute to a connected recreational green network and provision of new open spaces/playing fields". There appears to be no acknowledgment of this point within the planning application enclosures.

**ESCC SUDS** – Whilst the application documentation has not met all the County Council's requirements, it is possible that the risk is capable of being mitigated to acceptable levels by the application of planning conditions which are outlined in this response.

## **ESCC County Ecologist – Policy Context**

1. Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that: "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."

The Duty applies to all public authorities in England and Wales, including all local authorities. Conserving biodiversity includes restoring and enhancing species and populations and habitats, as well as protecting them.

2. The National Planning Policy Framework (NPPF, 2018) states that "the planning system should contribute to and enhance the natural and local environment by 'protecting and enhancing ' sites of biodiversity or geological value'" and "minimising impacts on and providing net gains for biodiversity '" (paragraph 170).

3. The NPPF sets out principles that local planning authorities should seek to apply when determining planning applications to protect and enhance biodiversity; these include refusing planning permission if significant harm to biodiversity from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for; refusing development that would result in

the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees), unless there are wholly exceptional reasons and a suitable compensation strategy exists; and encouraging opportunities to incorporate biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity (paragraph 175).

4. Paragraph 99 of ODPM Circular 06/2005 states "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision".

#### Potential impacts on biodiversity

5. Insufficient information has been provided to assess the potential impacts of the proposed development on biodiversity. The ecological report submitted with the application is dated September 2014, and reports a Phase 1 survey that was undertaken recently after the site had been cleared. The report included little contextual information about the surrounding area. BS42020:2013 Biodiversity - code of practice for planning and development states that ecological information should be fit to inform the decision-making process, and should be sufficiently up-to-date (e.g. not normally more than two/three years old, or as stipulated in good practice guidance).

6. The South Downs National Park lies c. 130m to the north and west of the site (at the nearest point) and there are Local Wildlife Sites (LWS or Sites of Nature Conservation Importance) to the southeast, west and north, the closest being Meeching Down LWS which lies c. 150m to the southeast. There are multiple records of protected and notable species from the local area including great crested newts and reptiles.

7. In light of the above, and in line with BS 42020:2013, an Ecological Impact Assessment (EclA) of the site should be carried out to assess the likely impacts of the scheme on biodiversity. Ecological impacts should be assessed, and recommendations for appropriate mitigation, compensation and enhancement made in accordance with the Chartered Institute for Ecology and Environmental Management (CIEEM) guidance. The survey and assessment should consider the proposed development and the surrounding area, and should include a data search from the Sussex Biodiversity Record Centre.

In line with the NERC Act and the NPPF, it should consider the existing nature conservation resource of the site, identify impacts and assess the need for avoidance, compensation and new benefits for biodiversity, including the potential to create and/or strengthen connectivity between existing habitats.

As a minimum, such an assessment should be informed by a Preliminary Ecological Appraisal (PEA). Should a PEA of the site indicate the potential for protected species, further surveys may be required. Surveys should be carried out in accordance with best practice guidelines and Natural England's standing advice.

#### Summary

In summary, further information is required to assess the potential impacts of the proposed development on biodiversity and to inform appropriate mitigation, compensation and enhancement; this information is required before the application can be determined. Further advice will be provided upon receipt of additional information.

## **Updated ecology comments following submission of additional information**

The preliminary ecological appraisal in 2014 and the subsequent update in 2019 did not pick up on the Local Wildlife Sites very close to the site (see letter from Kate Cole ESCC 11/04/19) and because of this, the PEA and planning application do not address ecological connectivity within the wider landscape.

The application should, therefore, include a soft landscaping plan that promotes connectivity through thick mixed native species hedges with rough ground (and space for this hedge to spread to approx. 4m around the perimeter of the site).

The L shaped area marked white on the attached map, should be protected (including during site works and for the long term) and ecologically enhanced as per consultant's recommendations in the email below. A planting scheme, a method statement and an ongoing biodiversity management plan for this area must be agreed before any works can commence.

Though the site was mown short prior to both ecological assessments (2014 and 2019), photographs reviewed, including planning officer's site visit photographs, and google aerial mapping (2019), show that the site is not kept mown short all the time. Given the approx. 200 reptiles trapped on the neighbouring site during development, there is a residual risk of reptiles within suitable edge habitats on this site. There is also a risk of reptiles readily colonising further suitable habitats as they develop, such as longer rough grass and ruderals. Precautionary measures should be employed. The plans for the L-shaped area must include reptile-suitable habitat.

## **5. REPRESENTATIONS FROM LOCAL RESIDENTS**

Five representations were received from various local residents objecting due to additional traffic created by the development, lack of parking, overlooking, loss of privacy, increased danger to pedestrians, compromised access, loss of open space, effect on wildlife, lack of infrastructure.

A further objection was received from a resident of a small development of three properties adjacent to the site which are located in a small cul-de-sac off Valley Road. Concerns were raised that the residents of these properties did not receive letters, that their properties were not shown on the submitted location plan, that the proposal would encroach onto their land and result in the loss of trees. Other objections raised are as noted above.

An objection was received from 'Community Action Newhaven' regarding the "poor access" and impact on parking and loss of open-land, lack of affordable housing.

## **6. PLANNING CONSIDERATIONS**

### **Principle of development**

6.1 The site falls within the planning boundary, so there is no in-principle objection to the development of the site in the context of policy DM1, subject to compliance with other planning considerations. Policy H1 of the Newhaven Neighbourhood Plan supports residential development within the planning boundary.

6.2 Crucially, the site is also allocated under policy NH01, which states that it has potential for 24 new dwellings and should be accessed from Valley Road. However, this allocation refers to a larger area which includes the house and garden of the property known as Jace and which is understood to be in the applicant's ownership; this property is not included



within the red line boundary of this application. Given that the application site is just under 34% of the area in the plan allocation, and taken together with the need to provide an on-site turning area and adequate buffers with adjacent residential development, it is considered that a quantum of 9 dwellings is appropriate.

6.3 Policy CP2 seeks a range of dwelling types and sizes to meet *“the identified local need, based on the best available evidence. This need will generally include 1 and 2 bedroom homes for single person households and couples with no dependents.”* Studies that informed the NPP also identified a need for family housing, which is generally considered to be at least 3 bedrooms. The adjacent site, currently under construction (LW/12/0850) has a mix of 15 x 2 bed, 63 x 3 bed and 7 x 4 bed houses. Property sizes in the wider area range from 2-4 bedroom houses. The proposal falls within this range.

6.4 Policy CP2 also states that *“Account will also need to be given to the existing character and housing mix of the vicinity...”* and that new housing developments will be expected to *“Reflect the site context including the character of the surrounding area, site accessibility, and the size and type of dwellings needed in the locality, to achieve densities in the region of 47 to 57 dwellings per hectare for the towns and 20 to 30 dwellings per hectare for the villages. Higher or lower densities may be justified by the specific character and context of a site.”* The proposed density of the development, excluding the rear part of the site that is to be set aside as an ecology area, is 32 dph. The density of the adjacent site currently under construction is 29 dph. The density of the surrounding, existing residential development generally falls within the range 25-34 dph. In terms of density and local character, the proposal meets these criteria.

6.5 Taking all of the above factors into consideration, it is considered that the proposal does not conflict with Policy CP2.

#### Design and layout

6.6 The only matters for consideration under this Outline Application are access and layout. The layout shows four pairs of semi-detached houses on either side of a central access road in a staggered arrangement due to the turning area at the front of the site. The detached house is at the top end in the south-west corner. As the site slopes in two directions, the houses are also stepped at intervals across and along the site to follow the contours. At the top end of the site there are two visitor parking spaces and a turning area, beyond which is a strip of land that will be landscaped to enhance the ecology of the site. The layout is considered to be acceptable and can accommodate the number of proposed dwellings without detriment to the wider surroundings and meeting the recognised standards, and therefore complies with policies CP11, DM25 and D1.

6.7 The indicative elevations and supporting documentation indicate that the design of the new houses and materials will be traditional pitched tiled roofs, brick at ground floor and cladding at first. Details of materials are to be secured by condition.

#### Access, Traffic and parking

6.8 No formal comments have been received from ESCC Highways in respect of this current application, although it is acknowledged that objections were raised under the two previous applications. These were in relation to the unsuitability of the section of Valley Road leading to the site, lack of turning area and rights of access.

6.9 The applicant's agent has submitted copies of pre-application correspondence with the ESCC Highways that the previous objections and concerns could be resolved if the applicant agreed to fund the construct a section of road and pavement leading to the site and a turning



area for general use within the site. These works, which lie outside the site will be secured by s106 and the turning area, which is shown on the submitted drawings, will be secured by condition.

6.10 The Highways Calculator for the site indicates a need for just over 20 car parking spaces for this development; 20 spaces have been provided – two per dwelling and two for visitors. Details of the cycle storage facilities, indicated on the plans, will be required by condition.

6.11 It is considered that the proposal meets the relevant criteria in policies CP11, CP13, DM25 and T1.

#### Amenity

6.12 The layout of the houses within the site will ensure that mutual overlooking is minimised; the houses are staggered on opposite sides of the access road and the front-to-front distance between them is 15m. The semi-detached houses have 5m long gardens, which wrap around to the side of the dwelling, as do the properties on the adjacent site under-construction, so there is no overlooking conflict between them. The three properties adjacent to the site along the eastern boundary, 125-129 Valley Road, face Valley Road and are located to the south of the proposed new houses. Again, there would be no overlooking or overshadowing conflicts with these properties.

6.13 The detached house is oriented to the north-east with the bulk of its garden to the front. Again, there would be a 10m gap between the side of this house and the new properties on the adjacent site.

6.14 In terms of the amenity of the future residents, it is noted that the proposed houses do not fully comply with the Nationally Described Space Standards. There are also a number of minor drafting errors. However as the application is in outline with just two matters to be considered, and the drawings are clearly labelled as 'Indicative' these issues can be resolved at Reserved Matters or Full Application stage. Each house has sufficient space to provide refuse and recycling bins.

6.15 In relation to amenity, it is considered that the proposal meets the relevant criteria in policies CP11, DM25, DM26 and D1

#### Ecology/open space

6.16 One of the key concerns surrounding this application has been the impact of the proposal on the ecological value of the site. Following discussions with the in-house Ecology and Landscape Team and the County Ecologist, the boundary of the development site has been amended to encompass land to the south-east that is in the applicant's ownership and originally shown outlined in blue, so that it can be used as an ecological mitigation site. Details of how the area will be planted and managed are to be secured by condition and within the S106. Policy R1 states that "*Development proposals should take every opportunity to contribute to a connected recreational green network and provision of new open spaces/playing fields*". Whilst the proposal does not offer an opportunity to make such a contribution, it should be noted that the site is opposite a Public Footpath that leads directly on to the SDNP.

6.17 It is considered that the proposal as amended will fulfil the requirements of policies DM24, NE1 and R1.

## Sustainability and drainage

6.18 Since the application was submitted, the applicant's agent has worked with the SUDs Team to devise a drainage strategy that is considered to be acceptable and that will comply with policies CP12 and D2. They are satisfied that conditions can be imposed that will ensure that any risk is capable of being mitigated to acceptable levels.

6.19 Conditions are also recommended seeking detailed sustainability measures for the scheme as well as for the provision of electric car charging points, in compliance with policies CP13, CP14 and D2.

## Response to representations

6.20 The Local Plan Policy comment regarding safeguarding the rest of the site allocated under policy NH01 is noted. However, the use of part of the allocation for an ecology area in this application will preclude this section being utilised for development. This partition of the allocated site leaves only the house and garden of the property known as Jace and it is not known when or if this part of the site will become available. Furthermore, given the reduction in the site area and the constraints afforded by the ecology area and the parking and turning area, it is unlikely that a future scheme would satisfactorily link in with the development currently under consideration. For this reason, it is not considered appropriate to seek to retain a link with the remainder of the site.

6.21 The Neighbourhood Policy comments are noted. Regarding policy NE1, the Ecology Survey and updates that were submitted with the application describes the site consisting of 'cleared tall ruderal vegetation and short sward semi improved grassland mosaic rather than lowland calcareous grassland. As noted above and in the conditions, ecological mitigation measures are sought. Regarding R1, the limitations of the site do not offer opportunities for provision of new open space or contributing to a recreational green network. However, it should be noted that opposite the site is a Public Footpath that leads directly into the SDNP.

6.22 Most of the neighbour objections have been covered in the report. With regard to lack of consultations, this issue was investigated and the three properties were sent letters at the same time as all other neighbours in the vicinity of the site. The properties in question, which were built within the last five years, do not show on the Ordnance Survey maps yet; the updating of these maps is not in the council's control. However, the addresses are on the council's Gazetteer system that generates neighbour consultation letters.

