

Planning Applications Committee 12 August 2020



Working in Partnership



Time: 4.00pm

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.

Membership:

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

Quorum: 5

Published: Monday, 3 August 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 Minutes (Pages 5 - 8)**

To confirm and sign the minutes of the previous meeting held on 22 July 2020 (attached herewith).

5 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.

6 Petitions

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

7 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

8 LW/20/0298 - Woods Fruit Farm, Goldbridge Road, Newick, East Sussex, BN8 4QP (Pages 9 - 40)

9 LW/19/0237 - Site adjoining 4 Strawlands, Plumpton Green, East Sussex (Pages 41 - 66)

Planning applications within the South Downs National Park

10 SDNP/19/04516/FUL - 1 New Cottages, The Street, Bishopstone Village, BN25 2UH (Pages 67 - 80)

11 SDNP/20/01311/FUL - Garden to the south of Longcroft House, 46 Beacon Road, Ditchling, Hassocks, East Sussex, BN6 8UZ (Pages 81 - 100)

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 be held on Wednesday, 2 September 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

Telephone: 01273 471600

Website: <http://www.lewes-eastbourne.gov.uk/>



modern.gov app available

View upcoming public committee documents on your [iPad](#) or [Android Device](#) with the free modern.gov app.



Working in Partnership



Planning Applications Committee

Minutes of the remote meeting held (via Microsoft Teams) on 22 July 2020 at 5.00pm

Present:

Councillor Sharon Davy (Chair)

Councillors Steve Saunders (Deputy-Chair), Julie Carr (Substitute), Lynda Duhigg, Tom Jones, Christoph von Kurthy, Jim Lord (Substitute), Sylvia Lord, Imogen Makepeace, Milly Manley and Laurence O'Connor

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)

1 Introductions

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

2 Apologies for absence/Declaration of substitute members

Apologies for absence had been received from Councillors Graham Amy and Nicola Papanicolaou. Councillor Julie Carr declared that she was acting as substitute for Councillor Amy for the duration of the remote meeting. Councillor Jim Lord declared that he was acting as substitute for Councillor Papanicolaou for the duration of the remote meeting.

3 Declarations of interest

There were none.

4 Election of Vice-Chair

Resolved:

That Councillor Steve Saunders be elected Vice-Chair of the Planning Applications Committee for the remainder of the 2020/2021 municipal year.

5 Minutes

The minutes of the meeting held on 1 July 2020 were submitted and approved, and the Chair was authorised to sign them as a correct record.

6 Petitions

There were none.

7 Written questions from councillors

There were none.

8 LW/19/0205 - Land at Valley Road, Newhaven, East Sussex, BN9 9THResolved:

That outline planning application LW/19/0205 for erection of 9 x 3 bedroom dwellings with off road parking and landscaping and new access from Valley Road be approved, subject to the conditions set out in the report and the following additional conditions:

1. The development hereby approved shall not be occupied until all the indicated car parking spaces and the turning circle indicated on the indicative layout plan have been provided and thereafter shall be kept available for that purpose only. The turning circle shall not be used for the parking of vehicles at any time.

Reason: In the interests of highway safety having regard to Policy DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

2. The details of the road indicated on the submitted layout plan to provide access to the individual units should be a minimum width of the 6m.

Reason: In the interests of highway safety having regard to Policy DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

9 LW/20/0124 - Land adjacent to The Rough and Vernons Road, Newick, East Sussex

A written representation from Councillor Cathy Wickens was read aloud by the Committee Officer on behalf of Newick Parish Council. Written representations against the proposal were read aloud by the Committee Officer on behalf of Ben Caulkett (neighbour), Sarah Cox (on behalf of Mrs Louise Edelston, neighbour) and David Marchant (neighbour). A written

representation for the proposal was read aloud by the Committee Officer on behalf of John West (applicant). A written representation was read aloud by the Committee Officer on behalf of Lewes District Ward Councillor Roy Burman.

Resolved:

That reserved matters application LW/20/0124 (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) be refused for the following reason:

1. The proposed development would, by reason of the bulk, height, scale, massing result in a development that would be overly oppressive, resulting in a detrimental impact on the amenity and living conditions of the neighbours through overlooking, contrary to Policy DM25 and policy CP11 of the Lewes District Local Plan, and having regard to the National Planning Policy Framework.

10 LW/18/0566 - Nuggets, Valebridge Road, Burgess Hill, West Sussex, RH15 0RT

A written representation against the proposal was read aloud by the Committee Officer on behalf of Keith Upton (neighbour).

Resolved:

That planning application LW/18/0566 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) be approved, subject to the conditions set out in the report and supplementary report and amended terms of the S106 agreement to reduce the amount of affordable housing to 3 units.

11 Date of next meeting

Resolved:

That the next meeting of the Planning Applications Committee which is scheduled to commence at 5:00pm on Wednesday, 12 August 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 7.53pm.

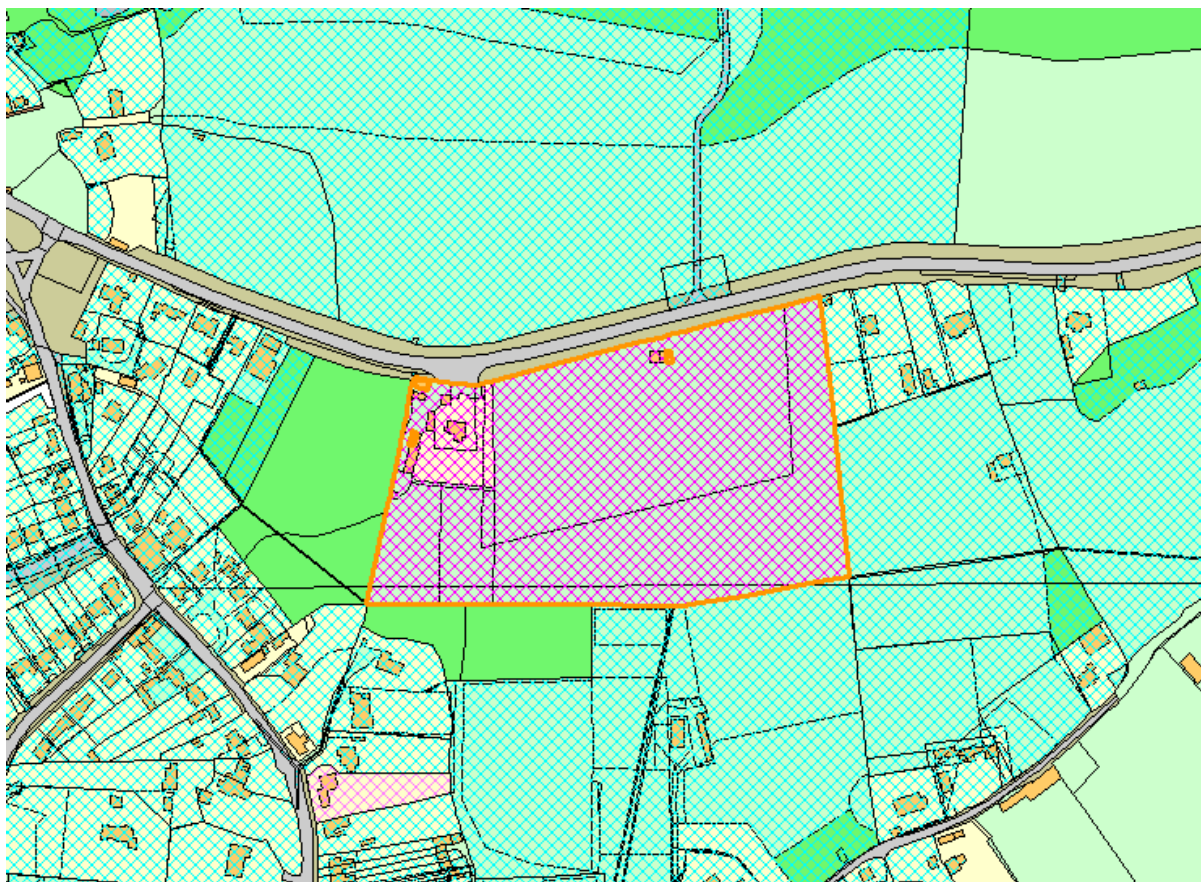
Councillor Sharon Davy (Chair)

This page is intentionally left blank

Agenda Item 8

APPLICATION NUMBER:	LW/20/0298	Case Officer:	Andrew Hill Andrew.Hill@lewes-eastbourne.gov.uk
APPLICANTS NAME(S):	P Wood, J Wood & C Wood	PARISH / WARD:	Newick / Newick
PROPOSAL:	Planning application for demolition of Oakside and the erection of 69 residential homes, with associated access, parking, landscaping and infrastructure works.		
SITE ADDRESS:	Woods Fruit Farm, Goldbridge Road, Newick, East Sussex, BN8 4QP		
RECOMENDATION :	<p>1. That planning permission is granted subject to a legal agreement and the conditions listed below.</p> <p>2. That the application is refused under delegated authority if the S.106 agreement is not concluded in 6 months of any resolution to grant planning permission.</p>		

IMPORTANT NOTE: This application is liable for Community Infrastructure Levy.



1. SITE DESCRIPTION / PROPOSAL

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

1.2 The site is located outside of the defined settlement boundary and abuts the Newick Conservation Area at the south west corner of the site. The nearest residential dwellings are located adjacent to the eastern boundary and close to the south west corner of the site. The western part of the development site is identified and allocated within the Newick Neighbourhood Plan for housing (Policy H04 for 39 dwellings, 38 if the existing house is retained).

1.3 In 2019 a similar application (LW/18/0351) for the construction of 69 new dwellings (of which 40% (28) would be affordable - 16 flats (10 x 1 bed and 6 x 2 bed) and 6 x 2 and 6 x 3 bed houses, with private housing consisting of 9 x 2 bed, 22 x 3 bed and 10 x 4 bed houses, was refused by the Planning Applications Committee for the following reason:

The development, as a result of its location outside of the defined settlement boundary and the allocated site within the Newick Neighbourhood Plan, would result in an unacceptable encroachment into the countryside and closure of the gap between the site and the nearest dwellings to the east (The Gables and Newlands), and detrimentally impact on the open character of the countryside, contrary to Policy H04 of the Newick Neighbourhood Plan and policies CT1 and emerging policy DM1 of the Lewes District Local Plan.

1.4 The current proposal is for the construction of 69 new dwellings with associated access, parking, landscaping and infrastructure works. Whilst the development remains as per the previous planning application in terms of the quantum of development, the scheme proposals have been revised to respond to the reason for refusal, largely in the layout but also in the numbers and sizes of the units as can be seen in the table below which indicate the proposed and previous accommodation schedule (with the previous numbers in brackets).

	Housing Type	1 Bed	2 Bed	3 Bed	4 Bed	Total
Private	House	0	11(9)	27(22)	3(10)	41
Affordable	House	3	7(6)	6 (6)	0	28
	Apartments	8(10)	4 (6)	0	0	
Total		11(10)	22 (21)	33(28)	3(10)	69

The major change is the reduction in 4 bed houses and the increase in the number of 3 bed units

1.5 The application has been advertised as a departure from the Local Plan as part of the proposed development is located outside of the site allocation boundary.

2. RELEVANT POLICIES

- LDLP: – CP1 – Affordable Housing
- LDLP: – CP10 – Natural Environment and Landscape
- LDLP: – CP11 – Built and Historic Environment & Design
- LDLP: – CP14 – Renewable and Low Carbon Energy
- LDLP: – CT01 – Planning Boundary and Countryside Policy
- LDLP: – ST03 – Design, Form and Setting of Development
- LDLP: – DM1 – Planning Boundary
- LDLP: - DM24- Protection of biodiversity and geodiversity
- LDLP: - DM25 - Design
- LDLP: - DM27 – Landscape Design
- LDLP: – NNPH11 – HO1.1-New Housing Design
- LDLP: – NNPH12 – HO1.2 -New Housing Materials
- LDLP: – NNPH13 – HO1.3-New Housing Height
- LDLP: – NNPH14 – HO1.4-New Housing Size
- LDLP: – NNPH15 – HO1.5-New Housing Parking
- LDLP: – NNPH41 – HO4.1-Housing Site

3. PLANNING HISTORY

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

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

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

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

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

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

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

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

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

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

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

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

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Main Town Or Parish Council – This application is very similar to a previous application (LW/18/0351) for 69 dwellings (if the house is demolished) submitted by the same applicant and rejected by LDC in November 2019. On that occasion the case officer involved recommended to LDC that the proposal be approved as a departure from the local plan, despite recognising a number of sound reasons for its rejection in his report and without giving reasons for approving a departure to the Local and Neighbourhood Plans. This recommendation was not accepted by LDC and the application rejected; it is noted that this latest application is allocated to the same case officer. Without casting any aspersions on his impartiality, it is unfair to the individual to be given responsibility to decide this planning application as it undoubtedly places undue and unique pressure on him in trying in reaching a decision. It is unreasonable to ask him to consider afresh an application that is so similar to the previous one and put him in the difficult position of reversing his previous logic, hence our request for it to be considered by the full Planning Committee and not under delegated powers.

With regards to the application, the changes are minor and not overcome the previous reasons for refusal, still contrary to Policy H04 of the NNP and DM1 of the LPP2, recent appeal support the Newick NP, would represent a 100% increase over the identified allocation of 100 dwellings.

The current proposal does not counter the previous reason for refusal and remain contrary to Policy H04 of the NNP and DM1 of the LDLPP2
Proposal would detrimentally impact the character of the village and the countryside.

There has been no significant change from the previous application to overturn the reasons for refusal. For reasons above and based on the non-compliant nature of this application with Policy H04 of the Newick Neighbourhood Plan and DM1 of the adopted Lewes Local Plan Part 2, Newick Parish Council urges refusal.

(Full comments available to view on line).

ESCC Archaeology - The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions which are outlined in this response.

[ARCH 1] No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

[ARCH 3] No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase

has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition [ARCH 1].

REASON: To enable the recording of any items of historical or archaeological interest in accordance with Core Policy 11 in the Lewes District Local Plan Part 1; Joint Core Strategy 2010 - 2030; coupled with the requirements of paragraphs 189 - 199 of the National Planning Policy Framework 2018.

ESCC SUDS – No objection subject to conditions.

We previously commented on an application for the site (LW/18/0351) in which we requested that additional groundwater monitoring was undertaken between autumn and spring to determine groundwater levels following a wet winter. This does not appear to have been undertaken and we are concerned that high groundwater levels could impact on the proposed drainage system. Groundwater levels were recorded at less than 3m below ground level during ground investigation undertaken in the summer and this observation is supported by data we hold. A 1m unsaturated zone should be maintained from the highest groundwater level recorded during additional monitoring to the base of any drainage feature.

The applicant intends to discharge surface water runoff from the site to the River Ouse and this has previously been deemed acceptable. However, an environmental permit from the Environment Agency for the construction of the outfall on the Ouse and a license from East Sussex Highways will be required for the construction of the pipe from the application site to the river.

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. Detailed drainage surface water drainage system shall be submitted in support of any application that intends to fix the layout and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate the following:
 - a. Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to 6.3 l/s without increasing flood risk for all rainfall events including those with a 1 in 100 (plus 40%) annual probability of occurrence. An allowance for urban creep (recommended 10% increase in impermeable area) shall be incorporated within the calculations.
 - b. The detailed design of the surface water drainage network 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 ponds/swales and the highest recorded groundwater level. If this cannot be achieved, the 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. This shall also include an assessment into the effectiveness of the proposed measures and the potential impact on flood risk.
 - c. The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
2. Prior to the construction of the outfall, a survey of the condition of the watercourse which will take surface water runoff from the development shall be investigated. Results of the survey shall be submitted to and approved in writing by the Local Planning Authority. Any required improvements to the condition of the watercourse shall also be included and, if approved by the Local Planning Authority, implemented accordingly. Written confirmation

from East Sussex Highways agreeing to the construction of the outfall on adopted highway should be provided together with details of how the necessary maintenance access and easements for the outfall from the pond to the watercourse will be secured for the lifetime of the development shall be submitted.

3. A maintenance and management plan for the entire drainage system shall 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 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 be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

4. 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.

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

LDC Planning Policy Comments

This planning application should be considered against the policies of the adopted 2016 Lewes District Local Part 1: Joint Core Strategy (LPP1), Local Plan Part 2: Site Allocations and Development Management Policies (LPP2) and the 'made' Newick Neighbourhood Plan (NNP). The proposal should also be considered against the National Planning Policy Framework (NPPF).

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

- o Principle and Scale of Development (Spatial Policy 2 and Policy DM1);
- o District Council's five year housing land supply;
- o Newick Neighbourhood Plan (Policies HO1 and HO4); and
- o Ashdown Forest 7km Zone (Core Policy 10).

Principle and Scale of Development

The application site is located approximately 100m east of the built edge of Newick. The site straddles the planning boundary, with approximately 15 dwellings being located outside the planning boundary. LPP2 Policy DM1 is therefore a relevant consideration. DM1 seeks to restrict development outside the planning boundaries except in very specific circumstances, the criteria for which is set out within the Policy. It is not considered that the proposal meets any of these criteria. Development of this site is therefore contrary to Policy DM1.

LPP1 Spatial Policy 2 requires Newick to deliver a minimum 100 net dwellings to 2030. The 'made' Newick Neighbourhood Plan contains housing allocations for 100 net dwellings, in line with SP2. The proposed development would represent an increase of 30% on the settlement's housing requirement, albeit it is 'minimum' and a 44% uplift on the site allocation figure (38 net dwellings). This uplift will need to be balanced against the benefits of the proposal.

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. The 2019 HDT result for Lewes is 93% which enables the Council to maintain a 5% buffer in its five year housing supply calculation. Further information on the Council's five year housing land supply position can be found in the published 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.

Newick Neighbourhood Plan

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

The western half of the application site forms part of the NNP housing allocation Policy HO4, identified for 38 (net) dwellings. The application proposal extends the site approximately 100m to the east and increases the number of dwellings by 31. The application is therefore inconsistent with HO4. The current application was submitted with a covering letter stating, "The scheme has been revised in order to overcome the previous reason for refusal, which forms the basis of this application". However, this cannot fully be the case as the proposed development extends beyond the site allocation under Policy HO4. It is acknowledged that the NNP has sought to locate new development broadly within this area due to its proximity to village services, however.

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

Ashdown Forest 7km Zone

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

Core Policy 10 of LPP1 seeks to ensure that the AshdownForest (SAC and SPA) is protected from recreational pressure, and that residential development that results in a net increase of one or more dwellings within 7km of the Ashdown Forest will be required to contribute to:

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

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

Further to a High Court Challenge to the Council's Habitat Regulations Assessment in respect of air quality impacts on the Ashdown Forest, the Council has undertaken a robust Appropriate Assessment (AA) of air quality impacts on the Ashdown Forest SAC (2018 HRA Addendum). This work has been reviewed and endorsed by Natural England; it assesses all planned (LPP1, Local Plan Part 2 and Neighbourhood Plans) and known development (as at April 2018) coming forward up to 2030, including the Neighbourhood Plan allocation of Woods Fruit Farm for 38 dwellings and concludes no adverse effect on the integrity of the SAC.

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

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

Summary

The proposed development is located partially outside the planning boundary; therefore it is contrary to Policy DM1. The submitted scheme is inconsistent with Newick Neighbourhood Plan policy HO4. Consideration should also be given to the uplift in housing numbers both against Spatial Policy 2 and HO4 and balanced against other aspects of the proposal.

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

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

ESCC Highways -

Executive Summary

This response is provided as an update to my previous response (of 08 July 2020). My comments and objection to the application have been addressed by the applicant. I no longer object to this application for 69 dwellings subject to a s106 agreement to secure highway works and Travel Plan, and conditions as detailed at the end of this response.

Response:

Since my response the applicant has submitted further details and discussed the suitability of the access arrangements to the site.

A272 scheme:

I previously objected to the highway works proposed on the A272 (Goldbridge Road) by reason that the measures included on plan 2020/6174/001 Rev D were not sufficient to reduce the likely vehicles speeds to a level suitable for the proposed extension of the 30mph limit eastwards.

The 30mph limit extension and reduction in vehicle speeds were required to ensure visibility to the proposed bus stops would meet DMRB standards. It should be noted that the proposed access does meet the standards required for the current 85th% vehicle speeds of 43.7mph and 42.6mph east and westbound respectively.

I have consulted Sussex Police and Road Safety colleagues regarding the additional measures recently proposed by the applicant seeking to lower vehicle speeds. We remained concerned that the lack of frontage development (housing behind hedging), the acceptability of the use of dragon teeth road markings and a further VAS sign, and the rural nature of this A road with current speeds over 40mph. The road/scheme would not lend itself to a self-enforcing 30mph limit to the east of the access.

