

# Planning Applications Committee 8 December 2021



Working in Partnership



## Time and venue:

4:00pm in the King's Church Lewes, Brooks Road, Lewes, East Sussex, BN7 2BY

## 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:** At **4:00pm**, an update advising of the deferral of planning application LW/20/0245 (Land to the East of Bridgelands, Barcombe Cross, BN8 5BW) will be given and then planning application LW/21/0302 (Land South of Lewes Road and Laughton Road, Chamberlaines Lane, Ringmer, East Sussex) will be considered and determined, after which there will be a short recess.

All other applications on the agenda will be considered from **6:00pm** onwards. **If you wish to attend the meeting for one of the later items, please arrive at the meeting just before 6:00pm.**

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). 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 unless you have a medical exemption.

Parking at the building is somewhat limited, so we would request all attending to use on-street and public car parking nearby.

Please note that the meeting will not be webcast.

*Published: Friday, 26 November 2021*

# Agenda

## 1 Minutes (Pages 5 - 8)

To confirm and sign the minutes of the previous meeting held on 6 October 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 - to be considered beginning at 4:00pm**

## 7 Update on LW/20/0245 - Land to the East of Bridgelands, Barcombe Cross, BN8 5BW

To note that planning application LW/20/0245, on the agenda for the postponed meeting on 10 November 2021 at Agenda item 8, will be brought to a future meeting of the Planning Applications Committee with an updated report to address an objection received from East Sussex County Council as the lead local flood authority.

## 8 LW/21/0302 - Land South of Lewes Road and Laughton Road, Chamberlaines Lane, Ringmer, East Sussex (Pages 9 - 78)

**Planning applications outside the South Downs National Park - to be considered beginning at 6:00pm**

- 9 LW/21/0262 - Land adjacent Nolands Farm, Station Road, Plumpton Green, East Sussex (Pages 79 - 136)
- 10 LW/20/0390 - Sweetwater, 26 Blakeney Avenue, Peacehaven, BN10 8UY (Pages 137 - 150)
- 11 LW/21/0351 - Site to the rear of 2 - 16 Broyle Close, Ringmer, East Sussex (Pages 151 - 170)
- 12 LW/21/0350 - Land adjacent, 15 Kiln Road, Ringmer, East Sussex, BN8 5PJ (Pages 171 - 188)
- 13 LW/21/0160 - Former Hamsey Brickworks, South Road, South Common, South Chailey (Pages 189 - 198)

**Non-planning application related items**

**14 Date of next meeting**

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 12 January 2022, in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE, commencing at 5:00pm.

# General information

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

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

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

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

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

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

# Information for the public

## **Accessibility:**

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

## **Filming/Recording:**

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

## **Public participation:**

There will be an opportunity for members of the public to speak on an application on this agenda where they have registered their interest with the 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/planningandbuildingcontrol/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.

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

**Telephone:** 01273 471600

**Council website:** <https://www.lewes-eastbourne.gov.uk/>

**Modern.gov app available:** View upcoming public committee documents on your device. Free modern.gov [iPad app](#) or [Android app](#) or [Microsoft app](#) .

This page is intentionally left blank



## **Planning Applications Committee**

**Minutes of the meeting held in the Assembly Hall, Lewes Town Hall, High Street, Lewes, East Sussex, BN7 2QS on 6 October 2021 at 5:00pm**

### **Present:**

Councillor Sharon Davy (Chair);  
Councillors Roy Clay (Substitute), Tom Jones, Christoph von Kurthy, Jim Lord (Substitute), Milly Manley, Laurence O'Connor, Nicola Papanicolaou 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)

### **40 Minutes**

The minutes of the meeting held on 4 August 2021 were submitted and approved, and the Chair was authorised to sign them as a correct record.

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

Apologies for absence had been received from Councillors Graham Amy, Sylvia Lord, Imogen Makepeace and Steve Saunders. Councillor Jim Lord declared that he was acting as substitute for Councillor Sylvia Lord for the duration of the meeting and Councillor Roy Clay declared that he was acting as substitute for Councillor Makepeace for the duration of the meeting.

### **42 Declarations of interest**

There were none.

### **43 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).

**44 Petitions**

There were none.

**45 Written questions from councillors**

There were none.

**46 LW/19/0656 - 6 Steyne Road, Seaford**

Adam Chugg (Town Clerk) spoke on behalf of Seaford Town Council. A written representation against the proposal was read aloud by the Committee Officer on behalf of Maisie Slater (Neighbour). Victoria Palmer (Neighbour) and Roy Goozee (Neighbour) spoke against the proposal. A written representation for the proposal was read aloud by the Committee Officer on behalf of Gary Brookes (Agent).

The Senior Specialist Advisor (Planning) clarified that the Applicant was South Downs Homes Ltd, not Lewes District Council, as indicated on page 9 of the agenda.

**Resolved:**

That planning application LW/19/0656 for the re-development of site to create 13 apartments - Amended Plans (30/10/20 and 20/11/20) and a reduction from 14 units to 13 units, *be refused* on the basis of the following reason:

- 1) The proposed development, due to its size, massing, scale and design, would result in an overdevelopment of the site and would have a detrimental impact on the setting of the adjacent conservation area and upon the character and appearance of the surrounding street scene, contrary to Seaford Neighbourhood Plan Policies SEA2 and SEA3, SF01 of the Seaford Neighbourhood Plan Design Guidelines, and Policies DM25 and DM33 of the Lewes District Local Plan, and Para 130 (c) of the NPPF.

**47 LW/20/0485 - Upper Lodge Farm, The Broyle, Ringmer, East Sussex, BN8 5AP**

Alex Lawrence (Consultant, on behalf of Dominic Buckwell, Neighbour), Corina Fletcher (on behalf of business and residents of Upper Lodge) and Peter Daniels (Neighbour) spoke against the proposal. Dan Page (Planning Consultant) spoke for the proposal. Councillor Johnny Denis spoke in his capacity as the Lewes District Ward Councillor.

*There was a short adjournment so that the Senior Specialist Advisor (Planning) and the Agent could have a brief discussion in relation to the application, specifically with regards to deferring the item to allow discussions between the Applicant and neighbours.*



**Resolved:**

That planning application LW/20/0485 for an amended scheme - replacement of existing farmyard manure store with an upgraded facility, repair and upgrade of existing slurry lagoon and associated earth engineering works *be deferred*, so that a smaller scheme may be considered.

**48 LW/21/0077 - Reeve Cottage, Station Road, North Chailey, East Sussex, BN8 4HG****Resolved:**

That planning application LW/20/0485 for a single storey side extension, loft conversion including hip to gable extensions as well as front and rear dormers, single storey front extension *be approved*, subject to the conditions set out in the report.

**49 Date of next meeting**

That it be noted that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 10 November 2021.

The meeting ended at 7.44pm.

Councillor Sharon Davy (Chair)