6.23 Regarding encroachment, the applicant is satisfied that the boundary shown on the location plan is correct; there is a fence along most of the length of this boundary and there is no intention to remove this fence. Notwithstanding, this matter is outside of the jurisdiction of planning legislation. Finally, no trees are to be removed to facilitate this development.

## S106

6.24 The applicant has agreed to enter into a S106 agreement to secure the formation of a section of new road way and pavements leading to the site, the extent of which is to be agreed, as well as securing the ecological mitigation site.

## 7. RECOMMENDATION

7.1 On balance, the proposal with the site boundary amended to allow space for ecological enhancements, is considered to be acceptable and to broadly meet all relevant policy requirements, and will make a small but welcome contribution to the District's Housing Land Supply. Approval subject to s106 is recommended.

**The application is subject to the following conditions:**

1. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason: To comply with the provision of Section 92(2) of the Town and Country Planning Act 1990 (as amended)

2. No development shall commence until drawings showing the detailed layout of the site, floor plans and elevations of the proposed new dwellings have been submitted to and approved in writing by the Local Planning Authority. (Those floor plans should ensure that the dwellings comply with the National Space Standards). The development shall be carried out in accordance with the approved drawings. The floor plans shall be annotated to demonstrate compliance with the Nationally Described Space Standard.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policies CP11 and DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

3. No development shall commence until details/samples of all external materials 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.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policies CP11 and DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

4. No development shall commence until details, including materials, of all hard and soft landscaping and boundary treatment 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.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policies CP11 and DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

5. No development shall commence until details of the ecological mitigation area and a future maintenance plan for the area 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.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policy DM24 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

6. No development shall commence until detailed drainage drawings and calculations have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include evidence (in the form hydraulic calculations and infiltration testing in accordance with the BRE365) that surface water discharge rates are limited to the equivalent greenfield runoff rates for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. All works shall be carried out in accordance with the approved details.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity having regard to policy CP12 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

7. No development shall commence until detailed design of the attenuation pond/tank/permeable pavement has been submitted to and approved in writing by the Local Planning Authority. The detailed design shall be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. In the event this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system shall be provided. All works shall be carried out in accordance with the approved details.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity having regard to policy CP12 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

8. The detailed design of the drainage scheme shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely. Details shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity having regard to policy CP12 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

9. No development shall commence until maintenance and management plan for the entire drainage system has been submitted to and approved in writing by the planning authority to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall 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.
- b) Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development

These details shall thereafter remain in place for the lifetime of the development.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity having regard to policy CP12 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

10. No development shall commence until details of measures to manage flood risk, both on and off the site, during the construction phase have been submitted to and approved in writing by the Local Planning Authority. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development. All works shall be carried out in accordance with the approved details.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity having regard to policy CP12 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

11. No development shall commence until details of the layout of the new access and/or the specification for the construction of the access have been submitted to and approved in writing by the Local Planning Authority and the use hereby permitted shall not commence until the construction of the access has been completed in accordance with the specification set out on Form HT407 which is attached to and forms part of this permission. Such details to be approved should include revised plans and details incorporating the recommendations given in the Stage 1 Road and Safety Audit and accepted in the Designers Response.

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

12. No development shall take place until details of finished floor levels and ground levels in relation to the existing ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of the character of the locality having regard to Policies CP11 and DM25 of the Lewes District Local Plan and the National Planning Policy Framework.

13. No development or works in connection with the development hereby approved, including site preparation works, shall take place until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide information including details of the:

a) anticipated number, frequency and types of vehicles to be used during construction;

b) methods of access and routing of vehicles, including those of site operatives, during construction;

c) parking of vehicles of contractors, site operatives and visitors;

d) loading and unloading of plant, materials and waste;

e) storage of plant and materials used in construction of the development;

f) the appearance, erection and maintenance of security fencing;

g) provision 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);

h) measures to control the emission of dust, dirt, air pollution and odour during demolition and construction;

i) temporary lighting for construction and security;

j) public engagement both prior to and during construction works;

k) means of safeguarding public rights of way or providing temporary diversions.

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 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 CEMP; and

o) assurance that the construction will be undertaken in accordance with the Considerate Constructor's Scheme

The approved CEMP shall thereafter be implemented and adhered to throughout the entire site preparation and construction period.

Reason: In the interests of highway safety and the environmental amenities of the area, having regard to guidance within the National Planning Policy Framework

14. No development shall take place until detailed drawings, including levels, sections and construction details of the proposed estate road, along with details of surface water drainage, outfall disposal and street lighting (as necessary), in accordance with the local highway authority's standards, have been submitted to and agreed in writing by the Local Planning Authority. The roads shall thereafter be constructed in accordance with the approved drawings and details.

Reason: In the interest of highway safety and for this benefit and convenience of the public at large.

15. No development above ground floor slab level of any part of the development hereby permitted shall commence until a report has been submitted to, and approved in writing by, the Local Planning Authority, to include details and drawings to demonstrate how a minimum of 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage.

The report shall identify how renewable energy, passive energy and energy efficiency measures will be generated and utilised for each of the proposed buildings to collectively meet the requirement for the development. The approved details shall be implemented with the construction of each dwelling and thereafter retained.

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.

16. No development above ground floor slab level of any part of the development hereby permitted shall commence until details of the siting and design of external electric car charging points have been submitted to and approved in writing by the Local Planning 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.

17. Prior to the occupation of any new dwelling within the development hereby approved, full details of covered and secure cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority. These areas shall thereafter be retained for that use and shall not be used other than 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 Policy CP13 of Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework

18. Prior to the occupation of any new dwelling within the development hereby approved, full details of storage for refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. These areas shall thereafter be retained. .

Reason: In the interests of the amenities of the area, having regard to guidance within the National Planning Policy Framework.

19. No part of the development shall be occupied until the access road, pavements, car parking spaces for both occupants and visitors, and the vehicle turning areas have been constructed and provided in accordance with the approved plans. The areas 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 and in the interests of road safety for the development.

20. Prior to occupation of the development, evidence (including photographs) shall be submitted to and approved by the Local Planning Authority showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity having regard to policies CP12 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

21. No site clearance or construction works shall take place outside 0800 hours to 1800 hours Mondays to Fridays and 0830 hours to 1300 hours on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

Reason: In the interests of the amenities of the area, having regard to guidance within the National Planning Policy Framework.

22. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) 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 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 Core Policy 11 of the Lewes District Local Plan and the National Planning Policy Framework.

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 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.

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

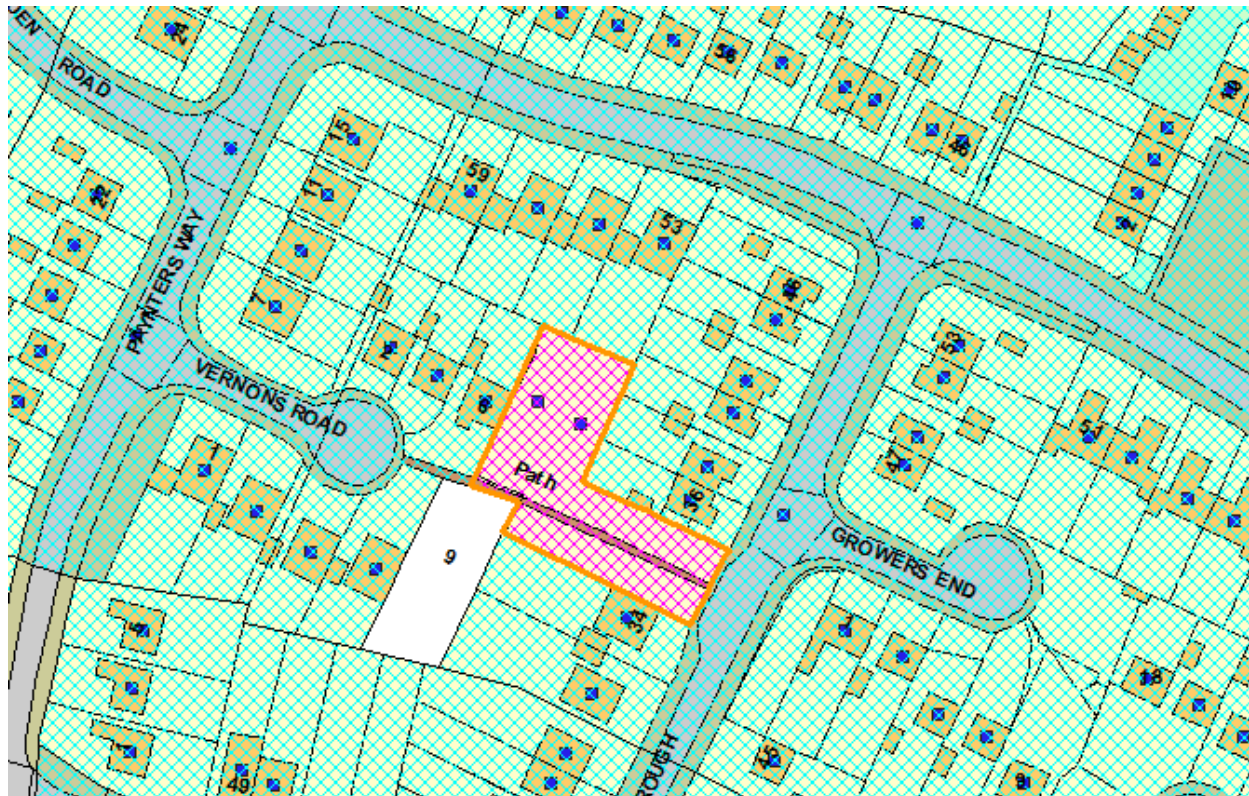
<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Technical Report	8 March 2019	Habitat Survey
Proposed Block Plan	23 March 2020	14.09.18.3.050 Proposed block plan 1:500
Existing Block Plan	23 March 2020	14.09.18.3.001 Existing block plan 1:500
Location Plan	23 March 2020	14.09.18.3.002 Revised location plan 1:1250
Proposed Block Plan	23 March 2020	14.09.18.3.002 Revised indicative block plan 1:500
Proposed Floor Plan(s)	23 March 2020	14.09.18.3.003 Revised indicative block plan 1:500
Proposed Floor Plan(s)	23 March 2020	14.09.18.3.004 Revised indicative block plan 1:500
Proposed Elevation(s)	23 March 2020	18.11.09.3.005 Indicative N and E elevations 3 bed detached house 1:100
Proposed Elevation(s)	23 March 2020	18.11.09.3.006 Indicative W and S elevations 3 bed detached house
Proposed Elevation(s)	23 March 2020	18.11.09.3.007 Indicative E and W elevations 3 bed semi-detached houses 1:100
Proposed Elevation(s)	23 March 2020	18.11.09.3.008 Indicative N S W and E elevations 3 bed semi-detached houses 1:100
Proposed Elevation(s)	23 March 2020	18.11.09.3.009 Indicative east site elevation 1:200
Technical Report	4 October 2019	SUDs Statement
Location Plan	23 March 2020	14.09.18.3.002 Location Plan 1:1250
Proposed Block Plan	23 March 2020	14.09.18.3.002 Proposed Block Plan 1:500
Other Plan(s)	23 March 2020	14.09.18.3.050 Drainage Plan 1:500



Proposed Elevation(s)	23 March 2020	18.11.09.3.009 Indicative Site Elevations East and Section BB 1:200
Proposed Floor Plan(s)	23 March 2020	14.09.18.3.003 Indicative Plans Detached House 1:100
Proposed Floor Plan(s)	23 March 2020	14.09.18.3.004 Indicative Plans Semi-Detached Houses 1:100
Proposed Elevation(s)	23 March 2020	14.09.18.3.005 Indicative Elevations N and E Detached House 1:100
Proposed Elevation(s)	23 March 2020	14.09.18.3.006 Indicative Elevations S and W Detached House 1:100
Proposed Elevation(s)	23 March 2020	14.09.18.3.007 Indicative Elevations E and W Semi-Detached Houses 1:100
Proposed Elevation(s)	23 March 2020	14.09.18.3.008 Indicative Elevations E and W Semi-Detached Houses 1:100

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<b>APPLICATION NUMBER:</b>	LW/20/0124		
<b>APPLICANTS NAME(S):</b>	West Construction	<b>PARISH / WARD:</b>	Newick / Newick
<b>PROPOSAL:</b>	Reserved matters application (access, appearance, landscape, layout and scale) following outline approval 18 June 2018 for one pair of semi-detached 3 bedroom houses (Ref: LW/18/0048)		
<b>SITE ADDRESS:</b>	Land adjacent to The Rough and Vernons Road, Newick, East Sussex		
<b>GRID REF:</b>			



## **1. SITE DESCRIPTION / PROPOSAL**

1.1 The site, which previously formed a small pocket of greenspace, has been cleared and building work commenced in the form of foundations and a modest amount of brick courses above slab level. This work has ceased following enforcement action.

