

# Planning Applications Committee 4 August 2021



Working in Partnership



Time and venue:

5:00pm in the Lewes Leisure Centre, Mountfield Road, Lewes, BN7 2XG

Membership:

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

Quorum: 5

**Note:** This meeting is a public meeting. The number of public seats, however, are limited and need to be carefully managed to ensure that the meeting is Covid-secure. For this reason, we would ask that anyone intending to attend as a member of the public, contacts the Democratic Services team in advance by email: [committees@lewes-eastbourne.gov.uk](mailto:committees@lewes-eastbourne.gov.uk) or phone: 01273 471600. Priority will be given to anyone registered to speak at the meeting. Anyone attending the meeting will be asked to check in at the venue and to wear a face covering, and to observe a one-way system for entering and exiting the building.

*Published: Wednesday, 21 July 2021*

## Agenda

### 1 Minutes (Pages 5 - 8)

To confirm and sign the minutes of the previous meeting held on 7 July 2021 (attached herewith).

### 2 Apologies for absence/Declaration of substitute members

### 3 Declarations of interest

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

#### **4 Urgent items**

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

#### **5 Petitions**

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

#### **6 Written questions from councillors**

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

#### **Planning applications outside the South Downs National Park**

**7 LW/21/0530 - Land North of High Street, Barcombe, East Sussex  
(Pages 9 - 40)**

**8 LW/20/0842 - Land to rear of Oldaker Road (Pages 41 - 60)**

#### **Non-planning application related items**

#### **9 Date of next meeting**

To note that the next meeting of the Planning Applications Committee is scheduled to commence at 5:00pm on Wednesday, 8 September 2021.

## General information

### Planning Applications outside the South Downs National Park:

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

### Planning Applications within the South Downs National Park:

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

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

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

## Information for the public

### Accessibility:

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

### Filming/Recording:

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

### Public participation:

There will be an opportunity for members of the public to speak on an application on this agenda where they have registered their interest with the Democratic Services team **by 12:00pm two working days before the meeting**. More information regarding speaking at a meeting of the Planning Applications Committee can be found on the Council's website: <https://www.lewes-eastbourne.gov.uk/planning-and-building-control/planningapplications/speaking-at-planning-committee/>

## Information for Councillors

### Disclosure of interests:

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

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

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

**Councillor right of address:**

If Members have any questions or wish to discuss aspects of any application listed on the agenda, they are requested to contact the Planning Case Officer prior to the meeting.

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

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

## **Democratic Services**

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

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## **Planning Applications Committee**

**Minutes of the meeting held at the Lewes Leisure Centre, Mountfield Road, Lewes, BN7 2XG, on 7 July 2021 at 5:00pm**

### **Present:**

Councillor Sharon Davy (Chair)  
Councillors Steve Saunders (Vice-Chair), Graham Amy, Roy Clay (Substitute), Tom Jones, Christoph von Kurthy, Jim Lord (Substitute), Sylvia Lord, Imogen Makepeace, Laurence O'Connor and Richard Turner

### **Officers in attendance:**

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

### **18 Minutes**

The minutes of the meeting held on 9 June 2021 were submitted and approved, and the Chair was authorised to sign them as a correct record.

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

Apologies for absence had been received from Councillors Milly Manley and Nicola Papanicolaou. Councillor Roy Clay declared that he was acting as substitute for Councillor Manley for the duration of the meeting and Councillor Jim Lord declared that he was acting as substitute for Councillor Papanicolaou for the duration of the meeting.

### **20 Declarations of interest**

For the purposes of transparency, Councillor Saunders asked that it be noted on behalf of all Members of the Committee that agenda item 9 (planning application LW/20/0701) was a Lewes District Council application.

### **21 Urgent items**

There were no urgent items. A supplementary report, however, was circulated to the Committee prior to the start of the meeting, updating the main reports on the agenda with any late information (a copy of which was published on the Council's website).

**22 Petitions**

There were none.

**23 Written questions from councillors**

There were none.

**24 LW/20/0888 - Searchlight Workshops, Claremont Road, Newhaven**

Carl Goddard (Neighbour) spoke against the proposal. Nancy Astley (Agent) spoke for the proposal.

**Resolved:**

That planning application LW/20/0888 for demolition of two existing buildings (former workshop and kitchen) and erection of 6 no. semi-detached dwellings and 3 no. detached units, to all include hard and soft landscaping works and drop kerbs for driveway access, AMENDED DESCRIPTION - 1 x unit removed - be approved, subject to the conditions set out in the report and supplementary report. The Committee added an informative in respect of the developer discussing with neighbours means of minimising overlooking of the neighbouring properties.

**25 LW/20/0609 - Former Hamsey Brickworks, South Road, South Common, South Chailey, East Sussex**

Lynne Page (Neighbour) spoke against the proposal. Jon Wright (Agent) spoke for the proposal. A written representation was read aloud by the Committee Officer on behalf of Councillor Isabelle Linington, in her capacity as the Lewes District Ward Councillor.

**Resolved:**

That outline planning application LW/20/0609 for up to 12 custom-build homes and supporting infrastructure - all matters reserved except access - be approved, subject to a S106 agreement and the conditions set out in the report and supplementary report, and the amendment of condition 10 to include details of road access to serve all units, and an informative on the road width at entrance.

**26 LW/20/0701 - Newhaven Police Station, South Road, Newhaven****Resolved:**

That planning application LW/20/0701 for demolition of existing building and erection of three and four storey buildings to provide 19 x one and two-bedroom apartments and 2 x three-bedroom houses be approved, subject to a

S106 Agreement and the conditions set out in the report. The Committee added informatives in respect of parking permits, retention and re-use of the plaque, retention of the strawberry tree and consideration of using a 'green wall.'

**27 LW/20/0733 - Lionville, Bishops Lane, Ringmer, BN8 5LD**

A written representation was read aloud by the Committee Officer on behalf of Councillor Sean MacLeod, in his capacity as the Lewes District Ward Councillor.

**Resolved:**

That planning application LW/20/0733 for outline permission for demolition of existing buildings and the erection of 7 no. new dwellings, with all matters reserved except access be approved, subject to the conditions set out in the report, and if necessary subject to a S106 Agreement or Grampian Condition to secure the off-site highway works, in line with the revised officer recommendation set out in the supplementary report.

***The Committee adjourned for a short comfort break prior to the consideration of the next item.***

**28 LW/20/0616 - 139 South Coast Road, Peacehaven, BN10 8NL**

**Resolved:**

That planning application LW/20/0616 for demolition of existing chalet bungalow and garage and construction of a block of 5 flats with associated car parking, refuse/recycling store and bicycle store be approved, subject to the conditions set out in the report.

**29 LW/20/0612 - 75 Ashurst Avenue, Saltdean, East Sussex, BN2 8DR**

Written representations against the proposal were read aloud by the Committee Officer on behalf of Ann Perkins (Neighbour) and Dan Solomons (Neighbour).

**Resolved:**

That retrospective planning application LW/20/0612 for enlargement of decking be approved, subject to the conditions set out in the report.

**30 Date of next meeting**

**Resolved:**

That it be noted that the next meeting of the Planning Applications Committee is scheduled to commence at 5:00pm on Wednesday, 4 August 2021.

The meeting ended at 8:03pm.

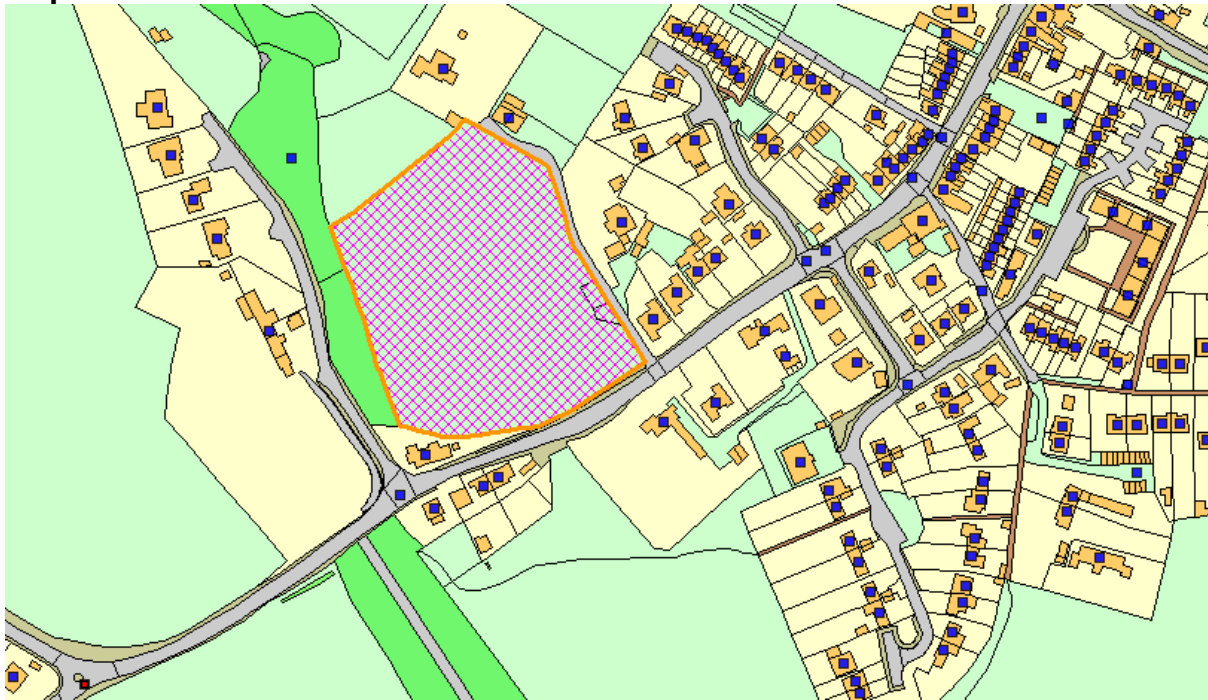
Councillor Sharon Davy (Chair)



**Report to:** Planning Applications Committee  
**Date:** 4 August 2021  
**Application No:** LW/21/0530  
**Location:** Land North of High Street, Barcombe, East Sussex  
**Proposal:** Outline permission for the erection of up to 26 dwellings together with associated development and site access whilst all other matters are reserved for future consideration.  
**Ward:** Chailey, Barcombe & Hamsey  
**Applicant:** Rydon Homes Ltd.  
**Recommendation:** Delegate authority to approve subject to conditions and s106 agreement to secure affordable housing.  
**Contact Officer:** **Name:** James Smith  
**E-mail:** [james.smith@lewes-eastbourne.gov.uk](mailto:james.smith@lewes-eastbourne.gov.uk)

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## Map Location:



## 1. Executive Summary

- 1.1 The current scheme follows a previous outline application (LW/20/0633) which was refused by members due to concerns that the access would be unsafe and that the removal of the hedge to allow the access to be formed would have a detrimental impact upon nature conservation and biodiversity.
- 1.2 The submitted scheme, which as previously, seeks approval for access arrangements only, maintains the access on the same position as

previously but with additional technical reports provided setting out the rationale for selecting the site access point and additional details on biodiversity and ecological mitigation and improvements.

- 1.3 The proposed development is considered to represent sustainable development. It would provide environmental gains by way of introducing new habitat as part of the site landscaping scheme and reducing pressure to develop surrounding greenfield sites. It would provide social gains by facilitating a net gain of 26 residential units (including 10 affordable housing units) that would be of good quality and in an accessible and sustainable location. It would provide economic benefits by generating additional custom for nearby shops and services.
- 1.4 The applicant has submitted indicative layout, design, scale and landscaping details that demonstrate the site is capable of accommodating the development. Consultee responses from relevant stakeholders provide assurances that the development could be carried out without harm to the landscape, ecology, highway safety, flood risk or the historic environment.
- 1.5 Overall, it is considered that the proposed development would not have any unacceptable impact on any areas or assets of significant importance (as defined in the NPPF) or result in significant harm that would outweigh the benefit of up to 26 new dwellings to assist the district in addressing housing need.
- 1.6 It is therefore recommended that the application is approved subject to relevant conditions and a section 106 agreement securing policy compliant affordable housing provision.