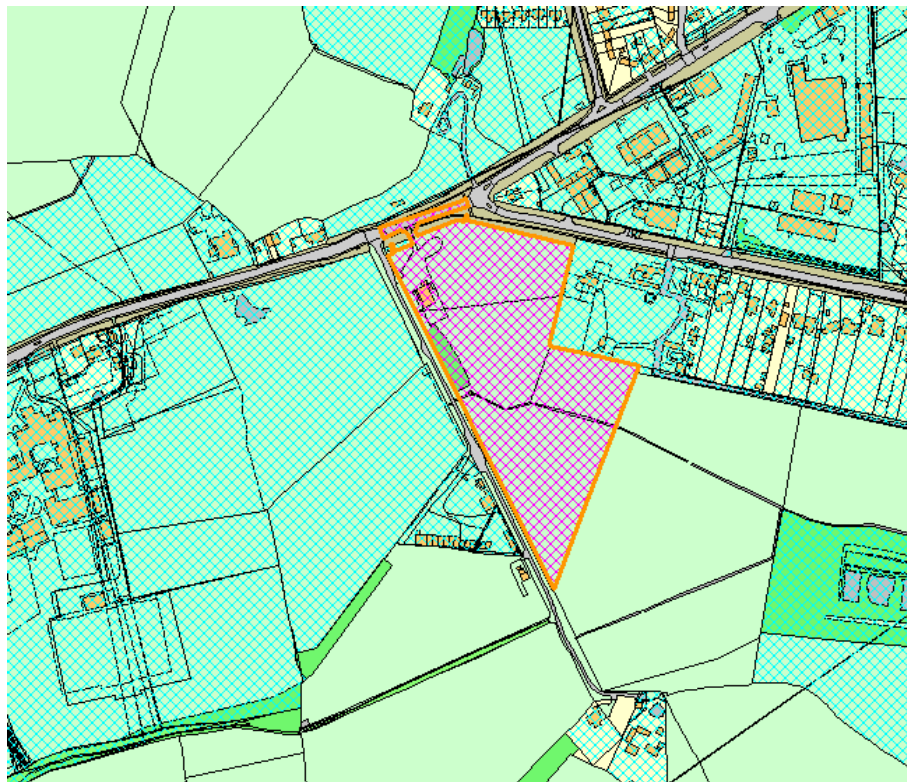
This page is intentionally left blank

**Report to:** Planning Applications Committee  
**Date:** 8 December 2021  
**Application No:** LW/21/0302  
**Location:** Land South of Lewes Road and Laughton Road, Chamberlaines Lane, Ringmer, East Sussex  
**Proposal:** Outline application with all matters reserved for a mixed-use scheme comprising up to 97 residential units and community/commercial space.  
**Ward:** Ouse Valley and Ringmer  
**Applicant:** Bedford Park Developments  
**Recommendation:** Delegate authority to approve subject to confirmation from ESCC highways regarding junction improvements at Earwig Corner, conditions and an s106 agreement to secure affordable housing, Community Facilities and Community Woodland Area.  
**Contact Officer:** **Name:** Tom Bagshaw  
**E-mail:** [tom.bagshaw@lewes-eastbourne.gov.uk](mailto:tom.bagshaw@lewes-eastbourne.gov.uk)

---

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

## Site Location Plan



## 1. **Executive Summary**

1. The submitted scheme is for all matters reserved.
2. The proposal is an 'Up to' 97 units development. The result of this is that if at reserved matters stage, site constraints dictate that a lesser provision of units is required in order for the scheme to be acceptable, then fewer units will be provided.
3. The site could comfortably accommodate 'up to' 97 units whilst also providing a good standard of living space, including residential gardens and communal green spaces. Furthermore, the size of the site and the indicative layout provided with the application, show that the proposal would not have any unacceptable impacts upon the living standards of any nearby properties.
4. The proposed development is located outside the defined planning boundaries. However, it is considered to represent sustainable development in accordance with the Interim Policy Statement for Housing Delivery on many of the criteria set out within. The only criterion which the scheme would not strictly conform with are Criteria 5 and 7, which stipulate that the scheme should result in no harm to either the South Downs National Park, or the openness of the Countryside.
5. The proposal complies with all elements of the 'Interim Policy Statement for Housing Delivery' except criteria relating to harm on the surrounding visual environment and landscape. Due to its degree of separation and the context of the development being located amongst existing built areas, the development would result in less than significant harm upon the setting of the SDNP. Nonetheless, with particular regard to the development to the south of the channel, the proposal would result in a significant harm to the openness of the surrounding countryside. However, there are significant gains to be made in terms of a net increase in planting and the mitigation offered would significantly soften the impact of the development.
6. The proposal would result in a number of benefits such as, the social gains of facilitating the provision of 'up to 97 residential units (including 40% affordable housing units) that would be of good quality and in an accessible and sustainable location. The scheme would provide community facilities which are under provided in Broyleside and it is identified in the Ringmer Neighbourhood plan that the provision of such a facility would be supported. It would provide economic benefits by generating additional custom for nearby shops and services within Ringmer. It would provide environmental gains in terms of a high biodiversity value internal layout; the provision of a high biodiversity value Woodland Community Area; preserving the existing watercourse; and the reinforcement of existing hedgerows. Overall, Officers consider that the benefits of the scheme outweigh the harms of the proposal and therefore, the scheme is acceptable in principle.
7. In respect to highways safety and capacity, the proposal would be able to reach a satisfactory internal layout with parking provision and

an acceptable access. However, ESCC Highways have concerns with regards to the junction at Earwig Corner and whether the junction has the capacity to deal with the number of trips generated by the development. This will be resolved by adding a provision within the S106 agreement with a requirement that following completion of the junction at Earwig Corner, highways modelling should be undertaken. If the modelling shows that the development would unacceptably impact highways safety and capacity, a reduced number of dwellings should be proposed at reserved matters stage that would not unduly harm the highways. Subject to the implementation of this provision, the transport impacts of the development would be acceptable.

8. The application attracted initial objection from both ESCC SUDS and The Environment Agency. The objections related to the potential of some rear gardens within the indicative layout (located within Flood Zones 2 and 3a), to block/prevent access to the existing watercourse for maintenance purposes. However, since this both statutory consultees have withdrawn their objections and have recommended conditions. The consultees withdrew their objections on the basis that the application is an 'up to ' application, and the applicant may be required to reduce the number of units on site in order to facilitate a successful SUDS layout. All other SUDS matters are resolved and therefore, the SUDS layout is acceptable subject to further information.
9. Neither a Contaminated Land Assessment, nor an Air Quality Assessment were submitted with this proposal. However, LEBC Contaminated Land and Air Quality Officers have confirmed that subject to surveys and any required mitigations being submitted prior to development of the site, the proposal would be acceptable.
10. The proposal seeks to provide, the Community Facilities, The Community Woodland Area and a 40% affordable housing contribution. All of these benefits will be secured via legal agreement.
11. The site is located nearby to previously found archaeological remains. As such, a condition requiring further surveys will be required prior to any development at the site.
12. There are a number of species to note that could be affected by the scheme, including great Crested Newts, Badgers, Bats, Dormice, Reptiles and Hedgehogs. The applicant has supplied an Ecological Appraisal which accompanies the submission. ESCC Ecologist has reviewed the report and has confirmed that the scheme would be acceptable subject to the recommended mitigations within the report.
13. Overall, subject to all the details and mitigations, the proposed benefits of the scheme would outweigh the harms (see conclusion for more detail regarding planning balance). Therefore, the proposal is considered to be acceptable and is recommended for approval

## 2. **Relevant Planning Policies**

### **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

### **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: – 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

### **Ringmer Neighbourhood Plan 2010-2030**

- 4.1 The countryside in Ringmer
- 4.2 The South Downs National Park
- 4.6 Accessible countryside and natural or semi-natural greenspace
- 4.10 Maintaining and enhancing biodiversity
- 4.11 Avoidance of light pollution
- 7.1 Community meeting facilities

- 7.5 Outdoor play facilities for children
- 7.6 Outdoor facilities for young people & adults
- 7.9 Community assets
- 8.1 Access to the local road system
- 8.2 The local road network within Ringmer parish
- 8.3 Provision of adequate off-road parking
- 8.4 Provision of cycle ways and safe routes for cycles and mobility scooters
- 8.5 Road safety
- 8.6 Public transport
- 8.11 Drainage & sewerage
- 8.12 Waste disposal & recycling
- 9.1 Design, massing and height of buildings
- 9.2 Making good use of available land
- 9.3 Materials
- 9.4 Housing space standards
- 9.5 Pedestrian movement
- 9.6 Hard & soft landscaping
- 9.7 Types of residential development
- 9.8 Housing for the elderly & disabled
- 9.9 Housing for supported living
- 9.10 Development briefs
- 9.11 Avoidance of nuisance to neighbours

### 3. **Site Description**

1. The application site lies to the south of Lewes Road and Laughton Road. It is within close proximity to a number of local services in Ringmer, including the Primary and Nursery school, Community College, Local Sports and recreation facilities. It is served well by public transport links.
2. The site would form an extension to the already built area of Broyleside. It directly adjoins the defined development boundary as identified in both the Lewes Local Plan and the Ringmer Neighbourhood Plan. The northern half of the site has been identified through successive SHELAA's as having potential to be suitable for development, specifically residential development.
3. The development boundary of Broyleside adjoins the site to the east and north east. South Downs and Eridge Hunt Kennels directly adjoin the site to the north east. The western boundary is defined by Chamberlaines Lane. Ringmer Business Park is located to the south west and the Lower Broyleside Commercial Area to the north east.