As a result of ongoing discussions, the applicant has suggested 1) deleting the proposed extension to the 30mph limit – to remove my objection to the suitability of the road as a 30mph road and 2) relocating the proposed eastbound bus stop slightly as shown on plans 2020-6174-012 Rev B and 2020-6174-009 Rev B. They have shown that the achievable forward visibility to the bus stop is 91.3m. This meets DMRB absolute minimum requirements for the current vehicle speeds. This splay may encroach very slightly across the boundary hedge on the northern side of Goldbridge Road, but given the lay of the land (the field is at a lower level than the road) the visibility splay is considered achievable. The rest of the splay is within the adopted highway verge.

The applicant has sought the Road Safety Auditor's further comment. They are accepting of the alterations as shown on plans 2020-6174-012 Rev B and 2020-6174-009 Rev B, but have noted (as have the Police and my Road Safety colleagues), other design changes that should be included the detailed design scheme. I agree, that this can be the case.

It is also important that a Stage 3 and 4 Road Safety Audits are completed given the nature of the scheme and road on which it is located. Vehicle speed surveys are likely to be required by ESCC at the time of those RSAs. The RSAs and speed survey data will identify any necessary remedial measures.

Other matters:

The applicant has amended the access into the site to include a footway on the eastern side of the access (as shown on plans 2020-6174-012 Rev B and 2020-6174-009 Rev B) and confirmed that there will be a pedestrian and cycle access onto the A272 at the eastern end of the site.

They have also confirmed that the parking spaces adjacent to walls etc will of a wider dimensions ie 3m by 5m. I recommend a condition to ensure parking spaces are the correct size. The number of tandem spaces remain. This is regrettable.

I am satisfied that a refuse vehicle can make all the necessary movements within the site and note that the applicant still proposes that the internal roads remain private. ie not adopted as highway to be maintained by ESCC. ESCC would usually expect to adopt at least the "spine road". I recommend that the roads are constructed to adoptable standards in order that they may serve the residents well.

The applicant has provided an updated Travel Plan. The update amounts to the inclusion of £150 cycle vouchers per household. This is welcome as means to reduce car trips, especially short trips to the village centre, but I would normally expect more than one measure- ie bus tickets and supermarket delivery vouchers. I note however that the applicant has committed to providing remedial measures should the 10% reduction in car trips not be achieved in 5 years (Please note I do expect that to be a demanding target, but the TP is an evolving document that will be updated as the development is occupied/as a result of the baseline survey within 3 months of the first occupation or before occupation of the 30th dwelling whichever is sooner. Other measures etc can be negotiated.

Conclusion

I do not object to this application subject to the following obligations and conditions.

S106 agreement

- 1) Travel Plan developed in accordance with ESCC Travel Plan Guidance for developers (Feb 2020) including Travel Plan Audit Fee of £6000
- 2) Right turn lane access from the A272 including pedestrian and traffic islands, and road markings etc as shown on plans 2020-6174-012 Rev B and 2020-6174-009 Rev B
- 3) Bus stops on the A272 including shelters and raised kerbs subject to final agreement as shown on plans 2020-6174-012 Rev B and 2020-6174-009 Rev B
- 4) 2m footway along the site frontage and westbound towards the A272/The Green junction
- 5) Footway connection from the eastern end of the site to the A272 as shown on plan T050_P010
- 6) Items 2-4 above shall be agreed, secured by a 278 agreement and constructed prior to the occupation of the first dwelling and which will include the need for Road Safety Audits stages 2 3 and 4 and renewed traffic speed surveys, and the implementation of any subsequent remedial measures.

Conditions

1. Development shall not commence until such time as the visibility splays including forward visibility at the access works and for the highway works are agreed with the Highway Authority.

Reason: In the interests of road safety.

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

Reason: In the interests of road safety.

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

4. The vehicle parking spaces shall measure 2.5m by 5m with an extra 0.5m to either or both dimensions where spaces abut a wall, fence or hedge.

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

5. No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

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

6. No part of the development shall be occupied until the roads, 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 in consultation with the Highway Authority.

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

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

Reason: In the interests of road safety.

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

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

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

9. Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.

Reason: In the interests of highway safety

Southern Water - No objection - consider that Southern Water can provide foul sewerage facilities, request condition that foul and surface water drainage is approved in consultation with Southern Water.

South East Water - Support with conditions, Suds Plan be put in place

Sussex Police - No objection -development creates active frontages with outward facing dwellings, streets relatively free and unobstructed. Important to clearly demarcate boundaries between public and private space, rear accesses must be gated, all boundaries to front of dwellings to be below 1m, plays areas should be both safe and stimulating, external lighting needs to be carefully considered.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

20 representations from local residents raising the following objections:

- the application to erect 69 dwellings is against the requirement of the Newick Neighbourhood plan which specified that a maximum of 39 dwellings would be allowed to be built on this site.
- Planning decisions must be taken within the context of Council's policies. In this case there is a consistent policy of adhering to National and local rules for plan-led development. Thakeham Homes' persistent efforts to undermine Lewes DC's policies must be resisted, this planning application refused and encouragement given to building that which the plan allows (eg 39 homes).
- The application is contrary to the provisions and agreements of the Newick Neighbourhood Plan ("NNP"), itself part of the adopted Lewes District Local Plan and empowered by the 2011 Localism Act. These are all now in force with legal validity. The proposed development is quite simply outside the defined settlement boundary (and allocated site) and seeks numbers in excess of the 39 dwellings provided for in the Newick Neighbourhood Plan and the Lewes Local Plan. 77% increase on the number of dwellings allocated in the NNP, from 39 dwellings to 69. loss of grade 1 agricultural land, issues of electricity and water supply and flooding
 - outside of planning boundary, not allocated, 100 new homes allocated to Newick, previous reason for refusal equally applicable.
 - 30 more homes than envisaged, still extends to the eastern boundary, support the plan led system should not be abused, recent appeal decisions uphold the principle, represents an undesirable spread of housing into the countryside.
 - increases traffic onto the A272, increased hazards and pressure on local services and amenities
 - 30 more homes than NNP indicates, development still extends to the east,
 - NNP still in force, doesn't comply with the plan with 30 more houses, plan showed sufficient capacity to meet need.
 - proposal does not address the reason for refusal, still outside of settlement boundary, create an ugly ribbon of development, should uphold democratically adopted plans
 - contrary to adopted plan, neither sustainable or in-keeping, overdevelopment, have a deleterious effect on Ashdown Forest, and is universally unpopular.
 - overdevelopment, contrary to NNP, impact on Ashdown Forest
 - scale is unjustified, impact on road safety.
- Overdevelopment of the village
- The need to double the number on this site is not compliant with the Plan and will bring excessive traffic issues on the A272.
- Goes against the local plan, LDC are satisfied with the planned housing. LDC is able to identify a housing land supply of 5.59 years with a Housing Delivery Test figure of 93%, new application has been submitted which barely differs from the first. Again LDC policy have objected to the application saying the proposed development is partially located outside of the planning boundary and is therefore contrary to Policy DM1. The scheme is inconsistent with Newick Neighbourhood Plan policy HO4. and LDC is able to demonstrate a housing supply of 5.59 years.
- Goes against the Neighbourhood Plan
- There is not enough infrastructure and amenities to sustain the extra housing that was

within the plan, this is an extra 30 houses. The GP surgery is over-subscribed, the school and preschool are often oversubscribed too.

- There is an LDC Policy Team objection to the proposal, a refusal is supported by several recent appeal decisions uphold the principle of a plan-led system for Newick and the statutory plan-led system which is of prime importance
- This application goes very much against all that is in both the intentions and spirit of the Neighbourhood Plan.
- concern about the possible overriding of the democratic and legal process in the development of the Newick Neighbourhood Plan (hereinafter called The Plan). We have the Newick Neighbourhood Plan and a Local Plan (Lewes District Plan) with adequate land supply. The democratic process and localism should not be overridden in favour of a developer, with access to substantial resources, applying undue pressure.

(Full copies of all the representations can be viewed on line)

2 neutral comments–

- Need more homes, site chosen for dwellings, shame it is grade 1 land.
- Will there be requirement on the part of the developer to provide local facilities as a condition of planning permission going ahead - eg: investment in facilities available to local youth (football, cricket, rugby) sports clubs, or pitches or playgrounds.

6. PLANNING CONSIDERATIONS

Policy

Newick Neighbourhood Plan

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

6.2 The western half of the application site forms part of the NNP housing allocation Policy HO4, identified for 38 (net) dwellings. The application proposal extends the site approximately 100m to the east and increases the number of dwellings by 31. The application is therefore inconsistent with HO4. The current application was submitted with a covering letter stating, "The scheme has been revised in order to overcome the previous reason for refusal, which forms the basis of this application". However, this cannot fully be the case as the proposed development extends beyond the site allocation under Policy HO4. It is acknowledged that the NNP has sought to locate new development broadly within this area due to its proximity to village services, however.

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

Housing land supply

6.4 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).

6.5 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. The 2019 HDT result for Lewes is 93% which enables the Council to maintain a 5% buffer in its five year housing supply calculation. Further information on the Council's five year housing land supply position can be found in the published Note .

6.6 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.

Ashdown Forest 7km Zone

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

6.8 Core Policy 10 of LPP1 seeks to ensure that the Ashdown Forest (SAC and SPA) is protected from recreational pressure, and that residential development that results in a net increase of one or more dwellings within 7km of the Ashdown Forest will be required to contribute to:

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

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

6.10 Further to a High Court Challenge to the Council's Habitat Regulations Assessment in respect of air quality impacts on the Ashdown Forest, the Council has undertaken a robust Appropriate Assessment (AA) of air quality impacts on the Ashdown Forest SAC (2018 HRA Addendum). This work has been reviewed and endorsed by Natural England; it assesses all planned (LPP1, Local Plan Part 2 and Neighbourhood Plans) and known development (as at April 2018) coming forward up to 2030, including the Neighbourhood Plan allocation of Woods Fruit Farm for 38 dwellings and concludes no adverse effect on the integrity of the SAC.

6.11 The applicant has submitted an AA of the air quality impacts of the additional 30 dwellings proposed by the application that builds upon the Council's 2018 HRA Addendum. Aecom has factored in the additional AADT to the transport model developed for the Council's AA and used the same methodology to calculate the air quality impacts. The

Applicant's AA concludes that for NOx the additional 30 dwellings makes a negligible contribution to concentrations at the closest areas of heathland and the NOx concentrations and nitrogen deposition rates on even the most affected link (the A22 at Wych Cross) are essentially the same as forecast in the Council's AA. On all other transects, the contribution of the additional 30 dwellings at the nearest area of heathland is too small to show in the air quality calculations.

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

6.13 The proposed development is located partially outside the planning boundary; therefore it is contrary to Policy DM1. The submitted scheme is inconsistent with Newick Neighbourhood Plan (NNP) policy HO4. Consideration should also be given to the uplift in housing numbers both against Spatial Policy 2 and HO4 and balanced against other aspects of the proposal. The application should be subject to the relevant mitigation required by Core Policy 10 of the LPP1 and identified in the AA.

6.14 Therefore in policy terms, as part of the development (approximately 20% (14 units) of the proposed housing) is located outside of the site allocation, the development is a departure from the Local Plan, and is contrary to both CT1 of the Lewes District Local Plan and H04 of the Newick Neighbourhood Plan.

6.15 It is important to note a recent appeal decision in relation to Mitchelswood in Newick. Within the appeal decision, whilst the NNP housing allocations were recognised as robust, the Planning Inspector noted that "the NNP does not place a cap on new housing, nor does it make other sites [that are not allocated for housing] elsewhere in the Parish unacceptable in principle." As such, that 50 unit scheme on land which is not allocated was concluded to still be consistent with the spatial distribution of housing set out in the LLPP1. The appeal decision also details at paragraph 9 that "the NNP does not give a clear policy basis to refuse planning permission on sites not allocated in the NNP if they are acceptable in all other regards."

6.16 Whilst this Appeal Decision has since been quashed by the High Court, primarily on the basis of errors made at the time of the appeal with regards to the application of planning policy CT1; and the ambiguity of the site's location partly within the Ashdown Forest SPA, notwithstanding this, and on the basis it was a point not refuted by the High Court, the principle of development on a site not allocated in the NNP is considered to be acceptable and in conformity with the development plan for Lewes District where it is acceptable in all other regards. Whilst the western part of the site is allocated, this decision does provide some clarification and justification for accepting that development on the part of the site not included within the allocation.

Design, layout and appearance

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

6.18 Two areas of open space will be provided - one on the eastern side of the entrance which will serve to provide a 'village green' type gateway, creating an open and verdant

entrance to the development and including a pond and small Local Area for Play (LAP) and the other on the eastern side of the site providing a more open amenity space with enhanced landscaping to the south and east boundaries, together with a community orchard, pond (which serves as an attenuation basin for the sites sustainable drainage system) , LEAP (Local Equipped Area of Plan) and areas of more natural landscaped amenity space. The existing mature hedgerow to the northern boundary facing onto Goldbridge Road will be enhanced with additional planting, to reinforce the existing hedgerow and enhance biodiversity. Dwellings to the north of the site will be set back between 10-20m from the northern boundary which will further lessen the visual impact from Goldbridge Road. Overall the development will provide approximately 1.5 hectare of open space, approximately 40% of the total site area.

6.19 The eastern edge of the development for the previous scheme was approximately 30m to the west of the eastern boundary. The reconfigured scheme results in the built form being moved further to the west, providing a gap between the dwellings and the eastern boundary of approximately 65m.

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

6.21 All of the dwellings have generous gardens, with the flats having a large communal space associated with each block. Provision has been made for cycle storage - 1 space per flat and 2 per dwelling. Some dwellings have garages, other allocated parking spaces, equating to approximately 2.3 spaces per dwelling in line with the ESCC Highways standard. Vehicle charging points will be provided for all dwellings with a charging point provided within the communal parking area for the flats (para 3.7 of the Energy and Sustainability Statement). All the dwellings will meet the National Space Standards.

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

6.23 The development provides a well-designed and laid out development which comfortably sits on the periphery of the settlement, forming an acceptable transition to the surrounding countryside. Whilst 14 of the units are located outside of the allocated site, 55 are within it (16 more than the NNP allocation). Notwithstanding this, the development would provide a density of 19 units per hectare taking the whole site area, and 32 units per hectare taking just the developed area. The proposal is well landscaped, which serves to integrate the development into its surroundings and reduce the wider visual impact.

6.24 It is considered that proposed development has been designed to positively respond to landscape character guidance and will create a strong sense of place, based on the assessment of the underlying existing local character. The approach to Newick village eastbound on the A272 will be enhanced with a consistent approach with rural style

planting and glimpses of locally characteristic built form, set back from the A272 so as not to be overly dominant. The dwellings have been designed to be in keeping with the local vernacular and incorporate materials and design features that are prevalent locally in Newick, to respect and contribute to the character of Newick's built form.

6.25 Policy HO1.8 of the NNP states that the Parish Council will oppose any future proposals for street lighting unless it can be justified on strong safety grounds. Details of the proposed lighting strategy are included within the Design and Access Statement and indicates that the lighting strategy incorporates the minimal allowed low level bollards for security and safety reasons, meaning the majority of the development will remain unlit in line with NNP policy.

Sustainability and Circular Economy

6.26 The issue of sustainability is addressed within the submitted Energy and Sustainability Statement, and covers the measures that can and will be incorporated to mitigate climate change. The overall strategy is to reduce demand and reduce emissions. The developer has set a target of reducing site wide emissions by 65% over baseline expected carbon emissions.

6.27 Measures to include -

- Enhanced insulation standards throughout the development
- Reduce space heating demands through orientation of buildings, efficient heating controls and boilers
- Air tightness of buildings
- Low energy lighting
- No mechanical cooling, using enhanced landscaping to reduce the creation of an urban heat island
- Addition of PV panels on appropriate roofs (31) to provide 127.5kWp of solar photovoltaic output
- Secure cycle parking (1 space per flat and 2 per dwelling house)
- All dwellings to be provided with EV charging
- 1 ha of species rich planting to off-set the 2.9ha of species poor semi improved grassland
- Use of A or A+ rated building materials, locally sourced wherever possible
- Recycling bins in all kitchens, caddy's for compostable waste, composting bins in all gardens
- Targeting 110 litres per person per day water consumption in all dwellings
- Sustainable drainage across the site

6.28 It has been possible to ensure that a significant number of dwellings have a southerly orientation which maximises natural energy gain and minimises energy demand for heating. Energy efficiency measures and improved thermal specifications last the entire lifetime of the building. This will be coupled with air tightness of the building's design, which will reduce the size of heating systems, energy use and carbon emissions.

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

6.30 Sourcing local materials will reduce transport costs, and all materials will be selected to improve environmental performance. The site is also well located in terms of existing

village facilities, and allows for trips to be made by foot and cycle. Vehicle charging points will be provided for all dwellings with a charging point provided within the communal parking area for the flats.

6.31 The applicants are a long standing Sussex-based design and build company who have confirmed that the majority of the construction materials are purchased from local supply chains. In addition, the vast majority of the sub-contract Labour will be Sussex-based with at least 90% coming from Sussex.

6.32 The build programme for this scheme would be around 24 months and employ a range of skilled sub-contractor workers. It is likely that approximately 50-100 workers would be on site at any one time with around 15 direct employees including site staff, customer care, sales, commercial and technical managers.

6.33 The applicant has also confirmed via their waste minimisation statement that following the waste hierarchy is of utmost importance. All operatives will be encouraged to minimise and reduce waste production, as part of taking pride in their work. They use high quality nationwide recycling services to make sure that recycling rates are above 90%, and track this using BRE SMART Waste cloud-based software.

Highways

6.34 The site is situated within a sustainable location, within walking distance of Newick village. The village centre is accessible via the footpath to the north of the site, along the A272, which will be upgraded in part as part of the application. In addition, the scheme proposes a new link in the south-west corner of the site to provide the opportunity to link to future development at the Telephone Exchange site, in order to achieve a route into the village that negates the need to walk alongside the A272.

6.35 The scheme has been designed to limit speeds within the internal network to provide a safe environment for pedestrians. The use of shared surfaces and private drives allows pedestrians to be prioritised. To further prioritise the needs of pedestrians and public transport users, off-site highways improvements to sustainable transport infrastructure will be secured by a s278 agreement that will comprise the provision of new bus stops, pedestrian crossing and improvements to the footway along the A272. A travel plan has been submitted as part of the application which includes details of how sustainable travel options will be promoted to future residents

6.36 The scheme incorporates adequate provision of off-road parking spaces for residents including off-road visitor parking. The provision of vehicle parking across the scheme is in accordance with the residential parking standards set out by East Sussex County Council's Parking Demand Calculator. These spaces will be provided through a mixture of on-plot driveways, garages, parking courts and on-street parking. Parking spaces for apartments will be provided within shared parking courts. A total of 22 visitor car parking spaces have been incorporated into the scheme and are evenly distributed across the site layout. Each dwelling will be fitted with a Fast Electric Car Charger

6.37 Policy HO4.6 of the NNP requires bus stops with shelters to be provided on either side of the A272, close to a pedestrian access point from the site to that road. The application proposes the relocation of the existing speed transition 70m to the east, as well as the construction of 2 new bus stops (eastbound and westbound) on the site frontage (A272), in accordance with the above policy requirements.

6.38 The highway Authority has been actively involved in the current application. Whilst initially raising an objection to the proposal due to the highway works proposed on the

A272 (Goldbridge Road) by reason that the measures included were not sufficient to reduce the likely vehicles speeds to a level suitable for the proposed extension of the 30mph limit eastwards. The 30mph limit extension and reduction in vehicle speeds were required to ensure visibility to the proposed bus stops would meet DMRB standards. The proposed access also did not meet the standards required for the current 85th% vehicle speeds of 43.7mph and 42.6mph east and westbound respectively.

6.39 Following consultation with Sussex Police and Road Safety professionals the applicant has suggested 1) deleting the proposed extension to the 30mph limit – to remove the objection to the suitability of the road as a 30mph road and 2) relocating the proposed eastbound bus stop slightly as shown on plans 2020-6174-012 Rev B and 2020-6174-009 Rev B. They have shown that the achievable forward visibility to the bus stop is 91.3m. This meets the minimum requirements for the current vehicle speeds. This splay may encroach very slightly across the boundary hedge on the northern side of Goldbridge Road, but given the lay of the land (the field is at a lower level than the road) the visibility splay is considered achievable. The rest of the splay is within the adopted highway verge.