## 2. **Relevant Planning Policies**

### 2.1 National Planning Policy Framework 2019

2. Achieving sustainable development

4. Decision making

8. Promoting healthy and safe communities

11. Making effective use of land

12. Achieving well-designed places

14. Meeting the challenge of climate change, flooding and coastal change

15. Conserving and enhancing the natural environment

14. Conserving and enhancing the historic environment

### 2.2 Lewes District Local Plan (Parts 1 and 2)

LDLP1: – CP2 – Housing Type, Mix and Density;

LDLP1: – CP10 – Natural Environment and Landscape;

LDLP1: – CP11 – Built and Historic Environment & Design

LDLP1: – CP12 – Flood Risk, Coastal Erosion and Drainage

LDLP1: – CP13 – Sustainable Travel  
LDLP1: – CP14 – Renewable and Low Carbon Energy  
LDLP2: – BA02 – Land Adjacent to the High Street  
LDLP2: – DM1 – Planning Boundary  
LDLP2: – DM14 – Multi-functional Green Infrastructure  
LDLP2: – DM15 – Provision for Outdoor Playing Space  
LDLP2: – DM16 – Children’s Play Space in New Housing Development  
LDLP2: – DM20 – Pollution Management  
LDLP2: – DM22 – Water Resources and Water Quality  
LDLP2: – DM23 – Noise  
LDLP2: – DM24 – Protection of Biodiversity and Geodiversity  
LDLP2: – DM25 – Design  
LDLP2: – DM27 – Landscape Design  
LDLP2: – DM33 – Heritage Assets

### 3. **Site Description**

- 3.1 The site comprises a single enclosed field that has most recently been in use as a paddock. It is positioned on the western edge of Barcombe Cross, falling within the planning boundary. The site topography includes a gentle rise of approx. 5.5 metres from west to east. The field is open in nature with any significant trees and hedgerow distributed around site boundaries only.
- 3.2 The south-eastern boundary of the field flanks Barcombe High Street and is marked by a mature hedgerow and tree line that occupies a raised bank running parallel to the highway. The hedge is trimmed to approx. 2-3 metres in most places. The south-western boundary is bordered by a belt of trees on the eastern side of Bridgelands, a private road which provides access to a group of detached dwellings built on the former site of Barcombe Cross train station. The north-eastern boundary is flanked by a private access track serving a dwellings at Vine Slead and Hillside as well as a group of derelict buildings that formerly accommodated Hillside Nurseries. This track is also currently used as vehicular access to the site itself. There is a line of mature *leylandii* trees marking the north-western boundary of the site immediately behind which is a lawn belonging to the residential dwelling ‘Hillside’. The south-western corner of the site is recessed from the High Street, with the wedge shaped plot at Willow Cottage forming a buffer.
- 3.3 The village of Barcombe Cross extends to the north-east and south-east of the site. The historic core of the village is designated as a Conservation Area and incorporates a number of Listed Buildings, the closest of which to the site is The Olde Forge House, a Grade II Listed dwelling occupying a converted 17<sup>th</sup> Century building that originally housed the village forge. This building is approx. 40 metres to the east

of the site. The historic part of the village clusters around the High Street and comprises buildings of mixed design, scale and provenance. Flint walling, red brick and tile hanging are common materials and steeply sloped gable roofing is frequently seen. Buildings are generally arranged in terraces or groups of detached and semi-detached buildings that are positioned closely together. A number of former shop buildings have been converted to residential use over time. The overall character is of an intimate village setting with buildings positioned close to the road and small landscaped areas maintained to frontages in many places.

- 3.4 Tertiary roads branch off from the High Street, particularly to the north and south-east and these provide access to more modern, relatively high density residential development. There are also a number of twittens and footpaths that provide access to buildings set back from the High Street as well as connections with the wider public footpath network which criss-crosses the fields surrounding the village and connects with the Ouse Valley Way and South Downs National Park to the east and south.
- 3.5 The centre of the village, where there is a public house and a village shop is approx. 150 metres to the north-east of the site. Barcombe Primary School is approx. 375 metres walking distance from the site as is the adjacent recreation ground. The village as a whole is tightly nucleated with minimal sprawl into the fields and woodland surrounding it. The rural character of the village is enhanced by this surrounding countryside and the buffer it provides between the nearest neighbouring significant settlements, these being Isfield (approx. 3.5 km to the north-east), South Chailey (approx. 3.5 km to the north-west), Lewes (approx. 3.5 km to the south) and Ringmer (approx. 3.5 km to the south-east).
- 3.6 The site is allocated within Lewes District Local Plan Part 2 for residential development of approx. 25 new dwellings under policy BA02. Neighbouring land to the north-east at Hillside Nurserys and to the north-west at Bridgelands is also allocated for residential development but as distinct sites. The site lies on the edge of the Conservation Area. The south-eastern corner of the site falls within an Archaeological Notification Area. There are no other specific planning designations or constraints attached to the site.

#### **4. Proposed Development**

- 4.1 The application seeks outline permission for the erection of up to 26 new dwellings on the site. All matters are reserved other than site access details. A new access would function as the main access to the site and would be provided by way of a new crossover formed on the south-eastern boundary and taken from the High Street. The scheme is largely similar to that considered under previous application LW/20/0633 but with additional hedge planting and biodiversity mitigation/enhancement measures included (see section 8.8), updated ecology surveys and road surveys and further information explaining the rationale for the location and design of the site access.

- 4.2 The proposed access would cut through the existing hedgerow and bund on the south-eastern boundary. The access road would be 5.5 metres in width, with an 8 metre radius maintained at the junction with the High Street. 2 metre wide raised kerb footways on either side of the access road and these would connect with the existing footway running along the northern side of the High Street. Sections of the existing hedgerow and tree line either side of the proposed access would be trimmed back in order to provide visibility splays of 2.4m x 70m to the east and 2.4m x 54m to the west.
- 4.3 The application is accompanied by indicative layout plans used to demonstrate the capacity of the site and how dwellings could be arranged to allow for access by servicing and emergency vehicles. The accompanying Design & Access Statement also sets out design principles and parameters. It is stated that maximum building height would be two-storey and describes how dwellings could be designed to be sympathetic to the local vernacular through the identification of characteristic architectural features and locally used materials.
- 4.4 The application is accompanied by an Affordable Housing Statement that confirm that 10 dwellings (38.5% of the overall development) would be provided as affordable housing with a commuted sum equivalent to 0.4 of a dwelling paid in order to satisfy LLP1 requirements for 40% Affordable Housing. An indicative mix of dwellings is also set out as follows. 2 dwellings (8%) would be 1 bed properties, 10 dwellings (38%) would be 2 bed properties, 9 dwellings (35%) would be 3 bed properties and 5 dwellings (19%) would be 4 bed properties.

## 5. Relevant Planning History

- 5.1 **E/53/0430** - Outline Application for permission to carry out residential development – Refused 21<sup>st</sup> December 1953
- 5.2 **E/68/0382** - Outline Application for erection of dwellings – Refused 27<sup>th</sup> May 1968
- 5.3 **E/72/1935** - Outline Application for erection of fifty five dwellings with garages – Refused 1<sup>st</sup> January 1973
- 5.4 **E/73/1025** - Outline Application for fifty two dwellings with garages at Barcombe Railway Station and part O.P. 8373 – Refused 22<sup>nd</sup> October 1973
- 5.5 **LW/86/0823** - Outline Application for eleven detached dwellings with new cul-de-sac – Refused 10<sup>th</sup> July 1986
- 5.6 **LW/20/0633** - Outline Planning Application for Erection of up to 26 dwellings together with associated development and site access with all other matters reserved – Refused 11<sup>th</sup> May 2021, appeal submitted.
- 5.7 Due to the outstanding appeal, it was considered appropriate to bring this application before the committee as soon as possible notwithstanding the formal consultation period does not expire until Friday 6 August 2021.

5.8 The Ward Councillor and the Parish Council were informed of this application as soon as it was received although the press notices could not be placed until a week later which resulted in the formal consultation period ending 2 days after the committee meeting. In the circumstances of this case, it was not considered that any prejudice would be caused by dealing with this application at the August Committee, especially as the application is substantially the same as the previous one. As such, Members are asked to delegate authority to the Head of Planning to grant planning permission subject to no new material considerations being received prior to the expiry of the consultation period.

## 6. Consultations

### 6.1 Consultations:

Due to the fact that the majority of the submitted scheme is identical to the previously considered application, previously submitted consultee comments have been used in instances where no further comment has been provided. Where previously submitted comments have been referred to this will be clearly stated next to those comments.

#### **ESCC Archaeology (comments submitted for LW/20/0633)**

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.

#### **Specialist Advisor – Conservation (comments submitted for LW/20/0633)**

No objection is raised at this stage. The design of the houses will be of the utmost importance to determine the appropriateness of the new dwellings within the setting of the Barcombe Conservation Area. They should reflect the existing style prevalent within the village while not appearing pastiche.

#### **ESCC Ecology**

To address the previous refusal, the current application is supported by an Ecological Addendum Report (EAR) (Aspect Ecology, June 2021). The EAR consists of a review of the previously provided ecological information, and updated surveys undertaken in 2021. The EAR made particular reference to the hedgerow at the front of the site, part of which would require removal for access. The new surveys were largely in agreement with the previous findings, and as a result, my advice remains largely unchanged.

Provided the recommended mitigation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective. It is recommended that conditions are applied for a Construction Environmental Management Plan (Biodiversity), a Biodiversity Method Statement for reptiles, dormice and great crested newts, and an Ecological Design Strategy addressing enhancement of the site to provide biodiversity net gain.

### **Southern Water (comments submitted for LW/20/0633)**

Our investigations indicate that Southern Water can facilitate foul sewerage run off disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

### **Lead Local Flood Authority (comments submitted for LW/20/0633)**

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

OFFICER COMMENT: The LLFA have also provided a response to comments provided by CGS Civils on behalf of neighbours that were sent in during the course of the determination of the previous development (and subsequent rebuttal submitted by the applicant). Their response is as follows:-

We have reviewed both the response on behalf of the neighbours and the response from the applicant and these do not alter our previous comments on the application. As this is an outline application we consider there are opportunities to develop the drainage strategy based on further investigation and design. However, the overall drainage strategy is appropriate and we have recommended conditions which require further information for the design.

### **ESCC Highways (comments submitted for LW/20/0633)**

This outline application seeks approval for erection of up to 26 dwellings with all matters reserved except access. The site forms part of the development allocation (Policy BA02) in the Lewes Site Allocation and Development Management Policies Local Plan which was allocated for 25 net dwellings.

A Transport Statement has been submitted in support of the application. Following my initial comments dated the 7th October further information has been received which allays my concerns. On this basis I recommend conditions.

### **Planning Policy (comments submitted for LW/20/0633)**

The application is for a site allocated in policy BA02 in LPP2. Policy BA02 allocates the site for a residential development for approximately 25 dwellings, subject to compliance with the appropriate Development Plan Policies and criteria within the policy. The proposed development of 26 dwellings is in line with this number and the requirements for access, height and character of the buildings, and all required assessments are provided. However, the Flood Risk and Drainage Strategy does not inform on capacity of the local sewer network to which the development will be connected. Policy BA02 requires that occupation of the development needs to be phased to align with the delivery of sewerage infrastructure, in liaison with the service provider. There is a lack of information on this issue.

OFFICER COMMENTS: Upgrading of the sewerage network would be carried out by southern water on phasing programme to be agreed between them and the developer. This is explained in section 8.7 of this report.

## **LDC Waste and Refuse**

Consideration needs to be made for the storage of outdoor food waste caddies as food waste is collected separately from general refuse.

We like the idea that collection points have been allocated for properties in order to ensure that the vehicle can access the bins. This collection point however needs to be written into the terms and conditions of the property otherwise there is the potential that an assisted collection request is submitted to us that we cannot accommodate.

Waste and recycling collection points 1, 4, 5, 6 & 7 need to be positioned closer to the main road of this development. Bins need to be presented at the kerbside so if the vehicle is unable to position itself outside the property the collection point has to be where the vehicle can stop - the main access road through.

Waste and recycling collection points 21-26 - More space should be considered for this collection point as refuse and recycling bins may be collected on the same day. At the moment there appears to only be enough space to present 1 bin type at a time.