1.2 The site is located beside a tway that provides a link between The Rough and Vernons Road. It is flanked by fences serving the rear gardens of dwellings on Oldaker Road and The Rough on the northern and eastern boundaries respectively and the side boundary fence and flank elevation wall of 6 Vernon Road on the western boundary.

1.3 Surrounding development is predominantly residential and formed of a mix of detached and semi-detached two-storey dwellings, interspersed with bungalows. Site frontages are generally open and landscaped, whilst surrounding roads are bordered by grass verging and occasional street trees, generating a semi-rural character and appearance.

1.4 Due to the topography of the surrounding area, which slopes downwards towards the Ouse valley to the north, the site is at a raised level in comparison to those to the north on Oldaker Road.

1.5 The site has outline approval for the provision of a pair of semi-detached three-bedroom dwellings, granted under application LW/18/0048. This followed the allocation of the site for the provision of a pair of semi-detached bungalows or houses within the Newick Neighbourhood Plan (Policy HO5).

1.6 The application seeks approval of reserved matters (layout, scale, appearance, landscaping and access) following the approval of outline permission for a pair of semi-detached three bedroom dwellings occupying the site.

1.7 Three earlier applications for approval of reserved matters, LW/19/0263, LW/19/0517 and LW/19/0809, have previously been refused on account of the scheme being overly bulky, discordant with the appearance of surrounding development and the potential for overlooking and loss of light.

1.8 In response, the applicant has submitted a revised scheme incorporating the following amendments to the building:-

- o Removal of ground floor garage/store
- o Reduction in footprint from 68.5m<sup>2</sup> to 59m<sup>2</sup> (per dwelling);
- o Altering the location of the dwellings, moving further south, so the front elevation is level with the neighbouring property (No.6 Vernons Close) , and the rear elevation projects 0.9m further than the rear of the neighbour (previous application projected 3m)

1.9 The footprint of the dwellings on the submitted plan is similar in terms of area, orientation and position to the footprint shown on the indicative layout plan R18.NK.01B which formed part of the outline application. It is also worth noting that Condition 4 of the Outline Consent required the Reserved Matters submitted to be in general conformity with this plan.

## **2. RELEVANT POLICIES**

**LDLPP2** – DM25 Design

**LDLPP2** – DM26 Refuse and Recycling

### 3. PLANNING HISTORY

**LW/18/0048** - One pair of semi-detached three bedroom houses with integral garages and parking spaces – **Approved**

Whilst this consent was outline with all matters reserved a lot of detail was actually agreed. The submitted layout plan showed a pair of semi-detached properties with the front elevation behind No.6 Vernons Close and projecting beyond the rear of this property into the site. Condition 4 of this consent required the reserved matters to be in general conformity with the approved drawings.

**LW/18/0050** - One pair of semi-detached two bedroom bungalows with integral garages and parking spaces – **Withdrawn**  
Nothing on the file to indicate why this was withdrawn.

**LW/18/0080** - Modification of agreement dated 26 April 1968 pursuant to s37 of the Town and Country Planning Act 1962 to remove restrictive covenant regarding use as a play area - **Approved**

**LW/19/0263** - Application in respect of reserved matters including; finished floor levels, boundary treatment confirmation, final design of floor plans and elevations, driveway surfacing, cycle parking, bin storage, CEMP, re-positioning of part of the public footpath within the site. In relation to application LW/18/0048 – **Refused**

Refused for the following reasons:

The proposed development, due to its height and footprint when assessed against the surrounding dwellings is considered overly bulky and large, and which due to its prominent visible location is considered to be detrimental to the street scene; therefore would be contrary to Policies ST3, CP11 and DM25 of the Lewes District Local Plan.

The proposal fails to provide adequate outside amenity space for future occupiers of the three bedroom properties, together with poorly designed and located refuse storage blocking access to the rear gardens, contrary to Policies ST3/DM25 and CP11 of the Lewes District Local Plan.

**LW/19/0517** - The erection of a pair of semi-detached houses following Outline Consent granted under LW/18/0048 (Elevations, internal layouts, parking spaces, final access location) and approval of details reserved by condition 12 of application LW/18/0048 – **Refused**

Refused for the following reasons;

1. The proposed development would, by reason of the scale, bulk and footprint, constitute over development of the site to the detriment of visual amenity and the character of the locality, contrary to saved policy ST3 and policy CP11 of the Lewes District Local Plan, and having regard to the National Planning Policy Framework.
2. The proposed development would, by reason of the design and external appearance, have a detrimental impact on visual amenity and the wider street scene, contrary to the aims and objectives of saved policy ST3 and policy CP11 of the Lewes District Local Plan, and having regard to the National Planning Policy Framework.
3. The proposed development would, by reason of the scale and siting, give rise to overlooking, loss of privacy and loss of light, to the detriment of the residential amenity of

neighbouring residents, contrary to saved policy ST3 and policy CP11 of the Lewes District Local Plan, and having regard to the National Planning Policy Framework. An appeal was lodged and subsequently dismissed by decision dated 26 February 2020. The following points are of note from the Inspectors decision.

Paragraph 10 states 'The 2 storey element of the dwellings would not be out of keeping with the character of the area, however due to the semi-detached nature of the development the overall scale and mass of the build form in its entirety would appear as an incongruous addition to the street scene, This would be exasperated by the lack of detailing to the built form, and the failure to incorporate materials into the design that are seen through-out the area such as hung tiles and wood cladding.'

In reference to No.6 Vernons Road paragraph 12 states 'A small gap is retained between the appeal development and the boundary, however the development would still be in close proximity to the boundary. At the rear the development would extend significantly beyond the rear elevation of No 6, at a height of two storeys. Due to the existing staggered nature of Vernons Road this would create a tunnel effect, and the appeal dwelling would create an overbearing and oppressive form of development.'

In terms of the impact on other properties paragraph 13 states 'There are a number of surrounding properties, and the back gardens of these dwellings would have an intimate relationship with the back gardens of the proposed dwellings. However, the distances between the built form would not be uncommon in this setting, and it would be possible to impose landscaping conditions that would secure privacy for surrounding occupiers.'

The Inspector's Decision concludes that permission has been granted for two dwellings on the site, however the current scheme would result in harm to the character of the area, and the living conditions of neighbouring properties and the appeal was dismissed.

**LW/19/0809** - Reserved matters application for the approval of layout, scale, landscaping, appearance and access following Outline Consent LW/18/0048 (Part retrospective) – **Refused**

Refused for the following reasons;

1. The proposed development would, by reason of the scale, bulk and footprint, constitute over development of the site to the detriment of visual amenity and the character of the locality, contrary to saved policy ST3 and policy CP11 and DM25 (1 and 2) of the Lewes District Local Plan, and having regard to the National Planning Policy Framework.
2. The proposed development would, by reason of the design and external appearance, have a detrimental impact on visual amenity and the wider street scene, contrary to the aims and objectives of saved policy ST3 and policy CP11 (viii), DM25(1) of the Lewes District Local Plan, and having regard to the National Planning Policy Framework.
3. The proposed development would, by reason of the scale, siting and overbearing nature, give rise to overlooking, loss of privacy and loss of light, to the detriment of the residential amenity of neighbouring residents, contrary to saved policy ST3 and policy CP11 (viii) and DM25 (7) of the Lewes District Local Plan, and having regard to the National Planning Policy Framework.

#### **4. REPRESENTATIONS FROM STANDARD CONSULTEES**

**ESCC Highways** – COMMENTS AS PER APPLICATION LW/19/0517 - ACCESS ARRANGEMENTS ARE UNCHANGED FROM THE PREVIOUS SCHEME.

This application is for two new dwellings with access from The Rough which already has Outline Planning permission under LW/18/0048, thus the principle has already been approved. The access width is shown to be 4.5m wide for a distance of 6m from its junction with The Rough which is acceptable to the highway authority as it provides for a two way flow of traffic. Two car parking spaces for each dwelling is to be provided together with 2 additional visitor spaces for the development along with a turning area. This provision is in accordance with ESCC's car parking requirements and is therefore acceptable.

There is a footway across the site on the east to west axis which runs alongside the proposed access road. This footway forms part of the adopted public highway which should and will remain as such with this proposed development and will need to remain open to the public during the construction of the development. The creation of the two visitor car parking spaces and turning space will therefore require formal crossovers of this public footway in addition to the access onto The Rough itself and can be secured by condition.

#### **5. REPRESENTATIONS FROM LOCAL RESIDENTS**

- 5.1 The following properties have objected to the application;  
36, 38, 42 The Rough; 53, 55 Old Acre Road; 6 Vernons Road; 20 Birkbeck Road, Sidcup,  
for the following reasons:

Quality of plans/submission  
Overbearing on adjacent properties  
Height above ground level as site is sloping  
Overlooking/privacy impacts  
Loss of light to surrounding properties  
Impacts on car parking  
No change in height from previous refusal  
Footprint and therefore bulk has not been reduced just brought forward  
Overly bulky design discordant with surrounding properties  
No attempt has been made to accommodate the natural gradient of the land.  
Given the height above ground level of the finished floor level the development would be oppressive and overbearing  
Unacceptable design and external appearance

#### **6. PLANNING CONSIDERATIONS**

Principle:

6.1 The principle of providing two semi-detached three bedroom dwellings within the site has been established following the grant of outline permission under application LW/18/0048. The site is allocated for such a development by policy HO5 of the Newick neighbourhood Plan.

6.2 The application for reserved matters relates not to the principle of the development but to its layout, appearance and scale as well as access and landscaping arrangements.

6.3 The proposed scheme will therefore be assessed against relevant local and national policies that seek to prevent unacceptable harm to environmental, visual or residential amenity and to maintain highway safety.

## Residential Amenity:

6.4 The site is located within a relatively densely developed residential area where buildings are generally within close proximity to others and gardens are subject to a degree of overlooking.

6.5 The eastern flank elevation of the proposed building is approximately 16.1 metres to the west of the rear elevations of 36 and 38 The Rough. The rear elevation of the building is positioned approximately 27 metres from the rear elevations of properties at 53 and 55 Oldaker Road. This degree of separation is comparable with the relationship between existing buildings nearby.

6.6 Condition 5 of the Original Outline Consent requires details to be submitted of the finished floor levels and ground levels of surrounding properties. A section plan has been submitted with this application showing the different in ground levels.

6.7 The submitted section shows the land falls away from the site towards Oldaker Road, so the dwellings will have an additional impact from being on higher ground and given they are two storey whereas Oldaker are bungalows. However 27m is considered an acceptable distance in this context. Views from first floor windows would be similar to views offered from the rear windows of dwellings on Vernons Road towards properties on Oldaker Road and Paynter Way and, owing to the distances maintained between buildings, it is not considered that these views would be intrusive.

6.8 As acknowledged in the previous appeal decision. The impacts can be mitigated further by way of screening and a condition of the original outline required a landscaping scheme to be submitted. A further condition of this application is recommended to include screening to the boundaries.

6.9 In terms of impact on properties to the east there would be additional overlooking at an angle. Given the built up area it is not considered that this overlooking is significantly more than already exists. Furthermore, any windows in the flank elevations can be required by condition to be obscurely glazed and fixed shut at low level to alleviate overlooking. It is acknowledge that the land falls away to the rear of the site and the eastern dwelling would have a finished floor level 60cm above ground level, therefore the rear doors will have to have stepped access to the rear garden. No decking or terrace is proposed in this application and this would require planning permission. The rear elevation shows doors on the western property to be provided to both the kitchen and living room, this could be reduced to only the living room which is further from the boundary, and therefore reducing the overlooking. Again vegetative screening on this boundary would assist with some overlooking that will result from the use of the rear door.

6.10 Whilst only 1.5 metres would be maintained between the western flank elevation of the dwellings and the eastern flank elevation of 6 Vernons Road (the flank wall forms the boundary), this would be a 'side to side' relationship, the flank elevation of 6 Vernon Road being windowless whilst the western elevation of the proposed dwellings contains only a bathroom window which would be obscurely glazed.

6.11 The proposed dwelling has been altered to reduce the amount the new dwellings extend beyond the rear of 6 Vernons Way, now 0.9m previously proposed 3m. This is consistent with the indicative layout plan, R18:NK:01B which was submitted with the outline application. Condition 4 of the approval of the outline application states that the development 'shall be in general conformity with drawing numbers R18.NK.03A, R18.NK.02A and R18.NK.01B'.