6.40 The applicant has sought the Road Safety Auditor's further comment. They are accepting of the alterations as shown on plans 2020-6174-012 Rev B and 2020-6174-009 Rev B, but have noted (as have the Police and my Road Safety colleagues), other design changes that should be included the detailed design scheme.

6.41 It is also important that a Stage 3 and 4 Road Safety Audits are completed given the nature of the scheme and road on which it is located. Vehicle speed surveys are likely to be required by ESCC at the time of those RSAs. The RSAs and speed survey data will identify any necessary remedial measures.

6.42 Therefore the Highway Authority are now in a position to recommend approval subject to the conditions listed.

Drainage

6.43 The Lead Local Flood Authority have commented that previously they had requested that additional groundwater monitoring was undertaken between autumn and spring to determine groundwater levels following a wet winter. This has not been undertaken and they have concerns that high groundwater levels could impact on the proposed drainage system. Groundwater levels were recorded at less than 3m below ground level during ground investigation undertaken in the summer and this observation is supported by data we hold. A 1m unsaturated zone should be maintained from the highest groundwater level recorded during additional monitoring to the base of any drainage feature.

6.44 The applicant intends to discharge surface water runoff from the site to the River Ouse and this has previously been deemed acceptable. However, an environmental permit from the Environment Agency for the construction of the outfall on the Ouse and a license from East Sussex Highways will be required for the construction of the pipe from the application site to the river.

6.45 However provided suitable conditions are attached to any granting of planning permission to ensure surface water runoff from the development is managed safely, there is no objection in principle.

6.46 Conditions should include details of drainage surface water drainage system including calculations, a survey of the condition of the watercourse which will take surface water runoff from the development, and a maintenance and management plan for the entire drainage system.

6.47 Therefore the LLFA are satisfied from the information submitted in the FRA and the Planning statement that the development could proceed without detriment to its surroundings and that satisfactory measures can be put in place to ensure that the site can be adequately drained and have therefore recommended approval subject to conditions.

Wider Visual Impact and biodiversity

6.48 As described above the site is relatively flat and devoid of significant landscape features. As grazing land the mature vegetation exists largely around the periphery of the site. The site is not situated within any specific landscape designation. The land, in terms of its Agricultural Land Classification is classified as 'Good to Moderate' by Natural England (Aug 2010 agricultural land classification maps). There is no right of way cross the site, with the nearest ROW, excluding Goldbridge Road, being located approximately 180m to the south, or 400m to the north near Alexander Mead.

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

6.50 The applicant has carried out a Landscape and Visual Assessment. It accepts the site does make a limited contribution to the surrounding landscape character and that and that it would have some impact, largely visual, on local 'residential receptors' but that once the landscaping has established there will a moderate long term effect which will be mitigated by the landscaping scheme and careful use of form and massing in the architectural treatment of the development. The impact on the visual character of the wider landscape (Upper Ouse Valley) has been assessed taking into account that fact that the site was identified for development and that the site has a limited impact on the surrounding landscape character. It concludes that by year 10 the beneficial effects of the development and mitigation proposals will result in a neutral effect on the landscape character of the site and surrounding area.

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

6.52 An Extended Phase 1 Habitat Survey has been carried out. The site is dominated by species poor semi-improved grassland surrounded by species rich hedgerows. The Survey discovered a grass snake, foraging bats (at low density), and a dormouse was discovered in the hedgerow. It is not considered that any protected species would be impacted on by this development, with an overall enhancement of the wider habitat being achieved through the enhanced landscaping, and secured by a mitigation and enhancement plan, to be secured by condition.

6.53 New habitats that will be created will include:

- Native woodland – 333m²;
- Native shrub/woodland edge mix – 562m²;
- Shrub planting – 1025m²;
- Native hedgerow - 210m;
- Species grassland – 7000m²;
- Orchard – 200m²; and;
- Ponds and SuD – 300m²

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

Affordable Housing

6.55 The development would provide 40% affordable housing, 28 units. The scheme incorporates an affordable housing tenure split of 75% intermediate (shared ownership) and 25% affordable rented, which was agreed in principle by the Council as part of the previous application based on evidence of local need. Best endeavours have been undertaken to agree the same principle on this application prior to this submission.

6.56 All affordable dwellings have been designed to be tenure blind, in accordance with Core Policy 1 of the LLPP1, and include design features such as porch details, roof details and elevational treatments that are consistent across the scheme. The scheme includes provision of predominantly smaller starter home/downsize style properties (2 and 3 bedroom houses) as well as provision of bungalows, providing a wider choice for people wishing or needing to downsize or for accessibility reasons.

Legal Agreement

6.57 S106 agreement –

- 1) Travel Plan developed in accordance with ESCC Travel Plan Guidance for developers (Feb 2020) including Travel Plan Audit Fee of £6000
- 2) Right turn lane access from the A272 including pedestrian and traffic islands, and road markings etc as shown on plans 2020-6174-012 Rev B and 2020-6174-009 Rev B
- 3) Bus stops on the A272 including shelters and raised kerbs subject to final agreement as shown on plans 2020-6174-012 Rev B and 2020-6174-009 Rev B
- 4) 2m footway along the site frontage and westbound towards the A272/The Green junction
- 5) Footway connection from the eastern end of the site to the A272 as shown on plan T050_P010
- 6) Items 2-4 above shall be agreed, secured by a 278 agreement and constructed prior to the occupation of the first dwelling and which will include the need for Road Safety Audits stages 2 3 and 4 and renewed traffic speed surveys, and the implementation of any subsequent remedial measures.
- 7) SAMM contribution (currently £1170 per dwelling) which equals £80,730
- 8) SANG contribution of £5,000 per dwelling which equates to £345,000
- 9) 40% affordable housing - 12 flats (8 x 1 and 4 x 2 bed) and 3 x 1, 7 x 2 and 6 x 3 bed houses
- 10) LAP and LEAP - including these within the s.106 will allow for the option of the play areas to be transferred to the council together with a 20 year maintenance

contribution. Alternatively the developer can set up a Man co, to be funded by a service charge to secure the long term maintenance.

Conclusion

6.58 In policy terms it is acknowledged that part of the development (20% [14 units] of the proposed housing) is located outside of the site allocation and is a departure from the adopted local plan and therefore contrary to both CT1 of the Lewes District Local Plan and H04 of the Newick Neighbourhood Plan. However, a significant part of the site that is to be built upon is allocated for housing within the Local and Neighbourhood Plans (1.94 hectare and accommodating 55 units with a density of 28 units per hectare), and would provide a well-designed housing development, which provides a range of house types and styles which would sit comfortably on this edge of settlement site, without detriment to wider amenity or the countryside beyond. The development is both spacious and well landscaped, integrating into the surrounding countryside, without having a detrimental impact, whilst being in a sustainable location within walking distance of the village facilities.

6.59 The revised 2018 NPPF as amended makes it clear that Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990). The development plan includes local and neighbourhood plans that have been brought into force. There are a number of recent appeals where the Inspector has made decision in line with the Neighbourhood and Local Plan Policies. However it is important to state that in making those decisions the Inspector would have considered all other material considerations including other matters put forward to him/her and weighed up the weight that could be afforded those factors (the planning balance).

6.60 The NPPF at paragraph 12 states that 'the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making'. It goes on to say that 'Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed'. In this case it is considered that the proposed development would not compromise or undermine the implementation of the Newick Neighbourhood Plan or its objectives. Also, having due regard to the fact that the site allocation was originally located outside of the defined settlement boundary, it is not considered that the 14 units proposed to be built outside of the allocated site (which defines the extent of the new settlement boundary) would result in any demonstrable harm, to the wider countryside setting or wider amenity. The development is well designed in all other aspects and meets the relevant objective assessments (or will do with the imposition of the proposed conditions).

6.61 Having regard to the NPPF, it is considered that any adverse impacts arising would not demonstrably outweigh the considerable benefits arising from the development. The proposed development is considered acceptable in all other regards and therefore, and on balance, it is considered that planning permission can be granted.

7. RECOMMENDATION

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

7.2 That the application is refused under delegated authority if the S.106 agreement is not concluded in 6 months of any resolution to grant planning permission.

The application is subject to the following conditions:

1. Development shall not commence, excluding demolition, until a plan to show the proposed phasing of the construction has been submitted to and approved in writing by the Local Planning Authority, and the development shall take place in accordance with the approved plan

Reason: In the interests of securing a satisfactory phasing program without detriment to the wider surroundings

2. Development shall not commence, excluding demolition, until such time as the visibility splays including forward visibility at the access works and for the highway works are agreed with the Highway Authority.

Reason: In the interests of road safety.

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

Reason: In the interests of road safety

4. 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: To provide appropriate car-parking space for the development.

5. The vehicle parking spaces shall measure 2.5m by 5m with an extra 0.5m to either or both dimensions where spaces abut a wall, fence or hedge.

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

6. No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

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

7. No part of the development shall be occupied until the roads, footways and parking areas serving the relevant phase of the development have been constructed, surfaced, drained and lit in accordance with plans and details submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

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

8. Prior to the commencement of development, excluding demolition, details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.

Reason: In the interests of highway safety

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

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

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

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

Reason: To encourage and promote sustainable transport.

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

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

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

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

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

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

12. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and

obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

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

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

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

14. Prior to commencement of development, excluding demolition, details of the surface water drainage system shall be submitted in support of any application that intends to fix the layout and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate the following:

- a. Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to 6.3 l/s without increasing flood risk for all rainfall events including those with a 1 in 100 (plus 40%) annual probability of occurrence. An allowance for urban creep (recommended 10% increase in impermeable area) shall be incorporated within the calculations.
- b. The detailed design of the surface water drainage network 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 ponds/swales and the highest recorded groundwater level. If this cannot be achieved, the 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. This shall also include an assessment into the effectiveness of the proposed measures and the potential impact on flood risk.
- c. The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

Reason - To secure a satisfactory standard of development having regard to Policy DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

15. Prior to the construction of the outfall, a survey of the condition of the watercourse which will take surface water runoff from the development shall be investigated. Results of the survey shall be submitted to and approved in writing by the Local Planning Authority. Any required improvements to the condition of the watercourse shall also be included and, if approved by the Local Planning Authority, implemented accordingly. Written confirmation from East Sussex Highways agreeing to the construction of the outfall on adopted highway should be provided

together with details of how the necessary maintenance access and easements for the outfall from the pond to the watercourse will be secured for the lifetime of the development shall be submitted.

Reason - To secure a satisfactory standard of development having regard to Policy DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

16. Prior to the commencement of development, excluding demolition works, a maintenance and management plan for the entire drainage system shall be submitted to the local 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 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 be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

Reason - To secure a satisfactory standard of development having regard to Policy DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

17. Prior to commencement, details of finished floor level details shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

Reason: To ensure a satisfactory development in keeping with the locality having regard to Policy DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

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

Reason - To secure a satisfactory standard of development having regard to Policy DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

21. Prior to construction above ground samples of all external materials including all facing and roofing materials as well as surfacing materials, shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

Reason: To ensure a satisfactory development in keeping with the locality having regard to Policy DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

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

Reason: To secure a satisfactory standard of development having regard to Policy DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

23. Prior to occupation of the relevant phase of the development, details for the provision of bird and bat boxes, and hedgehog passes in garden fences shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with the approved details.

Reason: In the interest of wider ecological enhancement having regard to Policy DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

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

Reason - To preserve the character of the area and to prevent light pollution in this countryside setting having regard to Policy DM25 of the Lewes District Local Plan, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

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

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area and the amenity of adjacent occupiers having regard to Policy DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

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

Reason: To ensure the long term benefit to residents of the development having regard to Policy DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

27. Prior to the occupation of each dwelling the electric car charging points as shown on drawing number T050 P036 shall be installed and made operational.

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

28. Detailed plans for the hard and soft landscape works on the site hereby approved and indicated on plan 01 C Landscape Strategy shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out as approved before first occupation of each phase. If within a period of five years from the date of the planting any tree, or any tree planted in replacement for it, is removed, uprooted destroyed or dies, another tree of the same species and

size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason - In order to secure an acceptable form of development and having regard to Policy DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

29. The measures set out in the submitted Energy and Sustainability Statement, shall be incorporated within the development 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.

30. Development excluding demolition, shall not begin until details of foul and surface water drainage arrangements have been accepted by Southern Water and the details submitted to and approved in writing by the Local Planning Authority. The approved drainage works shall be implemented prior to the first occupation of the development.

Reason: To secure a satisfactory standard of development having regard to Policy DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

Informatives

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

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

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Proposed Elevation(s)	14 May 2020	T050_P123
Proposed Floor Plan(s)	14 May 2020	T050_P124
Proposed Elevation(s)	14 May 2020	T050_P124
Proposed Floor Plan(s)	14 May 2020	T050_P125
Proposed Elevation(s)	14 May 2020	T050_P125
Proposed Floor Plan(s)	14 May 2020	T050_P126
Proposed Elevation(s)	14 May 2020	T050_P126
Proposed Floor Plan(s)	14 May 2020	T050_P127

Proposed Floor Plan(s) 14 May 2020 T050_P128

Proposed Elevation(s) 14 May 2020 T050_P128

Proposed Elevation(s) 14 May 2020 T050_P129

Proposed Floor Plan(s) 14 May 2020 T050_P130

Proposed Floor Plan(s) 14 May 2020 T050_P131

Proposed Elevation(s) 14 May 2020 T050_P131

Proposed Elevation(s) 14 May 2020 T050_P132

Proposed Floor Plan(s) 14 May 2020 T050_P133

Proposed Floor Plan(s) 14 May 2020 T050_P134

Proposed Elevation(s) 14 May 2020 T050_P134

Proposed Floor Plan(s) 14 May 2020 T050_P135

Proposed Elevation(s) 14 May 2020 T050_P135

Design & Access Statement 14 May 2020

Planning Statement/Brief 14 May 2020

Additional Documents 14 May 2020 Landscape Visual Appraisal & Landscape Strategy Drawing

Travel Plan 14 May 2020

Flood Risk Assessment 14 May 2020

Additional Documents 14 May 2020 Ecological Impact Assessment & Habitat Regulation Assessment

Sustainability Checklist/Energy Stmt 14 May 2020

Biodiversity Checklist 14 May 2020

Justification / Heritage Statement 14 May 2020

Additional Documents 14 May 2020 Utilities Report

Additional Documents 14 May 2020 Arboricultural Impact Assessment, Tree Report & Tree Protection Plan

Additional Documents 14 May 2020 Ground Investigations Report

Air Quality Assessment 14 May 2020

Location Plan 14 May 2020 T050_P001

Existing Block Plan 14 May 2020 T050_P002

Proposed Layout Plan	14 May 2020	T050_P010
Proposed Layout Plan	14 May 2020	T050_P011
Street Scene	14 May 2020	T050_P061
Planning Statement/Brief	14 May 2020	T050_P062
Proposed Elevation(s)	14 May 2020	T050_P100
Proposed Floor Plan(s)	14 May 2020	T050_P101
Proposed Floor Plan(s)	14 May 2020	T050_P102
Proposed Elevation(s)	14 May 2020	T050_P102
Proposed Floor Plan(s)	14 May 2020	T050_P103
Proposed Elevation(s)	14 May 2020	T050_P103
Proposed Floor Plan(s)	14 May 2020	T050_P104
Proposed Elevation(s)	14 May 2020	T050_P104
Proposed Floor Plan(s)	14 May 2020	T050_P105
Proposed Elevation(s)	14 May 2020	T050_P105
Proposed Floor Plan(s)	14 May 2020	T050_P106
Proposed Elevation(s)	14 May 2020	T050_P106
Proposed Floor Plan(s)	14 May 2020	T050_P107
Proposed Elevation(s)	14 May 2020	T050_P107
Proposed Floor Plan(s)	14 May 2020	T050_P108
Proposed Elevation(s)	14 May 2020	T050_P108
Proposed Floor Plan(s)	14 May 2020	T050_P109
Proposed Elevation(s)	14 May 2020	T050_P109
Proposed Floor Plan(s)	14 May 2020	T050_P110
Proposed Elevation(s)	14 May 2020	T050_P110
Proposed Floor Plan(s)	14 May 2020	T050_P111
Proposed Elevation(s)	14 May 2020	T050_P112
Proposed Floor Plan(s)	14 May 2020	T050_P112
Proposed Floor Plan(s)	14 May 2020	T050_P113

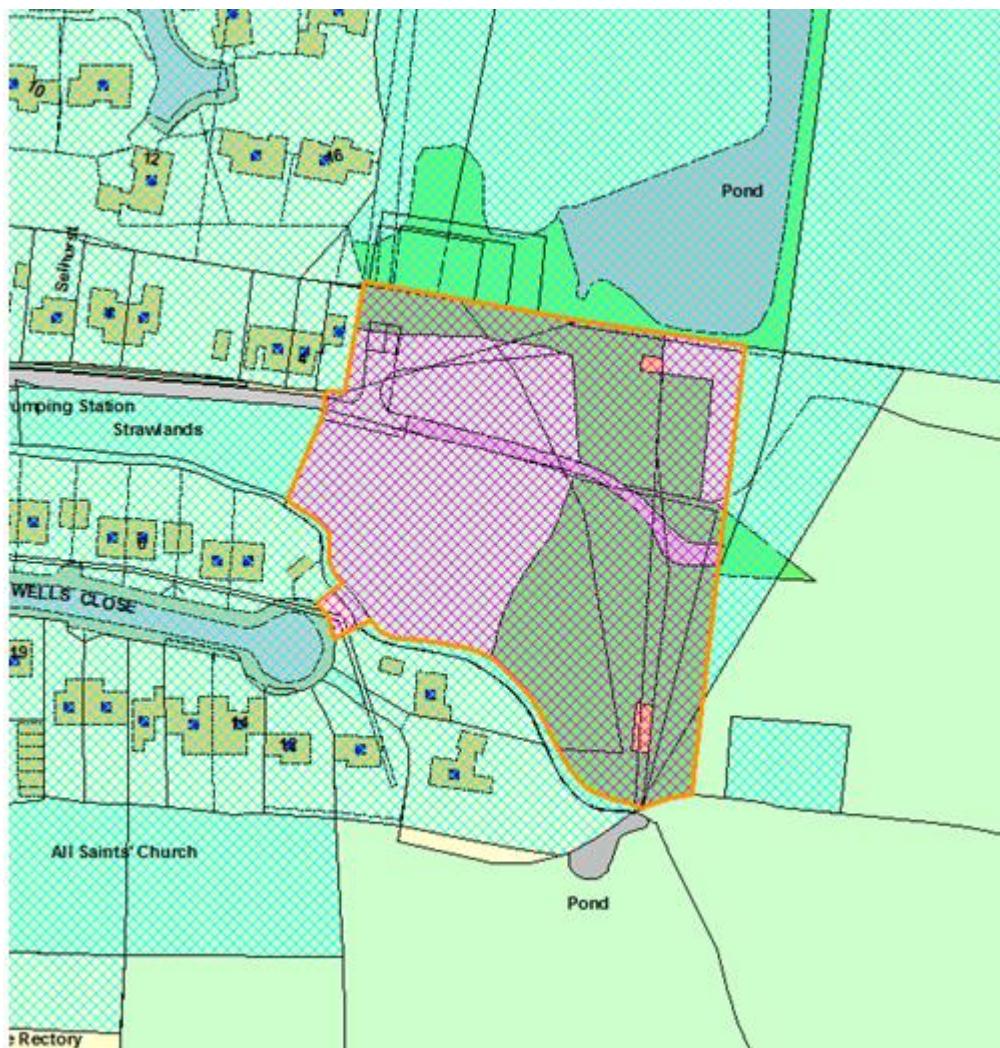
Proposed Elevation(s)	14 May 2020	T050_P113
Proposed Floor Plan(s)	14 May 2020	T050_P114
Proposed Elevation(s)	14 May 2020	T050_P114
Proposed Floor Plan(s)	14 May 2020	T050_P115
Proposed Elevation(s)	14 May 2020	T050_P115
Proposed Floor Plan(s)	14 May 2020	T050_P116
Proposed Elevation(s)	14 May 2020	T050_P116
Proposed Floor Plan(s)	14 May 2020	T050_P117
Proposed Elevation(s)	14 May 2020	T050_P117
Proposed Floor Plan(s)	14 May 2020	T050_P118
Proposed Elevation(s)	14 May 2020	T050_P118
Proposed Floor Plan(s)	14 May 2020	T050_P119
Proposed Elevation(s)	14 May 2020	T050_P119
Proposed Floor Plan(s)	14 May 2020	T050_P120
Proposed Elevation(s)	14 May 2020	T050_P120
Proposed Floor Plan(s)	14 May 2020	T050_P121
Proposed Elevation(s)	14 May 2020	T050_P121
Proposed Floor Plan(s)	14 May 2020	T050_P122
Proposed Elevation(s)	14 May 2020	T050_P122
Proposed Floor Plan(s)	14 May 2020	T050_P123
Sustainability Plan	30 Aug 2020	T050_P036
Other Plan(s)	23 July 2020	2020-6174-009RevB
Other Plan(s)	23 July 2020	2020-6174-012 RevB

This page is intentionally left blank

Agenda Item 9

APPLICATION NUMBER:	LW/19/0237	Case Officer:	Julie Cattell Julie.Cattell@lewes-eastbourne.gov.uk
APPLICANTS NAME(S):	Mr N Avery	PARISH / WARD:	Plumpton / Plumpton Street E.Chiltington St John W
PROPOSAL:	Outline planning application for erection of 4no two bedroom bungalows, 4no two bedroom flats and 2no one bedroom flats for persons aged 55 or over.		
SITE ADDRESS:	Site adjoining 4 Strawlands, Plumpton Green, East Sussex		
RECOMMENDATION	<p>1. That planning permission is granted subject to a s016 legal agreement and the conditions listed below.</p> <p>2. That the application is refused under delegated authority if the S.106 agreement is not concluded in 6 months of any resolution to grant planning permission.</p>		

IMPORTANT NOTE:- This scheme is CIL liable.