OFFICER COMMENT: As these comments relate to the internal layout of the scheme they will be addressed at the reserved matters stage.

## **Barcombe Parish Council (comments submitted for LW/20/0633)**

During the meeting the Chair of the Planning Committee consolidated the concerns raised in the letters and emails (eleven) received by the Parish Council. A copy of this summary will be sent to Lewes District Council. The Parish Council has also recommended that individuals write to Lewes District Council with their concerns. In summary the issues raised are:

Flooding of the road and neighbourhood properties caused by an increase in hard surfaces/removal of vegetation.

- Provision of safe access to and from the site.
- Impact on biodiversity of the area, including loss of a historic hedge.
- Impact on the 'Hilltop' nature of Barcombe Cross Village.
- Proposed introduction of lighting to what is, and should remain, a 'dark' village. Formation of visibility splays will involve removal of the whole hedge;
- Road surveys will be carried out during lockdown and results are therefore unrealistic;
- Cumulative impact of traffic should be considered with other allocated sites in Barcombe;
- A professional, reasoned argument should be provided to support the drainage scheme that has been put forward;
- If approved then suitable landscaping and design details should be required;
- The dark skies environment of Barcombe should be protected;



The Parish Council recognise that there is a need for low cost starter homes and properties suitable for downsizing in the village but to reflect the numerous concerns raised about this development the Parish Council is negative towards this application.

The councillors suggest that if the application is granted the funds allocated to equipped play space on land North of High Street could be added to a Parish Council fund to allow a more extensively equipped playground in the existing recreation ground.

## 7. Neighbour Representations

7.1 A total of 4 letters of objection had been received at the time of writing this report. A summary of material planning matters raised is provided below. Content of any additional letter received will be summarised in the supplementary report:-

### Highway Impact:

- The site access would be dangerous;
- Will generate additional traffic on the narrow lanes passing through the village and the surrounding area;

OFFICER COMMENT: Highway matters are addressed in section 8.4 of this report.

### Ecological Impact:

- The ecological value of semi-improved grassland has not been taken into account;
- Would involve the loss of a significant amount of ancient hedge;
- Is adjacent to a significantly important wildlife corridor which is also under threat from the proposed development at Bridgelands.

OFFICER COMMENT: The application is accompanied by a significant amount of information relating to ecological impact, mitigation and enhancement, all of which has been produced by professional organisations and reviewed by the County Ecologist. The methodology of the report is based on that described by the Chartered Institute of Ecology and Environmental Management (CIEEM, 2018). As part of the submitted Ecological Addendum Report, an additional phase 2 botanical survey has been carried out over the grassland as well as additional fauna surveys. The updated surveys have not altered the conclusion that the majority of the site is of low ecological value and that significant enhancements to habitat and biodiversity can be facilitated by the development.

### Visual Impact:

- The methodology used for the Landscape and Visual Impact Assessment (LVIA) is incorrect and misleading;
- Occupies a raised area on the edge of the village and would harm its setting and the adjacent Conservation Area;

OFFICER COMMENT: The submitted LVIA provides an example of how the development may look. The design, scale, landscaping and layout of the development are all reserved matters and, as such, the potential visual impact of the development would be thoroughly examined at the reserved matters stage, in consultation with the ESCC Landscape Architect.

Flooding & Drainage:

- The Flood Risk Assessment is misleading and records of local flooding are somewhat hidden;
- The surrounding area is identified as being at risk of surface water flooding and increased impermeable surfacing will increase risk;

OFFICER COMMENT: The drainage details have been assessed by the Lead Local Flood Authority (LLFA) who are satisfied with the principle of the scheme put forward with additional details being secured by condition, see section 8.7 of this report..

Sustainability:

- There is a lack of local facilities available to support the development;

## 8. **Appraisal**

### 8.1 Key Considerations

8.1.1 The main considerations relate to the principle of the development; the impact upon the character and appearance of the area and neighbour amenities, impacts upon highway/pedestrian safety and flood risk and the overall merits of the scheme in terms of the balance of economic, environmental and social objectives that comprise sustainable development.

8.1.2 It is important to note that the application is for outline approval only, with full details of the main site access the only matter to be agreed at this stage. Indicative plans have been provided to demonstrate the capacity of the site as well as to indicate how the scheme can respond to specific requirements set out in policy BA02 of the Lewes District Local Plan Part 2. Full details of the layout, design, scale and landscaping of the development would be afforded full scrutiny as part of an application for approval of reserved matters, should outline permission be granted.

8.1.3 All planning obligations need to be agreed at the outline stage as this represents the overall planning permission for any such development. As such, a Section 106 legal agreement has been drafted to secure affordable housing.

### 8.2 Principle

8.2.1 The site falls within the planning boundary where the general principle of residential development is acceptable as per policy DM1 of the Lewes District Local Plan part two. Barcombe Cross is defined as a

service village in the settlement hierarchy in table 2 of LLP1, which states that such settlements have the capacity to support growth by 30-100 new dwellings.

- 8.2.2 The site is specifically allocated in the Lewes District Local Plan Part 2 for the development of approximately 25 new dwellings. This allocation, along with others in LLP2, is crucial in ensuring the commitment to deliver new housing is met. The recent expiry of the housing targets set in LLP1 and their replacement with housing need targets set using the national government standard method has resulted in a significant increase in housing delivery targets and further increased the importance of ensuring that allocated sites are developed at optimal efficiency as per para. 123 of the National Planning Policy Framework (NPPF). The allocation is subject to a number of criteria and parameters set out in LLP2 policy BA02, all of which will be discussed in the main body of this report.
- 8.2.3 Para. 8 of the Revised National Planning Policy Framework (NPPF) defines sustainable development as comprising three overarching objectives, these being to respond positively to economic, environmental and social needs. Para. 10 goes on to state that there should be a presumption in favour of sustainable development.
- 8.2.4 Para. 11 of the NPPF states that decision taking should be based on the approval of development proposals that, where a five year supply of housing land cannot be demonstrated, as is the case within Lewes District, permission should be granted for development unless there is a clear reason for refusing based on impact on areas or assets of particular importance (as defined in the NPPF) or if any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, with relevant Local Plan policies also taken into account. Ultimately this approach results in a 'tilted balance' in favour of development.
- 8.2.5 Policy CP2 of the Lewes District Local Plan part one provides a list of objectives to be applied to new housing development within the district. This includes a requirement for housing development that meets the needs of the district to be accommodated in a sustainable way, to conserve and enhance the character of the area in which it will be located. Development should incorporate a suitable mix of accommodation and be socially inclusive. Para. 118 (a) of the NPPF states that planning decisions 'should encourage multiple benefits from both urban and rural land... taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside.'
- 8.2.6 From a housing delivery perspective, para. 68 of the NPPF acknowledges the important contribution that small and medium sized sites, such as the application site, can make towards meeting the housing, particularly as development on such sites is often built-out relatively quickly.

8.2.7 The proposed development is therefore considered to be acceptable in principle and will be assessed on the balance of its economic, social and environmental merits in full accordance with the principle of supporting sustainable development as set out in paras 8, 11 and 12 of the Revised National Planning Policy Framework as well as development plan policies relating to design, carbon reduction, landscaping, pollution control and ecological enhancements.

### 8.3 Planning Obligations

8.3.1 The proposed scheme represents major development (more than 10 new dwellings) and, as such, there is a requirement for affordable housing to be provided, at a rate of 40% of the total number of units as per Policy CP1 of the Lewes District Core Strategy. This amounts to a provision of 10.4 units. In order to fully comply with the standards set out in the Lewes District Council SPD for affordable housing, 10 units would need to be incorporated into the development with the remaining 0.4 unit required being secured as a pro-rata commuted sum. This approach is compliant with the appropriate use of commuted sum as set out in para. 5.2 of the LDC Affordable Housing SPD. The commuted sum will be calculated using the Affordable Housing Commuted Sum Table provided in the Affordable Housing SPD.

8.3.2 The applicant has confirmed that affordable housing would be provided in compliance with the requirements of CP1 and a Section 106 legal agreement has been drafted to secure this. A provisional dwelling mix of 2 x 1 bed flats, 2 x 2 bed flats, 4 x 2 bed houses and 2 x 3 bed houses is proposed with a tenure split of 70% affordable rent and 30% intermediate. The dwelling mix is consistent with the objective to provide a greater proportion of 1 and 2 bed units as set out in policy CP2 of LLP1 and the Affordable Housing SPD.

8.3.3 A section 278 agreement between the applicant and ESCC Highways would be used to secure red surfacing to the section of High Street to the front of the site as well as to provide new signage.

### 8.4 Site Access:

8.4.1 The site would be accessed on the south-eastern boundary, directly from the High Street as required by LLP2 policy BA02 (a). The access includes a footway on both sides, ensuring the needs of cyclists and pedestrians as well as motorists are met as also required by BA02 (a). A Technical Note accompanying the application states that the use of the existing access that runs along the north-eastern site boundary was considered but draws attention to the ESCC Highways response to application LW/20/0288 (a smaller scheme of 9 dwellings at the neighbouring Hillside Nurseries site which is also an allocated site) which concluded that this access was too narrow to serve the development and there was no space for provision of footpaths. Furthermore, it is noted that if this access were to be widened it would require the removal of a mature oak tree.

Additionally, if the access were to be widened and used to serve two developments providing a cumulative amount of up to 35 dwellings it would also be likely to result in increased disruption to residents living at Wheelwrights House and Vine Sleed.

- 8.4.2 The Technical Report also states that the use of Bridgelands was considered but notes this would require the crossing of 3<sup>rd</sup> party land as well as widening works that would result in the loss of trees.
- 8.4.3 Comments attributed to ESCC Highways relate to those provided for application LW/20/0633. As the access details have not been altered for the current application, they are considered to remain applicable. Any additional comments made will be reported in the supplementary report.
- 8.4.4 The technical details of the proposed site access have been fully assessed by ESCC Highways who are satisfied with the width of the access, which at 5.5 metres would allow for two-way vehicular movement, as well as the junction radius, which is 8 metres. Tracking plans have been provided to show that an 11.997-metre-long refuse truck, which is larger than vehicles currently used, could enter and leave the site in a single movement. Swept path analysis showing access/egress can be achieved by a 7.9-metre-long fire appliance has also been provided.
- 8.4.5 Gradient plans and cross sections show the ground level at the site access being lowered along the first 30.3 metres of the access road, that would head directly to the north west, to allow for a gradient of 1:20 to be formed at the point where it meets the High Street over a 5 metre transition, increasing to a gradient of 1:10 thereafter before it reaches the existing site level. The 5-metre section of 1:20 gradient road would be sufficient to accommodate a vehicle waiting to enter onto the High Street. The sides of the road and footway would be flanked by embankments maintaining existing site levels.
- 8.4.6 Visibility splays measuring 2.4m by 70m and 2.4m by 54m would be provided to the east and west respectively. In order for these splays to be maintained, a section of the existing hedgerow/tree line on the south-eastern site boundary would need to be cut back. Part of the existing embankment may also need to be re-profiled, as identified in the submitted stage 1 Road Safety Audit. The dimensions of the splays have been informed by a speed survey on the section of road passing the site which has confirmed average speeds are above the 30mph restriction on the road. A fresh speed survey was carried out in May 2021, prior to the submission of the current application, and confirms that average speeds recorded were 34.6 mph for north eastbound traffic and 35.9 mph for south westbound (as opposed to 34.4 mph and 35.5 mph respectively recorded in the previous survey). As such, the splays would allow for suitable levels of visibility of oncoming traffic to allow motorists to safely pull out of the site and onto the High Street. It is also considered that the similarities between the speed survey result carried out in May 2021 and those carried out in June 2020 supports the reliability of the data obtained.