4. An important consideration is that access would utilise an existing access directly onto Lewes Road, the main road running through the village rather than a secondary residential street.

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

1. The application seeks outline planning permission for the erection of 'up to' 97 new dwellings on the site. All matters are reserved. 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 northern boundary and would likely be taken from Lewes Road.
2. 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.
3. The application is accompanied by an Affordable Housing Statement that confirms that 40% of the dwellings would be provided as affordable housing and where necessary a commuted sum will be paid where the 40% split does not equate to a whole dwelling. The split of tenures within the affordable housing would be 25% shared ownership and 75% affordable rent.
4. The proposal includes the provision of a Community Facility, which will be for the use and enjoyment of the local community. This will be secured via S106 agreement.
5. The proposal includes the provision of an offsite Community Woodland Area and will include the planting of upto 2000 new trees. This will be maintained by the current landowner and its provision along with a maintenance plan, will be secured via an S106 agreement.

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

- E/55/0573 - Outline Planning Application for six detached dwellings. – [Refused] 29.08.1955
- LW/87/1842 - Barn. Restrictive Planning Condition. Temporary Permission Expires 31/01/1989. – [Approved] 19.01.1988
- LW/90/0833 - Construction of boarding kennels. – [Refused] 01.05.1990
- LW/06/0324 - Outline application for residential development (including minimum of 24 affordable dwellings) & including access [Refused] 05.05.2006

#### 6. **Consultations**

**ESCC Archaeology** – no objection subject to conditions.



This application is accompanied by an archaeological desk-based assessment that places the proposed development site within an archaeological and historic context. The archaeological desk-based assessment confirms that the application site lies in an area of known prehistoric, Romano-British, medieval and post-medieval exploitation and settlement.

In light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will 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. These recommendations are in line with the requirements given in the NPPF (the Government's planning policies for England):

**Sussex Police** – no objection to the residential layout with specific comments on the public conveniences outlined.

I have no immediate concerns with the residential element of the application. Outward facing dwellings, good active frontage, back to back gardens eliminating the need for vulnerable rear garden pathways, on-curtilage parking with overlooked parking courts, the open space and play area have good natural surveillance and observation over them from surrounding dwellings. All these SBD principles have all been considered in the development's design. I would however recommend one addition; lighting throughout the development will be an important consideration and where it is implemented it should conform to the recommendations within BS 5489-1:2013. SBD considers that bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

I have concerns regarding the proposed mixed use, flexible commercial / residential element to the application that includes public conveniences (PC). I feel this element of the development conflicts with the attributes of Safer Places – The Planning System and Crime Prevention (albeit an old document it is still very relevant).

These are:-

- maintenance in mind, to discourage crime in the present and the future.

Access and Movement; I do not understand why there is a need for a PC to be located externally to the community hub. There is no recreation ground or outdoor facilities to cater for this facility, this is a residential development. Users of the community hub will surely use the toilets provided inside the hub whilst using the community building. The PC element has the potential to create loitering, ASB and crime and disorder at the location and at the vulnerable rear car park to the rear. I recommend removing the access path from Laughton Road to the hub car park. This will encourage users to enter via the development's main entrance within observation of capable guardians (a capable guardian has a 'human element', that is usually a person who, by their mere presence, would deter potential offenders from perpetrating a

crime. However a capable guardian could also be CCTV, providing that someone is monitoring it at the other end of the camera at all times) within the development, thus removing unobserved access to the vehicles within the carpark.

Structure; The proposed community hub has community rooms on the ground floor, external PC and residential dwellings above. I feel the hub and PC will impact upon the amenity of the residents living on the 1st floor. The PC' presence brings with it a legitimate reason for being at the location creating loitering and promotes hostile reconnaissance for opportunist theft within the development.

Surveillance; The PC and rear car park have no natural surveillance over them and have the potential to attract ASB and crime and disorder. No surveillance over the access from Laughton Rod to the Hub's car park. This leaves vehicles vulnerable and unobserved. The PC provide a legitimate reason for being at the location which creates loitering in an unobserved area. There is no mention of lighting within the development.

Ownership; I do not feel that the positioning of a community hub and PC beneath two residential apartments whilst being in the close proximity to residential dwellings creates a sense of ownership or territorial responsibility within a community. This has the potential to increase the fear of crime. There is no mention of the ownership of the community hub and PC. i.e. Parish or local authority control who will 'control' the building.

Physical Protection; There is no control over the community hub rear car park. This has the potential for rogue parking, dumping of vehicles and fly tipping. There is unobserved access to the hub's car park from Laughton Road. There is no mention of lighting within the development.

Activity; I feel that the level of activity generated by the community hub and PC will impact upon the amenity of the apartments above and the immediate dwellings in the shape of noise, loitering, ASB and crime and disorder. This has the potential to increase the fear of crime at the location.

Management and maintenance; Whilst there is mention of the community hub and PC, there is no mention of who will control the facilities, hours of openings or the upkeep and maintenance for both facilities.

To summarise; from a crime pre prevention perspective I do not have concerns over the residential element of the application. It is the inclusion of the community hub, and its design and close proximity to the residential development along with the presence of the PC that causes concern. I feel that the introduction of the hub and PC would have a detrimental effect on the immediate resident's amenity and that of the surrounding development. Additionally it has the potential to place an additional burden upon Police resources. As a result Sussex Police do not support this element of the application for the above reasons.

Accordingly Sussex Police would support the application from a crime prevention perspective subject to my above concerns, recommendations and observations being satisfactorily addressed.

## **Waste Services**

Waste Services would like to see vehicle tracking data for the proposed development. The tracking should be for a 12m long vehicle. We would also like to see the proposal for waste storage facilities at each property.

**ESCC Ecology** – no objections subject to mitigation and compensation measures being delivered.

### Policy Context

1. Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that:

“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”

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

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

3. The NPPF sets out principles that local planning authorities should seek to apply when determining planning applications to protect and enhance biodiversity; these include refusing planning permission if significant harm to biodiversity from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for; refusing development that would result in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees), unless there are wholly exceptional reasons and a suitable compensation strategy exists; and encouraging opportunities to incorporate biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity (paragraph 175).

4. Core Policy CP10 of the Lewes District Local Plan 2016 states that the natural environment of the district, including landscape assets, biodiversity, geodiversity, priority habitats and species and locally designated sites, will be conserved and enhanced by: ensuring that new development will not harm nature conservation interests, unless the benefits of development at that location clearly outweigh the harm caused (in such cases appropriate mitigation and compensation will be required); maintaining and where possible enhancing local biodiversity resources including through maintaining and improving wildlife corridors, ecological networks and avoiding habitat fragmentation; and working with neighbouring local authorities to contribute to the delivery of biodiversity improvements within the South Downs Way Ahead Nature Improvement Area and the Brighton and Lewes Downs Biosphere Project, as well as other projects and partnerships that are established during the plan period.

## Background

### Designated sites and habitats

5. The site is not designated for its nature conservation interest. Given the nature, scale and location of the proposed development, there are unlikely to be any impacts on any designated sites.

6. The site currently comprises semi-improved grassland, hedgerows, tree cover, trees/treelines, dense scrub and ruderal vegetation, a watercourse, buildings and hard standing. The habitats of greatest significance are the boundary habitats, hedgerows and tree lines, and the watercourse, the majority of which are to be retained and protected. The recommendations for protection of retained habitats and pollution prevention set out in the Ecological Appraisal report (Aspect Ecology, April 2021) are supported and should be implemented.