6.12 The building is in line with minimum floor standards, providing 97.5m<sup>2</sup> floorspace for a 3 bed, 5 person dwelling, the Technical Housing Standards - nationally described space standards recommend an internal floor area of 93m<sup>2</sup> for this size of property. Therefore it is not really possible to provide a smaller footprint dwelling and meet the size recommendations.

6.13 Whilst it is accepted that the plan submitted with the outline consent was indicative to a certain degree the original conditions did require that the footprint be in line with that shown on the approved plan, and the description indicated the size of property.

6.14 The previously refused scheme (LW/19/0809) proposed an eaves height of 5m with the ridge height of 7.5m, this application retains the same eaves height, but incorporates a hipped roof 7m in height. This would reduce the bulk on the side elevations.

6.15 It is considered that the reduction in the projection beyond the rear elevation of No.6 Vernons Road overcomes concerns raised in previous applications and the Appeal Inspectors decision. Less than 1m project is not considered to result in a tunnelling effect. There will undoubtedly be some impact from the proposal but it is not considered this is sufficient to warrant refusal of the application on this ground.

#### Living Conditions Future Occupants:

6.16 The proposed dwellings all exceed the minimum Gross Internal Area (GIA) standards for two-storey three bedroom dwellings as defined within the DCLG's Technical housing standards - nationally described space standard (2015).

6.17 All habitable rooms would be well served by clear glazed windows allowing for a good level of access to natural light and ventilation. The layout of each dwelling is considered to be clear and uncluttered, with awkwardly shaped rooms and overly long corridors avoided.

6.18 Each dwelling would have access to private rear amenity space of approximately 110 sqm area which is considered to be of a suitable size for a three bedroom family household and comparable in size to rear gardens serving neighbouring dwellings.

6.19 It is therefore considered that the proposed dwellings would provide good quality living conditions for future occupants.

#### Design and Visual Impact:

6.20 The wider area is relatively mixed in terms of dwelling sizes/types. To the west are detached properties, to the north bungalows and to the east pairs of semi's. Therefore the pair of semi-detached properties would not be out of character in principle and the footprint is in line with other properties and accords with the original outline approval.

6.21 From previous refusals the design has been re-considered, the properties have a projecting element to the front elevation with a hipped roof slightly lower than the full ridge to reduce the bulk. The first floor is proposed to be tile hung, with the ground floor and side elevations to be stock brick. Brick and tile or cladding at first floor is a prominent feature of the design of surrounding properties and this is in line with the comments of the appeal Inspector.

6.22 It is considered that the overall mass is reduced by reducing the footprint proposed and amending the detailed design and proposed materials. It should be noted that the views of the properties are actually fairly limited, they will not address a street, from Vernons Road the view will be limited and it is considered that the presence of the

dwelling would not appear disruptive when viewed from either end of the twitten. The two-storey scale of the proposed dwellings, including roof eaves and ridge heights and footprint size, is consistent with the scale of neighbouring dwellings, as are the individual plot sizes.

6.23 There is a condition of the original outline which requires details of a treatment of all parts of the site not covered by buildings, this will ensure a sympathetic setting to the development and help preserve a verdant character to the twitten.

6.24 It is therefore considered that the proposed development would be sympathetic towards the visual and spatial characteristics of the surrounding area.

#### Highways:

6.25 The proposed development would be accessed via a dropped kerb crossover taken from The Rough, which is a 30 mph limit non-classified residential road. Adequate visibility would be available at the crossover to ensure that motorists entering and leaving the site are aware of pedestrians and vehicles. The driveway serving the development would flank the twitten but would not present a danger to pedestrians using it as the driveway width is adequate to prevent vehicles encroaching onto the twitten. The width of the driveway is widened to 4.5 metres at the site entrance in order to allow for vehicles entering and leaving the site to pass whilst the remainder of the track is straight and level, with good visibility, ensuring motorists can see oncoming vehicles and pedestrians. The ongoing use of the twitten will therefore not be compromised.

6.26 Due to the requirement to reduce the building footprint, it is no longer possible for an integral garage to be provided within each dwelling, without compromising living space. The proposed development would incorporate two bay parking spaces to the front of each dwelling as well as an additional three spaces opposite the dwellings available for use by visitors.

6.27 One car parking space on The Rough would be lost as a result of the formation of the dropped kerb crossover. The overall quantum of parking provided for occupants and visitors is considered adequate to serve the development and offset the loss of one on-street car parking space on The Rough. Sufficient space is also provided to allow for vehicles to turn on site and, therefore, enter and leave the site in forward gear.

6.28 East Sussex County Council Highways have raised no objection to the development, subject to conditions which are included in the recommendation.

#### Sustainability:

6.29 The driveway serving the proposed development would be surfaced using permeable block paving, improving the drainage capacity of the development. This is required to comply with condition 9 of the original outline consent.

6.3 A condition will also be used to ensure that each dwelling is provided with at least one functioning electric vehicle charging point in order to encourage the use of electric vehicles. A storage shed for bicycles will be provided at each property to encourage the use of this form of transport. This is controlled by condition 13 of the Original Outline Consent.

## 7. RECOMMENDATION

7.1 It is considered that the submitted reserved matters have suitably addressed the reasons for the refusal of the previous applications and those cited by the Inspector. The

proposed development would not result in any unacceptable adverse impact upon environmental, visual or residential amenities nor would it compromise highway and pedestrian safety.

7.2 It is therefore recommended that the application is approved, subject to the conditions attached to this report. It should be noted that the development would still be subject to the conditions of the original Outline Consent.

**The application is subject to the following conditions:**

1. The first floor level windows in the side (north-west and eastern elevations) of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the finished floor level of the room in which the window is installed, and thereafter permanently retained as such.

Reason: In the interests of the amenities of neighbouring residents.

2. The landscaping plan required by condition 7 of the original outline consent shall include details of vegetation to the northern and eastern boundaries to reduce overlooking, thereafter the approved vegetation shall be planted and retained as such thereafter. Any planting that dies, is removed or becomes severely damaged or diseased within 5 years of planting shall be replaced. Replacement planting shall be in accordance with the approved details, unless the Local Planning Authority gives its written consent to any variation.

Reason: To protect the amenity of surrounding residential properties.

3. During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment shall be provided within the site, to the approval of the local planning authority, in order to prevent contamination and damage to the adjacent roads

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

4. Prior to the first residential occupation of either dwelling, the new access onto The Rough and the two new accesses across the public footway [running east to west] shall be constructed in the positions and laid out as shown on the submitted plan [number 101 dated February 2020] and constructed in accordance with the relevant standards set out by the highway authority and all works undertaken shall be executed and completed by the Applicant to the satisfaction of the Local Planning Authority.

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

5. Prior to the first residential occupation of the development hereby permitted, the northern edge of the public footway crossing the site east to west shall be made good with kerbing provided along the length of the new access road and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and amenity.

6. Prior to the first residential occupation of either new dwelling pedestrian visibility splays of 2 metres by 2 metres shall be provided either side of the proposed 2 new acceses across the public footway [running east to west across the site] in accordance with the approved plan 101. These visibility splays shall thereafter be kept free of all obstructions.

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

7. Prior to the first residential occupation of either new dwelling the parking areas shall be provided in accordance with the approved plan [No.101] and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles by residents and visitors to the development hereby permitted.

Reason: In the interests of highway safety and amenity .

8. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plan [No. 101] 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.

9. 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.

10. Prior to the occupation of the 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 writing.

Reason: To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding.

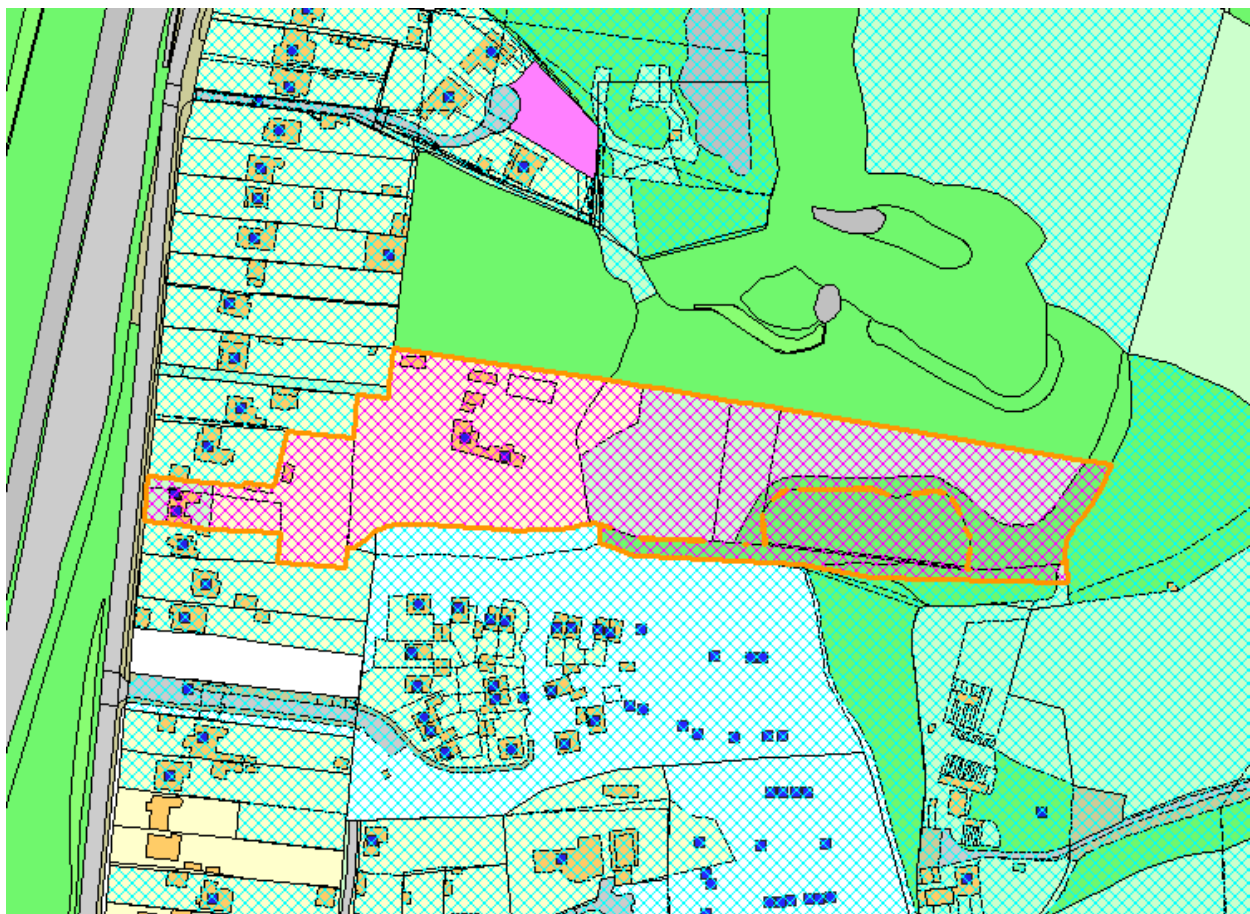
11. Prior to the first occupation of either of the dwelling hereby approved, a minimum of one functioning electric vehicle charging point shall be installed for use by the occupant of each dwelling and maintained in place thereafter.

Reason: In order to encourage use of more sustainable forms of transport in accordance with policies CP13 and CP14 of the Lewes District Joint Core Strategy and the Lewes District Council Electric Vehicle Charging Points Technical Guidance Notes.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Other Plan(s)	28 February 2020	101/1 - Site Plan
Other Plan(s)	28 February 2020	101/2 - Proposed Elevations
Other Plan(s)	28 February 2020	101/3 - Proposed Ground Floor and First Floor Plans
Proposed Section(s)		

<b>APPLICATION NUMBER:</b>	LW/18/0566		
<b>APPLICANTS NAME(S):</b>	Brookworth Homes	<b>PARISH / WARD:</b>	Wivelsfield / Chailey & Wivelsfield
<b>PROPOSAL:</b>	Planning application for demolition of two existing dwellings (Pump House and Nuggets) in order to create access, and development comprising construction of 24 residential dwellings on land east of Valebridge Road (Amended Plans).		
<b>SITE ADDRESS:</b>	Nuggets, Valebridge Road, Burgess Hill, West Sussex, RH15 0RT		
<b>GRID REF:</b>			



## **REASON FOR REFERRAL BACK TO COMMITTEE**

### **CHANGES TO AFFORDABLE HOUSING ELEMENT & CHILDREN'S PLAY SPACE PROVISION**

#### **Executive Summary**

1.1 This application was previously presented to Planning Applications Committee on 26 June 2019 and Members resolved to approve the scheme subject to completion of a S106 Agreement securing 40% affordable housing (10 units). This was subject to meaningful progress being made towards completion of the S106 Agreement within six months.