- 8.4.7 The Technical Note also confirms that the visibility splays would be provided in front of the existing field boundary hedge and, as such, would not require cutting back large sections to 0.6 metres in height. The report confirms the overall length of hedge that would need to be removed to incorporate the access would be 18.4 metres.
- 8.4.8 It is anticipated that the proposed development would generate an additional 156 daily vehicle trips. The Technical Report states that two-way movements in the AM and PM peak hour would equate to approx. one vehicle entering or leaving the site every 4 minutes. ESCC Highways do not consider this increase to be significant over the course of the day and are satisfied that they can be accommodated in the existing highway network without significant issue or additional congestion.
- 8.4.9 ESCC Highways stated that they were satisfied with all technical details provided for the site access when the application was previously submitted. They have suggested that the final layout of the development includes elements that are visible from the approach on the High Street as motorists would be expected to modify their driving behaviour and reduce speed when seeing the development. This can be fully investigated at reserved matters stage and, if required, it is considered there is the capacity for these elements to be incorporated without causing harm to biodiversity mitigation measures and with visual impact restricted to a localised area at the immediate approach to the site only. Further mitigation measures in the form of red surfacing on the road at the entrance to the village and a junction warning sign will be secured through the use of an s278 Legal Agreement.
- 8.4.10 The Technical Note confirms that the proposed new footway at the access point would be 2 metres in width in accordance with para. 6.3.22 of Manual for Streets whilst the existing footway leading north-east towards the village is generally 1.5 metres, and never less than 1.2 metres, in width, allowing for two-way pedestrian movements. Attention is drawn to the National Government 'Inclusive Mobility' document para. 2.2 which states that, in regard to footway width, 'a blind person using a long cane or with an assistance dog needs 1100mm. A visually impaired person who is being guided needs a width of 1200mm. A wheelchair user and an ambulant person side-by-side need 1500mm width.
- 8.4.11 The final layout plan would need to be able to demonstrate that adequate turning space for service vehicles would be provided within the site in order to ensure that they can enter and leave in forward gear. The indicative layout plan shows 48 x allocated car parking spaces and an additional 8 x visitor spaces being accommodated within the site. This quantum is informed by the ESCC car parking demand calculator tool being applied to the indicative mix of 26 dwellings. It is considered that the indicative layout plan demonstrates the site has sufficient capacity to accommodate this

quantum of parking although it is noted that some spaces are shown in a tandem configuration and that this arrangement is generally not supported by ESCC Highways. It is considered the layout could be adjusted to provide a more acceptable arrangement of spaces.

- 8.4.12 It is therefore considered that the submitted site access arrangements provide sufficient capacity to serve the development and would not result in an unacceptable highway or pedestrian safety hazard. The proposed scheme is therefore considered to comply with LLP2 policies BA02(a) and DM25 and paras. 108, 109 and 110 of the National Planning Policy Framework (NPPF).

## 8.5 Visual Impact

- 8.5.1 As the application seeks approval for site access only this is the only part of the scheme that can be fully assessed at this stage. However, the submitted indicative plans and Landscape & Visual Impact Assessment (LVIA) will also be assessed as an example of the potential form of the development.
- 8.5.2 The 2018 LDC document 'Site Allocations and Development Management Policies Submission Document Sustainability Appraisal (Incorporating a Strategic Environmental Assessment)', which was submitted as a core document in the consideration of LLP2 by the Inspector, notes the environmental sensitivity of the site on account of its topography and setting adjacent to a Conservation Area. Para.10.18 of this document confirms that mitigation measures written into policy BA02 would address concerns relating to environmental impact. This was referred to in response to 'matter 10' raised by the planning inspector in their initial inspection of LLP2 (document ID/2). The Inspector did not raise any concerns following the receipt of the response.
- 8.5.3 The most significant visual impact associated with the formation of the site access would be the removal/cutting back of a section of the existing tree line/hedgerow flanking the High Street to allow for the new opening as well as the provision of visibility splays required for road safety purposes. An 18.4 metre length of hedgerow would be removed in its entirety. Submitted plans show that there would not be any need to reduce any substantial part of the retained hedge to 0.6 metres in order to provide visibility splays.
- 8.5.4 The indicative layout plan shows that the site has capacity for buildings and infrastructure to be set back from the road allowing for space for mitigation hedge and tree planting as well as the creation of open green space that would interact with the wider street scene.
- 8.5.5 Whilst the loss of this hedging would alter the character of the immediate stretch of the road it is considered that the loss can be effectively mitigated by the planting of new native hedgerow set slightly back from the road so as to allow for visibility splays to be maintained. This new planting could connect with the existing

hedgerow network and, through being set slightly back from the road, could be allowed to flourish with less disturbance pressure to be cut back or damaged by-passing traffic. It is noted that the existing hedgerow appears to be subject to a cutting regime.

- 8.5.6 It is therefore considered there is ample opportunity for mitigation in the form of planting that would maintain the verdant nature of the section of the High Street passing the site and also provide a visually sympathetic screen to the proposed development that would amalgamate effectively with surrounding landscaping. Indicative layout plans show that planting could provide an integral part of the development through additional screening and creation of mixed habitats that could enrich the visual quality of the site margins and soften the visual impact of the development.
- 8.5.7 Notwithstanding site boundary landscaping, the rising topography of the site means the proposed development would be visible, in part, from surrounding streets and open space, particularly when approaching Barcombe from the south west. However, it is noted that existing views on this approach include dwellings on The Grange and it is considered that the proposed development would integrate with these neighbouring buildings, marking the edge of the settlement and the transition from the rural environment to the village.
- 8.5.8 Although full details of design, scale, layout and landscaping are reserved matters it is clear that the proposed development will involve building over a site that has not previously been developed and is currently a meadow. Notwithstanding this, the site is not isolated, being directly adjacent to the established village of Barcombe. It is also self-contained and not considered to form a significant part of the wider more open rural environment. The rear boundary of the site broadly aligns with the north-western extent of neighbouring residential development on The Grange and School Path. It is therefore considered that residential development of the site would appear as a natural extension to the west of Barcombe village. As is characteristic of surrounding development, the extent of the proposed development would not project a significant distance from the High Street and, due to being directly accessed from it, it is considered it would engage well with the High Street and neighbouring development branching off from it, thereby becoming an integral part of the community and not appearing divorced from its surroundings.
- 8.5.9 The gross area of the site is approx. 12081 m<sup>2</sup> (1.2 hectares) whilst the net developable area (which does not include landscape buffers) is 0.9 dwellings per hectare. The density of the proposed development of 26 dwellings thereby equates to approx. 22 dwellings per hectare based on the gross site area and approx. 29 dwellings per hectare based on developable area. Both of these densities fall within the suggested density spectrum set out in for new residential



development in villages which is 20-30 dwellings per hectare as stated in policy CP2 of LLP1. It should be noted that policy BA02 of LLP2 considers the site to be capable of accommodating approximately 25 new dwellings.

- 8.5.10 The intimate and tightly nucleated nature of the village results in relatively high densities of development both on the historic core and in the more modern residential developments that are set back from the High Street. For comparison, the nearby group on 18 dwellings on The Grange are built to a density of approx. 30 dwellings per hectare. Development on Oaktree (12 dwellings) is approx. 25 dwellings per hectare. The 16 dwellings at the northern end of Munster Green (including the car parking area) are at a density of approx. 45 dwellings per hectare. It is therefore considered that a relatively dense form of residential development is in keeping with the general spatial characteristics of the village.
- 8.5.11 It is important that the final layout of the development avoids excessive uniformity in plot size, orientation and shape in order to reflect the mix of plot size and layout that are established characteristics of the village and which provides a strong sense of organic growth of the settlement, creating increased depth to the sense of space and place.
- 8.5.12 In terms of design, the indicative plans and Design & Access Statement confirm that dwellings and flats would not exceed two-storeys in height, as required by BA02 (b). Appraisals of surrounding development have identified key architectural features within the surrounding Conservation Area such as a mix of hipped, barn hipped and gable roofing, dual aspect frontages, chimneys and bay windows. It is stated that these features could be incorporated into the final design of the scheme. A palette of locally used external materials has also been identified, including the frequent use of red clay tile hanging, red brick, clay roof tiles, terracotta roof ridge tiles, decorative roof finials and occasional use of render and timber weatherboarding. It is stated that these materials would be incorporated throughout the development.
- 8.5.13 It is considered that the indicative layout drawings and architectural appraisals demonstrate that the site could support a residential development of the scale proposed which would be able to integrate with both the surrounding built environment, including the adjoining Conservation Area as well as with the surrounding rural landscape.
- 8.5.14 It is therefore considered that the application complies with policy CP10 of LLP1, policies BA02(c), DM25 and DM27 of LLP2 and paras. 127 and 170 of the NPPF insofar as the outline details of the scheme are concerned.

## 8.6 Living Conditions for Future Occupants

- 8.6.1 It is considered that the indicative layout plans demonstrate that the site could accommodate a development of 26 dwellings that would engage well with the rest of the village and also provide a good sense of place and community. It shows that there would be sufficient

space to provide soft landscaping and greenery as well as communal open areas, including a play area. It is therefore considered that occupants of the proposed dwellings would not feel a sense of detachment from their wider surroundings.

- 8.6.2 It is stated that all affordable housing units would meet the Nationally Described Space Standards and, based on measurement of the footprint of each dwelling; it is considered there is ample room for all dwellings to be delivered as meeting or exceeding the space standards. Furthermore, each dwelling has a good-sized garden provided in a private area to the rear whilst communal green space is provided at the proposed flats.
- 8.6.3 The proposed development would include safe pedestrian links to the village in the form of raised kerb footways and the indicative plan shows this footway running across the length of the site.
- 8.6.4 It is therefore considered that the proposed development complies with policy CP2 of LLP1, policy DM15, DM16 and DM25 of LLP2 and section 8 of the NPPF.

## 8.7 Flooding and Drainage

- 8.7.1 The proposed development would involve the introduction of buildings and impermeable surfaces (equating to a total area of approx. 0.42 hectares) on what is currently an undeveloped greenfield site. The site is located in Flood Zone 1 and, as such, it is at a low risk from tidal and fluvial flooding. There are no records of any significant issues with surface water drainage within the site itself although land to the south, particularly on the adjoining site at Willow Cottage as well as land to the west at Bridgelands is identified by the Environment Agency as being at high risk of surface water flooding.
- 8.7.2 The Flood Risk Assessment includes details of how surface water generated by the development would be managed. Ultimately surface water would be discharged into an existing ditch that flanks the western boundary of the site. This would be via an attenuation pond formed in the south-western corner of the site which would allow discharge to be managed as close as practicable to existing greenfield run-off rates, this being 5.4 litres per second. Attenuation would be designed to account for a 1 in 100-year weather event with an additional 40% contingency as an allowance for climate change. This would require a basin of approx. 209 m<sup>3</sup> volume .
- 8.7.3 Foul water would be disposed of by way of connecting with the existing public foul water network. The connection point is likely to be at a higher elevation than achievable proposed drainage invert levels and a foul water pumping station would therefore be required to allow for discharge to function. The pumping station is shown on indicative site plans towards the north-west of the site.
- 8.7.4 Pollution control measures could be integrated into the drainage scheme to prevent discharge of pollutants into surrounding watercourses or onto surrounding land. It is therefore considered that the proposed drainage scheme would meet the criteria of sustainable drainage as set out in para. 051 of the Planning Policy Guidance on

Flood Risk and Coastal Change in that it would manage run-off, control water quality, provide amenity (in the form of the attenuation pond) and would enhance biodiversity by creating habitat not currently present on the site. The Lead Local Flood Authority (LLFA) have stated that they are satisfied that the surface water generated by the proposed development can be managed effectively.

8.7.5 Improvements to sewerage infrastructure referred to in policy BA20 (g) would be carried out by Southern Water. Such improvements are typically completed within 24 months of a planning approval (including outline permission) and any phasing of development that would be required would be agreed between Southern Water and the developer.

8.7.6 It is therefore considered that surface water run-off generated by the development can be adequately managed without unacceptable risk of flooding within the development or on neighbouring land. The development is therefore considered to comply with policy CP12 of LLP1 and paras. 163 And 165 of the NPPF.

## 8.8 Landscape, Ecology & Biodiversity

8.8.1 The application is accompanied by an Ecological Appraisal Report, as required by BA20 (e). A reptile survey has also been submitted. The Ecological Appraisal Report identifies primary ecological impacts of the proposed development as being the loss of a 20 metre section of hedgerow on the southern boundary of the site to allow for vehicular access and the permanent loss of approx. 1.2 hectares of poor semi-improved grassland, tall ruderal, scrub and scattered trees across the site. The majority of the site is categorised as being of low ecological value but it is noted that there are areas of priority habitats supporting the potential presence of great crested newt, nesting birds, roosting bats, hazel dormouse and reptiles. Additional details and up-to-date surveys have been included in a separate Ecological Addendum Report.