7. The proposal to enhance the hedgerows is supported; native species-rich hedgerows are recommended. The semi-improved grassland, which forms the majority of the site, and the majority of which would be lost, is assessed as being of relatively low importance on the grounds that it is of relatively low diversity and has been regularly managed for hay/silage in the past. A reduction in management has improved the structure of the grassland such that it now offers greater potential for protected species, most notably amphibians and reptiles. Given the proposal to create and maintain a dedicated ecology area, and to create SuDS features around the central watercourse, the loss of grassland is acceptable.

### Badgers

8. Badgers are protected under the Protection of Badgers Act 1992. No evidence of badgers was recorded on site, but it is possible that badgers may enter the site from the surrounding landscape. The safeguarding measures set out in the Ecological Appraisal report are therefore supported. The report also recommends an updated badger survey "if considerable time elapses" before development; it is recommended that a Reserved Matters application is informed by updated badger surveys.

### Bats

9. All species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and the Conservation of Habitats and Species Regulations 2017, as amended, making them European Protected Species. The buildings on site offer negligible bat roost potential and no evidence of bats was found. Five trees were assessed as offering low bat roost potential. The current layout shows these trees as being retained. Should this change at the Reserved Matters stage, an updated bat roost assessment should be carried out. Should any trees with low bat roost potential require works or removal, precautionary measures should be taken as set out in the Ecological Appraisal report. Should any trees be found to offer greater potential for bats, additional surveys will be required.

10. The majority of habitats which offer commuting and foraging potential are to be retained under the current proposals. Artificial light can negatively impact on bats through e.g. causing disturbance at the roost, affecting feeding behaviour, avoidance of lit areas and increasing the chances of bats being

preyed upon. It is therefore recommended all lighting design should take account of national guidance ([http://www.bats.org.uk/pages/bats\\_and\\_lighting.html](http://www.bats.org.uk/pages/bats_and_lighting.html)), as recommended in the Ecological Appraisal report. The proposed ecology area and the enhancement of boundary features will enhance the site for bats.

#### Breeding birds

11. Under Section 1 of the Wildlife and Countryside Act 1981, as amended, wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. The hedgerows, scrub and trees on site offer potential for nesting birds. To avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation. The recommendations in the Ecological Appraisal Report are in line with best practice and should be implemented.

#### Hazel Dormouse

12. The hazel dormouse is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981, as amended, and Schedule 2 of The Conservation of Habitats and Species Regulations 2017, as amended, making it a European Protected Species. Scrub and hedgerows on site offer some potential for dormice, albeit limited by the site's isolation from optimal habitat. Also, the majority of suitable habitats are to be retained under current proposals. The precautionary measures recommended in the Ecological Appraisal report are therefore supported. Should the layout change at the Reserved Matters stage, potential impacts on dormice should be reassessed.

#### Great Crested Newts

13. The great crested newt (GCN) is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017 making it a European Protected Species. There are records of GCN within 250m of the site, and two of the ponds within 250m were assessed as offering average and excellent potential for GCN. There is also suitable terrestrial habitat on site. As such, works will require a European Protected Species licence, which will need to be informed by up-to-date surveys.

14. An alternative approach would be for the applicant to enter the forthcoming District Licensing scheme with NatureSpace. The site lies within the red zone of the Impact Risk Zone maps indicating that the area is highly suitable for GCN. Whilst a district licence has not yet been secured, the licence application is being considered by Natural England and is expected imminently.

#### Reptiles

15. Slow worms, grass snakes, common lizards and adders are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. There are local records of reptiles, and

the Ecological Appraisal notes that the grassland offers moderate potential for reptiles, with the boundary habitats offering elevated potential. Whilst previous regular management of the grassland may have limited reptile colonisation of the site, as the site has not been managed for some time, its suitability has increased. The Ecological Appraisal report recommends a precautionary approach to vegetation clearance. Whilst this may be appropriate if populations are low, it is recommended that a Reserved Matters application is informed by presence/absence surveys so that appropriate mitigation/compensation can be agreed. Should significant populations be recorded, then a suitable receptor site should be secured.

16. Best practice guidance is that suitable receptor sites should ideally a) be local to the donor site and as close as possible to it; b) not currently support a population of the species to be translocated, for known reasons, but be capable of supporting them given suitable remedial works if necessary; c) not be subject to planning or other threats in the foreseeable future; d) be subject to a written, agreed and funded pre-and post-translocation management agreement; and e) be subject to a written, agreed and funded pre- and post-translocation monitoring programme. A survey for a suitable receptor site or sites could entail a period of several weeks searching, as it can be difficult to ascertain without repeat visits whether a particular site is suitable and does not support the species concerned.

#### Other species

17. The site has the potential to support hedgehogs. The hedgehog is listed as a Species of Principal Importance (SPI) under section 41 of the NERC Act, and is classed as vulnerable to extinction on the Red List for British Mammals, as populations have suffered significant declines in recent years. The safeguarding measures set out in the Ecological Appraisal report are therefore supported.

#### Mitigation Measures and Biodiversity Net Gain

18. In addition to the above mitigation and compensation measures, the development should seek to enhance biodiversity and to provide biodiversity net gain, as required by the NERC Act, and national and local planning policy. The recommendations made in the Ecological Appraisal report are broadly acceptable, and it is noted that some of these recommendations have been incorporated into the Design and Access Statement and the site layout. In addition, it is recommended that new buildings should incorporate integral features for birds and bats such as integral birds/bat boxes and bat tiles. A barn owl box could be provided in the ecology area. Consideration should also be given to the provision of green (biodiverse rather than sedum) roofs where possible, and to the use of hardy wildflower mixes for amenity grassland areas. The SuDS features should be designed to maximise opportunities for biodiversity. A full application should also be supported by a Landscape and Ecological Management Plan setting out the long-term management of the new and retained semi-natural habitats, and details of the legal and funding mechanism(s) by which implementation will be secured.

19. In light of the above, and in line with BS4202:2013 Biodiversity – code of practice for planning and development, Reserved Matters applications should be informed by an up-to-date Ecological Impact Assessment (EclA). Ecological impacts should be assessed, and recommendations for

appropriate mitigation, compensation and enhancement made in accordance with CIEEM guidance. The assessment should consider the proposed development and the surrounding area, and should include a data search from the Sussex Biodiversity Record Centre. In line with the NERC Act, NPPF, local planning policy and emerging policies in the Environment Bill, it should consider the existing nature conservation resource of the site, identify impacts and assess the need for avoidance, compensation and new benefits for biodiversity, including the potential to create and/or strengthen connectivity between existing habitats and to provide biodiversity net gain. The report should be written such that it is clear and unambiguous as to whether a recommended course of action is necessary and is to be followed or implemented by the applicant. Surveys should be carried out in accordance with national best practice guidance and Natural England's standing advice. The cumulative and in combination effects of this development with other local developments/plans/projects should be considered.

20. If the Council is minded to approve the current outline application, it is recommended that the following condition is applied.

Compliance with existing detailed biodiversity method statement, strategies, plans and schemes

All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (Aspect Ecology, April 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 170 and 175 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, and Core Policy 10 of the Lewes Local Plan.

#### Summary

In summary, provided the recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective. The recommended mitigation and enhancement measures set out in the Ecological Appraisal should be implemented. Reserved Matters should be informed by an up-to-date Ecological Impact Assessment.

**Southern Water** – Scheme requires an application to Southern Water for connection purposes.

**ESCC SUDS** – initial objection and subsequent support subject to conditions.

**REVISED RESPONSE – 13.08.2021(Recommended Approval subject to conditions)**

We met with the applicant and his engineers following the comments set out in our letter dated 14<sup>th</sup> June 2021. The applicant also provided a revised Flood Risk Assessment and Drainage Strategy undertaken by Herrington Consulting Ltd (*Document Ref: 2042 Issue 3, Rev: 1, July 2021*).

It is our understanding that the applicant is willing to change the quantum of development sought at reserved matters stage once detailed assessments have been undertaken. Consequently, our comments in this letter are made on the understanding that the proving layout submitted is indicative at this stage and subject to alteration, if necessary, to ensure effective management of flood risk and surface water drainage within the proposed development.