1. SITE DESCRIPTION / PROPOSAL

1.1 The application relates to a plot of land of approximately 0.7ha, located at the eastern end of Strawlands, an un-made single track road off the eastern side of Station Road in Plumpton. Strawlands has a small number of detached and semi-detached properties on its northern side and opens out into a small field, which was, up until adoption of the Plumpton Neighbourhood Plan, outside of the defined Planning Boundary of the village. Public Footpath 20 runs along the northern boundary of the application site, accessed from Strawlands. It falls within the Ditchling Common SSSI Impact Risk Zone. There are two protected trees just beyond the northern boundary of the site.

1.2 The site was formerly a coal yard and it is close to most village amenities. The site is well enclosed by mature and established tree planting and vegetation.

1.3 The application seeks outline planning permission with all matters reserved for a development comprising 4 x 2 bed room detached bungalows and a two-storey block comprising 2 x 1 bed and 4 x 2 bed flats, a total of 10 dwellings, specifically for over 55s. Access to the site is from Wells Close, a small cul-de-sac comprising 19 properties, as well as The Poplars, which is on the southern corner and fronts Station Road.

1.4 The application was originally submitted in March 2019, with 12 units – 6 bungalows and 6 flats. However, a revised application, with a slightly amended site boundary and a reduction in units from 12 to 10, was submitted in April 2020 following negotiations with the council's ecology advisors regarding mitigation of impacts. Consultations on this revised application were carried out in early June, delayed due to Covid-19 restrictions. Comments received before this report is published are included below, others will be reported the committee on the day of the meeting.

2. RELEVANT POLICIES

Lewes District Council Local Plan

LDLP: – SP2 – Distribution of Housing

LDLP: – CP1 – Affordable Housing

LDLP: – CP2 – Housing Type, Mix and Density

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

LDLP:- DM1 - Planning Boundary

LDLP:- DM24 - Protection of Biodiversity and Geodiversity

LDLP:- DM25 - Design

LDLP:- DM26 - Refuse and Recycling

LDLP:- DM27 - Landscape Design

Plumpton Neighbourhood Plan

Policy 1: - Spatial plan for the parish

Policy 2: - New-build environment and design

Policy 3: - Landscape and biodiversity

Policy 4: - Sustainable drainage and wastewater management

Policy 5: - New housing

Policy 5.2:- Wells Close, Plumpton Green

3. PLANNING HISTORY

Of relevance to this application are the following applications:

LW/75/1047 - Outline Application for three dwellings. - **Refused**

LW/88/0896 - Outline application for residential development at The Old Coal Yard. - **Withdrawn**

LW/89/1212 - Outline application for the erection of two detached houses and four terraced houses, garages and access. - **Refused**

APPEAL/89/1212 –Appeal (in respect of LW/89/1212) - **Dismissed**

LW/91/0604 - Outline application for the erection of 5 cottages, 2 flats, 7 garages and parking spaces. - **Refused**

LW/18/0259 - Development of 12 No Dwellings (6no two bedroom Bungalow, 4 two bedroom flats and 2no one bedroom flats) for Occupation by Older People over 55 - **Refused**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Parish Council

Comments on original application:

In view of the inclusion of this site in the Plumpton Parish Neighbourhood Plan (site 5.2 in the Plan), the Planning Committee supports this outline planning application as previously supported on 3rd May 2018 under reference number LW/18/0259.

However, it notes as previously submitted in May 2018 a number of major concerns about the proposed development raised by statutory bodies in their formal responses, and by residents of neighbouring properties in Wells Close and Strawlands, which still have not been addressed by this re-application.

1. Surface water flooding. Residents again stressed the high risk in this area, with essential drainage ditches serving the neighbouring Woodgate Meadow estate as well as the site itself. Any solution for surface water and sewage management should take an aggregated view of all the developments to the east of Station Road (including those on

the Glebe land and the land to the rear of Oakfield (policies 5.3 and 5.4 in the PPNP), recently granted planning permission by LDC. The Parish Council notes the response from ESCC Lead Local Flood Authority dated 30th April 2019.

2. Access to the site via Wells Close. Residents of Wells Close pointed to a previous planning application that had been turned down as the access road was considered unsuitable. They also expressed concerns about the safety of children playing in the road, due to increased traffic that would be generated by the 12 new dwellings. However, the committee notes that ESCC has adopted the spur linking Wells Close to the site with a view to creating an access road.

3. There were concerns over the felling of mature trees to make space for the car parking in the amended plans. These mature trees prevent flooding within the area and if felled would create major flooding problems. It was noted the car park was now in one area rather than adjacent to the properties which would make the development unattractive to the over 55s.

4. Woodgate Meadow Residents Company Limited wished to note. The proposed site plan indicated in document 080318/02 Rev A Block Plan, shows an open ditch between bungalow no's 4 & 5 which was the subject of paragraph 2 of their 30th April 2018 letter. This is a continuation of the outfall from a large pond on their land which can be seen on the OS Plan at the south-west corner of the pond, to the north of the boundary fence indicated on the OS location plan dated 3rd April 2019. They are responsible to the Environmental Agency for the continual free flow of water through the pond, as must be the landowner of the proposed development land through the open ditch on his/their land. It was mentioned previously that the proposed development land has been flooded in the last 25 years and, during period of heavy rainfall, the flow of water through the ditch can be excessive. These heavy rainfalls are likely to become heavier in future years. It would therefore seem logical for the developers to change the open ditch into an enclosed culvert to avoid possible flooding between these two bungalows and possibly other properties on the estate. This culvert could be started at the boundary between Woodgate Meadow land and the Public Footpath, thereby avoiding any possible flood risk to the footpath which could seep onto the land owned by bungalows 3,4 & 5.

The planning committee notes that a developer has yet to be engaged and hopes that any developer will consult constructively with residents, as had been the case with the application for development on the land at the rear of Oakfield.

Comments on revised application:

PPC support the application with a request for a Condition that the Wells Close access is created first - before building begins, so that little or no construction traffic has to travel down Strawlands.

Environment Agency – Given that the applicant has confirmed that the proposed development will be connected to the existing foul sewer, I can confirm that we are content to remove our objection dated 13 May 2019 (our ref: HA/2019/121278/01).

Sussex Police – I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime, I offer the following comments from a Secured by Design (SBD) perspective. SBD is owned by the UK Police service and supported by the Home Office that recommends a minimum standard of security using proven, tested and accredited products. Further details can be found on www.securedbydesign.com

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. With the level of crime and anti-social behaviour in Lewes district being below average when compared with the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

I would like to reiterate some of my previous comments. I note that the site plan shows the retention of an existing footpath, this footpath runs through the development. SBD states; Public footpaths should not run to the rear of, and provide access to gardens, rear yards or dwellings as these have been proven to generate crime. If unavoidable, to alleviate these problems / concerns, SBD recommends the footpath be; straight as possible, wide, well lit, devoid of hiding places and well maintained so as to enable natural surveillance along the path and its borders.

Given that the public footpath creates a legitimate reason for being at the location, it will be extremely important that the boundary between public space and private areas within the development are clearly indicated. It is desirable for dwelling frontages to be open to view to create natural surveillance, therefore walls, fences and hedges will need to be kept low or alternatively feature a combination (max height 1m) of wall, railings or timber picket fence. Equally as the first line of defence, perimeter fencing for the dwellings must be adequate with vulnerable areas such as side and rear gardens needing more robust defensive barriers by using walls or fencing to a minimum height of 1.8metres.

Gates that provide access to the side of the dwelling or rear access to the gardens must be robustly constructed of timber, be the same height as the adjoining fence and be lockable from both sides. Such gates must be located on or as near to the front of the building line as possible. The design height and construction of any gates within a perimeter fencing system should match that of the adjoining fences and not compromise the overall security of the garden boundary.

Parking for the development is provided for 20 vehicles in a communal parking court to the front and side of the communal block. This parking court is observed by two rooms within the block of 6 flats. It is a lot of responsibility to expect two dwellings to maintain surveillance over all the vehicles located here. SBD promotes that where communal parking occurs it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area and vehicle. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms. I recommend that the car parking court be relocated to the front of the block and plots 4, 5 & 6. This arrangement would provide a great of natural surveillance over the vehicle parking area, eliminating the possibility of unobserved vehicles and the potential for vehicle crime.

My concerns over the public footpath, parking and surveillance are the driven by the developments aim for providing occupation for older people over 55 as well as to reduce the opportunity for and the fear of crime.

Southern Water Plc – No development or new tree planting should be located within 3 metres either side of the external edge of the foul sewer.

No new soakaways should be located within 5m of a public sewer.

All existing infrastructure should be constructed during the course of construction works.

Furthermore, due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its conditions, the number of properties served, and potential means of access before any further works commence on the site.

The applicant has not stated details of means of disposal of foul drainage from the site. Southern Water requires a formal application for a connection to the foul and surface water sewer be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage is required in order to service this development.

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

Housing Needs And Strategy Division

Initial response on original application requested further information regarding number of units offered as affordable, mix and tenure and offered advice on unit sizes. The following was agreed with the applicant:

- 4 units (plus commuted sum equivalent to 0.8 of 1 x 1 bed flat)
- 1 x 2 bed bungalow, 1 x 2 bed flat, 2 x 1 bed flats
- Tenure 75% rented, 25% intermediate

Comments on revised application:

I am happy with the mix and tenure split. However, on such a small scheme I would have considered a scheme with a single affordable housing tenure, if that would be easier to deliver.

Natural England – 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 and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts 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. We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural

England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

District Services – Waste services have no issues with the above planning application.

ESCC SUDS

Comments dated 29/04/2019:

The information submitted by the applicant in support of the planning application has not satisfied the Lead Local Flood Authority and does not assure us that surface water and local flood risk have been adequately taken into account. We note that the applicant has undertaken 2-dimensional hydraulic modelling to determine the impacts of the proposed development. However, the information submitted is not sufficient to demonstrate that the proposed development will not increase flood risk elsewhere, or to ensure that surface water will not pose a flood risk to any proposed residential development.

The post-development model results (figure 10; FINAL REPORT) do not seem to take into consideration the proposed residential developments and proposed grounds levels. Furthermore, we note that the applicant has analysed the impacts of the proposed development with points positioned at the centre of each property. However, the impacts should be analysed for the entire catchment as any increase in surface water flood risk to adjacent sites would be unacceptable.

Therefore, we **request** the applicant to revise the surface water model with the proposed ground levels and proposed residential development (enclosed structures). The findings of the 2D modelling should inform the layout of the development, allowing existing surface water overland flow paths to be retained or carefully diverted ensuring no increase in flood risk on or offsite.

Finished ground floor levels of any proposed residential development must be sufficient to ensure that surface water does not pose a flood risk in the 1 in 100 year event plus 40% climate change allowance.

Additionally, we request that the applicant provides a full copy of the model and results for our review to allow us to understand how this has been undertaken and how features have been represented. The submission of the hydraulic model should include:

All model geometry files for baseline and post development scenarios; Hydrology files; Full results files for all events and scenarios. This should also include ascii files of maximum depth, water level and velocity; Check files for all scenarios; and Hydraulic Modelling Report.

We note that the proposed attenuation tanks will be located within the overland flowpath that crosses the application site and that will compromise the capacity of the entire drainage system. Therefore, in the event of an extreme rainfall event at the catchment/site, capacity would not be available in the attenuation tanks to store runoff from the development site, increasing therefore surface water flood risk downstream. Therefore, we **request** that the attenuation tanks are moved to a more appropriate location.

British Geological Survey data shows that groundwater on site is less than 3m below ground level. Therefore high groundwater should be taken into consideration in the design of the attenuation tanks. No information has been provided to assure us that the impacts of high groundwater on the surface water drainage proposals will be managed appropriately.

However, impacts of high groundwater on the development and surface water drainage proposals can be addressed at a later stage in the planning process once the outstanding items above have been resolved.

Comments on revised details dated 18/10/2019:

In response to the previous comments the applicant has undertaken hydraulic modelling which indicates that flood risk will not increase on or offsite. Consequently, it may be possible to mitigate flood risk to acceptable levels through the imposition of appropriately worded planning conditions, although we will require considerably more information at the detailed design stage. In order to manage flood risk, the applicant is proposing to raise site levels by over 1m over the majority of the site.

Modelling these proposals has shown no detrimental impacts on or off site once the development is completed, however the applicant will have to ensure that measures are taken to ensure that flood risk is managed appropriately during the construction phase. The site investigation records ingress of groundwater into the boreholes, and we note that attenuation storage is to be provided through underground tanks. The impacts of high groundwater should be taken into account in the design of any surface water management measures. This should include measures to ensure that potential ingress of groundwater can be managed and floatation calculations. Due to raising of ground levels, the watercourse running through the site will have steep banks and may present a potential hazard if safety measures are not introduced. In the interest of managing flood risk, the applicant should ensure that the maintenance and management of this watercourse is addressed appropriately and does not fall to individual riparian owners.

Any works affecting the watercourse adjacent to the development site will have to be discussed and agreed to by the County Council. The applicant should approach the LLFA for discussions once the nature of these works is known on watercourse.consenting@eastsussex.gov.uk

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. Detailed drainage drawings and calculations shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include evidence (in the form hydraulic calculations) that surface water discharge rates are limited to 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.
2. The details of the proposed diversion of the existing culvert shall be submitted as part of the detailed design. These shall clearly show the proposed route and levels together with maintenance access arrangements. In addition measures which will be taken to stop groundwater ingress into the culvert shall be provided.
3. Details of measures to manage flood risk, both on and off the site, during the construction phase shall be 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.
4. The surface water outfall is most likely to be surcharged due to high river levels in the watercourse. Consequently, the proposed drainage system is most likely to flood if the

predicted river levels are not taken into account during the design of the drainage system. The applicant shall provide hydraulic calculations where the outfall is allowed to surcharge based on the predicted 1 in 100 year flood level.

5. Prior to the construction of the outfall, a survey of the condition of the ordinary watercourse which will take surface water runoff from the development shall be investigated. Results of the survey shall be submitted to and approved in writing by the Local Planning Authority. Any required improvements to the condition of the watercourse shall also be included and, if approved by the Local Planning Authority, implemented accordingly.

6. The details of the outfall of the proposed attenuation tank and how it connects into the watercourse shall be submitted as part of a detailed design including cross sections and invert levels.

7. The detailed design of the attenuation tank shall be 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.

8. A maintenance and management plan for the entire drainage system shall 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 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 be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

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

ESCC Highways

Comments on original application dated 19th November 2019

The applicant has provided additional plans indicating, for illustrative purposes, that adequate on site turning space could be provided for the current largest refuse vehicle [11.997m]. Whilst the parking layout as indicated is not acceptable the applicant has agreed that the layout of the site at reserved matters stage could be altered to provide on plot parking instead of in rear courtyard. Thus I do not object to this Outline proposal [with all matters reserved] subject to highway conditions and a s106 agreement to:-

- secure new sections of and improvements to existing footways in Wells Close;
- together with uncontrolled crossing points on Wells Close/Station Road in the form of dropped kerbs and/or tactile paving.

The main elements of this Outline application are:- Erect up to 12 residential units [6 x 2 bedroom bungalows, 4 x 2 bedroom flats and 2 x 1 bedroom flats] for persons over 55 years of age.

Indicative New Access onto Wells Close [UC5919]; New sections of footway onto Wells Close

This application is for OUTLINE purposes only with ALL matters reserved, including the vehicular access. Although the submitted plans do not state “for indicative purposes only” the planning application form clearly states this is an Outline application with ALL matters reserved.

At detail stage the applicant would need to satisfy the Highway Authority that a satisfactory access could be provided along with sufficient on site car parking and turning area. The Highway Authority has concerns over the illustrative access proposals and potential area for car parking. The applicant has provided amended/additional plans which indicate that on site turning for the current largest refuse vehicle would be possible. Although the parking layout is not acceptable as shown the applicant has agreed that the layout at reserved matters stage would be altered to accommodate some on plot parking areas, thus the principle in this OUTLINE form is acceptable.

1. Trip Generation

The applicant has provided trip generation figures using the TRICS database and whilst only 2 sites have been used I confirm they are comparable to other similar “age restricted” sites. The proposal would generate approximately 36 – 40 vehicular trips a day and is therefore acceptable onto Wells Close.

2. Access/Visibility

The proposal includes a new vehicular access onto Wells Close to serve this development. The highway extent at this point of Wells Close includes the land between the back of existing footway and the watercourse on the southern boundary of the site. At the point of the proposed access there is a telegraph pole which will need to be repositioned as a result of this new access point. The amended plan No. 7684/101B indicates that the access would be 5.5 metres wide together with 2 metres wide footways provided both sides of the new access roads which would extend out around the bellmouth of the access connecting to the existing footways in Wells Close. There are ditches/watercourses across this site which flow north west to south east. ESCC have no objection to the watercourse on the southern boundary of the site being culverted in order to gain vehicular access to this site subject to construction details being agreed at reserved matters stage and a watercoursing consent being obtained to discharge surface water into the existing drainage here.

3. Parking/turning

Parking can be dealt with at Reserved Matters stage and would need to be in accordance with ESCC’s parking guidelines [October 2017]. It should be noted that the parking court/s as shown on the illustrative plans would not be acceptable due to the parking being a considerable distance away from actual dwellings and due to surveillance issues. This issue was also raised by the Police, however, I understand that the applicant has agreed that the layout will be revised with some on plot parking provided at reserved matters stage. Given that ALL matters [including layout] are to be dealt with at reserved matters stage the parking can be dealt with at that point. Adequate on site turning would also be required and laid out in accordance with the details set out in the Manual for Streets with appropriate vehicle tracking provided for the largest current refuse vehicle.

4. Accessibility

The proposed development would give rise to needs for improvement to the local highway network to accommodate the additional demands the use of the site will place on existing facilities. There are existing footways along Wells Close which vary in width with the nearest bus stops being on Station Road [at Riddens Lane] some 650m from all parts of the site. Whilst this distance is outside the desirable walking distance of 400m to a bus stop it is within the acceptable distance of 800m. The local convenience store and post office is also situated in the locality of the bus stops. The local public house, church and village hall are also within walking distance of the site. Therefore in order for residents to reach the facilities within Plumpton village and to reach the bus stop facilities on Station Road at Riddens Lane the existing footways in Wells Close are required to be widened to 2 metres from the site access to provide a suitable footway connection into the site. Suitable crossing points [dropped kerbs/tactile paving] on Wells Close at its junction with Station Road would also need to be provided to enable pedestrians to reach the local facilities and bus stops.

5. Highway Mitigation Works

The off-site highway works [including, access arrangement, footways, crossing points etc] should be secured through a legal agreement (Section 106). These off site highway works would require the applicant entering into a s278 Agreement with the Highway Authority.

In addition to the mitigation works to be secured through a s106 agreement I recommend the following conditions are included in any grant of consent:-

1. The development shall not commence until details of the layout of the new access and the specification for the construction of the access which shall include details of gradient, surface water drainage including culverting the existing watercourse have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the development shall not be occupied until the construction of the access has been completed in accordance with the agreed specification.

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

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

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

3. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).