8.8.2 The reports set out a range of mitigation measures to minimise impact upon wildlife during clearance and construction works. This includes the translocation of reptiles from the construction zone to a suitable receptor site prior to site preparation and commencement of works, to avoid the risk of killing/injury to reptiles and the timing of all vegetation clearance works to avoid hibernating, maternity and nesting seasons for bats, birds, mammals and reptiles.

8.8.3 Further measures will be taken to ensure that all retained trees and hedgerow are protected during site clearance and construction works, that external lighting is avoided or minimised, that excavations and open pipework is covered overnight and that new boundary fencing includes small gaps underneath to allow for small mammals to commute through the site.

8.8.4 A number of opportunities for ecological enhancements/biodiversity net gain are identified. These include use of native wildflower and grass seed mix in areas of green space, hedgerow replacement and enhancement to include native fruit, seed, nut and nectar-bearing

shrub species, use of the attenuation pond to provide a habitat, planting that supports food sources for bats as well as roosting opportunities, installation of bat and bird roost/nest boxes, creation of piles and hibernacula for amphibians, invertebrates and reptiles and retention of corridors of less intensively managed vegetation to maintain ecological connectivity through the site for reptiles, particularly along the western boundary adjacent to off-site woodland.

- 8.8.5 The County Ecologist has assessed the appraisal and reptile survey and has noted that the section of hedgerow to be removed is species poor and that the majority of the grassland is poor, with relatively low ecological value. The proximity to the Dismantled Railway Line, Barcombe Local Wildlife Site (LWS) (approx. 213m to the north and with some connectivity to the site) and Spithurst Road Wildlife Verge lies (approx. 600m to the north east) is noted but the ecologist has concluded that, given the nature, scale and location of the proposed development, there are unlikely to be any impacts on the LWS or any other sites designated for their nature conservation interest.
- 8.8.6 In response to the refusal of LW/20/0633 due, in part, to perceived negative impact upon biodiversity as a result of the removal of a section of boundary hedge to allow for site access, the applicant has submitted an Ecological Addendum Report (EAR) that includes a Detailed Hedgerow Assessment of this feature (Hedgerow H1).
- 8.8.7 The assessment confirms that the hedge is comprised almost entirely of beech. Occasional self-sown specimens of Blackthorn, Elm, Hawthorn and Hazel are present but account for no more than approximately 5% of the total plant stems within the hedgerow. In addition, the hedge has a ground flora dominated by Ivy, Cleavers and Dock immediately beneath the hedge, together with a narrow band of ruderal herbs on either side comprising mainly Cow Parsley, with some Garlic Mustard and occasional Lords and Ladies.
- 8.8.8 Based on the diameter of the beech stems (4-6 cm) it is concluded that the hedge is relatively young
- 8.8.9 Para. 5.2.7 of the EAR states that ‘An assessment of the hedgerow against the Heritage Criteria as outlined in the Hedgerows Regulations 1997 has been previously carried out as part of a Heritage Assessment which concluded that “It is not considered to be an important hedge as it does not accord with any of the heritage criteria as outlined in the Hedgerows Regulations 1997”, explaining the reasons why and stating that “The historic map regression demonstrates that the road was realigned sometime between 1961 and 1981 (Figs 12 & 13) with the existing hedge therefore being no more than 55 years old”.
- 8.8.10 Para. 5.2.8 continues, ‘With reference to the Wildlife and Landscape Criteria of the Hedgerows Regulations, Hedgerow H1 contains five woody species within the central 30m section. According to Section 7 (paragraph 1) of the Regulations, with a count of five species, to determine if the hedgerow is ‘important’ it is necessary to examine the presence of associated features listed under Section 7 (paragraph 4). In referring to such associated features, the

assessment finds that the hedgerow does not possess a sufficient number of qualifying features to be regarded as 'important'.

Specifically, it supports only one of the requisite features - it has gaps not exceeding 10%. Although it has connections with two hedgerows (albeit to curtilage hedgerows which are in any event not counted by the Regulations) at the western end, this is not a sufficient number to qualify under this criterion. Together the features do not meet the required threshold for 'importance'.

- 8.8.11 Additionally, the EAR draws attention to the historical management of the hedge which has resulted in reduced structure and also does not consider it an integral part of any wildlife corridor.
- 8.8.12 It is considered that the 18.4 metre section of hedge to be removed is not significant in the context of the overall length of the hedge and that potential harm would be offset through proposed enhancements to the remaining hedgerow.
- 8.8.13 The previously refused scheme included the planting of 530 metres of new native hedgerow as an ecological/biodiversity enhancement measure. The current application has increase this by a further 178 metres with additional hedge planting proposed for the eastern boundary, north-western boundary and the site interior. This represents an increase in hedgerow throughout the site of 346%. The new hedgerow would incorporate a mix of native species in contrast to the relative monoculture of the existing hedgerow.
- 8.8.14 The County Ecologist is satisfied that suitable mitigation measures have been identified in order to address unacceptable harm to wildlife/habitat and also that the site offers opportunities for biodiversity net gain. It is therefore considered that the proposed development could be delivered without unacceptable ecological harm and with the benefit of supporting habitat enhancement and creation and biodiversity net gain. Enhancement measures should provide a minimum of 10% Biodiversity Net Gain as required by the Biodiversity Net Gain Technical Advice Note (TAN)
- 8.8.15 Full details of site landscaping would be secured at the Reserved Matters stage.
- 8.8.16 It is therefore considered that the development complies with policy CP10 of LLP1, policies BA02(e), DM24 and DM27 of LLP2 and paras. 170 and 175 of the NPPF.

## 8.9 Sustainability

- 8.9.1 The application is in outline form and, as such, it is not possible for all sustainability measures to be detailed at this stage. It is, however, noted that the development would utilise sustainable drainage systems that includes the formation of an attenuation pond that will also provide an amenity and habitat asset. This, as well as other open green space within the overall site area is considered to support the delivery of multi-functional green infrastructure as required by LLP2 policy DM14.

- 8.9.2 The application for Reserved Matters would need to include a sustainability statement that confirms compliance with the aims and objectives of the recently adopted TANs for Circular Economy, Sustainability in Development and Biodiversity Net Gain. This would include, but not be limited to, details on how water consumption would be kept to 100-110 litres per person per day, renewable energy and carbon reduction measures, building layouts that maximise access to natural light, support for sustainable modes of transport, provision of electric vehicle charging points (minimum of one per dwelling), and facilities to support working from home.
- 8.9.3 The applicant has stated that a Site Waste Management Plan (SWMP) will be produced for the scheme in full accordance with the Site Waste Management Plan Regulations 2008. This should be submitted at the reserved matters stage.

#### 8.10 Archaeology

- 8.10.1 An Archaeological Assessment of the site has been carried out and a report submitted as part of the suite of documents supporting the application.
- 8.10.2 The ESCC Archaeologist has assessed the report and broadly agrees with the conclusion. It has, however, been requested that fieldwork is carried out prior to commencement of development in order to enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss.
- 8.10.3 The fieldwork can be secured by planning condition. It is therefore considered that the proposed development could be carried out without causing unacceptable harm or damage to archaeology.
- 8.10.4 It is therefore considered the proposed development complies with policy CP11 of LLP1, DM33 of LLP2 and section 16 of the NPPF.

### 9. **Human Rights Implications**

- 9.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

## 10. Recommendation

10.1 It is recommended that, subject to no new material considerations being raised prior to the expiry of the consultation period, that the Head of Planning is authorised to grant planning permission subject to the conditions listed below and a Section 106 Agreement securing a policy compliant affordable housing contribution.

### Conditions

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters, as defined in condition 2; to be approved, whichever is the later.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

2. No development shall commence until details of the:
  - a) Layout (including site levels)
  - b) scale
  - c) design
  - d) landscaping

(hereinafter called "the Reserved Matters") have been submitted to and approved in writing by the Local Planning Authority. Application for the approval of the Reserved Matters shall be made within three years of the date of this permission. The development shall accord with the approved details.

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

3. The development hereby permitted shall be carried out in accordance with the following approved drawings:

<b>PLAN TYPE</b>	<b>DATE RECEIVED</b>	<b>REFERENCE</b>
Location Plan	1 <sup>st</sup> July 2021	1062-OA-01
Access Plan	1 <sup>st</sup> July 2021	1062-OA-07
Transport Statement	1 <sup>st</sup> July 2021	JNY10636-01a
Stage 1 Road Safety Audit	1 <sup>st</sup> July 2021	JNY10636 - 02
Technical Note (Highways)	1 <sup>st</sup> July 2021	JNY10636-03
Technical Note (Highways)	1 <sup>st</sup> July 2021	JNY10636-03a
Arboricultural Implications Assessment	1 <sup>st</sup> July 2021	J58.67
Archaeological Desk-Based Assessment	1 <sup>st</sup> July 2021	PN2677/DBA/1
Ecological Addendum Report	1 <sup>st</sup> July 2021	ECO-6230

Other plans submitted are indicative only and, whilst use to inform the decision, are not approved at this stage as they relate to reserved matters.

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

4. No development shall take place until details of the layout of the new and the specification for the construction of the access which shall include details of drainage have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the use hereby permitted shall not commence until the construction of the access has been completed in accordance with the specification set out on Form HT407 which is attached to and forms part of this permission.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LLP2 policies BA02(a) and DM25 and paras.108, 109 and 110 of the National Planning Policy Framework (NPPF).

5. The access shall not be used until the visibility splays shown on the submitted (plan no JNY10636-01 REV A) are cleared of all obstructions exceeding 600mm in height and kept clear thereafter.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LLP2 policies BA02(a) and DM25 and paras.108, 109 and 110 of the National Planning Policy Framework (NPPF).

6. A junction warning sign for westbound traffic shall be provided prior to occupation of the development in accordance with details that have first been submitted to the Local Planning Authority for approval in consultation with the Highway Authority. The signs should not obstruct visibility of drivers using the access where it joins the public highway.

Reason: To ensure the safety of persons and vehicles proceeding along the highway in accordance with LLP2 policies BA02(a) and DM25 and paras.108, 109 and 110 of the National Planning Policy Framework (NPPF).

7. Red surfacing shall be laid at the entrance to the village on the High Street prior to occupation of development in accordance with details that have been first submitted to the Local Planning Authority for approval in consultation with the Highway Authority.

Reason: To ensure the safety of persons and vehicles proceeding along the highway in accordance with LLP2 policies BA02(a) and DM25 and paras. 108, 109 and 110 of the National Planning Policy Framework (NPPF).

8. No external lighting or floodlighting shall be installed on the buildings or the road and parking areas hereby permitted without the prior written approval of the local planning authority.



Reason: To protect the amenity and character of the surrounding countryside and to prevent disturbance of nocturnal species having regard to Policy CP10 of the Lewes District Local Plan part one, policies DM20 and DM24 of the Lewes District Local Plan part two and paras. 170, 175 and 180 of the NPPF.

9. The development shall not be occupied until parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Local 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 in accordance with LLP2 policies BA02(a) and DM25 and paras.108, 109 and 110 of the National Planning Policy Framework (NPPF).

10. 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 in accordance with LLP2 policies BA02(a) and DM25 and paras.108, 109 and 110 of the National Planning Policy Framework (NPPF).

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

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development in accordance with policy CP13 of LLP1 and para. 102 of the NPPF.

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

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LLP2 policies BA02(a) and DM25 and paras.108, 109 and 110 of the National Planning Policy Framework (NPPF).

13. The new estate roads 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 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 in accordance with LLP2 policies BA02(a) and DM25 and paras.108, 109 and 110 of the National Planning Policy Framework (NPPF).

14. The completed access shall have maximum gradients of 5% (1 in 20) from the channel line for the first 5 metres into the site and 10% (1 in 10) thereafter.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LLP2 policies BA02(a) and DM25 and paras. 108, 109 and 110 of the National Planning Policy Framework (NPPF).

15. 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,
- means of reusing any existing materials present on site for construction works,
- the method of access and routing 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 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.
- address noise impacts arising out of the construction;
- demonstrate that best practicable means have been adopted to mitigate the impact of noise and vibration from construction activities;
- include details of the use of protective fences, exclusion barriers and warning signs;
- provide details of the location and appearance of the site offices and storage area for materials, including a bunded area with solid base for the storage of liquids, oils and fuel;
- details of any external lighting.