It is our understanding that the current hydraulic modelling undertaken to determine the fluvial flood plan extent at the application site is yet to be reviewed and agreed with the Environment Agency. However, the applicant advises that this process will be undertaken during the reserved matters stage when determining the development layout and the modelling which will support the proposed layout would have gone through the EA's technical review process.

The revised Flood Risk Assessment shows that the proving layout has been changed to take proposed properties out of the fluvial flood plain extent. There is also a demonstration that access for future maintenance of the watercourse will be provided through an open space on the northern banks of the watercourse. Sensitivity testing undertaken as part of the hydraulic modelling found some the gardens of the proposed properties south of the watercourse to be within 1 in 100 (plus 105%) flood extent (Figure 5.2 of the FRA). We recommend that any sensitivity testing undertaken at the reserved matters stage ensures that the proposed houses are not at risk of flooding during such an event.

The applicant is seeking to discharge surface water runoff from the developed site at staged greenfield runoff rates. We would have preferred that runoff is discharged at the mean annual runoff rate ( $Q_{bar}$ ) to reduce the impact on receiving watercourses. Therefore, we recommend that the long-term storage volume provision be assessed at the detailed design stage of the applicant still wishes to use a staged discharge rate.

The drainage strategy relies predominantly on underground storage to provide the required attenuation to restrict runoff rate to greenfield rates. However, a storage pond has been incorporated into the outline site layout. Given that the application site is currently greenfield, we would prefer to see greener sustainable drainage systems to mimic the current conditions. Nevertheless, the applicant has indicated a willingness to incorporate close to the ground source controls SuDS features at the detailed design stage A reserved matters application which seeks to fix the development layout should demonstrate that source control SuDS features that store surface water runoff close to the ground have been incorporated into the layout.

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

**ESCC Highways** – scheme is acceptable in principle subject to the capacity of Earwig Corner being assessed and deemed appropriate.

### **Executive Summary**

The applicant is seeking outline planning permission with all matters reserved for the creation of a mixed-use scheme comprising residential units and community/commercial space.



As this application is for outline planning permission with all matters reserved, this response only considers the development in principle, with commentary provided for other submitted information.

It is considered that the development is largely acceptable in principle. However, traffic surveys and junction assessment has not been undertaken for the Earwig Corner junction, and this is requested to be undertaken following the completion of the junction improvement works. I would therefore object to this application on this basis.

#### Comments

#### Site Location

The site is located on Lewes Road (B2192) and currently consists of vacant pastureland with an industrial shed and large area of hardstanding in the north west corner. The application seeks planning permission to demolish this and create a mixed-use scheme comprising residential units and community/commercial space.

#### Trip Generation

A TRICS assessment has been submitted as part of this application. This illustrates that the proposed development of 97 dwellings has the potential to generate approximately 56 two-way vehicular weekday AM peak trips and 58 two-way vehicular weekday PM peak trips. I would consider the methodology used in the Transport Report to be sound. It is considered that this level of additional trips would not have a significant impact on the wider transport network.

Junction assessments have also been undertaken for key junctions in the local area. These junction assessments suggest that the operation of the proposed access, and the mini-roundabout junction between Lewes Road, B2192 and Laughton Road would operate within capacity, and is therefore acceptable.

The applicant has noted junction improvements at Earwig Corner, which are to be delivered as a result of a separate development on Bishops Lane. The Highway Authority's position is that this junction is at capacity and the junction improvement works are applicable for the Bishops Lane application only. Subsequent planning applications in the Ringmer area would be required to undertake traffic surveys and junction assessment following the completion of junction improvement works to understand the impacts of the proposed development. It should also be noted that other planning applications in Ringmer may also be included in any junction assessment undertaken. It is therefore requested that the traffic surveys and junction assessment at Earwig Corner is undertaken, in consultation with the County Council.

#### Access

The site currently has an existing vehicular access from Lewes Road. This is to be widened as part of the proposed development. Two new pedestrian accesses from Lewes Road will be created as part of the proposed development. The proposed accesses are considered acceptable in principle.

## Car Parking

In accordance with the County Council's parking guidance, 210 car parking spaces are required to serve the residential part of the development. 191 parking spaces are proposed as part of the residential development, excluding 41 spaces for visitors. This provision is in accordance with the County Council's parking guidance and is therefore acceptable in principle.

For the commercial part of the development, there are to be 13 car parking spaces shared with Unit 1 flats.

ESCC parking guidance requires the minimum dimensions of parking bays to be 5m x 2.5m, with an additional 0.5m in either/both dimensions if the space is adjacent to a wall or fence. The submitted plan indicates that the parking bays measure 4.8m x 2.4m, which is not in line with the County Council's standards.

The applicant is proposing a significant number of tandem parking. The County Council would seek to resist this arrangement, as the inconvenience of vehicles parked in the rear being blocked in would result in residents not using these spaces and parking on the highway, potentially resulting in overspill parking. Amended plans should be submitted as part of reserved matters removing the proposed tandem parking.

## Cycle Parking

In terms of cycle parking provision, two spaces would need to be provided per house. Having reviewed the submitted plans, a secure cycle store is to be provided in each garden and is in line with the County Council's parking guidance. The County Council requires cycle stores to be located in a secure, convenient and covered location. Further details should be provided as part of reserved matters.

## Construction

A Construction Traffic Management Plan would need to be provided with details to be agreed. This would need to include management of contractor parking to ensure no on-street parking occurs during the whole of the construction phases. This would need to be secured through a condition of any planning permission.

## Public Transport and Active Travel Considerations

The site is located within 50m of existing bus stops on Lewes Road. There are regular bus services to Lewes, Uckfield and Brighton. The site is therefore considered to be in a relatively sustainable location.

## Travel Plan Statement

A Travel Plan has been submitted as part of the proposal. It is recommended that the applicant provides a Travel Plan Pack for every first occupier of each dwelling, in order to encourage the uptake of sustainable modes of transport. This should include details of bus timetables, bus stops, train stations and timetables, local facilities and distances on both foot and cycle etc.

## Delivery & Servicing Statement

Although a delivery and servicing statement has not been submitted, the transport statement says swept path drawings have been submitted that show

refuse vehicles can access and service the site without blocking the highway. Further drawings should be provided as part of reserved matters showing vehicles can turn around within the site.

### Conclusion

It is considered that the development is largely acceptable in principle. However, traffic surveys and junction assessment would be required for the Earwig Corner junction. I would therefore object to this application, and I would request that the Earwig Corner junction assessment is undertaken.

**SDNP** – if minded to grant planning permission then would recommend conditions to limit impacts.

The proposed development lies approximately 300 metres from the National Park boundary at its closest point, with the potential for longer-distance views to/from higher ground within the National Park, such as Mill Plain. The proposal therefore has the potential to have an impact upon the setting of the South Downs National Park (such considerations have recently been strengthened through inclusion in para 179 of the NPPF). The current outline application is not accompanied by sufficient information to allow these impacts to be fully assessed.

Before we can comment further, the SDNPA would recommend that the application is accompanied by a Landscape and Visual Impact Assessment that takes account of the proposed impacts upon the setting of the SDNP, including views to/from the SDNP, an assessment of any diminution of the gap between Broyle Side and Ringmer, and a more thorough assessment of existing settlement form and how the proposals respond to that. A particular concern with regard to the latter is the proposed inclusion of development within the triangular field to the south.

We would also advise submission of a lighting assessment and accompanying strategy to demonstrate that the development would not adversely affect the South Downs International Dark Skies Reserve.

The applicants should also be encouraged to further explore how the tree and hedgerow network within and around the site can be retained and enhanced and whether there are any opportunities to enhance pedestrian and cycle links between the site and the SDNP, such as a pedestrian link onto Chamberlaines Lane.