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

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

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

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

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

6. The new estate road[s] shall be designed and constructed to a standard approved by the Planning Authority in accordance with Highway Authority's standards with a view to [its/their] subsequent adoption as [a] publicly maintained highway

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

7. Before house building commences, the new estate road[s] shall be completed to base course level, together with the surface water and foul sewers and main services to the approval of the Planning Authority in consultation with the Highway Authority

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

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

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

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

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

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

10. No development shall take place, including demolition, on the site until an agreed pre commencement condition survey of the surrounding highway network has been

submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.

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

Informatives

1. This Authority's requirements associated with this development proposal will need to be secured through a Section 171/278 Legal Agreement between the applicant and East Sussex County Council. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
2. The applicant is advised to enter into a Section 59 Agreement under the Highways Act, 1980 to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The applicant is advised to contact the Transport Development Control Team (01273 482254) in order to commence this process.
3. The applicant is advised to enter into a Section 38 legal agreement with East Sussex County Council, as Highway Authority, for the proposed adoptable on-site highway works. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that any works commenced prior to the Sec 38 agreement being in place are undertaken at their own risk.
4. The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway. The applicant should contact East Sussex Highways (0345 6080193)
5. The applicant is advised that the erection of temporary directional signage should be agreed with East Sussex Highways (01345 6080193) prior to any signage being installed.

Any additional comments on the revisions will be reported in the Supplemental Report.

LDC Ecologist

Comments dated 3rd June 2019

I cannot see that an ecology survey and report has been uploaded as part of the application and therefore would object on insufficient information being provided. Having some knowledge of Plumpton Green, protected / notable species populations are very much present due to the rural setting including natural and semi natural habitats. Known protected / notable species include, but not limited to: herptiles including great crested newt, bat, dormice, bird etc.

An ecology report, undertaken by a suitably qualified and experienced ecologist, needs to be submitted so that we, as the LPA can assess the development accurately in line with meeting our biodiversity and ecology responsibilities and duties as aligned to current wildlife law and planning policy notably the achievement of net biodiversity gains. Without this information it is not possible to see how it meets with such, with it not acceptable to condition or leave this information for reserved matters as the D&A statement suggests noting:

Annex H (Note 2) of British Standard (Biodiversity, Planning & Development) BS42020_2013:

"...under normal circumstances all surveys need to be complete prior to determination, and preferably by the time the application is registered. However, there are occasionally situations where further surveys are recommended."

ODPM circular 06/2005 - Paragraph 99:

"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. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted.

Paragraph 116:

When dealing with cases where a European protected species may be affected, a planning authority is a competent authority within the meaning of regulation 6 of the Habitats Regulations, and therefore has a statutory duty under regulation 3(4) to have regard to the requirements of the Habitats Directive in the exercise of its functions. So the Directive's provisions are clearly relevant in reaching planning decisions, and these should be made in a manner which takes them fully into account. The Directive's requirements include a strict system of protection for European protected species, prohibiting deliberate killing, catching or disturbing of species, the taking of eggs etc and damage to or destruction of their breeding sites or resting places. Derogations from this strict protection are allowed only in certain limited circumstances and subject to certain tests being met (see para 112 above). Planning authorities should give due weight to the presence of a European protected species on a development site to reflect these requirements, in reaching planning decisions, and this may potentially justify a refusal of planning permission." Therefore a decision should not be made until this information has been submitted and considered.

Comments on revised scheme and additional evidence submitted in April 2020

The new design shows greater consideration of biodiversity (in terms of the baseline ecological site conditions and best practice i.e. employing the mitigation hierarchy through avoidance and retention of existing ecologically valuable habitats/ features; and meeting with biodiversity policies notably (attempting to) achieve net biodiversity gains etc). I would, therefore, definitely be more supportive of this updated design.

The latest revision of the EclA (dated April 2020) reflects the improved development design including the increased retention of existing tree / wooded areas within the redline boundary, and improved compensatory measures for the loss of the wet SI grassland and the protected /notable species of which it is known / likely to support, by way of the creation of a wildlife pond etc as was discussed with their ecologist. When it comes round to the full application the requirement for the Net Biodiversity gain metric to be submitted should well be mandatory and so we can judge in more detail then on the actual pre and post numbers. A condition should include the use of the net gain metric along the lines of evidence to be provided in the full app to show how it fully meets achieving biodiversity net gain in line with the EclA prescriptions.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

Comments on original application:

Representations were received from residents of nine properties in the locality and from the Woodgate Resident's Association. Objections were raised on the following grounds:

- additional traffic generation, danger to children
- drainage, surface water and flood risk
- inadequate parking and fire brigade access
- loss of wildlife
- design.

An objection received form Cllr Banks concerned with:

1. Surface water flooding
2. Access to the site via Wells Close
3. Felling of mature trees
4. Ecological Impact
5. Location of central park inconvenient for residents
6. Block of flats overlooks 9 Wells Close

Comments on revised application

One representation received in support of the application – the village needs more affordable housing to support services.

Twenty-six objections were received following consultations on the revised scheme. Objections were raised on the following grounds:

- Building in the countryside
- Flooding/drainage
- Traffic generation
- Highway safety issues in Wells Close
- Impact on local infrastructure
- Site is not brownfield
- Effect on ecology and wildlife
- Noise and disturbance
- Statutory services (drainage, sewers and electricity) under strain already
- Effect on town centre viability
- Loss of open space
- Overbearing development
- Out of character
- Overlooking

- Smell/fumes
- Not sustainable development
- Question why Strawlands isn't used for access rather than Wells Close
- Overdevelopment of site
- Footpath would have to move
- Loss of trees
- Wells Close is a cul-de-sac not a through road

6. PLANNING CONSIDERATIONS

Principle of Development

6.1 The plot of land is allocated in the Plumpton Neighbourhood Plan (PNP) for provision of 12 x 1-bed and 2-bed residential units specifically designed for older people under policy 5.2 (Wells Close, Plumpton Green) and is listed in the SHEELAA as site number 13PL as '*Suitable, Available and Achievable*'. In the PNP, it is stated that the site '*..meets a stated preference of the village to provide more homes for older people*'. (Para. 5.42). Policy PNP5 seeks range of house types to meet the needs of those '*..wishing to downsize*'.

6.2 Policy SP2 states that housing in the district will be delivered on strategic site allocations as well as planned growth in settlements such as Plumpton Green. Policy CP2 seeks to '*Provide 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.*' Policies DM1 and PNP1 support new development within the Plumpton Village Boundary. The proposal in principle is supported by all of these policies.

Affordable Housing

6.3 The application proposes 4 (40%) out of the 10 units as affordable, to be secured by s106. The mix of unit sizes – 1 x 2 bed bungalow, 1 x 2 bed flat and 2 x 1 bed flats – and the tenure split of 3 rented and 1 intermediate – is acceptable to the Housing Needs Team. The proposal is fully compliant with policies CP1, PNP5 and PNP5.2.

Design, scale and layout

6.4 The application is in outline only, however, the amended drawings indicate a satisfactory layout to accommodate the quantum of development proposed, allowing space for access and turning, parking and bin stores as well as a buffer with existing dwellings. The density of the scheme is 14dph. Crucially, the revised layout retains in its entirety the wooded area in the south-east corner of the site. The final layout will be subject to approval under Reserved Matters (RM).

6.5 Again detailed design and materials will be the subject of further consideration under RM. However, the drawings and the Design and Access Statement indicate a scale, architectural style and typology that is reflective of the area – one and two storeys, traditional pitched roof design, brick and tile finish. It is considered that the proposal is capable of complying with policies CP11, DM25 and PNP2.

Amenity

6.6 The scheme layout and plans of the flats and bungalows indicate that the proposal based on the revised layout would not lead to any adverse impact on existing properties in Strawlands and Wells Close by way of overlooking/privacy and loss of daylight/sunlight.

The layout also avoids any mutual loss of privacy or light between the new properties. The indicative plans show that the net floor area of the bungalows – 88m² and the flats 80m² and 60m² – exceed the Nationally Described Space Standard. The bungalows all have private gardens. The flats will have access to communal amenity space, the extent of which will be secured by condition, as will a hard and soft landscape plan for the common areas of the site. Space is indicated for storage of refuse and recycling bins. In respect of amenity, the proposal is capable of complying with policies CP11, DM25, DM26, DM 27 and PNP3 at RM stage.

Access, parking and transport

6.7 Subject to recommended conditions, including parking layout, and off-site improvements to be secured by s106, the Highways Authority raises no objections to the proposal. Secure undercover cycle parking is also sought via condition. It is considered that the proposal is compliant with policy CP13.

Drainage

6.8 Drainage has been one of the key constraints for the development of this site. The applicant has been involved in detailed discussions with the SUDs Team throughout the course of the application and a satisfactory resolution was reached in October 2019 when the initial objection was removed and conditions recommended to mitigate the impact of the proposal on the the risk to flooding on and in the vicinity of the site. Subject to these conditions, the proposal is considered to be compliant with policies CP12 and PNP4.

Ecology

6.9 This issue has also been the subject of concern. As a result of discussions with the council's Ecologist, the scheme was revised to retain the wooded area to the south east of the site. A number of mitigation measures were negotiated, including a new pond to the east of the site and native hedge planting, on land controlled by the applicant. These measures and a management plan can be secured in the s106. With these measures in place, it is considered that the proposal will comply with policies CP10, DM24 and PNP3.

Sustainability

6.10 Conditions have been attached to secure details of measures to reduce carbon energy use, facilitate renewable energy installations, lower household water consumption and electric car charging points, in order to comply with policies CP13 and CP14.

Responses to consultations

6.11 This application has generated a high level of response from local residents. Most of the issues raised have been addressed in the main body of the report. However, the starting point for consideration of the application is that the site is allocated in the PNP for housing for older people and is supported by policies in the LDLP. All other issues of concern, chiefly drainage, transport/traffic and ecology have been addressed by the applicant to the satisfactory of the relevant consultees, and are subject to stringent conditions noted below.

Agent's response to Sussex Police recommendations

6.12 The agent has responded directly to the comments by Sussex Police, indicating that measures will be incorporated where possible.

S106 Agreement

6.13 The application is recommended for approval subject to a s106 agreement to include the following:

- Secure 4 x units as affordable – 1 x 2 bed bungalow, 1 x 2 bed flat 2 x 1 bed flats, with tenure split of 3 rented and 1 intermediate;
- All 10 units to be limited to over 55s only;
- Secure new sections of and improvements to existing footways in Wells Close;
- Uncontrolled crossing points on Wells Close/Station Road in the form of dropped kerbs and/or tactile paving;
- Ecological enhancements to land adjoining the site in the applicant's ownership

7. RECOMMENDATION

7.1 It is considered that the application as amended is acceptable and meets all of the relevant national and local plan policies. Approval is recommended, subject to conditions and a S.106 agreement.

7.2 That the application is refused under delegated authority if the S.106 agreement is not concluded in 6 months of any resolution to grant planning permission.

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

1. 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.

2. 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.

3. 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 scheme shall include provision for communal amenity space for use by the residents of the flats. 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 measures to safely translocate reptiles from the site have been submitted to and approved by the Local Planning Authority. The measures shall be carried out in full in accordance with the approval given.

Reason: To safeguard protected species on the site having regard to policies CP10 and DM24 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 a detailed plan, including a management plan, of the proposed ecology mitigation area have been submitted to and approved by the Local Planning Authority. The plan shall include measures set out in the approved Ecological Impact Assessment and demonstrate how a net gain in the biodiversity of the site and adjoining area will be enhanced.

Reason: To maintain and enhance the ecological value of the site having regard to policies CP10 and 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 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.

7. 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 of hydraulic calculations) that surface water discharge rates are limited to 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. As surface water outfall is most likely to be surcharged due to high river levels in the watercourse, the proposed drainage system is most likely to flood if the predicted river levels are not taken into account during the design of the drainage system. The submitted details shall also include hydraulic calculations where the outfall is allowed to surcharge based on the predicted 1 in 100 year flood level. 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. No development shall commence until the details of the proposed diversion of the existing culvert have been submitted to and approved in writing by the Local Planning Authority. The details should clearly show the proposed route and levels together with maintenance access arrangements and measures which will be taken to stop groundwater ingress into the culvert 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

9. No development shall commence until the 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.

10. No development shall commence until the results of a survey of the condition of the ordinary watercourse which will take surface water runoff from the development has taken place and the results of the survey submitted to and approved in writing by the Local Planning Authority. Any required improvements to the condition of the watercourse shall also be included and, if approved by the Local Planning Authority, implemented accordingly.

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 the detailed design of the attenuation tank 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. The details of the outfall of the proposed attenuation tank and how it connects into the watercourse shall be submitted as part of a detailed design including cross sections and invert levels.

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.

12. No development shall commence until maintenance and management plan for the entire drainage system has been submitted to and approved by Local 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 be submitted to and approved in writing by the Local Planning Authority and 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.

13. No development shall commence until details of the layout of the new access and the specification for the construction of the access, which shall include details of gradient, surface water drainage including culverting the existing watercourse, internal road, vehicle turning area, and street lighting (as necessary), in accordance with the Local Highway Authority's standards, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The access and roads shall thereafter be constructed in accordance with the approved drawings and details

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

14. No development shall commence until the construction of the access has been completed in full in accordance with the approved specification.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to prevent construction traffic from using Strawlands as a point of access.

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

- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and egress and routeing of vehicles during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste;
- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoarding;
- 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; and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- details of public engagement both prior to and during construction works;
- measures to control the emission of dust, dirt, air pollution and odour during demolition and construction;
- temporary lighting for construction and security;
- public engagement both prior to and during construction works;
- means of safeguarding public rights of way or providing temporary diversions;

- 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;
- details of off-site monitoring of the CEMP; and
- 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

16. No development shall take place on the site until an agreed pre commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.

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

17. 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 District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

18. 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 District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

19. No part of the development shall be occupied until details of the parking areas have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and laid out as approved. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

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

20. 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. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).

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

21. No part of the development shall be occupied until 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

22. No part of the development shall be occupied until full details of storage for refuse and recycling bins have been 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 policy DM26 and guidance within the National Planning Policy Framework.

23. No part of the development shall be occupied until evidence (including photographs) has been 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.

24. 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.

25. 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.

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

Reason: In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with policies CP10 and DM27 of the Lewes District Local Plan and the National Planning Policy Framework.

27. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development described in Part 1, Classes A to F of Schedule 2, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area 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.

INFORMATIVE(S)

1. A formal application for connection to the public sewerage is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>.

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

3. The applicant is advised to enter into a Section 59 Agreement under the Highways Act, 1980 to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The applicant is advised to contact the Transport Development Control Team (01273 482254) in order to commence this process.

4. The applicant is advised to enter into a Section 38 legal agreement with East Sussex County Council, as Highway Authority, for the proposed adoptable on-site highway works. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that any works commenced prior to the Section 38 agreement being in place are undertaken at their own risk.

5. The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary

parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway. The applicant should contact East Sussex Highways (0345 6080193)

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

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Other Plan(s)		Micro Drainage
Other Plan(s)		54914/10/O- Proposed access road pipe culvert crossing layout and details
Other Plan(s)	25 March 2019	CS/C1140 - Soakaway testing - Infiltration test result summary
Proposed Elevation(s)	25 March 2019	080318/04 - Bungalow - 1:100
Proposed Floor Plan(s)	25 March 2019	080318/04 - Bungalow - 1:100
Proposed Roof Plan	25 March 2019	080318/04 - Bungalow - 1:100
Proposed Elevation(s)	25 March 2019	080318/05 - Flats - 1:100
Proposed Floor Plan(s)	25 March 2019	080318/05 - Flats - 1:100
Proposed Roof Plan	25 March 2019	080318/05 - Flats - 1:100
Transport Assessment	25 March 2019	2019/11
Technical Report	6 April 2020	GCN Report
Other Plan(s)	25 March 2019	Topographical survey - 1:200
Proposed Block Plan	6 April 2020	080318/02F Proposed Block Plan
Location Plan	6 April 2020	Location Plan
Technical Report	18 September 2019	Flood Modelling Report
Technical Report	6 April 2020	8845 Eco Impact Assessment Rev. 1
Technical Report	6 April 2020	8845 Bat Survey Report
Technical Report	6 April 2020	Preliminary Ecological Assessment
Technical Report	6 April 2020	Reptile Report
Other Plan(s)	25 March 2019	CES417/01/02 Surface Sewer Network Design Standard Details

This page is intentionally left blank

Report to **Planning Applications Committee**
Date **12 August 2020**
By **Director of Planning**
Local Authority **Lewes District Council**
Application Number **SDNP/19/04516/FUL**
Applicant **Helen & David Blaber**
Application **Alterations and conversion of an existing barn to a holiday let.**
Address **1 New Cottages
The Street
Bishopstone Village
BN25 2UH**

Recommendation: That the application be approved for the reasons and subject to the conditions set out in paragraph 10 of this report.

IMPORTANT NOTE: This application is liable for Community Infrastructure Levy.

Executive Summary

The proposed development is considered to be acceptable in principle in this location and, subject to conditions, approval is recommended.

1 Site Description

1.1 The application site lies on the eastern side of The Street, in the village of Bishopstone, which is between Newhaven and Seaford. The house is a semi-detached cottage and lying to the south is a large barn.

1.2 The site lies within the South Downs National Park and is just outside of Bishopstone Conservation Area. None of the buildings within the site are listed.

1.3 Public footpath 6C (Seaford) lies opposite the application site and bridleway 8A is a short distance away. The site is well connected with paths and bridleways across the Downs and between the neighbouring towns, including a segregated cycle lane which follows the A259 between Newhaven and Seaford.

1.4 The barn itself measures approximately 21m in length and 6.5m in width. The barn is single storey and has a pitched roof and barn doors at each end. To the ridge the barn is approximately 3.9m in height.

2 Proposal

2.1 The application seeks planning permission for the conversion of an existing barn into a holiday let, together with associated alterations.

2.2 The proposed development would use the existing building envelope with no extension or enlargements. Internally the holiday let would comprise three bedrooms; utility room; family bathroom; and kitchen/living/dining room.

2.3 The external walls, which are presently metal corrugated sheeting, would be finished in black stained timber boarding. The roof materials are not yet decided. Windows and doors are to be timber and the boundaries would comprise hedgerows.

2.4 There are two existing car parking spaces and two extra spaces are proposed, making a total of 4 car parking spaces within the scheme.

2.5 A length of hedgerow along the front boundary is proposed to be removed in order to make space for the proposed parking area.

2.6 Amended plans have been received removing all rooflights from the south facing roof slope and reducing the number of rooflights to the north facing roof slope down to two, small rooflights. In addition, an extra length of replacement hedge planting is proposed.

3 Relevant Planning History

There is no relevant planning history. However, pre-application advice was provided on 9 November 2015 (ref. SDNP/15/05082/PRES) for a proposed holiday let conversion, and the advice given was generally positive.

4 Consultations

Parish Council Consultee Objection

The development proposals including the removal of the existing hedge would detract from the appearance character and cultural heritage of this part of the SDNP contrary to policies SD23 (c) and (d) of the South Downs Local Plan.

The site also lies outside any settlement boundary as defined in the Local Plan and would not come within any of the exceptions set out in policy SD23 (g) of the Plan.

ESCC - Highways

No objection

LE - Environmental Health

Comments awaited.

5 Representations

A representation has been received from the Bishopstone and Norton Preservation Committee, objecting to the application for the following reasons:

1. The building, referred to as a sawmill, was used until only a few years ago by Manor Farm, adjacent, as a store for gates and fencing etc. the posts being stored in barrels containing creosote. Perhaps an environmental condition survey should be executed.
2. The building is not in its original location as it was previously located either in North or South camp in Seaford or the Royal Flying Corps base at Tide Mills during the first world war. It therefore has no particular relevance to Bishopstone.
3. The Conservation Area boundary passes along the west boundary of this property and we feel that this should be taken into account with regard to the installation of the door and large window in the west elevation and the removal of part of the hedge fronting the road to accommodate the parking of cars.

4. Mention is made of locally distinctive black boarding. There is only one building in the village of Bishopstone containing this and it is partly combined with traditional flint work.
5. There is no mention of what is to happen to the roof or indeed the roof materials.
6. We would not wish to see any windows or rooflights, however small, in the south elevation, as they would be detrimental to the surrounding area.
7. We cannot see that the conversion of this property into a holiday let is going to help the rural economy.
8. We consider that with three bedrooms being suggested more parking could be required particularly with the adjoining property being in the same ownership, which could impinge on the narrow highway. This road is the access for grain lorries and contractors' large farm machinery to two farms and the water works at Poverty Bottom as well as residential properties and is extremely busy for a narrow country lane.
9. We are concerned that with holiday lets in two adjoining properties it could give rise to large lets being made for both properties together giving rise to noisy music/parties. We believe that this is not permitted in London for this reason.