Reason: In the interests of highway safety and the amenities of the area in accordance with LLP2 policies BA02(a), DM20, DM23 and DM25 and paras. 108, 109 and 110 of the National Planning Policy Framework (NPPF).

16. No part of the development shall be occupied until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport in accordance with LLP1 policy CP14 and section 9 of the NPPF.

17. Prior to the commencement of the development hereby permitted details of earthworks shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading of land area including the levels and contours to be formed and showing the relationship to existing vegetation and neighbouring development. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of amenity and landscape character in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM25 and DM27 and section 15 of the NPPF.

18. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) risk assessment of potentially damaging construction activities;
- b) identification of “biodiversity protection zones”;
- c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) the location and timing of sensitive works to avoid harm to biodiversity features;
- e) the times during construction when specialist ecologists need to be present on site to oversee works;
- f) responsible persons and lines of communication;
- g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure that any adverse environmental impacts of development activities are mitigated, to avoid an offence under the Wildlife and Countryside Act 1981, as amended, The Conservation of Habitats and Species Regulations 2017, as amended, and the Protection of Badgers Act, 1992, and to address Core Policy CP10 of the Lewes District Local Plan 2016 and policy BA02 of the adopted Local Plan part 2.

19. No development shall take place (including any demolition, ground works, site clearance) until a method statement for the rescue and translocation of reptiles has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended.

20. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity, in line with the recommendations in the Ecological Addendum Report, Aspect Ecology, dated June 2021, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework, and Core Policy CP10 of the Lewes District Local Plan 2016.

21. The surface water drainage strategy outlined in HSP Consulting Flood Risk Assessment Report (dated September 2020) should be carried forward to detailed design. Surface water runoff from the proposed development should be limited to 5.4 l/s for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence.

Evidence of this (in the form of hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.

The details of the outfall of the proposed attenuation pond and how it connects into the watercourse should be provided as part of the detailed design. This should include cross sections and invert levels.

The condition of the ordinary watercourse which will take surface water runoff from the development should be investigated before discharge of surface water runoff from the development is made. Any required improvements to the condition of the watercourse should be carried out prior to construction of the outfall.

The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policies BA02(f) and DM22 and paras. 163 and 165 of the NPPF.

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

Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policies BA02(f) and DM22 and paras. 163 and 165 of the NPPF.

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

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

Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policies BA02(f) and DM22 and paras. 163 and 165 of the NPPF.

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

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

25. 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 24.

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.

26. No buildings or structures within the development shall exceed two storeys in height.

Reason: In order to control the scale of the development in the interest of visual amenity and landscape impact in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM25, DM27 and DM33 and sections 15 and 16 of the NPPF.

27. The development shall incorporate an appropriately sized children's play area that is integral to the overall design and layout of the development, is sited in safe, open and welcoming locations which are overlooked by dwellings and well used pedestrian routes, is provided with seating for accompanying adults, is additional to any incidental amenity space; and is properly drained, laid out, landscaped and equipped for use at an agreed stage or stages no later than the occupation of the 5th unit of the development.

The play equipment shall be designed, manufactured, installed and maintained in accordance with European Standards EN1176 and EN1177 (or any superseding legislation) and the submitted details shall be accompanied by a management and maintenance plan for the play area.

Reason: To provide a healthy living environment in accordance with policies DM15 and DM16 of LLP2 and section 8 of the NPPF.

28. Prior to the commencement of the development hereby permitted details of the protection of the trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. The measures of protection should be in accordance with BS5837:2012 and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the Root Protection zones.

Reason: In the interests of the amenity and the landscape character of the area in accordance with LLP1 policy CP10, LLP2 policy DM27 and section 15 of the NPPF.

29. Construction work shall be restricted to the hours of 0800 to 1800 Monday to Fridays and 0830 to 1300 on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

Reason: In the interest of residential amenities of the neighbours having regard to Policy DM25 of the Lewes District Local Plan.

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

- the anticipated number, frequency and types of vehicles used during construction,
- means of reusing any existing materials present on site for construction works,
- the method of access and routing 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 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.
- address noise impacts arising out of the construction;
- demonstrate that best practicable means have been adopted to mitigate the impact of noise and vibration from construction activities;
- include details of the use of protective fences, exclusion barriers and warning signs;

- provide details of the location and appearance of the site offices and storage area for materials, including a bunded area with solid base for the storage of liquids, oils and fuel;
- details of any external lighting.

Reason: In order to safeguard environmental and residential amenity and in the interests of highway safety and the wider amenities of the area having regard to Policy CP11 of the Lewes District Local Plan part one, policies DM20 and DM23 of the Lewes District Local Plan part 2 and the Circular Economy Technical Advice Note.

## 11. **Background Papers**

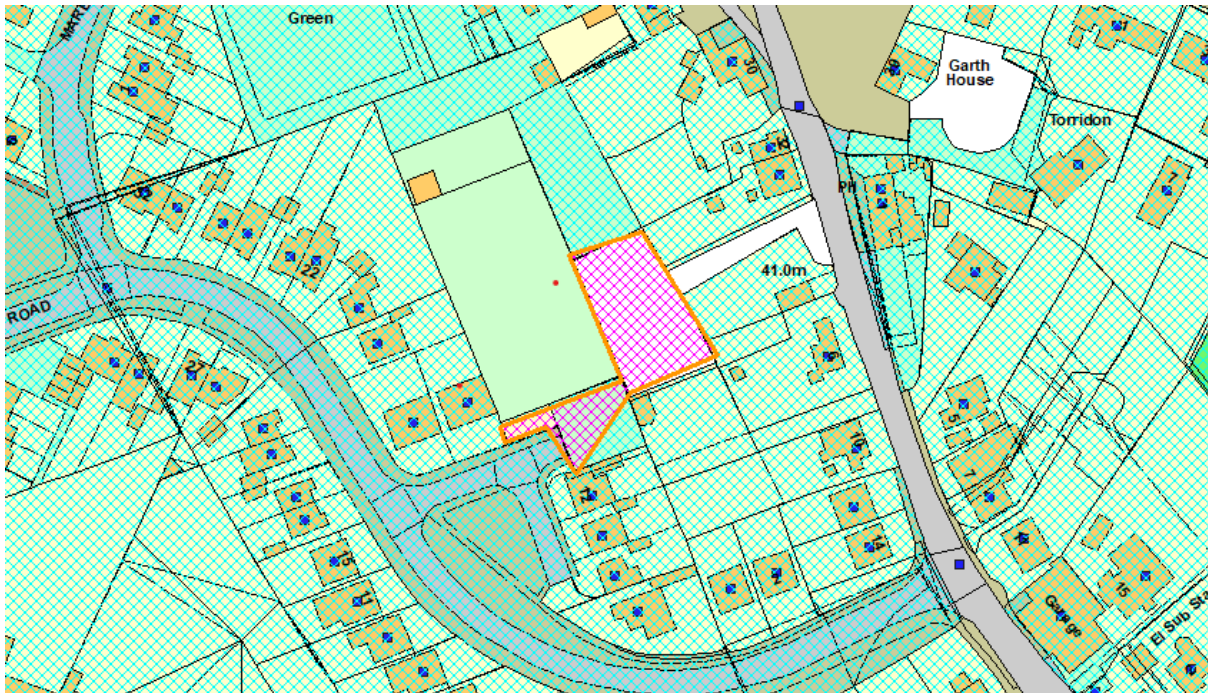
11.1 None.



**Report to:** Planning Applications Committee  
**Date:** 4 August 2021  
**Application No:** LW/20/0842  
**Location:** Land to rear of Oldaker Road  
**Proposal:** Erection of a 4-bed detached dwelling with associated access and on-site parking (resubmission of LW/18/0191).  
**Applicant:** H. Monteiro  
**Ward:** Newick  
**Recommendation:** Grant planning permission subject to s106 agreement.  
**Contact Officer:** **Name:** Julie Cattell  
**E-mail:** [julie.cattell@lewes-eastbourne.gov.uk](mailto:julie.cattell@lewes-eastbourne.gov.uk)

**IMPORTANT NOTE: This scheme is CIL Liable.**

**Map Location:**



## 1. Executive Summary

- 1.1 The proposed development is considered to meet all relevant local and national planning policies.
- 1.2 Approval is recommended, subject to conditions and S106 agreement to secure contribution towards ongoing management of the Newick SANG and the Ashdown Forest SAMMS.

## 2. **Relevant Planning Policies**

### 2.1 National Planning Policy Framework

- Achieving sustainable development
- Delivering a sufficient supply of homes
- Making effective use of land
- Achieving well designed places
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the historic environment

### 2.2 Lewes District Local Plan

- LDLP: – CP2 – Housing Type, Mix and Density
- LDLP: - CP10 – Natural Environment and Landscape Character
- 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
- LDLP: – DM1 – Planning Boundary
- LDLP: – DM24 – Protection of Biodiversity and Geodiversity
- LDLP: – DM25 – Design
- LDLP: - DM30 Backland Development
- LDLP:- DM33 Heritage Assets

### 2.3 Newick Neighbourhood Plan

- HO1.1 – Design and Local Character
- HO1.2 – Materials
- HO1.3 – Height of new housing development
- HO1.4 – Size of new residential units
- HO1.5 – Parking
- HO1.6 – Residential Development in gardens
- HO1.7 - Ashdown Forest

## 3. **Site Description**

- 3.1 The application site is located at the rear of 4 Church Lane, Newick and is accessed from Oldaker Road, through an existing cul-de-sac that serves numbers 6-16. The main part of the site is roughly rectangular in shape, approximately 32m wide and 20m deep and runs across the rear boundary of 4 Church Lane, halfway across the rear boundary of number 6 Church Lane to the east and part of the boundary to number 10 Church Lane to the south. The total area of the development site is 861m<sup>2</sup>/0.0861ha.

- 3.2 The site is currently open rough grassland, bounded with large mature hedgerows to the eastern and western boundaries, a timber close-boarded fence to the southern boundary and delineated by a wire fence to the adjoining plot to the north. The site slopes gently down to the north and east.
- 3.3 The site is within the Newick Development Boundary. Most of the site falls within The Newick Conservation area with just the access from Oldaker Road excluded. Numbers 4, 6 and 10 Church Lane are grade 2 listed.
- 3.4 Oldaker Road forms part of a residential development to the rear of The Green and High Street, dating from the early 1970s. The properties are two storey, mainly detached with off-street parking, some with garages. The design of the houses is traditional, with pitched tiled roofs. External walls are either fully finished in light-coloured bricks or with white horizontal timber cladding at first floor.

#### **4. Proposed Development**

- 4.1 The application seeks full planning permission for the construction of a new four-bedroom house with integral garage and large garden area, accessed from the existing cul-de-sac off Oldaker Road.
- 4.2 Part of the house is set over two stories, running parallel with the rear site boundary, and comprises at ground floor, bedroom 1 and en-suite shower room, kitchen, study, utility room and downstairs W.C. Bedrooms 2 (with en-suite shower room) 3 and 4 and bathroom are on the first floor.
- 4.3 The single storey element is set at right angles to the main part of the house, forming a 'T' shape and comprises the main living and dining area with sliding doors opening onto a patio with the garden beyond. The roofs of both elements are pitched, with an asymmetrical pitch to the single storey element to maximise the area available on the south-facing slope for solar panels. The garage has a flat roof. There is a timber pergola across the south facing windows to the living room and west facing wall.
- 4.4 The house has been designed to reflect the characteristics of Oldaker Road using a similar palette of finishing materials – light coloured bricks at ground floor, vertical timber cladding at first floor, clay tiles to the roof. The fenestration is contemporary and utilises the outlook to maximise light to the living rooms.
- 4.5 The garage at 6m x 3m meets the ESCC space standard.