Although this is an outline application, we consider the above matters would best be assessed at the current stage as they are somewhat fundamental to the consideration of whether development of all or part of the application site would be acceptable. However, if the LPA is considering granting permission without submission of these details at this stage, we would encourage consideration of conditions requiring the following:

- submission of a Landscape and Visual Impact Assessment that includes assessment of potential impacts upon the South Downs National Park. The LVIA shall inform the reserved matters considerations including:

- i) layout;
- ii) scale (to include overall number of dwellings);

iii) landscaping (to include a scheme to ensure the retention and enhancement of trees and hedges around and within the site).

- submission of a lighting assessment and (if external lighting is necessary) a scheme of external lighting to be installed at the site. The lighting shall:

i) Comply with the guidance set out in the SDNPA's Dark Night Skies Technical Advice Note;

ii) Be designed to minimise impacts on wildlife.

If no external lighting is proposed, then we would recommend a condition stating that "No external lighting or floodlighting shall be installed on the development hereby permitted without the prior written approval of the local planning authority."

**LDC Air Quality** – original objection and subsequent support subject to conditions

**REVISED RESPONSE – 13.08.2021(Recommended Approval subject to conditions)**

I can confirm that my original email recommended refusal of the outline planning application due to receipt of insufficient information and that in order to recommend approval, the following conditions must be met:

1. Air Quality Assessment

Prior to the commencement of development, an Air Quality Assessment (AQA), prepared in accordance with Institute of Air Quality Management (IAQM) best practice guidance and the Sussex-air guidance document <https://sussex-air.net/Reports/SussexAQGuidanceV.12020.pdf> shall be submitted to and approved in writing by the local planning authority.

2. Low Emission Boilers - Residential

Details shall be submitted to and approved by the local planning authority prior to the first occupation of the development for the installation of Ultra-Low NOx boilers with maximum NOx Emissions less than 40 mg/kWh. The details as approved shall be implemented prior to the first occupation of the development and shall thereafter be permanently retained.

3. Electric Vehicle Infrastructure Provision

An external power point shall be supplied to each property, with an independent 32amp radial circuit and must comply with BS7671 for the purpose of future proofing the installation of an electric vehicle charging point.

**LDC Contamination**

I am aware that the site is adjacent to a historic landfill site and also a sewage treatment work.

A full land contamination report is condition is required to support the reserved matters application.

**Environment Agency** – initial objection overcome and now supportive.

**REVISED RESPONSE – 25/08/2021**

We are satisfied that our previous objection (as per our letter dated 14 June 2021, our ref: HA/2021/123247/02) can be removed, provided that the

requested conditions are attached to any planning permission granted, and that the details in relation to these conditions be submitted and approved by the Local Planning Authority.

### **Ringmer Parish Council**

Ringmer Parish Council strongly objects to this application as (1) it is contrary to the adopted Ringmer Neighbourhood Plan which forms part of the existing Lewes Local Plan and (2) it proposes the development of new commuter housing at a car-dependent countryside location, contrary to the Lewes DC declaration of a Climate Change Emergency. The proposed scheme would be the wrong development at the wrong place, contributing unnecessarily to climate change, and would have, in combination with other development already approved, an unacceptable impact on infrastructure including primary and nursery schools and healthcare facilities. The additional commuter traffic generated would put unacceptable pressure on Earwig Corner.

The Ringmer Neighbourhood Plan is focused on four key principles (Policies 3.1-3.4 of the Ringmer Neighbourhood Plan). These seek to retain Ringmer's 'village feel'; to improve its sustainability by providing more local employment and thus reduce the need for the excessive existing out-commuting for employment, almost all of which is by private car; to improve the balance, health and inclusivity of the community and to respect the South Downs National Park. This application flies directly in the face of all four key principles.

This application envisages yet another large new commuter housing estate unsustainably located in the countryside, unaccompanied by any provision for additional local employment. Out-commuting from Ringmer by private car is already, according to East Sussex in Figures, higher than in any other town or parish in the District, and there is absolutely no reason to imagine that the new commuters that would be attracted by this development would behave any differently. The location of the proposed development, not contiguous with existing housing and forming a new finger of development pushing out from the edge of the Broyleside settlement into the surrounding countryside, and a long and unpleasant walk along a busy main road to Ringmer's shops and services, means that that new residents here would be even less likely to use sustainable means of transport than other Ringmer residents.

The location of the proposed development expands out from the Broyleside towards the edge of the South Downs National Park, so the new development would be very visible from higher ground within the SDNP. In recommending the dismissal of an appeal for an immediately adjacent site [Broyle Gate Farm, application LW/14/0947, appeal number 3133436] the inspector gave weight to its negative landscape impact, including both its impact on the setting of the SDNP and its erosion of the present sense of clear separation between Ringmer village and the Broyleside, an important contributor to Ringmer's 'village feel', or sense of place. The inspector's view was endorsed

by the Secretary of State, who dismissed the called-in appeal. Both these considerations apply with equal force to the present application.

The application is also quite excessive in scale, and thus contrary to policy 6.3 of the Ringmer Neighbourhood Plan, which requires new development to be on a village scale of 10-30 new homes. This policy was also given weight by the inspector in appeal 3133436. There was clear evidence that residents strongly preferred multiple smaller developments of this scale (such as the successful new developments at Clarks Croft and Round House Road) than urban-scale developments as proposed here. The site now proposed is substantially larger than even that submitted to last autumn's "Call for Sites" [04RG] and the number of new homes proposed is almost twice as large. Nevertheless, even with the enlarged site, it is far from evident that the excessive number of homes proposed could actually be accommodated on the site. A stream that qualifies as a 'main river' flows through the site, and the surrounding land lies in Flood Zones 2/3, but the indicative outline for the development shows this land at risk of flooding as the small rear gardens of the new houses.

Ringmer Primary School was recently extended from 1 class to 1.5 class entry to accommodate the increasing numbers of children now living in Ringmer. The Primary School and the Nursery School are both full. Currently more than 200 new houses are under construction (but not yet occupied) in Ringmer, at the Bovis Homes site on Bishops Lane; the Riverdale Development site at Caburn Fields; the Optivo site at Lower Lodge; and the Diplocks site on Bishops Lane. Previous experience in Ringmer is that such new housing attracts a disproportionate share of children nursery and primary school age, and assessment by the Neighbourhood Plan suggested that it would be very likely to be necessary to expand the Primary School to 2-class entry to accommodate them. However, no such expansion is currently envisaged, and it remains to be seen how well the new children will be accommodated as they arrive over the next 12-18 months. There is no evidence at all how the children from the large additional development proposed in this application could be accommodated, without travel (inevitably by private car) to village schools elsewhere in the county. There are no spare school places available in Lewes.

Other related infrastructure questions not addressed in the application are whether the Ringmer Health Centre can accommodate the extra patients or whether the Ringer WWTW can accommodate the extra sewage to be created within the time scale proposed.

The site lies immediately adjacent to the Southdown Hunt Kennels. The hunt is an important contribution to Ringmer's role as a rural service centre and includes the Historic England-listed Huntsman's House and additional locally-listed buildings within the curtilage [Ringmer Neighbourhood Plan policy 4.7, heritage assets H11]. The site is currently not screened from the Kennels, and forms part of its setting. The application proposes to mitigate the nuisance of the noise produced on regular occasions by the baying hounds by the erection of an acoustic barrier fence along the site boundary. As can be seen elsewhere in Ringmer, such barrier fences are extremely unattractive. This would have a strongly negative impact on the setting of this listed building and

its associated heritage assets. The hounds' kennel is just a few yards from the joint boundary. The proposed development would also have a strongly negative impact on the experience of users of Ringmer public footpath no.20, which runs immediately adjacent to the site.