Representations have been received from 135 Post Office Cottages; Dog Kennel Barn, Manor Yard; Glebe Barn; White Rose Cottage; New Barn, Silver Lane; 2 New Cottage; and Manor Farm House, **objecting** to the application for the following reasons:

Poor quality building and out of keeping with Bishopstone Village
 Shed is not capable of conversion
 Conversion will be a new build
 Not possible to construct a new build without getting access from adjoining property
 Detrimental impact on visual amenity
 Wood cladding is not a vernacular style and would be an intrusive, modern addition
 Damage to neighbouring mature Sycamore tree
 Light pollution
 Increased noise and use of garden
 No economic or social benefit to the community
 High risk of contamination due to fence post storage and treatment (creosote)
 The village is quiet and safe
 A bank holiday let will attract young people
 Loud music, alcohol and local events such as parties
 Will clash with tranquillity of the village and become a nuisance
 Drunk people may cause environmental damage, litter and vandalism
 The existing tin shed will be demolished a re-built on the same outline/footprint
 Disproportionate increase in occupancy (3-4 persons)
 No account realistic access or parking
 Insufficient parking
 Lane not built for the amount and nature of traffic that currently uses it
 1 New Cottages is rented out as an Air B and B and noisy parties have been known to take place
 Next to an existing let, allowing for larger groups
 Narrow lane is used by grain lorries and large farm vehicles for which access must be maintained
 No benefit to the local economy

6 Planning Policy Context

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **South Downs Local Plan 2014-2033** and any relevant minerals and waste plans.

The development plan policies and other material considerations considered relevant to this application are set out in section 7, below.

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- 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.

7 Planning Policy

Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF), updated February 2019. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **South Downs Local Plan** are relevant to this application:

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD7 - Relative Tranquillity
- Strategic Policy SD8 - Dark Night Skies
- Strategic Policy SD9 - Biodiversity and Geodiversity
- Strategic Policy SD19 - Transport and Accessibility
- Development Management Policy SD32 - New Agricultural and Forestry Workers' Dwellings
- Strategic Policy SD48 - Climate Change and Sustainable Use of Resources
- Strategic Policy SD49 - Flood Risk Management
- Development Management Policy SD55 - Contaminated Land

Partnership Management Plan

The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans "contribute to setting the strategic context for development" and "are material considerations in making decisions on individual planning applications." The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant policies include:

- General Policy 50

8 Planning Assessment

Principle of Development

8.1 With respect to the proposed holiday cottage use, policy SEA11 of the adopted Seaford Neighbourhood Plan “Visitor Accommodation in Seaford”, supports such schemes as long as they respect local character, residential amenity and highway safety. Policy SD23 of the South Downs Local Plan is also relevant. Such proposals would be acceptable in principle provided that the location minimises the need for travel by private car and encourages access and/or subsequent travel by sustainable means, including public transport, walking, cycling or horse riding. Such proposals should make use of existing buildings, and, if no suitable existing buildings are available, the design of any new buildings is sensitive to the character and setting. Furthermore, ancillary facilities should not be disproportionately large in relation to the rest of the visitor facilities. Perhaps the most relevant part of policy SD23 relates to sites which are outside of defined Planning Boundaries and in order to be acceptable in this location the site must be closely associated with other attractions/established tourism uses, including the public rights of way network.

8.2 The existing building is old and by the accounts of the representations received may have had a previous life in other locations. The structural report submitted suggests that some reinforcement of the walls and roof will be required, but the building can be converted with no expansion or enlargement of the building. A low dwarf wall and some unpinning will need to take place but this would not make a material difference to the general scale of the building. It is also noted that the site is close to the footpath and bridleway network and is well situated for visitors to the area with good access to the South Downs. Notwithstanding some of the objections received, visitors to the local area will help boost the economy by using services and amenities, such as restaurants and shops, in nearby Seaford and/or Newhaven.

8.3 It is known that the existing house is also used as holiday accommodation (Air B & B) and that the proposals would result in two holiday lets being close together within the same curtilage. Policy SD23 is silent on the density of holiday lets that may be permissible, so a common sense approach should be adopted in respect of the potential impact on amenity.

8.4 The applicant has submitted details of two incidents which have occurred along with an explanation of how they were dealt with especially in relation to noise nuisance. Numbers are limited to no more than 6 holiday-makers and neighbours are able to contact the applicant should issues arise. In addition parties are not permitted. Noise impacts can be a material consideration. It is an issue that needs to be considered when development may create additional noise, or would be sensitive to the prevailing acoustic environment (including any anticipated changes to that environment from activities that are permitted but not yet commenced). It is considered that refusing the application on the basis of the potential for certain people potentially having noisy parties would not be reasonable. The number of incidents that have resulted in noise nuisance are small, and the majority of occupants are generally quiet holiday-makers may enjoy a peaceful stay, taking advantage of the site's location to enjoy the Downs. On the basis that the majority of users are unlikely to cause any nuisance it is not considered reasonable to withhold planning permission. Members are reminded that Environmental Health has statutory powers to deal with noise nuisance, and matters of criminal damage or vandalism, as they would be in any location, are a matter for the Police.

8.5 To conclude, and notwithstanding the objections received, the proposal is considered to meet the requirements of adopted Policy SD23.

Design and Appearance

8.6 From the adopted Seaford Neighbourhood Plan, policy SEA1 is relevant, “Development within or affecting the South Downs National Park”. The policy states that development within or impacting upon the South Downs National Park should have a landscape led approach to design, having regard to the setting of the National Park in terms of its landscape and visual amenity. Policy SEA2 requires a high standard of design quality and policy SEA3 states that development enhancing the setting of a Conservation Area will be supported.

8.7 Policy SD4 of the South Downs Local Plan states at paragraph 1 that:

Development proposals will only be permitted where they conserve and enhance landscape character by demonstrating that:

- a) They are informed by landscape character, reflecting the context and type of landscape in which the development is located;
- b) The design, layout and scale of proposals conserve and enhance existing landscape and seascape character features which contribute to the distinctive character, pattern and evolution of the landscape;
- c) They will safeguard the experiential and amenity qualities of the landscape; and
- d) Where planting is considered appropriate, it is consistent with local character, enhances biodiversity, contributes to the delivery of GI and uses native species, unless there are appropriate and justified reasons to select non-native species.

8.8 The parts of Policy SD5 relevant to this planning application state that:

1. Development proposals will only be permitted where they adopt a landscape-led approach and respect the local character, through sensitive and high quality design that makes a positive contribution to the overall character and appearance of the area. The following design principle should be adopted as appropriate:

- a. Integrate with, respect and sympathetically complement the landscape character by ensuring development proposals are demonstrably informed by an assessment of the landscape context....
- c. Contribute to local distinctiveness and sense of place through its relationship to adjoining buildings, spaces and landscape features, including historic settlement patterns....
- f. Utilise architectural design which is appropriate and sympathetic to its setting in terms of height, massing, density, roof form, materials, night and day visibility, elevational and, where relevant, vernacular detailing....
- i. Ensure development proposals are durable, sustainable and adaptable over time, and provide sufficient internal space to meet the needs of a range of users....
- k. Have regard to avoiding harmful impact upon, or from, any surrounding uses and amenities.

8.9 The scale and form of the building would remain as existing and the applicant has submitted amended plans removing all of the large rooflights and reducing the number of small rooflights. The use of black stained timber boarding to the walls is considered acceptable for an ancillary building in a rural location and the Bishopstone and Norton Preservation Committee has stated that there is a building with similar finishes in the village, and historically it is not an uncommon wall treatment in rural Sussex.

8.10 It is noted that a length of hedgerow is proposed to be removed in order to enlarge the car parking space to provide room for 4 vehicles. This matter has been taken up with the applicant and new hedge planting is now proposed within the site. The boundaries along the street are generally low flint walls with some naturally occurring hedges and shrubs. The street is not characterised by continuous rows, however, there are well-coifed hedgerows in front of the cottages, down the middle of the front gardens, to the side of the front garden to 2 New Cottages, and between the front corner of the barn and the side elevation of 1 New Cottages. The hedge has an ornamental character and is well-trimmed. The front hedge has existing gaps for pedestrian access points, and the hedge is cut short in front of 1 New Cottages to allow car parking on grass in front of the barn.

8.11 This hedge would be reduced in length by some 5m in order to allow for car parking in front of the proposed holiday let but the proposed planting of a new hedgerow is considered sufficient to mitigate this potentially adverse impact on the setting of the cottages.

Parking and Access

8.12 Policy SD19 "Transport and Accessibility" of the South Downs Local Plan requires that development proposals are located and designed to minimise the need to travel and promote the use of sustainable modes of transport.

8.13 The application site is approximately 1800m from Bishopstone railway station, which is a reasonable distance to cycle or arrive by foot for the dedicated walker, and approximately 1.4km from the nearest bus stop on the A259, with frequent services between Brighton and Eastbourne. In addition, whilst many visitors may choose to arrive at the holiday let by car, once there, they are likely to walk and cycle during their visit in order to enjoy the downland location and scenery.

8.14 It is recommended that a condition is imposed requiring an electric vehicle charging point and also that the applicant prepares a Travel Plan, which advises visitors to car share if possible.

Ecosystems Services

8.15 Policy SD2 of the South Downs Local Plan states that:

1. Development proposals will be permitted where they have an overall positive impact on the ability of the natural environment to contribute goods and services. This will be achieved through the use of high quality design, and by delivering all opportunities to:

- a) Sustainably manage land and water environments;
- b) Protect and provide more, better and joined up natural habitats;
- c) Conserve water resources and improve water quality;
- d) Manage and mitigate the risk of flooding;
- e) Improve the National Park's resilience to, and mitigation of, climate change;
- f) Increase the ability to store carbon through new planting or other means;
- g) Conserve and enhance soils, use soils sustainably and protect the best and most versatile agricultural land;
- h) Support the sustainable production and use of food, forestry and raw materials;
- i) Reduce levels of pollution;
- j) Improve opportunities for peoples' health and wellbeing; and
- k) Provide opportunities for access to the natural and cultural resources which contribute to the special qualities.

2. Development proposals must be supported by a statement that sets out how the development proposal impacts, both positively and negatively, on ecosystem services.

8.16 Policy SD9 "Biodiversity and Geodiversity" of the South Downs Local Plan states that:

1. Development proposals will be permitted where they conserve and enhance biodiversity and geodiversity, giving particular regard to ecological networks and areas with high potential for priority habitat restoration or creation. Prior to determination, up-to-date ecological information should be provided which demonstrates that development proposals:

- a) Retain, protect and enhance features of biodiversity and geological interest (including supporting habitat and commuting routes through the site and taking due account of any use by migratory species) and ensure appropriate and long-term management of those features;
- b) Identify and incorporate opportunities for net gains in biodiversity;
- c) Contribute to the restoration and enhancement of existing habitats, the creation of wildlife habitats and the creation of linkages between sites to create and enhance local and regional ecological networks;
- d) Protect and support recovery of rare, notable and priority species;
- e) Seek to eradicate or control any invasive non-native species present on site;
- f) Contribute to the protection, management and enhancement of biodiversity and geodiversity, for example by supporting the delivery of GI and Biodiversity Action Plan targets and enhance Biodiversity Opportunity Areas (BOA); and
- g) Comply with the mitigation hierarchy as set out in national policy.

8.17 The applicant has submitted a preliminary ecological assessment by Landvision Landscape Architects. This recommends that a Phase 2 Reptile and Amphibian Presence/Absence Survey is carried out because although no reptiles have been seen on the site, there are potential suitable habitats. Mitigation and enhancement measures are also proposed for the benefit of these species. The foraging habitats of both bats and Harvest Mouse are also to be protected. Landscaping proposals will need to incorporate a predominance of wildflower grassland enhancements, of a local provenance source for the native species, suited to the calcareous, chalky soil conditions of the site.

8.18 In terms of policy SD2, the application does not appear to have been accompanied by an Ecosystems Services Statement. However, there is scope within the site to provide landscaping (required by the Preliminary Ecological Assessment) along with natural surface water drainage; electric vehicle charging point; rainwater harvesting; sustainable construction; and use of energy efficient heating/insulation and renewable; and reduced water consumption. As such it is considered that a condition may be imposed in order to secure details of policy compliant ecosystems services measures.

Amenity and Dark Night Skies

8.19 The proposed development has been designed such that windows and doors would not give rise to the overlooking of neighbouring properties and as the proposals would not enlarge or raise the height of the existing building, neighbouring residents would be no more overshadowed by the proposed development.

8.20 Policy SD8 "Dark Night Skies" of the South Downs Local Plan states that:

1. Development proposals will be permitted where they conserve and enhance the intrinsic quality of dark night skies and the integrity of the Dark Sky Core as shown on the Policies Map.

8.21 The applicant has provided amended plans which reduce the number and size of the proposed rooflights greatly. The site is in the countryside with only a small number of neighbouring buildings, notwithstanding its proximity to the more built up areas of Bishopstone (to the west and south) and of neighbouring Seaford town. The two small rooflights proposed on the north facing elevation are not likely to have a material impact on the perception of dark night skies in this location.

Contaminated Land

8.22 The comments from neighbouring residents in respect of potential contamination from fence and gate chemical treatments are acknowledged and the council's contamination land specialist has been consulted (comments to be reported at committee). However, the applicant is unaware of any contamination risk and the Envirosearch Residential statement by Landmark submitted, indicates that there is no potential risk of contaminated land at the site. With this in mind, it is recommended that the "unsuspected contamination" condition is imposed, meaning if any contamination is found, works cease immediately and a remediation and verification strategy is agreed in writing with the local planning authority and implemented before works continue.

9 Conclusion

9.1 Approval is recommended, subject to conditions.

10 Reason for Recommendation and Conditions

It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)./ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The development shall be carried out in accordance with the findings and recommendations of the Preliminary Ecological Assessment by Landvision Landscape Architects including a Phase 2 Reptile and Amphibian Presence/Absence Survey and appropriate indigenous landscaping.

Reason: In order to safeguard the habitats of protected species and ensure that suitable mitigation and enhancement measures are put in place, in accordance with policy SD9 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

4. No development shall take place until an Ecosystems Services statement has been submitted to and approved in writing by the local planning authority, which should include measures to mitigate the impact on, and enhance, biodiversity, together with the provision of an electric vehicle charging point for the holiday let, and shall be maintained as such thereafter.

Reason: In order to ensure the development mitigates for the increased resources used in its construction and operation, enhance biodiversity, and to mitigate local contributors towards climate change and in accordance with policies SD2, SD9 and SD48 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

5. Prior to the first occupation of the holiday let full details of soft landscaping and hard surfacing shall be submitted to and approved in writing by the local planning authority. Planting species shall be indigenous and all hard surfaces shall be porous in order to facilitate natural drainage of surface water run-off. The soft landscaping scheme shall be implemented within the first planting season following the first occupation or bringing into use any part of the development. Any plants, which within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with policies SD4, SD5 and SD9 of the South Downs Local Plan, policy SEA1 of the Seaford Neighbourhood Plan, and having regard to the National Planning Policy Framework.

6. Prior to the first occupation of the holiday let, full details of the replacement hedge planting and/or hedge transplanting, shall be submitted to and approved in writing by the local planning authority. Any plants, which within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity and biodiversity in accordance with policies SD4, SD5 and SD9 of the South Downs Local Plan, policies SEA1 and SEA2 of the Seaford Neighbourhood Plan, and having regard to the National Planning Policy Framework.

7. No development shall take place until details of the proposed external materials and finishes to the roof of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and maintained as such thereafter.

Reason: In the interests of visual amenity and in accordance with policy SD5 of the South Downs Local Plan, policies SEA1 and SEA2 of the Seaford Neighbourhood Plan, and having regard to the National Planning Policy Framework.

8. Construction work and deliveries in association with the development hereby permitted shall be restricted to between the hours of 0800 and 1800 Mondays to Fridays and from 0830 until 1300 on Saturdays. No works in association with the development hereby permitted shall be carried out at any time on Sundays or on Bank/Statutory Holidays.

Reason: In the interests of the residential amenities of the neighbours having regard to policies SD5 and SD7 of the South Downs Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order) no rooflights, dormers or other openings, other than those hereby permitted, shall be constructed on the roof slopes of the development without express planning consent from the Local Planning Authority first being obtained.

Reason: In order to maintain control over new roof openings that may otherwise contribute to light pollution and potentially compromise the dark night sky reserve designation of the National Park in accordance with policy SD8 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

10. The accommodation shall be used for holiday let only and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes)(Amendment)(England) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

Reason: The permanent use of the buildings would be contrary to the policies of the Local Planning Authority regarding residential development in the countryside specifically policies SD1 and SD25 of the South Downs Local Plan.

11. The owners or operators of the holiday let shall maintain an up-to-date register of the names of all occupiers of the accommodation, and their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the premises are not used as a residential dwelling having regard to Policy SD23 of the South Downs Local Plan, policy SEA11 of the Seaford Neighbourhood Plan and having regard to the National Planning Policy Framework.

12. The holiday let accommodation hereby approved shall not be occupied continuously by the same person(s) for any single period of time exceeding 28 days.

Reason: In order to ensure that the accommodation is used as a holiday let benefiting tourism and the visitor economy and because the introduction of a permanent dwelling in this location would be contrary to planning policy, in accordance with policy SD23 of the South Downs Local Plan, policy SEA11 of the Seaford Neighbourhood Plan, and having regard to the National Planning Policy Framework.

13. Prior to the first occupation of the development hereby permitted the parking areas shall be provided in accordance with the approved plans and shall be retained as such thereafter for the parking of vehicles used by occupiers of the holiday let.

Reason: In order to provided satisfactory off-street car parking and in the interest of highway safety and amenity in accordance with policy SD19 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

14. Details of secure and sheltered cycle storage facilities shall be submitted to and approved in writing. The cycle storage facility shall be in situ and made ready for use prior to the first occupation of the development hereby permitted and retained as such thereafter.

Reason: In order to provide sustainable transport options, reduce reliance on private car use and to minimise local contributors towards climate change in accordance with policies SD19, SD20 and SD48 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

15. 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 Policy SD55 of the South Downs Local Plan and the National Planning Policy Framework.

16. Prior to the first occupation of the development hereby permitted, a sustainable drainage system shall be implemented in accordance with details that shall be submitted to and approved in writing by the local planning authority in advance. Such details shall include infiltration rates, detailed design information, mechanisms for natural drainage wherever possible, and consideration of rainwater harvesting and/or recycling.