#### **5. Relevant Planning History**

- 5.1 LW/18/0191 New single detached house and garage including ancillary accommodation with new access to Church Road - Refused 6 July 2018 for the following reasons:
- The proposed development, by virtue of its unremarkable design, lack of safe and convenient vehicular access to the proposed new dwelling, and erosion of the essential elements of the character and appearance of the area, represents an unacceptable form of backland development that is contrary to Policies ST3 and ST4 of the Lewes District Local Plan, CP11 of the Lewes District Joint Core Strategy, and HO1.6 of the adopted Newick Neighbourhood Plan

- The proposed development, by virtue of its unremarkable design, and siting would have an adverse impact on the setting of the adjoining Listed Building No. 4 Church Road, contrary to Policies H2 and H5 of the Lewes District Local Plan, Policy CP11 of the Joint Core Strategy, and H01.6 of the adopted Newick Neighbourhood Plan.
- The proposal does not make provision for adequate visibility at the junction of the access with the public highway and would be detrimental to highway safety, resulting in severe highway impacts, and is contrary to paragraph 32 of the NPPF.
- The formation and use of an additional access to the public highway at this point would add to the hazards of highway users to an unacceptable degree, resulting in severe highway impacts, and is contrary to paragraph 32 of the NPPF.
- The proposal does not include adequate provision on the site for the parking of vehicles in a satisfactory manner to the standard required by the Local Planning Authority and the proposal would be likely to result in standing vehicles which would interrupt the free flow of traffic on the public highway and add to the hazards of highway users, resulting in severe highway impacts, and is contrary to paragraph 32 of the NPPF.
- The proposal would be detrimental to highway safety in that it does not incorporate adequate facilities to enable vehicles to turn on the site and so enter and leave the highway in forward gear, resulting in severe highway impacts, and is contrary to paragraph 32 of the NPPF.

## 6. Consultations

### 6.1 Environmental Health

6.1.1 If LPA is minded to grant planning permission, then considering the sensitive use of the site, I recommend the following conditions and informative:

- If, during development, contamination not previously known 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 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.

Hours of work at the site shall be restricted to 08:00 to 18:00 hours Monday to Friday and 09:00 to 13:00 hours on Saturday. No working is permitted at any time on Sunday or Bank Holidays.

Reason: To protect the amenity of the locality in accordance with policies DM11 and DM25 of the Lewes District Local Plan

Informative - All waste material arising from any site clearance, demolition, preparation and construction activities at the site should be stored, removed from the site and disposed of in an appropriate manner.

## 6.2 ESCC Archaeology

6.2.1 This application site is not located within a current Archaeological Notification Area and for this reason I have no further comments or archaeological recommendations to make in this instance.

## 6.3 ESCC Highways

6.3.1 The site is located off of Oldaker Road. The area is mostly residential in nature and is in a rural location. The main road through Newick is the A272 Goldbridge Road which runs in a broadly east-west direction approximately 150 metres north of the site.

6.3.2 The applicant has not submitted any TRICS database to estimate the expected vehicle trip rates for the development. However, a development of this small scale is not expected to have a material impact on the operation of the local highway network.

6.3.3 The applicant is proposing to create a new access point to create a 2.86m wide driveway serving the proposed development. Whilst narrow, it is considered that this would be acceptable given the low expected usage of the site. The applicant notes in their Planning, Design & Access Statement that a new crossover is proposed from the cul-de-sac, although this is not shown on the drawings

6.3.4 The expected car parking demand as estimated by the ESCC parking demand calculator is 2.37 vehicles. The applicant is proposing two car parking spaces for this development, one of which will be in the garage and will be equipped with an electric charging point. There is also space for at least one car on the driveway in front of the garage. This is considered acceptable. The development is also required to provide two cycle parking spaces, as per ESCC guidance for parking at residential developments. The applicant is proposing that these are located within the garage, with space for at least six bikes. This is considered acceptable

6.3.5 The applicant has not provided swept path analysis plans demonstrating that large cars are able to turn within the driveway, however from the Proposed Site Block Plan (drawing 1006-PR-01) it is clear that there is sufficient space to allow vehicles to turn and exit the site in forward gear.

6.3.6 The Proposed Site Block Plan (drawing 1006-PR-01) shows a proposed bin store located at the new site access point off Oldaker Road. This is considered to be acceptable.

6.3.7 Access to the property would be from Oldaker Road which has footways on both sides of the road. There are local services within acceptable walking distance to the site, including the village store,

health centre, pharmacy and schools. The closest bus stops are located on Goldbridge Road, which are less than a five-minute walk to the north of the property (or 350m). These routes serve Haywards Heath, Uckfield and Lewes. Railway stations from these locations can provide for onwards journeys towards London, Brighton, Eastbourne and Littlehampton. Overall, it is considered that the site is located in a suitably accessible location.

6.3.8 Mindful of the above, the County Council has no objection to the proposals subject to the inclusion of conditions and infromatives.

#### 6.4 Conservation and Design Officer

- 6.4.1 4 Church Road is listed with the attached property as Grade II. The buildings' significance are from their age being constructed in the 18<sup>th</sup> Century, largely unaltered in form, examples of small village cottages of this period and location and for the contribution they make to the group value of historic buildings within Newick, most of which were constructed between the 18<sup>th</sup> and 19<sup>th</sup> Centuries.
- 6.4.2 An earlier application for the construction of a dwelling within the curtilage of 4 Church Road was refused due to its detrimental impact on the setting and significance of the listed building and Conservation Area. Reasons for objection to the previous application included poor design and lack of reference or sensitivity to the building forms and materials within Newick The Green Conservation Area and the building with access driveway situated within the curtilage of the listed building had a strong detrimental impact on the setting of the listed building by reducing its associated green space.
- 6.4.3 The current application proposes for the new dwelling to be sited to the rear of the plot with a separate access onto Oldaker Road. The change to the access location is considered to have overcome the concern of impacting the green space around the listed building. Historic maps have been provided that show the rear of the plot was not historically under the same use or ownership as 4 Church Road. Therefore, it is accepted that the rear of the plot is outside of the listed building curtilage. No objection is raised on the basis of impact to the listed building curtilage by the siting of the dwelling to the rear of the plot with access from Oldaker Road.
- 6.4.4 There is a mature hedge across the plot to the east of the proposed new dwelling. The hedge is shown to be approximately to the height of the first floor. The hedge will provide shielding between the listed building and the plot of the new dwelling. However, the first floor and roof will be visible above the hedge from within the curtilage of the listed building and will inform its setting. The first-floor east elevation consists of an unadorned stretch of white weatherboarding. The east roof slope is proposed to have two small rooflights and one large rooflight with clay tiles. White weatherboarding and clay tiles are materials already present within the Conservation Area and so are not alien materials to the surroundings.
- 6.4.5 The listed building's significance is considered to be in part as an example of an 18<sup>th</sup> century cottage within a village setting. Therefore,

it is not out of character of the setting of the listed building for other dwellings to be visible. The addition of a dwelling to the rear of the plot is not considered to be detrimental to the village setting of the listed building. While the materials of the dwelling which will be visible from within the listed building curtilage are not out of character for the area, the large rooflight is considered to be an obtrusively modern addition to the roof slope overlooking the listed building. With only part of the building being visible, the large rooflight is considered to have a greater impact on the setting of the listed building. The large rooflight should either be removed from the roof slope or reduced in size to match the other two smaller rooflights.

6.4.6 For the reasons above, and subject to the large rooflight being removed or reduced in size, the new dwelling is not considered to be detrimental to the setting of the listed building.

6.4.7 The plot is situated to the south-east corner of Newick The Green Conservation Area. The west side of the plot is very close to the CA boundary. The rear of the 4 Church Road plot is understood to not be visible from Church Road. However, the buildings in this part of the CA are all situated close to the road and contribute to the active street scene. Behind the dwellings are green spaces with mature trees and vegetation along the plot boundaries. The proposed access to the new dwelling will be outside of the CA. While the building is contemporary in essence it does reference the traditional materials and building forms of the CA.

6.4.8 On balance, the new dwelling is not considered to be detrimental to the setting of the CA through its lack of impact to the street scene and use of traditional materials.

6.4.9 Conditions:

- Material samples
- Rooflight details and to be fitted flush to the roof plane
- Large rooflight to be removed/reduced in size
- Hedge boundary to be retained

## 6.5 District Services

6.5.1 No response received.

## 6.6 Southern Water

6.6.1 Please find attached a plan of the sewer records showing the approximate position of the private sewers (coloured yellow) crossing the site. The exact position of the sewers must be determined on site by the applicant before the layout of the proposed development is finalized.

6.6.2 The 300 mm surface water and 150 mm foul sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.

- 6.6.3 No development or tree planting should be carried out within 3 metres of the external edge of the gravity sewers without consent from Southern Water.
- 6.6.4 No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of sewers.
- 6.6.5 All existing infrastructure should be protected during the course of construction works. Please refer to:  
[southernwater.co.uk/media/3011/stand-off-distances.pdf](http://southernwater.co.uk/media/3011/stand-off-distances.pdf)
- 6.6.6 Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.
- 6.6.7 The planning application form makes reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption.
- 6.6.8 Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.
- 6.6.9 Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:
- Specify the responsibilities of each party for the implementation of the SuDS scheme.
  - Specify a timetable for implementation
  - Provide a management and maintenance plan for the lifetime of the development
- 6.6.10 This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 199. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.



## 6.7 Newick Parish Council

- 6.7.1 It was unanimously agreed to object to this application.
- 6.7.2 In the introduction to the Design and Access statement submitted by the applicant in support of this application the site is described as land to the rear of 4 Church Lane and acknowledges that previous applications to build have been refused. In a subsequent paragraph titled setting/context it states that *“Oldaker Road was developed in the 1970s, is predominantly two storey houses built of red brick with hung tile or white weatherboarding on the upper stories. Church Road by contrast is mainly characterised by a varied mix of historic houses and pubs (several of which are listed). The application site is located within Newick’s development boundary on a parcel of land line between Church road to its east and the meandering Oldaker Road to its west and south. The area of land which will provide the proposed new access from the cul-de-sac of Oldaker does not fall within the conservation area boundary, but the main body site does. The site is notable in being almost invisible from the public realm being left over plot which is effectively landlocked by the rear gardens of the surrounding properties on Church Road and Oldaker Road”*.
- 6.7.3 NPC do not accept this is accurate and consider it misleading. It was determined by the Lewes District Council planning department during a previous application made in 2018 that the building site is not a left-over sight as described but is shown by Land Registry records to be entirely within the curtilage of the applicant's property at 4 Church Road, itself a listed building. Furthermore, the site is situated wholly within a conservation area. It is clearly a back-land development and not a left over or windfall site That is contained in the conservation area and as such in conflict with the Newick Neighbourhood Plan policy HO1.6.
- 6.7.4 It is recognised that the independent examination of the NNP has made clear that this policy does not in itself prevent development commensurate with the NPPF unless material considerations indicate otherwise. Therefore, consideration of the application must include the design and appearance of the development as well as its impact on the local area setting in this case the site's location within the grounds of a listed building that is itself contained within a defined conservation area, has a significant adverse impact that justifies the application of HO1.6 and thus a refusal.
- 6.7.5 In refusing the previous application that decision notice from LDC included the following impact upon the local area settings in its grounds for their decision to refuse.
- 6.7.6 The application is described as a windfall site and by neglect a brownfield site however on Land Registry ESC 10194 it is encompassed in the boundary of four church Rd. Furthermore, in his reply to previous pre-application advice for a residential dwelling site, the case officer in his reply stated that the site is a back-land site which is characterised by the lack of any development and an open verdant area.