1.2 The applicant has demonstrated on viability grounds that the affordable housing amount previously reported to members would result in an unviable development.

1.3 The applicant is seeking approval for a reduced affordable housing provision at the site reducing from 10 units to 3 units.

1.4 The non-provision of onsite play space is not considered not to give rise to a material objection to the proposal.

1.5 The principle of the redevelopment of this site has been accepted at the 26 June Committee and the new material considerations have been evaluated and the scheme is considered acceptable.

Scheme is recommended for approval

#### **VIABILITY POSITION**

1.6 The viability case presented by the applicant has been independently assessed by TWO different independent viability assessors, both of which have concluded that provision of any more than three affordable housing units would adversely affect the whole scheme coming forward.

1.7 The consultation comments from the planning policy team (see below) are noted. However, putting any further additional financial burden on the developer by way of making a financial contribution towards off-site affordable housing, may impact the three on-site affordable housing units that have been offered.

1.8 Members should also be aware that if the scheme is supported there will be an additional 7 dwellings that would now be making a Community Infrastructure Levy (CIL) payment.

#### **CHILDREN'S PLAY SPACE**

1.9 The requirement for 130 square metres of play space within the scheme was not a consideration when the application was first recommended for approval in June 2019, and has come about since the adoption of policy DM16 of the Local Plan Part 2 (adopted February 2020). There is limited scope to provide this within the development site, and the financial contribution required (£41,548) could also jeopardise the viability of providing the three affordable housing units offered.

1.10 Experience from elsewhere in the District the Towns and Parish Councils have submitted bids to the District Council to utilise CIL monies to deliver children's play space/equipment.

Officers have explored this issue with the developer and have concluded that the delivery of affordable housing albeit at a reduced threshold is the overriding material consideration in the determination of this application, and in this instance the refusal of planning permission based on the lack of play space is not justified.

## RECOMMENDATION

1. Accordingly approval is recommended subject to the conditions listed below and the completion of the S106 Agreement as before, but this time securing three affordable housing units as opposed to ten.
2. Members are requested to authorise the refusal of the development under delegated powers should no meaningful progress towards the completion of the S106 Agreement have been made 6 months following the date of this resolution.

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Below are updated planning policy comments received on 27 May 2020, and a copy of the report presented to planning committee on 26 June 2019

## PLANNING POLICY RESPONSE

*{vi Comments on the current application seeking to reduce the amount of affordable housing provided (27 May 2020):}*

*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 2020 Local Plan Part 2: Site Allocations and Developer Management Policies (LPP2). The Wivelsfield Neighbourhood Plan is 'made' and therefore also forms part of the development plan and should be considered in the determination of this planning application.*

*The application for full planning permission for a residential development of 24 dwellings was approved subject to section 106 agreement on 26<sup>th</sup> June 2019. However further evidence was provided to reduce affordable housing provision due to lack of viability.*

*These comments should be read in conjunction with the comments provided by the planning policy team on 24<sup>th</sup> June 2019. On the basis of the latest information provided, from a planning policy perspective, the following issues should be considered when determining the above planning application:*

- *Policy BH01 (Land at The Nuggets, Valebridge Road) of the LPP2*
- *Affordable housing provision*
- *Contribution towards infrastructure*

### *Policy BH01 of the LPP2*

*The application site is allocated within LPP2 for approximately 14 additional dwellings. The proposed development is for 22 net additional dwellings (24 gross), the former being circa 57% above the identified capacity within Policy BH01. The policy does allow some flexibility subject to its acceptability against other policies within the Development Plan. Therefore the uplift in numbers for the proposal will need to be balanced out with other aspects of the scheme.*

### Affordable housing provision

Further to the Planning Application Committee resolution to grant planning permission subject to section 106 agreement to include the provision of 40% affordable housing on-site as per the policy requirement, viability evidence was submitted by the applicant showing that such scheme would not be viable. As an alternative and despite the absence of viability to do so, the applicant is offering to provide 3 affordable houses.

A first review of the viability evidence was undertaken which generally agreed with the findings of the viability report provided by the applicant. In light of the recent adoption of the LPP2 and considering the early findings of the CIL Charging Schedule review, a second opinion was requested for the following reasons:

- The proposed development site is allocated within the adopted LPP2 for a smaller scale development (14 units) to deliver 40% affordable housing. The site promoter provided a statement of common ground for the purpose of the LPP2 Examination in Public stating that the site was deliverable to policy level.
- The building costs appear to be high and some adjustment may show additional viability to allow additional affordable housing delivery
- The CIL contribution was overestimated and the adjustment may allow for the provision of further affordable housing (on-site or via commuted sum)

The second review of the viability evidence included an independent review of the submitted build cost estimate. Overall it concluded that many of the assumptions were within the expected range; however some adjustments such as the level of capital contribution from ground rents and in relation to build cost revealed that the proposed scheme with 3 affordable houses if implemented is likely to be a viable scheme.

Of particular interest here, the second review showed that the adjustments mentioned above would reduce the scheme's deficit by almost £600K. The independent build cost review suggested that further saving can be achieved in relation to the external costs. Considering that the applicant was willing to provide 3 units of affordable housing despite the limited viability, it is thought that there is scope to secure further affordable contribution via commuted sum to make a contribution towards much needed affordable housing.

### Contribution towards infrastructure

The proposed scheme fails to provide on-site equipped children's play space in accordance with policy DM16 of the LPP2. A development of this size and mix of dwellings requires a minimum provision of 130 square meters of equipped children's play space above the CIL contribution in order to meet the needs of the future residents. Alternatively this can be achieved via a financial contribution to be spent within the vicinity of the site.

### Summary

Given the above, from a planning policy perspective, it is not thought that the proposed scheme as it stands is policy compliant. Although policy BH01 allows some flexibility, this should not be done to the detriment of other policies within the adopted development plan in particular those that aim at achieving the social objectives of sustainable development.



## PREVIOUS REPORT

### 1. SITE DESCRIPTION / PROPOSAL

#### SITE DESCRIPTION

1.1 The application site is located on the eastern side of Valebridge Road on the western edge of Lewes District and within the Parish of Wivesfield. The site is occupied by two dwellings. Pump House is one of a long line of dwellings along the east side of Valebridge Road and is proposed to be demolished in order to create space for vehicular access to the site. The property is not Listed or located within a Conservation Area. To the rear, and set well back from the road, is a property known as Nuggets. This too is proposed to be demolished and its grounds form the greater part of the application site.

1.2 A substantial amount of the site is designated as Ancient Woodland and the access to the site would cut through an area of woodland subject to a Tree Preservation Order and which is partly subject to a 'Restocking Notice' issued by the Forestry Commission (understood to have been amended such that restocking is now elsewhere). This area of woodland is not designated ancient woodland although it has the same characteristics and history as the adjoining ancient woodland.

1.3 The application site lies outside of the planning boundary for Wivelsfield and the revised development boundary set out in the adopted Neighbourhood Plan. The site is allocated for housing in the emerging Lewes District Local Plan Part 2: Site Allocations and Development Management Policies Submission Document December 2018 however.

#### PROPOSAL

1.4 The application seeks full planning permission for development of the site by way of 24 residential units, of which 10 are to be affordable housing. Both of the existing properties are to be demolished, with the Pump House being cleared in order to create the vehicular access into the site via Valebridge Road. The access road will be routed through an area of felled trees at the opening to the site, which has the same characteristics as Ancient Woodland but is not formally designated as Ancient Woodland.

1.5 The proposed layout features an S-shape spine road with three spurs and a single bungalow dwelling is proposed nearest the site entrance. Half of the site at its eastern end will not be developed and will remain naturally landscaped and the Ancient Woodland along the southern edge of the site will be retained.

1.6 40% of the new dwellings are to be affordable, a total of 10 units. These will be a mix of 4 x 1-bed units and 6 x 2-bed apartments.

1.7 The proposed dwellings and flats are proposed to be of a traditional design, generally two storey in scale with pitched and hipped roofs, the flatted buildings having accommodation within the roof space.

1.8 The proposed vehicular access onto Valebridge Road falls within the boundary of Mid-Sussex and West Sussex County Council is the local highway authority for the area. A separate planning application has been submitted to Mid-Sussex District Council on this basis, and was approved at their Planning Committee in April 2019 (ref. DM/18/4132).

### 2. RELEVANT POLICIES

**LDLP: – CT01 – Planning Boundary and Countryside Policy**

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

**LDLP: – SP2 – Distribution of Housing**

**LDLP: – CP1 – Affordable Housing**

**LDLP: – CP2 – Housing Type, Mix and Density**

**LDLP: – CP7 – Infrastructure**

**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**

**E/61/0702** - Planning and Building Regulations Applications for proposed addition of new wing. Building Regulations Approved. Commenced. - **Approved**

**LW/83/0937** - Outline Application for the erection of four bedroomed bungalow with double garage. - **Refused**

**LW/18/0566** - Demolition of two existing dwellings (Pump House and Nuggets) in order to create access, and development comprising construction of 24 residential dwellings on land east of Valebridge Road (Amended Plans). -

**LW/88/1488** - Double garage and workshop. - **Permitted Development**

**LW/90/1147** - Planning and Building Regulations Applications for addition of first floor with pitched roof. Building Regs. Approved Conditionally. Commenced. - **Approved**

**LW/01/1297** - Section 73A Retrospective application for the conversion of domestic garage/workshop to residential annexe - **Withdrawn**

**LW/93/1453** - Change of use of stables to kennels for up to 6 resting greyhounds. - **Approved**

**LW/92/0553** - Single storey extension to form a new bedroom and bathroom - **Approved**

### **4. REPRESENTATIONS FROM STANDARD CONSULTEES**

**Environmental Health** – No objection [22 Oct 2018]

Subject to conditions relating to land contamination; unsuspected contamination; submission of a verification report; and hours of working.

**ESCC Highways** – No Objection [17 April 2019]

No objection is raised in response to the amended plans [17027-C101D] and the additional document "Technical Note 1: Response to Highway Officer Comments, both of which are dated 22nd February 2019.

It is noted that Mid Sussex District Council has approved the access to the site [DM/18/4132] and it falls within the area of West Sussex County Council. The road layout does not conform to Manual for Streets or East Sussex County Council's recommendations in terms of layout. However, the parking is acceptable and as the internal roads are not to be formally adopted, no objection is raised following the amendments made to the application and the previous objection dated 25 September 2018 is withdrawn.

**Natural England** – Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England advises that the proposal as presented has the potential to adversely affect woodland classified on the Ancient Woodland Inventory. Natural England refers you to our Standing Advice on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

**Tree & Landscape Officer Comments** – Objection in principle

An objection in principle is raised against the loss of part of the ancient woodland identified as W1 of the Tree Preservation Order and which is partly subject to a 'Restocking Notice' issued by the Forestry Commission (understood to have been amended such that restocking is now elsewhere). The access road will occupy part of the (undesignated) ancient woodland.

An objection is also raised against the indirect adverse impact on ancient woodland in accordance with the government's standing advice such as breaking up or destroying connections between woodlands, reducing the amount of semi-natural habitats, increasing disturbance to wildlife, increasing light or air pollution, the impact of domestic pets and changing the landscape character of the area

There is no objection to the principle of development in the garden of the 'Pump House' and its associated paddock or to the development of the foot print of the various buildings associated with 'Nuggets' (subject to the siting of the access).

**ESCC SUDS** – No Objection [16 May 2019]

The information provided is satisfactory and enables the LLFA to determine that the proposed development is capable of managing flood risk effectively. Although there will be a need for standard conditions which are outlined in this response.

The applicant submitted additional information on 1 May 2019. The additional information has addressed earlier concerns regarding the proposed discharge rate (greenfield runoff rate for the proposed developable areas) and detailed hydraulic calculations.

Due to the ground levels, surface water runoff will be discharged to the ditch at the north of the application site for the majority of the site, and to an existing chamber which is connected to a drainage ditch in Valebridge Road for a small section of the access road. The condition of the existing drainage system (existing chamber and route) should be investigated before discharge of surface water runoff from the development is made. This should include CCTV survey. Any required improvements to the condition of the watercourse should be carried out prior to construction of the outfall.

The British Geological Survey data that is held shows high groundwater levels within the development site, less than 3m below the ground level. Furthermore, the trial pit record undertaken showed seepages at 0.3m and 0.65m below ground levels within TP01 and TP02 respectively. Therefore ground water levels should be investigated to ensure that the base of the permeable paving is at least 1m above the maximum anticipated groundwater level taking account of the seasonal variations in levels. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system should be provided.