Reason: In order to ensure that surface water drains naturally and sustainably and that flood risk both on and off site is minimised, in accordance with policies SD5 and SD49 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

11. Crime and Disorder Implications

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

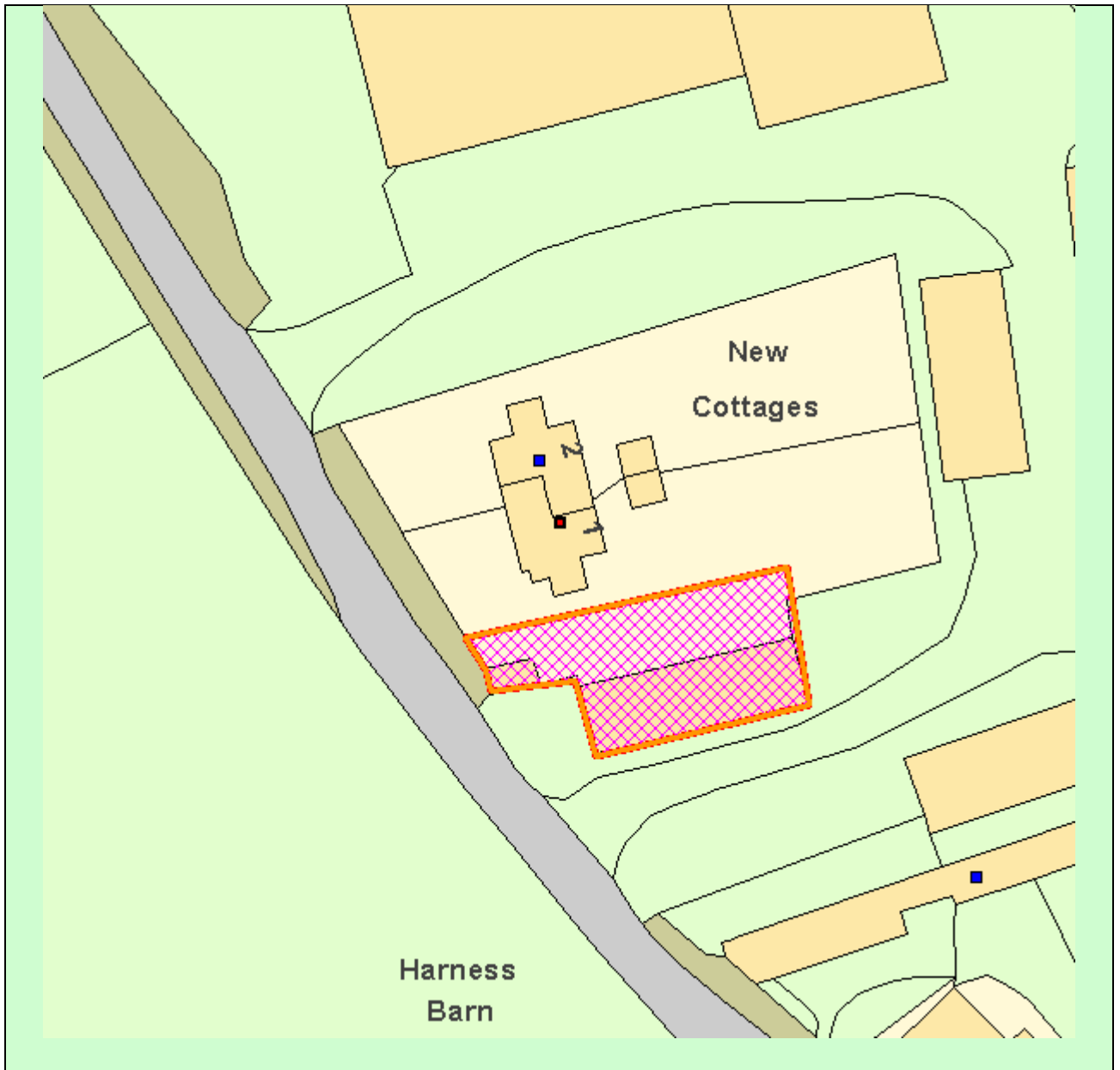
14. Proactive Working

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.

15. Appendices

15.1 Appendix 1 – Site location map
Appendix 2 – Plans referred to in consideration of this application

Appendix I – Site Location Map



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. South Downs National Park Authority, Licence No. 100050083 (2019) (Not to scale).

Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans - Existing and Proposed Floor and Elevation Plans + Site Location and Block Plans	1550/01		16.09.2019	Submitted
Application Documents -	Envirosearch Residential Risk Summary		16.09.2019	Approved
Application Documents -	Historic Structural Survey		16.09.2019	Approved
Application Documents -	Planning, Design and Access Statement		16.09.2019	Approved
Application Documents -	Preliminary Ecological Appraisal Report		16.09.2019	Approved
Application Documents -	Baseline Assessment Checklist		19.09.2019	Approved
Application Documents -	CIL Assumption of Liability		19.09.2019	Approved
Application Documents -	Contamination Report		19.09.2019	Approved

Reasons: For the avoidance of doubt and in the interests of proper planning.

Report to	Planning Applications Committee
Date	12 August 2020
By	Director of Planning
Local Authority	Lewes District Council
Application Number	SDNP/20/01311/FUL
Applicant	Mr & Mrs Legg
Application	Revised application for erection of a detached dwelling and garage, with new access & associated landscaping.
Address	Garden to the south of Longcroft House 46 Beacon Road Ditchling Hassocks East Sussex BN6 8UZ

Recommendation: That the application be approved for the reasons and subject to the conditions set out in paragraph 10 of this report.

IMPORTANT NOTE: This application is liable for Community Infrastructure Levy.

Executive Summary

Having considered the positive aspects of the scheme it is suggested that the scheme is sustainable development with no significant adverse influence on the objectives of the policies linked to the established settlement boundary and to refuse the application solely based on its being outside of the planning boundary when the proposals are acceptable in all other respects, may be difficult to justify in this particular instance. Therefore, on balance, approval is recommended.

1 Site Description

1.1 The application site forms part of the grounds to 46 Beacon Road, a detached dwelling on the eastern side of Beacon Road. The plot measures some 1844 square metres and is outside of the curtilage to the property owing to its less cultivated nature, being unmown and separated from the immediate curtilage to the property by a fence. There is also a tennis court within the plot, which was approved following an application for change of use in 2000 (ref. LW/00/1446). The site lies outside of the Planning Boundary to Ditchling village.

1.2 The existing house is not listed and the site is not located in a conservation area. Beyond the plot lies access land to the south, which adjoins Ancient Woodland. To the east of the site lie open fields of varying sizes.

2 Proposal

2.1 The planning application is a revised scheme following the withdrawal of a previous planning application, also for a new dwelling (ref. SDNP/19/04109/FUL).

2.2 Unlike the previous application, the dwelling would have an L-shaped footprint and would be sited nearer to the proposed garage. The parking and turning area in front of the dwelling would be smaller and the development would not occupy the full area of the tennis court, unlike the previous application. The dwelling would be 25m from the site boundary with the adjoining Ancient Woodland and an ecological buffer zone is proposed between this boundary and the garden area of the new house.

2.3 The proposed dwelling would have a sitting room; dining room; kitchen; and utility/boot room on the ground floor, and three bedrooms with bathroom, en-suite and dressing room, on the first floor.

2.4 The internal floor area would be approximately 180 square metres. In terms of style and design the proposed dwelling would have a traditional appearance with pitched, clay tile roof and tile hanging to the first floor. The proposed double garage would feature a pair of timber doors and a pitched roof with integrated solar panels. Inside, the garage would have an electric vehicle charging point, a Tesla house battery, and an air source heat pump. Boundaries are proposed to be hedges and timber post and rail fences.

2.5 The application has been called in to Planning Applications Committee by Cllr Jones, for the following reasons:

The site appears to be an anomalous plot within Ditchling, which is well related to the village despite being just outside the planning boundary. The site includes a tennis court and is PDL according to the NPPF. It is therefore not a site which obviously fits with or relates to policy and there are a number of material considerations in support of the application which merit public discussion;

Section 38(6) of the Planning & Compulsory Purchase Act 2004, confirms that planning applications must be determined in accordance with the Local Plan, unless material considerations indicate otherwise. Here, there are a number of material considerations which indicate the proposal requires the detailed scrutiny of Committee. This includes its relationship with the village - being opposite neighbouring houses and not obviously countryside, the delivery of a downsizer home which is supported by the Neighbourhood Plan, no obvious negative impacts on any of the aims of the National Park and a design approach which responds to the local vernacular;

As planning policy need not be slavishly followed where there are good material considerations which indicate a scheme is acceptable, given the location adjacent to the planning boundary and potential conflict with the Local Plan, this requires public discussion;

It is noted the previous application was supported by three local residents and there were none that objected. Given that there is public interest in the proposal, this would be another reason for Committee oversight.

2.6 Due to the nature of the proposal and the location of the site, the application has been advertised as a Departure Application.

3 Relevant Planning History

SDNP/19/04109/FUL - Erection of a detached dwelling and garage, with new access and associated landscaping. Withdrawn.

LW/09/0189 - Installation of two dormer windows and side window above triple garage. Approved 29 April 2009.

LW/00/1446 - Change of use of land to create a tennis court with 2.74m fence. Approved 7 November 2000.

E/71/0843 - Outline Application for four houses. Refused 25 October 1971.
E/65/0041 - Outline Application for three houses. Refused 22 February 1965.

4 Consultations

ESCC - Flood Risk Management Team

Comments are awaited and will be reported to Planning Applications Committee.

ESCC - Highways

Comments on the current application are awaited, but the comments on the previous planning application are copied below.

No Objection

Subject to conditions.

The access is located on Beacon Road, which is subject to 30mph speed limit; however the access is adjacent to the change in speed limit (to 60mph) located south of the site, therefore visibility splay of 2.4m by 215m should be achieved in this direction and 2.4m by 43m to the north.

The proposal shows the proposed access to be 4.7m wide. This is greater than is required for a single dwelling. I would usually expect a single access to be 2.75m with a 2m radius. Therefore it is possible to reduce the width of the access and also reduce the width of the crossover.

The proposed crossover is located over an ESCC ditch. Before commencement of development the applicant should contact ESCC Flood Risk Team to agree works to the ditch and access. In addition, the access is located within a close proximity of a gully, which will have to be relocated.

Adequate drainage will be required to ensure that surface water from the site doesn't enter the highway and that surface water from the highway doesn't enter the site.

The proposal shows sufficient space for turning and parking within the site, for an individual three bedrooms dwelling it is recommended that two parking spaces. There is also a proposal for a double garage with cycle storage within the site; the minimal internal dimensions should be 6.0m x 7.0m.

No objections to this proposal, subject to the imposition of conditions:

1. No development shall commence until the vehicular access serving the development has been constructed in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority.

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

2. No part of the development shall be first occupied until visibility splays of 2.4 metres by 215 metres to the south, and visibility splays of 2.4 metres by 43 metres to the north have been provided at the proposed site vehicular access onto Beacon Road. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

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

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

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

4. The proposed garage shall measure at least 6m by 7m (internally)

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

5. The development shall not be occupied until cycle parking area has been provided in accordance with the approved plans.

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

6. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.

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

7. Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.

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

8. Prior to the commencement of development, the gully located in front of the access must be relocated in accordance to East Sussex Highway standards.

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

Parish Council Consultee

The Parish Council wish to object to this application as it does not overcome the fundamental objections made on the previous application SDNP/19/04109/FUL.

The application is contrary to policies DSI and HSG2 in the Ditchling, Streat and Westmeston Neighbourhood Plan (NDP). It is also contrary to Policy DSI as the development is outside the settlement boundary. It does not qualify as one of the exceptions in DSI.2 or SD25.2. The line of the settlement boundary was the subject of much debate during the NDP process and was extended specifically to allow for affordable housing. As the Inspector in the recent appeal for a house in Beacon Road (W/4000237) said: 'Both the SDLP and the Neighbourhood Plan identify that development outside of the settlement, on previously developed land, is only acceptable in exceptional circumstances and in cases where the development is demonstrably necessary to meet the wider objectives of the Local Plan.' This house is not demonstrably necessary.

It is a three bedroom house and so complies with the Ditchling, Streat and Westmeston NP HGS1.1a, but the site is approximately 0.2ha, so the density is low and not compliant with HSG2.1 As stated in our previous objection, in relation to the Ditchling, Streat and Westmeston NP HSG2.1, should the SDNP be minded for some reason to override the settlement boundary policy, the application does not make maximum use of the site and is still therefore not

acceptable under NDP policies. It could be maximised to provide 2/3 smaller affordable units. In addition, the application does not comply with Policy SD25 of the South Downs National Park Local Plan.

Please note the relevant policies below:

Ditchling Streat and Westmeston Neighbourhood Plan (DSW NP)

DSI: Development strategy

1. The principle of development is supported within the settlement boundary, particularly where this: (a) meets identified housing requirements; (b) supports its role as a service centre for the Plan area; and (c) provides facilities supporting its role as a gateway to the National Park.

2. Exceptionally, development will be permitted outside of the settlement boundary where it complies with relevant policies in the development plan, and: (a) it is allocated for development or safeguarded for the use proposed as part of the development plan; or (b) it is for the provision of affordable housing meeting local needs on rural exception sites; or (c) it is for the replacement or extension of existing dwellings providing the resulting floorspace is not increased by more than 30% of the existing dwellings; or (d) it is small-scale development which supports an existing rural business; or (e) it is for facilities for low-key countryside recreation and tourism, particularly those promoting use of the National Park; or (f) in the case of community infrastructure, there is a proven need for the development that demonstrably cannot be met elsewhere; or (g) it is an appropriate re-use of a previously developed site, excepting residential gardens.

HSG 1: Set out and apply acceptance criteria to housing applications

1. Housing proposals will be supported that provide: a. one-, two- or three-bedroom houses or flats; b. housing units for an ageing population in close proximity to village services and suitable for adapted living. 2. Affordable housing will be delivered in accordance with the development plan. 2

HSG 2: Site density and layout

1. Housing proposals should be developed at the maximum density appropriate to the location, while retaining the character of the Beacon villages. 2. The sub-division of existing buildings and plots, and the conversion of agricultural units, will also take into account this objective. 3. Where appropriate, gardens should be provided for every unit. 4. Car parking should be provided in accordance with highway authority standards.

South Downs Local Plan

Strategic Policy SD25:

Development Strategy 1. The principle of development within the following settlements, as defined on the Policies Map*, will be supported, provided that development: a) Is of a scale and nature appropriate to the character and function of the settlement in its landscape context; b) Makes best use of suitable and available previously developed land in the settlement; and c) Makes efficient and appropriate use of land.

The Parish Council would like to note the following in relation to the Design and Access Statement provided with this application.

1.4. 'The planning boundary in this part of the village is to be extended further south with a housing allocation recently outlined in the adopted Beacon Villages Neighbourhood Plan' - The Council would note only for social housing as an EXCEPTION.

1.7 'The [previous] scheme was objected to by the Parish Council, as they felt the unit was not affordable. However, their detailed comments indicated that they were not averse to development on site, but felt that more houses should be delivered. They stated, "the site does not make maximum use of the site and could be maximised two provide 2/3 smaller affordable units." This quote is selectively out of context and the Parish Council wish to clarify this point. The Council are averse to development on the site as it is OUTSIDE THE BOUNDARY but felt it should also be pointed out that, notwithstanding this, the proposal was contrary to Policy HS2.

13.5 The Parish Council do not feel there are 'reasonable and persuasive material considerations that would indicate, exceptionally, a residential development at this site is acceptable' as claimed by the applicant.

The planning boundary was confirmed in the NP process and it is irrelevant to say 'it is just outside it'. It is incorrect to state '... downsizing ... is something the BVNP is keen to achieve but doesn't provide a policy mechanism to deliver.' The NP support is for one, two and three bedroom properties INSIDE the planning boundary, thus providing smaller more affordable homes.

13.13 The uniqueness, or otherwise, of the site, is irrelevant to the application.

13.19. These houses referred to are inside the planning boundary.

13.21. It is important to note that this boundary extension was specifically for affordable housing. Therefore, there is no comparison.

13.31 Planning policies have changed and moved on since planning permission was granted for the tennis court.

13.40 A tennis court is not a permanent structure. It is hard surfacing, in garden space and not a structure.

5 Representations

The Ditchling Society - Objection

The Ditchling Society objects as this revised application, which replaces SDNP/19/04109/FUL, does nothing to address the fundamental issue of requiring the Settlement Boundary to be extended to encompass this new detached single dwelling, garage and grounds.

The site for this proposed house is outside the Ditchling Settlement Boundary and therefore must comply with exemptions specified in the Beacon Parishes Neighbourhood Plan and the South Downs Local Plan. It clearly does not.

DS1 of the Neighbourhood Plan specifies that outside the Settlement Boundary housing proposals should be developed at the maximum density appropriate to the location, while retaining the character of the Beacon villages. The sub-division of existing buildings and plots, and the conversion of agricultural units, will also take into account this objective.

This is a substantial detached three bedroom house and garage sitting in a generous garden plot. HSG2 states that in exceptional circumstances, development outside the Settlement Boundary will be permitted where it meets identified housing need and (a) it is allocated for development or safeguarded for the use proposed as part of the development plan; or (b) it is for the provision of affordable housing meeting local needs on rural exception sites. This proposal cannot be described as affordable housing nor the type of development that the Neighbourhood Plan supports or community needs.

The Application assumes that the location should be allowed in that the Settlement Boundary extends further south to the West, but account must be taken of the type of development on the opposite side of Beacon Road: the existing is social and former social housing, and the extension to the Settlement Boundary proposed to the South is for a majority community housing scheme within the Neighbourhood Plan requirement. The Settlement Boundary has already been breached to the immediate north-east of this property, with the development of a stable block which was refused by the SDNPA but granted on appeal.

The Ditchling Society asks the Planning Authority to uphold the policies contained in the Beacon Parishes Neighbourhood Plan and South Downs Local Plan, and refuse this application so that the principles and aims of both the local community and National Park are respected.

Neighbour representations

Support –

Representations have been received from 7 Long Park Corner; Little Nyes 44 Beacon Road, in support of the application for the following reasons:

It does no harm

The village boundary is already much further south on the other side of the road

It can hardly be seen from the road or from Long Park Corner

Style and scale fits in well with surrounding homes

It is an attractive, traditional-looking, 3-bedroom house

Much needed modest family home in this location

Well thoughtout

Sensible access onto the 30mph stretch of road

Will replace existing tennis court

Footprint no greater than existing

Sensible location

Outside planning boundary but still within the confines of the wider village

Located on old tennis court, which is previously developed land

Pressing need for downsizer properties

Will free up a larger house

Design is high quality and appropriate for the village

Materials reflect the village character

No objection in respect of neighbour amenity

Ecologically and environmentally conscious

Will not result in a precedent being set elsewhere

Preferable to deliver new houses in sustainable locations such as this

Objection -

Representations have been received from 10 and 19 The Dymocks; and 92 East End Lane, objecting to the application for the following reasons:

Any extension of the settlement boundary must be at least offset by a community gain deriving from it, primarily in the form of affordable social housing

Will compromise the protected woodland (Jointer Copse) due to close proximity

Access opposite access to Long Park Corner

Dangerous road despite being relatively straight and 30mph speed limit

Attempt to circumvent the Neighbourhood Plan by building outside the settlement boundary

New housing outside of settlement boundaries is limited and the proposals do not meet the exceptions set out in policies SD25 or DS1

It cannot be presumed that the tennis court, which is within the curtilage of an existing house, is a brownfield site, or previously developed land

The extension of the settlement boundary on the western side of Beacon Road was for affordable housing to meet needs up to 2032 and was subject to a rigorous landscape impact assessment and the proposals cannot be argued to be tidying up the settlement boundary

The size, though smaller than before, is for open market housing and not social or affordable housing and it therefore fails to meet the requirements of policy HSG1 of the Neighbourhood Plan

The references to indications that the local planning authority would have considered the site suitable for housing do not apply now that the site lies within the National Park, which requires a special and higher level of protection

6 **Planning Policy Context**

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **South Downs Local Plan 2014-2033** and any relevant minerals and waste plans.

The development plan policies and other material considerations considered relevant to this application are set out in section 7, below.

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- 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.

7 **Planning Policy**

Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF), updated February 2019. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **South Downs Local Plan** are relevant to this application:

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 - Ecosystems Services
- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD7 - Relative Tranquillity
- Strategic Policy SD8 - Dark Night Skies
- Strategic Policy SD19 - Transport and Accessibility
- Strategic Policy SD25 - Development Strategy
- Strategic Policy SD48 - Climate Change and Sustainable Use of Resources

- Strategic Policy SD49 - Flood Risk Management
- Development Management Policy SD50 - Sustainable Drainage Systems
- Development Management Policy SD51 - Renewable Energy

Partnership Management Plan

The Environment Act 1995 requires National Parks to produce a Management Plan setting out strategic management objectives to deliver the National Park Purposes and Duty. National Planning Policy Guidance (NPPG) states that Management Plans "contribute to setting the strategic context for development" and "are material considerations in making decisions on individual planning applications." The South Downs Partnership Management Plan as amended for 2020-2025 on 19 December 2019, sets out a Vision, Outcomes, Policies and a Delivery Framework for the National Park over the next five years. The relevant policies include:

- General Policy 50

8 Planning Assessment

8.1 The main considerations in the determination of the application include the principle of development; the design and appearance; impact on neighbour amenity; sustainable building design including ecosystem services; drainage; and accessibility and sustainable transport.

Principle of Development

8.2 The representations from the Ditchling Society, Ditchling Parish Council and local residents have been taken into account and in respect of the principle of development. This is primarily because the site lies outside of the Planning Boundary of Ditchling and constitutes building a new dwelling in the countryside.

8.3 The location of the proposed dwelling is outside of the planning boundary of Ditchling according to policy DMI of the Lewes District Local Plan, the Ditchling, Streat and Westmeston Neighbourhood Plan, and in view of policy SD25 (Development Strategy) of the South Downs Local Plan. These policies seek to restrict development outside the planning boundaries except in very specific circumstances, such as affordable housing. It is not considered that the proposal meets any of these criteria. However, it is necessary to assess the scheme on its merits and determine whether, notwithstanding the settlement boundary, the proposals are sustainable development, and to carefully assess whether the scheme would result in any significant harm that would compromise the objectives of the above policies.

South Downs Local Plan:

8.4 SD25 (Development Strategy) of the South Downs Local Plan, adopted in July 2019, outlines the principle of development inside and outside settlement boundaries. The proposed site is considered to be outside of the Ditchling settlement boundary. Where development is outside of the settlement boundary it lists certain examples where residential development may be acceptable.