- 6.7.7 NNP policy EN1 states that new developments should respect the local landscape character and be designed to build blend well with existing built environment. The conservation areas should be respected. As jointly agreed with the council's conservation officer for proposed development falls within the curtilage of four church road which is grade two listed.
- 6.7.8 The size of the four-bed house is considered to have a significant negative impact on the listed building. The dwelling is also considered to be too large and in its location the rear of 4 Church Road should be considerably smaller than the listed building therefore not of an equal or larger size and consequently the proposed development will be excessively large and disproportional in terms of the site coverage and general massing and height and not in keeping with the other neighbouring properties on Church Road and towards the village green. Furthermore, the proposed building is considered to have a significant negative impact on the listed building and its setting.
- 6.7.9 NPC fully supported the decision and consider that the design and location of this new application fails to address the above reasons for refusal. The design is not in keeping with the local landscape character of the conservation area nor does it respect it. Additionally, and like the previous application, it is disproportionate in terms of size with respect to listed building and its back land within which the plot is situated. Furthermore, and significantly loss of back land within the curtilage of the listed building will negatively impact upon it and the designated conservation area within which it is located.
- 6.7.10 NPC strongly object to this proposal on the grounds that it has historically been determined that similar applications have failed to accord with planning requirements and there is little to demonstrate any valid reason to alter previous decisions in favour of development now.
- 6.7.11 NPC consider this application does not accord with the newest Local Plan Core Policy 11 which essentially requires it to safeguard historic assets and to protect or enhance designated conservation areas. Core Policy 11 (i) specifies the need to respect our positively contributes to the character and distinctiveness off district buildings and natural heritage, whilst 11(iv) specifies the need to respond sympathetically to the site and its local context. These are not met by this latest application.
- 6.7.12 The proposal conflicts with the NNP policies EN1, HO1.1 and HO1.6 adopted within the Lewes District Council Local Plan Part 1.

## **7. Neighbour Representations**

- 7.1 Representations have been received from 5 local residents, objecting to the application for the following reasons:

Crossover access to the site will reduce on-street parking facilities for properties in the cul-de-sac - there are 12 vehicles owned by residents in this part of the road

On-street parking in the location is restricted due to the bend in the road, so visibility will be affected

The new house would be visible from Oldaker Road, inhibiting views into the conservation area

Deviation from the NP disregards the wishes of the vast majority of residents and will enable a 'free for all'

Proposed dwelling will lead to traffic congestion to a road that has become extremely busy especially at the junction with Oldaker Road and Church Road

Loss of privacy/overlooking

Heritage Statement was inadequate

Will be overbearing and stark

Overshadowing and loss of sunlight to nearby gardens

No real change from previous refused scheme

Concern raised about Heritage Officer's comments, questions whether she has taken impact of proximity of proposal to listed buildings and scale of development.

## 8. **Appraisal**

### 8.1 Key Considerations

8.1.1 The key considerations are: principle of development, design, effect on the setting of the conservation area and the adjacent listed buildings, effect on residential amenity of adjoining occupants, parking, transport and sustainability.

### 8.2 Principle

8.2.1 The site falls within the Newick Planning Boundary and thus the principle of development is supported by policy DM1.

8.2.2 There is a mature, high hedge demarcating the boundary between the garden of number 4 Church Lane and the application site, with a gap in hedge to provide access between the two areas. The two areas are clearly separate and have different functional relationships with the house. Now that it has access from Oldaker Road, the site cannot be said to be truly 'back land'. Policy DM30 permits backland development providing certain criteria, discussed below, can be met. Policy HO1.6 seeks to restrict all forms of development in back gardens; however, as noted above by the Parish Council, the independent examination of the NNP made clear that this policy does not in itself prevent development commensurate with the NPPF unless material considerations indicate otherwise.

### 8.3 Design and impact on the setting of the listed building and conservation area

8.3.1 The new house will be physically connected to Oldaker Road and although set back from the street frontage, will be seen as part of that street scene. The design has a contemporary feel and picks up design cues and materials palette from the properties in Oldaker

Road – a simple pitched roof, plain clay roof tiles, light coloured bricks to the ground floor and white horizontal weatherboarding. In this respect, the proposal satisfies the design criteria of policies CP11, DM25, HO1.1, HO1.2 and HO1.3

- 8.3.2 The Design and Heritage Officer considers that the proposal, with access from Oldaker Road overcomes the previous concerns regarding the impact on the listed building. Furthermore, there is no historical link between the site and the listed building and is considered to be outside of the curtilage.
- 8.3.3 There is no objection to the proposed materials, which are found elsewhere in the Conservation Area. Conditions seeking details of the rooflights, to be reduced in size as requested by the Design and Heritage Officer, and retention of the boundary hedge are requested.
- 8.3.4 The new dwelling is not considered to be detrimental to the setting of the Conservation Area through its lack of impact on the street scene and use of traditional materials, and will not conflict with policies CP11 and DM33.

#### 8.4 Amenity

- 8.4.1 The new house has a generous garden area and overall floorspace and bedroom sizes exceed the Nationally Described Space Standards. The house and garden would not be overlooked or overshadowed by neighbouring properties. Space for refuse and recycling bins is shown on the plans.
- 8.4.2 The proposed house would be visible from the garden of number 6 Church Road. The rear wall would be 2m away from the boundary with the roof sloping away. There are no windows in the elevation facing the garden of number 6 Church Road. The rooflights in the rear facing roof slope light the first-floor corridor and stairwell so will be above sight lines.
- 8.4.3 A Daylight and Sunlight Study shows the impact of the proposed dwelling on the north-west corner of the garden of number 6 Church Road on 21<sup>st</sup> March, June, September and December at various times of the day. For most of the dates and times, the proposed new house would not create any more shadow than the existing hedge. At 3pm on 21<sup>st</sup> March, 6pm on 21<sup>st</sup> June, 4pm on 21<sup>st</sup> September and 4pm on 21<sup>st</sup> December, the proposed house would cause some additional shadowing beyond the shadow cast by the hedge to parts of the rear garden.
- 8.4.4 Overall, it is not considered that the impact on the amenity of the occupiers of 6 Church Road would be so significant as to justify a refusal based on a conflict with policies CP11 and DM25.

#### 8.5 Transport and parking

- 8.5.1 The ESCC Parking Calculator indicates that the proposal would generate a demand for 2.37 parking spaces. The integral garage would provide one of the spaces but is not large enough to accommodate cycle storage as well. However, there is space on site to accommodate 3 parking spaces.

- 8.5.2 The access to the site would be from the existing access to numbers 6-16 Oldaker Road. Each of these properties has off-street parking for at least 2 vehicles. The formation of a new access to serve the proposed house would result in the loss of on street parking for 2 vehicles within the hammerhead of the cul-de-sac. However, there is capacity along this small cul-de-sac without compromising individual access to any of these properties.
- 8.5.3 ESCC Highways has not objected to the proposal on grounds of highway safety or parking, subject to conditions.
- 8.5.4 Electric car charge points will be secured by condition.
- 8.5.5 The proposal satisfies policy CP13 and HO1.5.
- 8.6 Sustainability
- 8.6.1 Although the application was not accompanied by a Sustainability/Energy Statement, reference is made to the matter in the Design and Access Statement. A condition has been recommended to ensure that a post-construction report is submitted to demonstrate compliance with policy CP14.
- 8.7 Ashdown Forest
- 8.7.1 The site is located within the 7km Ashdown Forest Zone of Influence. The Ashdown Forest is an area of heathland and is designated as a Special Protection Area (SPA) and a Special Area of Conservation (SAC). The provision of new residential accommodation has the potential to increase recreational use of the forest and, consequently, increase the risk of disturbance of protected bird species that reside on the heathland, including the Nightjar and Dartford Warbler.
- 8.7.2 In response to this, Lewes District Council, Wealden Council and Tandridge Council introduced a joint Strategic Access Management and Monitoring Strategy (SAMMS) used to raise awareness of the sensitivity of the Ashdown Forest habitat, promote the use of alternative recreational spaces (SANGs), encourage responsible dog walking informed by a code of conduct and to contribute towards education and monitoring. Due to the link between new house within the 7km Ashdown Forest Zone of Influence and the increase in use of the Ashdown Forest, any approval of the proposed development would require a financial contribution towards as per the Ashdown Forest Special Protection Area (SPA) Strategic Access Management and Monitoring Strategy Tariff Guidance - December 2015. This would be secured through the use of a Section 106 Agreement, as set out in policies CP10, DM1 and HO1.7.
- 8.8 Response to reasons for refusal LW/18/0191
- 8.8.1 It is considered that the revised design and siting of the current proposal has satisfactorily overcome reasons 1 and 2 which related to design and impact on the setting of 4 Church Road.
- 8.8.2 The current proposal, which has an entirely independent access from Oldaker Road, has addressed reasons 3 and 4

8.8.3 The current proposal can provide off-street parking for at least 3 cars as well as adequate turning space to allow vehicles to enter and leave in forward gear, thus addressing reasons for refusal 5 and 6.

8.9 Conclusion

8.9.1 The application has demonstrated that this site can be developed without detriment to the setting of the listed building and the conservation area, the residential amenity of adjoining residents and road safety.

8.9.2 The design of the proposed house, although contemporary, reflects the character of the surrounding area.

8.9.3 On balance it is considered that the proposed development is acceptable, meets all relevant national and local plan policies and will make a small contribution to the District Council’s housing target. Approval is recommended, subject to conditions and a s106 agreement to secure contributions to the Ashdown Forest SPA.

9. **Human Rights Implications**

9.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

10. **Recommendation**

10.1 In view of the above the proposed development is considered to be acceptable and approval is recommended subject to conditions and subject to a S106 agreement to secure contributions towards ongoing management of the Newick SANG and the Ashdown Forest SAMMS.

10.2

10.3 Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved drawings:

<b>PLAN TYPE</b>	<b>DATE RECEIVED</b>	<b>REFERENCE</b>
Design & Access Statement	8 December 2020	Design & Access Statement
Location Plan	7 January 2021	1006-LOC-01 P2
Proposed roof plan	8 December 2020	1006-PR-01 P1 Proposed site and roof plan
Proposed floor plan	8 December 2020	1006-PR-02 P1 Proposed ground floor
Proposed floor plan	8 December 2020	1006-PR-03 P1 Proposed first floor plan

<b>PLAN TYPE</b>	<b>DATE RECEIVED</b>	<b>REFERENCE</b>
Proposed elevation	8 December 2020	1006-PR-04 P1 Proposed south elevation and site section
Proposed elevation	8 December 2020	1006-PR-05 P1 Proposed west elevation and site section
Proposed elevation	8 December 2020	11006-PR-06 P1 Proposed north and east elevations
Additional documents	3 June 2021	Daylight/sunlight report

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

2. No development shall commence, until details/samples of all external materials, including paving, and boundary treatment have been 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 policies CP11 and DM25 of the Lewes District Local Plan and to the National Planning Policy Framework.

3. No development shall commence until details of the rooflights have materials have been submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent. All rooflights should be flush with the roof plane.
4. 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 the National Planning Policy Framework.
5. 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 routing 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.

6. No development shall take place until 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 have been submitted to and approved in writing by the Local Planning Authority for 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.

7. 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.

8. No development shall be occupied until the vehicular access serving the development has been constructed in accordance with the approved drawing 1006-PR-01 P1. The completed access shall have maximum gradients of 4% (1 in 25) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.

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

9. The development shall not be occupied until details of a parking area have been submitted to and approved in writing by the Local Planning Authority and made available prior to occupation. The area 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.

10. The development shall not be occupied until details of secure cycle storage have been submitted to and approved in writing by the Local Planning Authority and made available prior to occupation.

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

11. No part of the development above ground floor slab level shall take place until a detail to show how the development will provide EV charging points have been submitted to and approved in writing by the local planning authority. The approved measures shall be put in place prior to the first occupation of residential unit, 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.

12. No part of the development shall be occupied until details of the refuse and recycling storage facilities have been submitted to and approved by the Local Planning Authority and made permanently available for that use.

Reason: To secure a proper standard of development having regard to policy DM26 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

13. The existing boundary hedge on the eastern boundary of the site shall not be removed or replaced without the express consent of the Local Planning Authority.

Reason: In order to retain separation between the proposed house and the listed properties to the rear of the site having regard to policies CP11 and DM25 of the Lewes District Local Plan and to the National Planning Policy Framework.

14. 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

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 Core Policy 11 of the Lewes District Local Plan and the National Planning Policy Framework.

16. 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 and Part 2 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.

#### 10.4 Informatives:

1. The applicant will be required to enter into a Section 184 Licence with East Sussex Highways, for the provision of a new vehicular access. The applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place. The off-site works (dropped kerbs/remedial works to footway) and construction of the new access will also need to be carried out under the appropriate license. The applicant should contact ESCC on 01273 482254 to apply for a license to ensure the construction is up to an acceptable standard.
2. The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway. The applicant should contact East Sussex Highways (0345 6080193).
3. All waste material arising from any site clearance, demolition, preparation and construction activities at the site should be stored, removed from the site and disposed of in an appropriate manner

11. **Background Papers**

11.1 None.

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