If the Local Planning Authority is minded to grant planning permission, the LLFA requests the following comments act as a basis for conditions to ensure surface water runoff from the development is managed safely:

1. Surface water discharge rates not exceeding 3.0 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.
2. The condition of the existing drainage system (proposed catchment B outfall) should be investigated before discharge of surface water runoff from the development is made. This should include CCTV survey. Any required improvements to the condition of the watercourse should be carried out prior to construction of the outfall.
3. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
4. The detailed design of the permeable pavement should be informed by findings of 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.
5. 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.
6. 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.
7. 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.

Previous objections dated 15 March 2019 and 28 August 2018 (which can be viewed on line) have been overcome.

### **Main Town Or Parish Council – Objection**

- o The proposed development lies outside the planning boundary
- o We have concerns about the accumulative effect of additional traffic movements on Valebridge Road.
- o We are concerned about the buffer to the ancient woodland in respect to the turning bay/road ending on the north side of the plot.
- o Should permission be granted, we would ask that replacement trees are sourced locally.

No further comments received after re-consultation.

### **Planning Policy –**

*Formerly presented on the Supplemental Report (25 June 2019):*

Updated comments from Planning Policy –

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 Wivelsfield Neighbourhood Plan (WNP) 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.

The application is for full planning permission for a residential development of 24 dwellings. From a planning policy perspective, the following issues should be considered when determining the above planning application:

- Principle of development;
- Emerging LPP2 Policy BH01;
- District Council's five year housing land supply; and
- Wivelsfield Neighbourhood Plan.

Principle of development in this location

The application site is located east of Valebridge Road, on the north eastern edge of Burgess Hill. Except for the point of access, which lies within Mid Sussex district, the proposal is within the Lewes district and Wivelsfield Parish.

The proposal is located outside the planning boundary as defined by Policy CT1, and emerging LPP2 Policy DM1, which seek to restrict development in the countryside. Ordinarily a proposal such as this in the countryside would attract a policy objection. However, Spatial Policy 2 (SP2) of LPP1 identifies a minimum of 100 net additional dwellings to be delivered in this general location (i.e. Edge of Burgess Hill within Wivelsfield Parish). Two developments to the south of the application site (Medway Gardens and land east of The Rosery) are together contributing 81 net dwellings towards the required minimum 100 net dwellings. As such, a minimum of 19 net dwellings are still required to deliver SP2.

As highlighted above, LPP2 is a material consideration with substantial weight to be given to certain policies where there are no outstanding objections. The application site is a proposed allocation (Policy BH01) for approximately 14 net additional dwellings. However, two Main Modifications are proposed to this allocation by the Inspector, therefore only limited weight should be given.

It is acknowledged that the proposed development is for 22 net dwellings (24 gross), the former being circa 57% above the identified capacity within Policy BH01. However, the policy allows some flexibility for proposals to come forward below or above the 14 net dwellings, subject to its acceptability against other policies within the Development Plan. In addition, the proposal includes a mix of house type, with 40% being flats allowing for a greater density to be delivered. All units are between 1 and 3 bedrooms delivering the smaller sized units identified as needed by Core Policy 2 (Housing Type, Mix and Density) of LPP1. The individual circumstances of the site will need to be taken into account when considering if the uplift is acceptable.

It should also be noted that approximately 15% of the site is designated as Ancient Woodland with a further parcel of Ancient Woodland located adjacent to the site's north eastern boundary. A TPO Group designation also runs along the southern boundary and partially along the western boundary. Proper consideration must be given to any buffers required in order to provide the necessary protection, including at least a 15m buffer to the Ancient Woodland, as set out in the proposed modification to Policy BH01.

#### 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 (5,494 net dwellings).

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.

The Council has significant concerns with the requirement figures used by Government which do not reflect the position that the Council has an adopted Local Plan. Until the time when the above is resolved the Council will calculate its HDT using the agreed separated housing requirement for Lewes district outside the National Park. Further information on the Council's five year housing land supply position can be found in the published 5 Year Housing Land Supply Position Note.

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.

#### Wivelsfield Neighbourhood Plan

The Wivelsfield Neighbourhood Plan (WNP) was 'made' (adopted) on 7th December 2016. As with Policies CT1 and DM1 highlighted above; Policy 1 of the WNP seeks to restrict housing development outside the planning boundary as amended by the WNP.

Paragraph 1.6 is clear that the WNP focuses on allocating sites to meet the minimum 30 net additional dwellings at Wivelsfield Green, as required by SP2. Consequently, the

emerging LPP2 must deliver the minimum 100 net additional dwellings identified at the Edge of Burgess Hill (within Wivelsfield Parish). It is therefore necessary to allocate land within LPP2 outside the planning boundary where capacity has been identified through the Strategic Housing and Economic Land Availability Assessment.

Regard should also be given to Policy 5 (Design) and Policy 6 (Green Infrastructure & Biodiversity) of the WNP.

#### Community Infrastructure Levy

It is acknowledged that, given the close proximity of the proposal, future residents are likely to use the services and facilities within Burgess Hill. The developer of the proposal will be required to pay financial contributions which, through the CIL bidding process, can be bid for by Mid Sussex District Council and/ or West Sussex County Council (WSCC). The opportunity for this is set out in the Council's CIL Governance arrangements.

These monies can then be spent on improvements to, or provision of, infrastructure as identified to support the development. Previously the approach had been to collect infrastructure contributions via S106 agreements, which were then passed to Mid Sussex District and West Sussex County Councils.

The Council will continue to work with Mid Sussex and WSCC on identifying such infrastructure requirements.

#### Summary

The proposed development is located outside the planning boundary but an identified housing allocation within the emerging LPP2, which is a material consideration.

Given the above, from a planning policy perspective, provided that the determining officer is satisfied the uplift in dwellings being proposed can be delivered without unduly impacting on the amenity of both existing and future residents and other policy criteria can be met, then it is recommended for approval.

Below are some points of clarification in respect of the main committee report.

#### Location of application site

The application site is within the Parish of Wivelsfield, which is within Lewes District. However, the existing homes along the eastern side of Valebridge Road have the postal address of Burgess Hill and they also have postcodes starting with RH (for the Redhill area). On the planning application form submitted, Nuggets has a Burgess Hill postal address, although it is geographically within the boundary of Lewes District.

Therefore, although physically within Lewes District, the nearest town to the new homes is Burgess Hill and the new properties are likely to have RH postcodes, although this will ultimately be for Royal Mail to decide.

The adopted Joint Core Strategy states at part 2.1, "The towns of Haywards Heath and Burgess Hill in Mid Sussex District abut the north-western boundary [of Lewes District] and due to their available range of employment opportunities, retail, other services and facilities, including public transport links to areas such as London and Gatwick, they exert a strong influence on the rural communities within the northern part of Lewes District.

### Dwelling mix

Although the application site falls within the postal area of Burgess Hill, the new houses will be physically within Lewes District and as such the affordable housing nominations will come from the Lewes and Wivelsfield housing registers.

### The meaning of 'surrounding area' in the comments on Page 10

Spatial Policy 2 - "Distribution of Housing" within the Lewes District Local Plan Part One: Joint Core Strategy at part (2) lists the settlements identified for planned housing growth, and this includes "Burgess Hill (within Wivelsfield Parish) – a minimum of 100 net additional units".

The term surrounding may therefore be considered to mean land within Wivelsfield Parish, but having the postal address of Burgess Hill. Therefore the last two lines on page 10 should begin 'Wivelsfield and surrounding parishes', as should the line above 'Figures from the Lewes District Council Housing Register shows the following need for dwellings in Wivelsfield and surrounding area'.

### **Policy & Engagement Co-ordinator –**

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.'

### Number of affordable dwellings

Core Policy 1 of the Lewes District Local Plan Part 1 – Joint Core Strategy (2016) explains that a district wide target of 40 per cent affordable housing, including affordable rented and intermediate housing, will be sought.

The Public Access – Public Application Form proposes 25 dwellings: 15 market housing units and 10 affordable housing units.

40 per cent of 25 dwellings equates to 10 affordable units ( $0.4 \times 25 = 10$ ).

A policy compliant number of affordable housing units are proposed for this development.



## Dwelling mix

Figures from the Lewes District Council Housing Register show the following need for dwellings in Burgess Hill and the surrounding area:

Lewes District Council Housing Register	1 bed	2 bed	3 bed	4 bed	5 bed	Total
Burgess Hill and surrounding area	20	10	8	5	0	43
Burgess Hill and surrounding area %	46.5	23.3	18.6	11.6	0	100

The Public Access - Planning Application Form states that the dwellings will consist of 25 dwellings. The 15 market dwellings are proposed to consist of 6no. two bedroom houses and 9no. three bedroom houses. The affordable dwellings are proposed to consist of 4no. one bedroom flats/maisonettes and 6no. two bedroom flats/maisonettes.

Paragraph 3.7 (pp.10-11) of the Lewes District Council Affordable Housing Supplementary Planning Document SPD explains that 'The provision of onsite affordable housing should be integrated into the layout of the development through 'pepper-potting' within market housing, in order to fully reflect the distribution of property types and sizes in the overall development.'

The dwelling mix of the overall development should be reflected in the affordable housing dwelling mix and reflect the housing need as represented by the Housing Register. Ideally, the dwelling mix of the affordable housing would include houses to reflect the proposed development's overall dwelling mix, and three bedroom dwellings to reflect the housing need.

The planning application documents do make reference to pre-planning advice which was given regarding the possibility of inclusion of affordable three bedroom dwellings. Further discussion concerning the dwelling mix of the affordable dwellings would be useful.

## Tenure Split

Core Policy 1 of The Joint Core Strategy states: 'The guideline affordable housing tenure split will be 75% affordable rented and 25% intermediate (shared ownership). The local planning authority will negotiate the appropriate tenure split on a site by site basis based upon the latest evidence of needs in the site locality.'

A 75/25 tenure split would comprise of 7 or 8 affordable rent dwellings, and 3 or 2 intermediate dwellings ( $0.75 \times 10 = 7.5$ ;  $0.25 \times 10 = 2.5$ ), resulting in a total of 10 units.

Although the tenure split set out in Core Policy 1 is briefly discussed in the planning application documents, from the planning application documents publicly available it is not clear what tenure split is proposed for the affordable dwellings for this development.

## Size of dwellings

From the planning application documents that are publicly available it is not clear what sizes are proposed for the affordable dwellings for this development. Consequently, it would be useful to have further discussions regarding the sizes of the affordable dwellings.

## 5. REPRESENTATIONS FROM LOCAL RESIDENTS

A letter in support of the application has been submitted by the applicant and occupiers of Nuggets, stating that the development will bring much needed new homes, including affordable housing, and the proposals will reflect the character of Valebridge Road and have a sylvan environment and adequate parking.

Representations have been received from Viconella, Lorelei, Ledbury, Glenhaven, Glenwood, The Willows, and Woodlands, Valebridge Road; Theobalds Farm and Brier Cottage, Theobalds Road; 2 Rose Walk; objecting to the application for the following reasons:-

- Building in countryside
- Outside planning boundary
- Out of character
- Over development
- A third housing estate
- Contrary to policy
- Loss of semi-rural character
- Loss of trees
- Not allocated in Neighbourhood Plan
- Parking issues
- Inadequate access
- Highway hazards
- Inadequate street lighting
- Poor condition of public footway
- Traffic generation
- Traffic on A259
- Speed limit should be reduced along Valebridge Road
- Noise and disturbance
- Overlooking / loss of privacy
- Flooding
- Drainage
- Blocked highway drains
- Damage to sewerage system
- Effect on wildlife
- Lack of infrastructure
- Not sustainable
- CIL monies will not go to Wivelsfield
- Effect on town centre viability

## **6. PLANNING CONSIDERATIONS**

6.1 The main considerations in the determination of the application include the principle of development; design; the impact on amenity; accessibility and sustainable transport.

6.2 As the access between the site and Valebridge Road falls within the jurisdiction of Mid Sussex District Council, for which West Sussex County Council is the highway authority, a separate application has been submitted to, and approved by Mid Sussex District Council. As such the current application does not need to consider the impact on highway safety, visibility or the impact of any increase in the number of vehicular movements upon congestion or emissions/air quality, as these have been taken into consideration separately by Mid Sussex District Council. Furthermore, the necessary highway improvements and requirements have been secured by conditions between the applicant, Mid Sussex District Council and West Sussex County Council and in this instance Mid Sussex District Council may seek to bid for some of the CIL monies coming forward from the proposed development in order to improve the infrastructure in the vicinity of the application site that will be put under increased pressure as a result of the housing development.

## PRINCIPLE

6.3 The site falls outside of the planning boundary of Wivelsfield as defined by the Lewes District Local Plan and the more recently adopted Wivelsfield Neighbourhood Plan (WNP).