These examples are:

- a) It is allocated for development or safeguarded for the use proposed as part of the development plan.
- b) There is an essential need for a countryside location

- c) In the case of community infrastructure, there is a proven need for the development that demonstrably cannot be met elsewhere; or
- d) It is an appropriate reuse of a previously developed site, excepting residential gardens, and conserves and enhances the special qualities of the National Park

It is considered that a residential dwelling in this location outside of the settlement boundary, does not meet any of the above criteria and is contrary to policy.

Ditchling Neighbourhood Plan:

8.5 The proposal site is outside of the 'Settlement Boundary' as identified in the adopted 'Ditchling, Streat and Westmeston Neighbourhood Plan and policy DSI "Development Strategy". It has not been identified in the Plan as suitable for development and has not been proposed as part of the enlarged settlement boundary identified in the Neighbourhood Plan.

8.6 However, there are aspects of the proposed development in its favour. There is existing residential development on the opposite side of Beacon Road, which extends further south from the centre of Ditchling village, and the development would form a continuation of the linear form of housing development along the eastern side of Beacon Road. The dwelling would be built within the garden area of an existing house and owing to the natural woodland buffer to the south, which is Ancient Woodland, the new dwelling would in some ways round off the existing settlement, with little to no scope for additional dwellings south of this point, and with no significant encroachment into the open countryside.

8.7 The dwelling would be set back from the road behind hedge planting and there is a need for 3-bedroom homes in the National Park area, which is also reflected by policy HSG1 of the Neighbourhood Plan, which states that housing proposals will be supported that provide one, two or three bedroom houses or flats.

8.8 Having considered the positive aspects of the scheme it is suggested that the scheme is sustainable development with no significant adverse influence on the objectives of the policies linked to the established settlement boundary. However the proposal is contrary to established and adopted Local and Neighbourhood Plan Policy.

Appearance

8.9 Policy SD4 of the South Downs Local Plan states at paragraph 1 that:

Development proposals will only be permitted where they conserve and enhance landscape character by demonstrating that:

- a) They are informed by landscape character, reflecting the context and type of landscape in which the development is located;
- b) The design, layout and scale of proposals conserve and enhance existing landscape and seascape character features which contribute to the distinctive character, pattern and evolution of the landscape;
- c) They will safeguard the experiential and amenity qualities of the landscape; and
- d) Where planting is considered appropriate, it is consistent with local character, enhances biodiversity, contributes to the delivery of GI and uses native species, unless there are appropriate and justified reasons to select non-native species.

8.10 The parts of Policy SD5 relevant to this planning application state that:

l. Development proposals will only be permitted where they adopt a landscape-led approach and respect the local character, through sensitive and high quality design that makes a positive contribution to the overall character and appearance of the area. The following design principle should be adopted as appropriate:

a. Integrate with, respect and sympathetically complement the landscape character by ensuring development proposals are demonstrably informed by an assessment of the landscape context....

c. Contribute to local distinctiveness and sense of place through its relationship to adjoining buildings, spaces and landscape features, including historic settlement patterns....

f. Utilise architectural design which is appropriate and sympathetic to its setting in terms of height, massing, density, roof form, materials, night and day visibility, elevational and, where relevant, vernacular detailing....

i. Ensure development proposals are durable, sustainable and adaptable over time, and provide sufficient internal space to meet the needs of a range of users....

k. Have regard to avoiding harmful impact upon, or from, any surrounding uses and amenities.

The building is shown being constructed from brick and ground floor and tile hanging at first floor and a tiled roof, and the dwelling would be two storeys in height. It is considered that the design of the proposed dwelling would reflect the local character and vernacular and as well as reflecting the appearance of other properties to the north, including the host dwelling. In these respects the proposed development is considered to meet the requirements of policy CONS2 "Set standards for design of new development" of the Neighbourhood Plan.

8.11 The dwelling would be set back from the road and would not be readily and openly visible due to planting along this boundary, full views being achieved only through the gap formed to make the new vehicular access.

8.12 The development would sit amongst soft landscaping and the developed area of the site would be smaller than as proposed in the previously withdrawn application. The proposed site density and layout is considered to accord with policy HSG2 of the Neighbourhood Plan and would retain the character in the pattern of development in this locality.

8.13 The proposals are considered to meet the requirements of policies SD4 and SD5 of the South Downs Local Plan and policy CONS2 of the Ditchling, Streat and Westmeston Neighbourhood Plan.

Amenity

8.14 There is sufficient space between the proposed buildings and neighbouring properties to preclude both overshadowing and overlooking. The construction of a single 3-bedroom house is not considered to over-intensify the use of the land and the comings and goings of a single household are not likely to have a material impact on existing levels of noise and disturbance in this location.

8.15 It is noted that there are no rooflights or dormers proposed, and a condition restricting such alterations is recommended. This is in order to comply with policy CONS8 "Preserve dark night skies" of the Neighbourhood Plan and policy SD8 of the South Downs Local Plan, to minimise any additional light spillage into the dark night sky in relation to existing light pollution of other neighbouring properties and the village as a whole.

Ecosystems Services Statement

8.16 Policy SD2 of the South Downs Local Plan states that:

1. Development proposals will be permitted where they have an overall positive impact on the ability of the natural environment to contribute goods and services. This will be achieved through the use of high quality design, and by delivering all opportunities to:

- a) Sustainably manage land and water environments;
- b) Protect and provide more, better and joined up natural habitats;
- c) Conserve water resources and improve water quality;
- d) Manage and mitigate the risk of flooding;
- e) Improve the National Park's resilience to, and mitigation of, climate change;
- f) Increase the ability to store carbon through new planting or other means;
- g) Conserve and enhance soils, use soils sustainably and protect the best and most versatile agricultural land;
- h) Support the sustainable production and use of food, forestry and raw materials;
- i) Reduce levels of pollution;
- j) Improve opportunities for peoples' health and wellbeing; and
- k) Provide opportunities for access to the natural and cultural resources which contribute to the special qualities.

2. Development proposals must be supported by a statement that sets out how the development proposal impacts, both positively and negatively, on ecosystem services.

8.17 Policy SD9 "Biodiversity and Geodiversity" of the South Downs Local Plan states that:

1. Development proposals will be permitted where they conserve and enhance biodiversity and geodiversity, giving particular regard to ecological networks and areas with high potential for priority habitat restoration or creation. Prior to determination, up-to-date ecological information should be provided which demonstrates that development proposals:

- a) Retain, protect and enhance features of biodiversity and geological interest (including supporting habitat and commuting routes through the site and taking due account of any use by migratory species) and ensure appropriate and long-term management of those features;
- b) Identify and incorporate opportunities for net gains in biodiversity;
- c) Contribute to the restoration and enhancement of existing habitats, the creation of wildlife habitats and the creation of linkages between sites to create and enhance local and regional ecological networks;
- d) Protect and support recovery of rare, notable and priority species;
- e) Seek to eradicate or control any invasive non-native species present on site;
- f) Contribute to the protection, management and enhancement of biodiversity and geodiversity, for example by supporting the delivery of GI and Biodiversity Action Plan targets and enhance Biodiversity Opportunity Areas (BOA); and
- g) Comply with the mitigation hierarchy as set out in national policy.

8.18 The applicant has submitted an Ecosystems Services Report with the application in order to meet the requirements of policy SD2 of the South Downs Local Plan. The document also helps to meet the requirements of policy SD9 of the Local Plan and policy CONS9 "Protect and enhance habitats and biodiversity" of the Neighbourhood Plan.

8.19 The proposed development is to incorporate porous hard surfaces to aid natural drainage along with rainwater harvesting and water retention systems within the site. A new native hedgerow is proposed along the southern boundary, and this would create a wildlife corridor and also a buffer with the adjoining Ancient Woodland. The proposed garage building would have a south-facing roof slope fitted with solar photo-voltaic panels and would also house battery storage and an air source heat pump. An electric vehicle charging point is also proposed within the garage.

8.20 In order to mitigate and enhance the impact of the development on biodiversity, bat boxes/tubes/tiles are to be installed together with bird boxes, and the applicant confirms that no external lighting is proposed, that might otherwise disturb the activities of local wildlife.

8.21 In terms of construction, the proposed development is to use locally sourced materials in order to reduce construction mileage and high levels of insulation, going beyond those required by Building Regulations, are to be used.

8.22 Further details of the number and locations for the bird and bat boxes should be secured by way of condition. A condition requiring details and a commitment to the development achieving energy efficiency equal to or greater than 19% carbon reduction improvement against Part L of the Building Regulations (2013) is also recommended, in order to meet the requirements of policy SD48 of the Local Plan.

8.23 These measures will allow renewable energy which would reduce reliance on the fossil fuels and improve the resilience of the National Park to climate change in accordance with Policies SD45 and SD48.

8.24 The area of land where the current mobile unit is located is to be cleared and returned to pasture and be part of the overall equestrian business. The site is located within Flood Risk Zone I, which has the lowest flood risk.

Drainage

8.25 The applicant states that there will be water butts to collect and re-use rainwater and the hard surfaces, for example to the parking and turning area, will be of permeable, loose gravel. A surface water drainage scheme incorporating an underground tank is also proposed and East Sussex County Council has been consulted in respect of the proposed surface water drainage strategy. Comments are awaited and will be presented at Planning Applications Committee.

Accessibility and Sustainable Transport

8.26 The site lies south of Ditchling village centre and there is a public footpath along the western side of Beacon Road. Cycling into the village would also be possible and there are bus services from the village to towns such as Lewes and Haywards Heath. Future occupiers of the dwelling would not need to be solely reliant on private car use for all their journeys. It is noted also that the applicant proposes covered and secure cycle storage within the proposed garage building and that an electric vehicle charging point is to be provided. This will help to reduce local contributors towards climate change.

8.27 The comments from neighbouring residents are acknowledged, as are the consultation comments from the highway authority. Subject to being the correct width (narrower than proposed) and adequate visibility splays being provided, the new access would be acceptable and no objection has been received from the highway authority with regards to highway safety matters. The road is relatively straight at this point, and it is subject to a 30mph speed limit.

8.28 In view of the above the proposals are considered to be compliant with policy SD19 of the South Downs Local Plan.

9 Conclusion

9.1 Having considered the positive aspects of the scheme it is suggested that the scheme is sustainable development with no significant adverse influence on the objectives of the policies linked to the established settlement boundary and to refuse the application solely based on its being outside of the planning boundary when the proposals are acceptable in all other respects, may be difficult to justify in this particular instance. Therefore, on balance, approval is recommended.

10 Reason for Recommendation and Conditions

It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)/ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The development hereby permitted shall be implemented in accordance with the Ecosystems Services statement submitted, together with the provision of an electric vehicle charging point, and shall be maintained as such thereafter.

Reason: In order to ensure the development mitigates for the increased resources used in its construction and operation, and to mitigate local contributors towards climate change and in accordance with policies SD2, SD9 and SD48 of the South Downs Local Plan, policy CONS9 of the Ditchling, Streat and Westmeston Neighbourhood Plan, and having regard to the National Planning Policy Framework.

4. Notwithstanding the Ecosystems Services statement submitted, the precise details of the location and number of items including bird and bat boxes, shall be submitted to the local planning authority by way of plans and written statements, for approval, and shall be put in place prior to the first residential occupation of the new dwelling hereby permitted.

Reason: In order to ensure that the development mitigates for the increased resources used in its construction and operation; to mitigate local contributors towards climate change; and to enhance the biodiversity of the site, in accordance with policies SD2, SD9 and SD48 of the South Downs Local Plan, policy CONS9 of the Ditchling, Streat and Westmeston Neighbourhood Plan, and having regard to the National Planning Policy Framework.

5. Prior to the first occupation (or use) of any part of the development hereby permitted, full details of the hard and soft landscaping works shall be submitted to and approved, in writing, by the Local Planning Authority. The details shall include appropriate planting to reinforce the boundaries of the site and provide screening, as well as boundary details such as fencing and hedge planting reinforcement. The approved landscape scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Any plants, which within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with policies SD4 and SD5 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

6. Prior to the first residential occupation of the new dwelling hereby permitted, an electric vehicle charging point shall be provided either within or on the side of the garage, adjacent to the parking area, and made ready for use by the new residents.

Reason: In order to reduce consumption of resources and mitigate local contributors to climate change in accordance with policy SD48 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

7. The external materials and finishes to be used in the development hereby permitted shall strictly accord with those indicated on the plans hereby approved.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of visual amenity and in accordance with policy SD5 of the South Downs Local Plan, policy CONS2 of the Ditchling, Streat and Westmeston Neighbourhood Plan, and having regard to the National Planning Policy Framework.

8. Construction work and deliveries in association with the development hereby permitted shall be restricted to between the hours of 0800 and 1800 Mondays to Fridays and from 0830 until 1300 on Saturdays. No works in association with the development hereby permitted shall be carried out at any time on Sundays or on Bank/Statutory Holidays.

Reason: In the interests of the residential amenities of the neighbours having regard to policies SD5 and SD7 of the South Downs Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

9. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for, but not be limited to:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding, where appropriate
- v. the provision of wheel washing facilities if necessary
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: As this matter is fundamental in order to consider the potential impacts on the amenity of neighbouring residents and highway users during construction and in accordance with policies SD5 and SD7 of the South Downs Local Plan and having regard to the National Planning Policy Framework.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order) no development falling within Classes B or C of Part 1 of Schedule 2 (amend classes and schedule as necessary) of the order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In order to maintain control over new roof openings that may otherwise contribute to light pollution and potentially compromise the dark night sky reserve designation of the National Park in accordance with policy SD8 of the South Downs Local Plan, policy CONS8 of the Ditchling, Streat and Westmeston Neighbourhood Plan, and having regard to the National Planning Policy Framework.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and/or any Order revoking and/or re-enacting that Order) no development falling within Classes A or E of Part 1 of Schedule 2 (amend classes and schedule as necessary) of the order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In order to monitor and control future development that may affect the setting and visual amenity of the development and the character of the local area, as well as the amenity of neighbouring residents, having regard to policies SD4 and SD5 of the South Downs Local Plan, policy CONS2 of the Ditchling, Streat and Westmeston Neighbourhood Plan, and having regard to the National Planning Policy Framework.

12. No development shall commence until the vehicular access serving the development has been constructed in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to policies SD5 and SD19 of the South Downs Local Plan and the National Planning Policy Framework.

13. No part of the development shall be first occupied until visibility splays of 2.4 metres by 215 metres to the south, and visibility splays of 2.4 metres by 43 metres to the north have been provided at the proposed site vehicular access onto Beacon Road. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to policies SD5 and SD19 of the South Downs Local Plan and the National Planning Policy Framework.

14. The development shall not be occupied until the parking area has been constructed and provided in accordance with the approved plans. The area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to policies SD5 and SD19 of the South Downs Local Plan and the National Planning Policy Framework.

15. The proposed garage shall measure at least 6m by 7m (internally).

Reason: To provide adequate space for the parking of vehicles and cycle storage, and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to policies SD5 and SD19 of the South Downs Local Plan and the National Planning Policy Framework.

16. The development shall not be occupied until the cycle parking area has been provided in accordance with the approved plans.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development having regard to policies SD5, SD19 and SD48 of the South Downs Local Plan and the National Planning Policy Framework.

17. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans 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 having regard to policies SD5 and SD19 of the South Downs Local Plan and the National Planning Policy Framework.

18. Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.

Reason: To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding having regard to policies SD5 and SD19 of the South Downs Local Plan and the National Planning Policy Framework.

19. Prior to the commencement of development, the gully located in front of the access must be relocated in accordance to East Sussex Highway standards.

Reason: To ensure the appropriate management of surface water on and adjacent to the highway and prevent and increased risk of flooding having regard to policies SD5 and SD19 of the South Downs Local Plan and the National Planning Policy Framework.

11. Crime and Disorder Implications

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

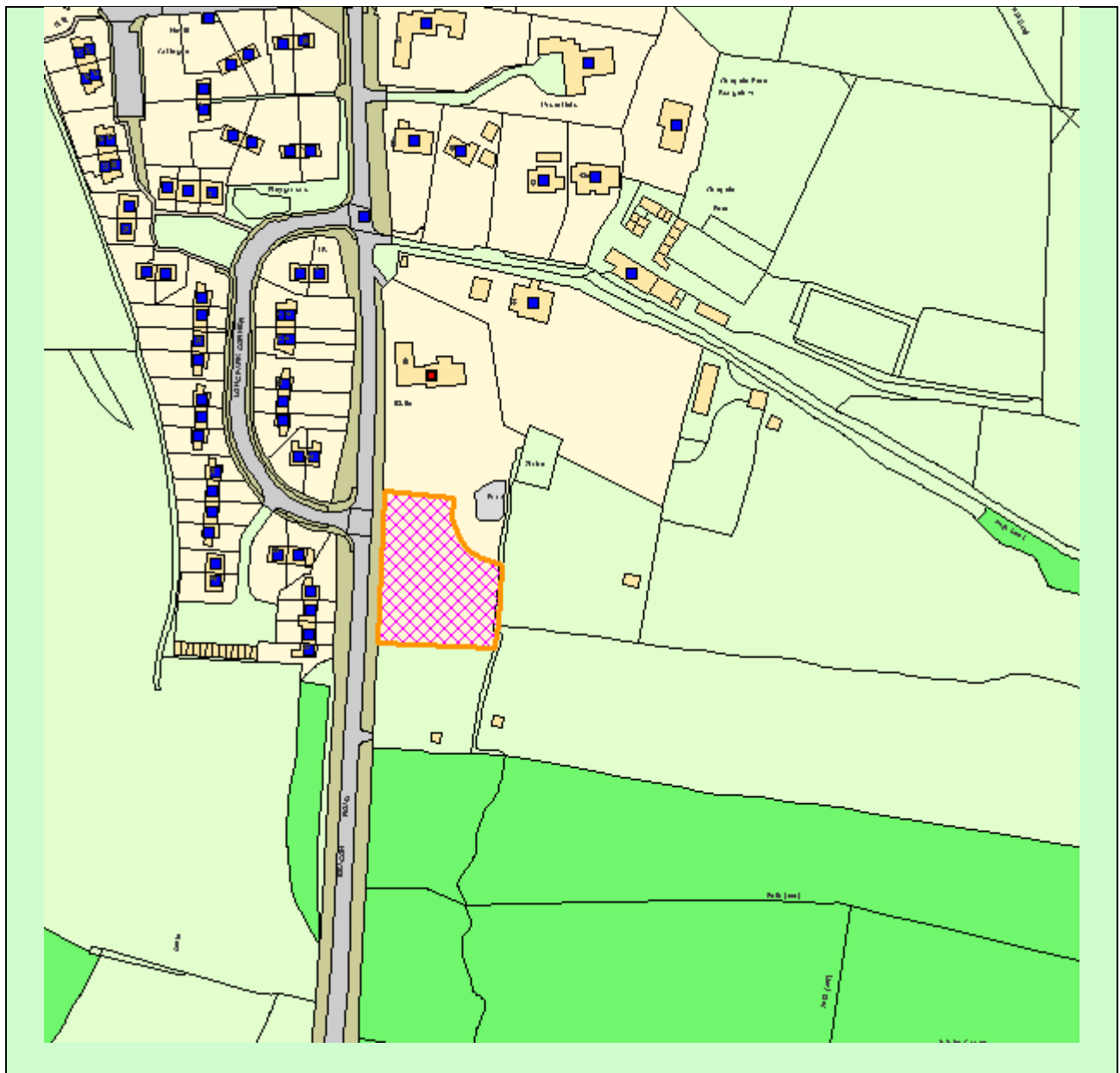
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local 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.

15. Appendices

15.1 Appendix 1 – Site location map

Appendix 2 – Plans referred to in consideration of this application

Appendix I – Site location map



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. South Downs National Park Authority, Licence No. 100050083 (2019) (Not to scale).

Appendix 2 – Plans referred to in consideration of this application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans -	Plans & Elevations		24.03.2020	Approved
Plans - Access Plan	7768/101 A		24.03.2020	Approved
Application Documents -	Appraisal of Ditchling Planning Boundary, Site & Surroundings		24.03.2020	Approved
Application Documents -	Baseline Assessment Checklist		24.03.2020	Approved
Application Documents -	Planning, Noise, Design & Access Statement		24.03.2020	Approved
Application Documents -	Ecosystems Report		24.03.2020	Approved
Application Documents -	Photo & Visual Assessment		24.03.2020	Approved

Reasons: For the avoidance of doubt and in the interests of proper planning.