The Lewes Local Plan allocated 385 new homes to Ringmer, the number being fixed by the inspector at examination after a careful and detailed review of the potential capacity of Earwig Corner, through which almost all commuter traffic from Ringmer must pass. He concluded that this was the maximum number that could reasonably be accommodated, once improvements that were then envisaged and are now under construction had been completed. After hearing detailed evidence, he concluded that no further housing allocation could be made to Ringmer, as no alternative scheme was available that could further increase the capacity of this junction and the subsequent A26 junctions connecting Ringmer to Lewes and the A27 at Southerham. The inspector's statement to this effect is included in the Lewes Local Plan. To date 384 new homes in Ringmer have been built, are currently under construction, or have full planning permission. In addition sites for about 60 further homes are allocated in the Ringmer Neighbourhood Plan, and are still expected to come forward within the plan period (6 are on this week's list). In addition there has been additional unforeseen development at Barcombe and Isfield, and a very large new Uckfield development near the A26/A22 junction, that will put yet more pressure on Earwig Corner. There is no credible evidence accompanying the application to suggest that all the additional commuter traffic created by this development can be accommodated by Earwig Corner and the other critical junctions between there and the A27, without causing further congestion and the consequent unacceptably low air quality in the town of Lewes..

### **Neighbour Representations**

A total of 190 letters of objection and 24 letters of support 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:-

#### **Letters of Objection**

##### **Principle**

- Conflict with Ringmer Neighbourhood Plan
- Outside development plan boundaries
- Over development of Ringmer

OFFICER COMMENT: The principle has been assessed in the appraisal of this report.

##### **Highway Impact:**

- Cumulative increase in traffic with other developments
- Local road infrastructure in capable of coping
- Construction disruption

- Impact upon earwig corner
- Traffic at roundabout
- Proximity to roundabout causes safety issues
- Damage to bridge at Chamberlaines Lane resulting in residents not being able to access their properties
- Parking should meet set standards
- Poor access to Lewes
- Disruption during construction

OFFICER COMMENT: The highway impact has been assessed in the appraisal of this report..

Ecological Impact:

- Unknown impact on biodiversity
- Previous harm to verges on Chamberlaines Lane resulting in an inability to assess ecological impact
- Impact on protected species

OFFICER COMMENT: The ecological impact has been assessed in the appraisal of this report..

Visual Impact:

- Loss of open space
- Erode gap between Ringmer and Broyleside
- Out of character with rural setting
- Loss of countryside
- Impact upon SDNP
- Impact upon the character of the village becoming a town
- Light pollution affecting countryside

OFFICER COMMENT: The visual impact has been assessed in the appraisal of this report.

Flooding & Drainage:

- Area known to flood
- Existing sewers at capacity

OFFICER COMMENT: The drainage details have been assessed by the Lead Local Flood Authority (LLFA) and the Environment Agency (EA) who are satisfied with the principle of the scheme put forward with additional details being secured by condition.

Community Facilities

- Anti-social behaviour
- No requirement for community facilities



- Who will maintain community facilities

#### Sustainability:

- Doesn't reduce carbon emissions

OFFICER COMMENT: The sustainability impact has been assessed in the appraisal of this report.

#### Amenity

- Generate noise and disturbance
- Loss of open spaces
- Noise from kennels impact residents
- Inability to use existing social infrastructure

OFFICER COMMENT: The residential amenity impact has been assessed in the appraisal of this report.

### **Letters of Support**

#### Community Facilities

- Putting something back into the village.
- Community toilets

#### Location

- Located well in relation to shops and schools.
- Proximity to local shops will benefit business.
- Located close to amenities.

#### Appearance

- Family accommodation will fit in well.
- Appear sympathetic to the environment
- Site comfortable in its environment
- Good quality open space
- Provide play space

#### Transport

- Well served by public transport.
- Proximity to amenities minimises need for car journeys.
- Adjoins main road is positive

#### Providing new accommodation

- Lack of affordable housing in the area.
- Two flats above the community facilities will be a benefit to the local area
- Increasing housing supply

#### Employment

- Create employment through building works
- Employment in the community hub
- New residents to support local business

#### Infrastructure

- The infrastructure in the area is capable of supporting growth

#### Environment

- Development sensitive to wildlife.

#### Other Representations

Councillor Macleod - I would like to as ward councillor voice my objection to this application, Ringmer has a very thorough neighbourhood plan and it's clear that this development is against it, and while our Local plan has expired it is still given considerable weight and this site was not in the local plan.

Ringmer has many issues with local roads and they are not prepared for even more traffic and earwig junction is already a major bottleneck and these developments are not taken into account. Ringmer Primary school has already had to expand its classes due to increased demand this year.

- We need to see clear and evidential evidence that Dr surgery can accommodate even more development.
- we also need to see clear evidence that secondary and primary schools have capacity
- one thing that has been clearly lacking across the district is NHS dental provision where currently there is none available anywhere in the district. We can't support the council in building more houses when we know there is not the infrastructure in place to meet demand.
- If this development is agreed all roads on the development have to be 20mph maximum speed, and surrounding roads should be reviewed.

I think it's very important that Lewes District Council decides where it see Ringmer village status, if it wants Ringmer to become a town then we need a meeting to discuss the ways that Lewes District Council are going to meet the infrastructure demands that a town needs, that Ringmer has the amenities for what a small town needs. I can't support the district council in allowing this development without a clear plan on where it sees Ringmer and a discussion with local residents on the future of its village status, many who are greatly upset that Lewes District Council are trying to erode it. We must support our villages and keep our green spaces. Any further expansion should be through the local plan process not via speculative development.

Councillor O'Brien - As an Ouse Valley and Ringmer District Councillor I am objecting in principle to this application being submitted for determination as a speculative application outside of the Local Plan Process, and outside the planning boundary in the 2016 local plan.

I believe development on this scale should only be determined via a local plan process which can look at the cumulative effect alongside other development; and which is able to properly consider the infrastructure required.

Railfuture - The reasons for our objection are two-fold:

- ~ the proposed development is contrary to policy
- ~ the proposed development is not sustainable

To elaborate, the proposed development is contrary to established planning policies as the site is not allocated for residential development in the Lewes Local Plan or Ringmer Neighbourhood Plan. Furthermore, the proposal is contrary to sustainable development as it is predominantly car-based.

Ringmer Community Land Trust – Support on the basis that the proposal will provide community facilities and affordable units

Southdown & Eridge Hunt - Should the development be granted outline planning permission, we feel that it is imperative that we are given the opportunity to engage with the developers, to ensure that the final design of the development is sympathetic to the health and welfare of our hounds, horses and staff.

Ringmer AFC – in our opinion if you are looking to work with a developer who gives something back, we can certainly recommend working with Bedford Park Developments and this scheme gets our full support.

## 7. Appraisal

### Key Considerations

1. The main considerations relate to the principle of the development; the impact upon the character and appearance of the area and the openness of the countryside; neighbouring amenities; impacts upon highway/pedestrian safety; flood risk; quality of accommodation; archaeology; sustainability; ecology/biodiversity; affordable housing/planning obligations and environmental health and the overall merits of the scheme in terms of the balance of economic, environmental and social objectives that comprise sustainable development.
2. It is important to note that the application is for outline approval for **up to** 97 units only. 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 of the Lewes Local Plan Parts 1 and 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.
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 contributions, the provision of the community hub and the provision of a community woodland.

### Principle

#### *Residential*

4. National Planning Policy Framework Paragraphs 7 and 8 state that there are three dimensions to sustainable development: economic, social and environmental. The social role of the planning system should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural wellbeing.
5. The Economic objective helping to build a strong, responsive economy and ensuring that the right types of sufficient land are available in the right places, and the environmental objective making efficient and effective use of land to improve the environment.
6. Development proposals that accord with an up-to-date Development Plan should be approved and where a planning application conflicts with an up-to-date Development Plan, permission should not usually be granted (Paragraph 12).
7. Section 5 of the Framework sets out policies aimed at delivering a sufficient supply of houses and maintaining the supply to a minimum of five years' worth (Paragraph 73).
8. Spatial Policy 1 (Provision of housing and employment land) states that in the period between 2010 and 2030, a minimum of 6,900 net additional dwellings will be provided in the plan area (this is the equivalent of approximately 345 net additional dwellings per annum).
9. Since its introduction through the NPPF in 2018, local housing need is calculated using a standard method contained within Planning Practice Guidance<sup>1</sup>. As such this is a Government initiative that sets the framework within which local housing need is assessed. The standard method uses a formula to identify the minimum number of homes expected to be planned for, in a way which addresses projected household growth and historic under-supply. Under the Government's standard method, the local housing need for the whole of Lewes District at 11th May 2021 is 782 homes per year.
10. However, approximately half of the area of Lewes District is in the South Downs National Park, which is not under the planning jurisdiction of Lewes District Council. Planning Practice Guidance states that where strategic policy-making authorities do not align with local authority boundaries, an alternative approach to identifying local housing need will have to be used, and such authorities may identify a housing need figure using a method determined locally. In these situations, Planning Practice Guidance also confirms that this locally derived housing requirement figure may be used for the purposes of the five-year housing land supply calculation where the local plan is more than 5 years old.
11. The Council has published its Approach to Local Housing Need for Lewes district outside the South Downs National Park for the purposes of the Five-Year Housing Land Supply (May 2021). This sets out a locally derived method for calculating local housing need for the plan area (i.e. Lewes district outside of the SDNP) on the basis

of how the total number of dwellings in the District is split between inside and outside the National Park. This results in a locally derived housing requirement figure of 602 homes per year, which will be the housing requirement against which the housing supply will be assessed.