6.4 However, the site is allocated within Lewes District Local Plan Part 2: Site Allocations and Development Management Policies Submission Document 2018 wherein policy BH01 seeks to allocate the Nuggets site for approximately 14 net additional dwellings. Taking into account the two existing houses, the gross number of dwellings would be approximately 16 units. The inclusion of the site within Part 2 of the Local Plan has ensured the site has come forward through the plan-led process and with the required consultations and Sustainability Appraisal. Therefore, the proposed use of the site is therefore deemed to be compliant with retained policy CT1 of the JCS, which is the Council's key countryside policy. The site is well related to existing residential development.

6.5 The Lewes District Local Plan Part 1: Joint Core Strategy (JCS), sets out the proposed housing delivery and distribution for the District for the years 2010-2030, noting that a minimum of 100 dwellings are to be provided at Burgess Hill (within Wivelsfield Parish). The housing distribution set out by Policy SP2 of the JCS was based on an approach that reflected the findings of the evidence base (including where the greatest levels of housing need are), the input from the consultation and engagement undertaken, and the findings of the Sustainability Appraisal process. The Council's Strategic Housing Land Availability Assessment (SHLAA) forms part of this evidence base and provides an indication of the potential capacity of settlements to accommodate housing development, but it is not a policy document in itself. This site was one of only a small number of sites identified by the SHLAA as being suitable, available and achievable for housing development at Burgess Hill (within Wivelsfield Parish) in this broad location.

6.6 Whilst the current planning application proposed 10 more units than the 14 set out in the policy allocation contained within the emerging Local Plan Part 2, it is considered that where the scheme can demonstrate acceptable design, sufficient parking and adequate property sizes and amenities, such as back gardens, whilst at the same time safeguarding the biodiversity of the site and making provision for electric vehicle charging points, the site can be shown to accommodate more housing without a significant adverse impact in comparison with a scheme for 14 units. In addition, although a larger scheme in terms of the number of overall residential units, in terms of physical buildings within the site there would be 15, and as such with respect the layout, scale and massing of the proposed development, it would not be dissimilar to a scheme for 14 units. The increase over the number set out in Local Plan Part 2 will also make a greater contribution towards the 100 dwelling units which are acutely needed in this location to the period 2030.

6.7 In view of the above, development of this site would accord with the broad distribution of Policy SP2 of the JCS in principle, and could help meet the District's housing needs over the period to 2030. The proposal is for 24 residential units, which is 8 units (10 if you include the two existing dwellings), or 50% more, than set out in policy BH01 - 14 units. However, for the reasons given above, the proposal is considered acceptable in principle and would bring forward 40% affordable housing.

## MIX OF UNITS

6.8 40% of the new dwellings are to be affordable, a total of 10 units. These will be a mix of 4 x 1-bed units and 6 x 2-bed apartments.

6.9 The Council's Affordable Housing SPD (supplementary planning document) was adopted on 16 July 2018. Affordable housing units should be integrated throughout a development site and should be indistinguishable in design and materials from the market housing on the site and should remain affordable in perpetuity.

6.10 In this instance, as the affordable units are to be flats and the market units are to be dwellings, the affordable units will not be indistinguishable from the market units. In addition, the two buildings containing the affordable units will be adjacent to each other, and therefore not integrated throughout the site.

6.11 On balance however, it is considered that due weight must be given to the scheme providing 40% affordable housing in this location and taking account that a large portion of the site is subject to constraints and cannot be developed. The proposals are considered to be acceptable in principle, and will also help to meet the housing targets set out in the Local Plan Part 2.

## DESIGN

6.12 The applicant has submitted a Landscape and Visual Impact Assessment, which concludes that the scale and nature of the development and its relationship with nearby residential development is of medium landscape character sensitivity and the magnitude of change is small. The proposals would therefore have a minor landscape effect. The visual effects of the proposed development would be minimal due in most part to dense interceding vegetation between the viewer and site, the topography in the area and the similar setting of the proposed scheme.

6.13 Mitigation measures that have been proposed as part of the development would include:

- o Native tree and hedgerow planting to the site boundaries;
- o Management and maintenance of existing surrounding hedgerow and trees;
- o The use of materials for the external envelope of the buildings which minimise potential visual intrusion and follow the local vernacular to aid visual blending.

6.14 This mitigation is considered to be acceptable and the scheme, though partially separated by a landscaped buffer, would form a natural continuation of the nearby housing development at The Rosery.

6.15 The new houses would have a traditional and semi-rural form in keeping with the style of existing housing in this location. The use of pitched and half-hip roofs together with variations in the external finishes, for example tile hanging and weather-boarding, and the inclusion of quality design details such as pitched roof porches to the entrances, should result in a development that has an attractive appearance and a degree of individual visual interest whilst retaining group value in the design of the overall scheme. Nonetheless, the visual impact will be limited by the filtered views through existing planting and trees, and the development should not significantly affect the street scene in Valebridge Road, aside from the visibility of the new access road.

## AMENITY

6.16 The siting of the proposed dwellings is to be set well back from Valebridge Road, and the distance between the new homes and existing neighbouring dwellings, including those in The Rosery, is such that the amenity of neighbouring residents would not be significantly

adversely affected by way of overlooking, loss of privacy or an overbearing impact. The new homes would also be screened by existing and proposed planting that would filter and soften views of the development from neighbouring properties.

6.17 In terms of the amenity of future residents, the proposed layout has been carefully considered so that flank windows avoid overlooking, and the principal elevations of the dwellings generally would be opposite the flank walls of properties on the other side of the same length of access road.

6.18 In terms of internal floor areas for the new dwellings, the smallest of the 2-bed houses would be 77 square metres, and the smallest of the 3-bedroom homes would be 99 square metres. This compares favourably with the national space standards, which requires 70 square metres for a 3-person 2-bedroom home and 93 square metres for a 5-person 3-bedroom house.

6.19 Of the proposed flats, the 2-bedroom homes would be 68 square metres and the 1-bed flats 45 square metres. This does not compare as favourably with the national space standards which suggest 70 square metres and 50 square metres respectively. The 1-bedroom flats within the roof space of each flat building (so 2 in total) would be 51 square metres but due to the pitched roof design only 31 square metres would allow future residents to stand. As such these units would only be well suited to single occupancy.

6.20 Each of the houses would benefit from a back garden of just over 10m in length, allowing for satisfactory private and useable amenity space. The proposed flats would not have any private outdoor amenity space. However, a large portion of the overall site is to remain green and wooded, and this should provide some degree of outdoor green space for residents.

6.21 In summary, the proposed development is not considered likely to have a significant adverse impact on the amenity and living conditions of either existing neighbouring residents or future residents of the new development.

## TREES AND LANDSCAPE

6.22 One of the key issues in the determination of the application is the impact on trees. Indeed the Trees and Landscape Specialist, has raised an objection to the development in principle specifically due to the siting of the access road. This is because the access road is to be routed through woodland and would result in the loss of undesignated ancient woodland, described as such because it has the same characteristics and has been connected to the other areas of designated Ancient Woodland both within the site and adjoining the site. These trees were cut down prior to the planning application being submitted, and were subject to a "Re-stocking Notice" instructed by the Forestry Commission.

6.23 The main issue relates to the potential loss of (undesignated) ancient woodland as a result of the construction of the access road. This area is subject to a Tree Preservation Order and the adverse impact that the development might have on the existing designated ancient woodland network in and around the application site. The proposed access road and pavement would create a permanent gap of some 7.45m in width through this area of woodland.

6.24 The Specialist for Trees and Landscape has maintained an objection in principle throughout the application process. However, should the access location be considered acceptable no objections are raised to the rest of the application.

## ACCESSIBILITY AND SUSTAINABLE TRANSPORT

6.25 The highway authority is satisfied that the type and number of open-front garages and off-street parking provision is satisfactory, and that any overspill parking on street would occur on private roads within the application site, as these roads are not to be adopted.

6.26 There is capacity within the site to provide secure and sheltered cycle parking for the dwellings and as such a planning condition is recommended in order to secure both details and provision. Similarly, electric vehicle charging points will be provided within the scheme, in accordance with details to be submitted subsequently in order to comply with the relevant planning condition.

6.27 The application site is some 1.1km from Wivelsfield mainline railway station (less than a 13 minute walk) which has good access to London, Brighton and Lewes, and which would be attractive to commuters. There are also bus stops on Valebridge Road some 350m from the application site with good services to Brighton, East Grinstead, Haywards Heath, the centre of Burgess Hill and also Wivelsfield railway station.

6.28 For the above reasons the site is reasonably well located in terms of access to sustainable forms of transport and future residents of the development would not need to be solely reliant on private car use for all of their journeys. With these alternative options available the impact of the development on matters such as congestion and air quality can be minimised.

6.29 In these respects the proposed development meets the requirements of policies CP13 and CP14 of the JCS and is therefore considered to be acceptable.

## FLOOD RISK

6.30 Following an initial objection to the proposed development from ESCC as the Lead Local Flood Authority (SuDS) for the area, the applicant submitted additional information to address the concerns raised in respect of the proposed discharge rate along with detailed hydraulic calculations. Due to the ground levels, surface water runoff is to be discharged to a ditch at the north of the application site and to an existing chamber which is connected to a drainage ditch in Valebridge Road for a small section of the access road. Conditions are recommended in respect of full assessment of the condition of the existing drainage system and any improvements required together with a full assessment and investigation of the groundwater levels to ensure that the base of any permeable surfaces is at least 1m above the maximum groundwater levels taking into account seasonal variations.

6.31 In view of this, it is considered that flood risk can be managed in a satisfactory and sustainable manner and in this regard the proposed development is, subject to conditions, acceptable.

## ECOLOGICAL AND ARCHAEOLOGICAL IMPACT

6.32 Part (f) of policy BH01 of the emerging Lewes District Local Plan Part 2, which allocates the application for housing development, requires an ecological impact assessment to be undertaken and appropriate measures identified and implemented accordingly, in order to mitigate potential adverse impacts, either directly or indirectly, on biodiversity, including irreplaceable habitats.

6.33 The applicant has submitted an Ecological Impact Assessment which states that whilst the site is generally of low ecological value, the Ancient Woodland within and

adjacent to the application site is of national value. Mitigation measures have been outlined to ensure that the Ancient Woodland is not adversely affected by the proposed development. The assessment submitted includes an extended Phase I Survey and protected species surveys.

6.34 A reptile mitigation strategy has also been outlined and will involve the translocation of reptiles (slow worm and grass snake) to a receptor area within the application site. Such translocations are seasonally restricted to between March and October inclusive.

6.35 The hedgerows and mature trees are to be retained within the proposed development and the remaining grassland is to be managed in order to promote species diversity. Subject to these compensatory measures and the above translocation strategy, the loss in ecological value of the application site will be minimal. In addition the Ancient Woodland would be subject to root protection areas and grassland buffers, to be fenced during construction, in order to result in a neutral impact of the development on the Ancient Woodland.

6.36 Detailed proposals have also been submitted in respect of ensuring the proposed development has a neutral impact on any bats within the trees, foraging badgers and common newts, frogs and toads. The submitted survey concludes that the presence of Great Crested Newts within the water bodies within the site has been ruled out following the extended investigations.

6.37 New areas of planting are proposed in order to maintain existing levels of potential bird nesting sites.

6.38 Paragraph 6.53 of the Ecological Assessment sets out measures for provision of bat boxes, bat tubes, bird nesting boxes and hedgehog boxes, and specifies how many, and to which dwellings, these measures are to be put in place.

6.39 To conclude, the applicant is proposing satisfactory mitigation measures, and conditions are recommended in order to ensure that these strategies are carried out.

6.40 The applicant has also submitted an Archaeology and Heritage Assessment, in line with the requirements of policy BH01 of Part 2 of the Local Plan. The report has drawn from various sources, including the Historic Environment Records and the East Sussex Record Office. The application site has been concluded not to contain any heritage assets or features of archaeological interest, aside from wood banks and ditches along a belt of woodland to the southern boundary of the site. These areas are to be protected during construction and retained thereafter.

6.41 A number of listed buildings have been identified near to the site, including the Grade II listed farmhouse at Theobald's, which is 200m to the south of the application site. These would not be adversely affected by the proposed development, particularly in light of intervening recent housing development at The Rosery.

## S106 AGREEMENT

6.42 40% affordable housing comprising 6 x 2-bed flats and 4 x 1-bed flats to be split 75/25 between affordable rent and intermediate housing.

## 7. RECOMMENDATION

7.1 The proposed development is on balance, and notwithstanding the impact on trees at the entrance to the site, considered to be acceptable and approval is recommended subject to the conditions listed below and the completion of a S106 Agreement.

7.2 Members are requested to authorise the refusal of the development under delegated powers should no meaningful progress towards completion of the S106 Agreement have been made 6 months following the date of this resolution.

### **The application is subject to the following conditions:**

1. No development shall commence until such time as temporary arrangements for access and turning for construction traffic has been provided in accordance with plans and details 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.

2. Works to construct the new houses hereby permitted shall not commence until the new estate road[s] have been completed to base course level, together with the surface water and foul sewers and main services, to the approval of the local planning authority.

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

3. No development above ground level shall take place until an external lighting strategy, to include full details of lighting, including street lighting, security lighting and lighting to individual buildings, has been submitted to and approved by the local planning authority. The lighting shall be installed in accordance with the approved details prior to the first occupation of the dwellings unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory appearance to the development and in order to safeguard the amenities of neighbouring residential properties having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

4. No development shall take place until details of electric vehicle charging points have been submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be installed in accordance with the approved details prior to the first residential occupation of the development hereby permitted and retained as such thereafter.

Reason: To encourage the uptake of electric vehicles in the interests of reducing harmful emissions in accordance with policies CP9, CP13 and CP14 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 above ground floor slab level until details and samples of all external materials including the fenestration; hard surfaces; roof materials 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 .



6. No development shall commence until details of the location and extent of the construction compound(s) have been submitted to and approved in writing by the local planning authority. The compound(s) shall be located in accordance with the approved details before any development commences.

Reason: To ensure a satisfactory appearance to the development and in order to safeguard the amenities of neighbouring residential properties having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and 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 CEMP; 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. Construction works and deliveries to and from the application site shall be restricted to between the hours of 0800 and 1800 Mondays to Fridays and 0830 until 1300 on Saturdays. No construction works or deliveries in association with the development hereby permitted shall take place on Sundays or on Bank/Statutory Holidays.

Reason: In the interests of the residential amenities of the neighbours having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework.

9. No development above ground level shall take place until the following details have been submitted to and approved in writing by the local planning authority:-

- a) A detailed planting plan including both the positions and species of tree planting having regard to BS:8545:2014 "Trees from the nursery to independence in the landscape";
- b) A detailed landscape plan identifying all planting outside of private domestic gardens and including a plan identifying all communal areas to be managed separately.

The development and all hard and soft landscaping works shall be carried out in accordance with the approved details prior to the first residential occupation of any dwelling, and retained as such for the life of the development unless otherwise agreed in writing by the local planning authority. All hard surfaces should be either permeable materials to allow for natural soakage of surface water into the land or direct surface run-off to soakaways within the application site.

Reason: In the interests of visual amenity and integration of the development into the existing landscape, neighbour amenity, managing and mitigating flood risk, and to ensure a satisfactory appearance to the development in accordance with 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.

10. Arboricultural Method Statement & Tree Protection Measures

- a) No development shall take place until an arboricultural method statement, to include details of all works within the root protection area, or crown spread [whichever is greater], of any retained tree, has been submitted to and agreed in writing by the District Planning Authority. Thereafter, all works shall be carried out and constructed in accordance with the approved details and shall not be varied without the written consent of the District Planning Authority.
- b) 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 construction.
- c) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during site clearance operations, site preparation and subsequent development operations 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 buildings for their permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.
- d) No development shall take place, including site clearance or installation of temporary plant or structures associated with the construction of the development, until full details of the measures to be implemented in order to safeguard and protect the hedgerows to be retained have been submitted to and approved in the writing by the local planning authority.

Reason: To enhance the general appearance of the development and in the interests of preserving the amenity of the locality having regard to Policy ST3 and policies CP10 and CP11 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

11. No development shall commence until precise details of the existing and proposed finished floor levels and overall roof heights of the development in relation to nearby datum

points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with retained policy ST3 and Core Policy 11 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 shall be occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the local planning authority to prevent surface water draining onto the public highway.

Reason: In the interests of highway safety and safeguarding amenity in accordance with retained policy ST3 and Core Policy 13 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

13. No development shall take place until a drainage strategy detailing the proposed means of foul and surface water sewerage disposal and a timetable for implementation of the strategy 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 timetable unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of amenity and to ensure the development is undertaken in a manner which reduces any potential risk to public infrastructure in accordance with retained policy ST3 and Core Policy 11 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 full details of a sustainable urban drainage system (SuDS) have been submitted to and approved in writing by the local planning authority, in order to ensure that surface water runoff from the development is managed safely. Such details shall include:-

a) Evidence (in the form of hydraulic calculations and detailed drainage drawings) of the surface water discharge rates not exceeding 3.0 l/s for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features.

b) Investigation of the condition of the existing drainage system (proposed catchment B outfall) before discharge of surface water runoff from the development is made. This should include CCTV survey. Any required improvements to the condition of the watercourse should be carried out prior to construction of the outfall.

c) Detailed design to include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

d) Detailed design of the permeable pavement, to be informed by the findings of groundwater monitoring between Autumn and Spring, having 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.

e) A maintenance and management plan for the entire drainage system to ensure the designed system taking into account design standards of those responsible for maintenance. The management plan should cover the following:

i) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.

ii) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development shall be submitted to the local planning authority.

- f) Details of 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 be incorporated into the Construction Environmental Management Plan for the development.
- g) Prior to the first residential occupation of the development, evidence (including photographs) shall be submitted to the local planning authority 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. Unless otherwise agreed in writing by the local planning authority, all temporary buildings relating to the implementation of the planning permission shall be located within enclosed construction compounds within the application site. The temporary buildings shall be no higher than 6m above natural ground level.

Reason: To ensure a satisfactory appearance to the development and in order to safeguard the amenities of neighbouring residents having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework.

16. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out (unless otherwise agreed in writing with the local planning authority) 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 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 Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework.

17. The tree protection measures detailed in section 10 of the report and in conjunction with the Tree Protection Plan AR-3744 app C TPP -01 Rev B shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, detailed in section 12 of report, by a suitably qualified tree specialist.

Reason: Required 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.

18. The development hereby permitted shall not be occupied until a management plan for the woodland and communal soft landscaped areas has been submitted to and approved in writing by, the Local Planning Authority. The management plan should include the following elements:

- a) A statement of the overall design vision for the woodland and for the communal areas retained as part of the development - including amenity classification, nature conservation value and accessibility.
- b) Type and frequency of management operations to achieve those aims, and to provide reinstatement including planting where tree loss or vandalism occurs.
- c) Frequency of safety inspections, which should be at least three yearly in areas of high risk, less often in lower risk areas

- d) Confirmation that the tree pruning work is carried out by suitably qualified and insured tree contractors to British Standard 3998 (2010).
- e) Special measures relating to Protected Species or habitats, e.g. intensive operations to avoid March - June nesting season or flowering period.
- f) Recommendations relating to how trees within the immediate vicinity of properties or within private areas are to be protected, such that these are retained without the loss of their canopy or value as habitat.
- g) Confirmation of cyclical management plan assessments and revisions to evaluate the plan's success and identification of any proposed actions.

Reason: Required to ensure that woodland areas are satisfactorily safeguarded, managed and maintained in the long term /in perpetuity in the interest of nature conservation and the visual amenity of the area and to enhance the general appearance of the development having regard to Policy ST3 and policies CP10 and CP11 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

19. The development hereby permitted shall not be occupied until a schedule detailing sizes and numbers of all proposed trees/plants in accordance with the Landscape Strategy BRO21295 11E Sheet 1, 2 and 3, has been 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:

- a) Proposed hardstanding and boundary treatment:
- b) A schedule detailing sizes and numbers of all proposed trees/plants
- c) Sufficient specification to ensure successful establishment and survival of new planting.

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. Any new tree(s) that die(s), are/is removed, 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. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

Reason: Required 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 having regard to Policy ST3 and policies CP10 and CP11 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

20. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from 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 having regard to Policy ST3 and policies CP10 and CP11 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

21. The development hereby permitted shall not be occupied 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 within and, where necessary, around the

perimeter of the application site, including details of the balustrade around the edge of the top floor roof terrace. The boundary treatment shall be completed in accordance with the approved details prior to the occupation of the dwelling units or commercial units, whichever is the sooner, and retained as such thereafter.

Reason: To enhance the general appearance of the development having regard to retained policy ST3 of the Lewes District Local Plan, Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

22. The development hereby permitted shall not be occupied until full details of the covered and secure cycle parking spaces 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.

23. 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.

24. No part of the development shall be occupied until the road(s), footways and parking areas serving 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: In the interests of amenity and sustainability and to provide sufficient off-street car parking for the approved development, in accordance with 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.

25. 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:

1. A preliminary risk assessment which has identified:

- (a) all previous uses
- (b) potential contaminants associated with those uses
- (c) a conceptual model of the site indicating sources, pathways and receptors
- (d) potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) 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.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) 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 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 Policy Guidance contained in the National Planning Policy Framework.

26. 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 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 Policy Guidance contained in the National Planning Policy Framework.

27. 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.

28. The reptile translocation, habitat mitigation strategies and habitat enhancement measures shall be carried out in strict accordance with the approved Ecological Impact Assessment by ACD Environmental (ref. BR)21295EcIA) unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of safeguarding and promoting biodiversity within the application site in accordance with policy BH01 of the Lewes District Local Plan Part 2 "Site Allocations and Development Management Policies Submission Document" and having regard to policies CP10 and CP11 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework.

29. No development shall take place until the applicant has provided a programme of archaeological works in accordance with a written scheme of investigation, to include a Watching Brief during construction, and if appropriate, details of trial trenching, that shall be submitted to and approved in writing by the local planning authority. A written record of any archaeological works undertaken shall be submitted to the local planning authority within 3 months of the completion of the archaeological investigation unless an alternative timescale for the submission of the report is agreed in writing by the local planning authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recording to comply with policy CP11 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

## **INFORMATIVE(S)**

1. In respect of compliance with condition 19, reference shall be made to the following
  - 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. 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>
3. 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.
4. All waste material arising from any clearance and construction activity at the site should be stored, removed from the site and disposed of in an appropriate manner. It is an offence to burn trade waste, so there should be no bonfires on site.
5. The applicant is advised that as the estate roads are to remain private/unadopted, the highway authority would require provisions in any S106 Agreement to confirm that the estate roads would not be offered for adoption at a later date and wording included to ensure that the carriageways, footways and casual parking are properly constructed, surfaced, drained and where appropriate lit, and that the works are appropriately certified from a suitably qualified professional confirming the construction standard.



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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Tree Statement/Survey	16 July 2018	AR-3744 Rev C Tree Survey and Arboricultural Statement
Additional Documents	16 July 2018	BRO21295 - Landscape and Visual Impact Assessment
Additional Documents	16 July 2018	TRANSPORT STATEMENT
	16 July 2018	S101
Existing Block Plan	16 July 2018	S102
Planning Statement/Brief	20 August 2018	Affordable Housing Statement
Technical Report	2 January 2019	Technical Note 1: Response to Highway Officer comments
Technical Report	4 January 2019	Stage 1 Road Safety Audit
Other Plan(s)	11 January 2019	P111 Rev D - Proposed Plans and Elevations Plot 2
Other Plan(s)	11 January 2019	P112 Rev B - Proposed Plans and Elevations Plot 3
Other Plan(s)	11 January 2019	P113 Rev B - Proposed Plans and Elevations Plot 4
Other Plan(s)	11 January 2019	P114 Rev B - Proposed Floor Plans [and Elevations] Plots 5-6
Other Plan(s)	11 January 2019	P115 Rev B - Proposed Elevations [and Plans] Plots 7-8
Other Plan(s)	11 January 2019	P116 Rev C - Proposed Plans and Elevations Plots 9-11
Other Plan(s)	11 January 2019	P117 Rev C - Proposed Plans and Elevations Plots 10-11
Other Plan(s)	11 January 2019	P118 Rev C - Proposed Plans and Elevations Plots 11 _ 12
Other Plan(s)	11 January 2019	P119 Rev B - Proposed Plans and Elevations Plots 13 _ 14
Other Plan(s)	11 January 2019	P121 Rev A - Proposed Plans and Elevations Plots 15-19
Other Plan(s)	11 January 2019	P122 Rev A - Proposed Plans and Elevations Plots 20-24

Proposed Layout Plan	29 January 2019	P101 Rev M - Site Plan
Other Plan(s)	29 January 2019	P123 Rev A - Plot 1 Garage
Other Plan(s)	29 January 2019	P110 Rev C - Proposed Plans and Elevations Plot 1
Landscaping	7 March 2019	BRO21295 11G - Sheet 1 - Landscape Proposals
Landscaping	7 March 2019	BRO21295 11G - Sheet 2 - Landscape Proposals
Landscaping	7 March 2019	BRO21295 11G - Sheet 3 - Landscape Proposals