12. The Joint Core Strategy pre-dates the NPPF and in accordance with para 13 of the Framework, the policies of the core strategy should be given due weight according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). In the case of the old housing targets within SP1 and SP2 limited weight should be given, and housing targets which will be given substantial weight in the decision making process are those targets set out in the 'locally derived method for calculating local housing need' (602 dwelling per year).
13. Given the use of the Governments standard method for calculating housing need has derived a figure significantly greater than the previous position then this will have a direct impact upon the land available to meet this inflated need. The Council currently has a supply of deliverable housing land equivalent to 2.9 years outside the South Downs National Park (SDNP). This means that the local plan policies that are most important for determining an application carry less weight, and the NPPF's presumption in favour of sustainable development will apply to decision making.
14. In terms of housing delivery, the Council was found to be delivering 86% of the figure required by the Housing Delivery Test (HDT). The NPPF sets out certain 'actions' that must be implemented depending on the HDT result with less than 95% delivery triggering the requirement of the LPA to produce an Action Plan. The Action Plan produced in 2019 sets out a number of positive actions for the Council to implement in order to increase housing supply, one of the measures being the imminent adoption of the Lewes District Local Plan (part two) 2020.
15. Given the Council's position on housing delivery, in March 2021 the Council published the 'Interim Policy Statement for Housing Delivery'(IPSHD). This sets out a number of criteria which the Council considers developments need to achieve in order to be considered sustainable development. This policy statement simply directs the decision maker to the pertinent parts of Development Plan which should be used to inform and decide the application against.
16. Officers have (for ease of reference) later in this report outlined how the scheme compares against the Interim Policy Statement and goes further to outline how the scheme engages with the Development Plan
17. Listed immediately below are the criteria of the interim Policy Statement:
  1. The site boundary is contiguous with an adopted settlement planning boundary, as defined on the Local Plan Policies Map

2. The scale of development is appropriate to the size, character and role of the adjacent settlement, having regard to the settlement hierarchy set out in LPP1 Table 2 (attached as an Appendix). In deciding whether the scale is appropriate, the Council will take account of the cumulative impact of extant unimplemented permissions in the relevant settlement.
  3. The proposed development will provide safe and convenient pedestrian and cycle access to key community facilities and services within the adjacent settlement.
  4. The proposed development, individually or cumulatively, will not result in the actual or perceived coalescence of settlements. Where appropriate, this should be demonstrated through the submission of a visual and landscape character impact assessment.
  5. Within the setting of the South Downs National Park, an assessment is undertaken to demonstrate that the proposed development will conserve the special qualities of the National Park. This assessment should be informed by the SDNP View Characterisation & Analysis Study 2015, the SDNP Tranquillity Study 2017, and the SDNP Dark Skies Technical Advice Note 2018.
  6. An ecological impact assessment is undertaken and appropriate measures identified and implemented accordingly to mitigate any potential adverse impacts of the development on biodiversity and secure biodiversity net gain in accordance with the Council's Biodiversity Net Gain Technical Advice Note (February 2021).
  7. The proposed development will make the best and most efficient use of the land, whilst responding sympathetically to the existing character and distinctiveness of the adjoining settlement and surrounding rural area. Arbitrarily low density or piecemeal development, including the artificial subdivision of larger land parcels, will not be acceptable.
  8. It can be demonstrated that the proposed development is deliverable and viable, having regard to the provision of necessary on-site infrastructure, including affordable housing, green infrastructure and other requirements. Where the proposed development would create the need to provide additional or improved off-site infrastructure, a programme of delivery should be agreed with the relevant infrastructure providers to ensure that these improvements are provided at the time they are needed.
18. At 11 May 2021 (five years after the adoption of LPP1) the District's housing land supply will be assessed against a locally derived housing requirement figure of 602 homes per year. The District are unable to demonstrate a 5-year housing land supply and as a consequence decisions on planning applications involving the

provision of housing will be tilted in favour of sustainable development in accordance with paragraph 11 of the NPPF.

19. In recognition that Policy DM1 can only carry moderate weight in decision making under such circumstances, the Council has approved an 'Interim Policy Statement for Housing Delivery' (IPSHD). This statement identifies the factors that the Council considers are critical to achieving sustainable development in relation to the provision of housing outside of the settlement planning boundaries (Above). The statement does not form part of the development plan and does not alter the statutory planning framework, but is intended to be used as a guidance document in the determination of planning applications. Please note these criteria are not numbered in order of importance, the numbers have been allocated purely for purposes of clarity.

*Criteria 1 of the IPSHD*

20. The site is contiguous with the Ringmer settlement boundary at the sub settlement of Broyleside. The north east corner of the site is contiguous with the boundary, albeit separated by Laughton Road. The south western end of the site is contiguous with the settlement boundary at Ringmer Business Park, although separated by the highway at Chamberlaines Lane. Therefore, the site is considered to be contiguous with two different Ringmer settlement boundaries and Officer's consider that the site complies with criteria 1 of the IPSHD in this regard.

*Criteria 2 of the IPSHD*

21. The site extends south beyond existing settlement boundary. Criteria 2 of the IPSHD requires that the scale of the development should be an appropriate size to the existing settlement. This is supported by Ringmer Neighbourhood Plan Policy 6.3 which states that all new proposals within or extending the planning boundary should respect the village scale.
22. Although the scheme falls outside of the planning boundary, it also abuts the planning boundary at Ringmer Business Park. Therefore, the proposal would be considered to infill the space between two separate settlement boundaries.
23. The site would be located immediately adjacent to residential properties on the south of Laughton's Lane. It is noted that the residential properties to the south of Laughton's Lane do not fall within the Development boundary, however they do represent developed land in the form of residential properties and gardens.
24. Therefore, the proposal would slot into a plot of land that is situated between the Ringmer Business Park, the properties to the south of Laughton Lane and the Development Plan Boundary at Broyleside. As such, the site would be bounded by three separate existing areas of developed land and would sit amongst the built form of the Ringmer settlement rather than be separate from it.
25. The site would undoubtedly be an addition to the Broyleside settlement however, it is not considered to be an excessive or

dominant addition to the settlement. The proposal would be subordinate to the village scale and would be considered to act as an infill development rather than an additional limb in the footprint of the settlement. The proposal would therefore comply with criteria 2 of the IPSHD.

26. Criteria 2 states that the Council will take account of the cumulative impact of extant unimplemented permissions in the relevant settlement. Up until March 31<sup>st</sup>, 2021 Ringmer had the following consents/commitments:

*Sites with extant permissions at 31st March = 201 units*

*Development plan allocations not yet with consent = 48 units*

*Permission since March = 66 units*

27. Major sites still delivering housing include the site at Land north of Bishops Lane with a further 85 units to be delivered (this scheme is 110 total, allocation SP6 in LPP1, ref LW/18/0331), and Caburn Field total dwellings 77 (no completions yet, allocation RG01 LPP2 Ref LW/18/0808). These are within the 201 extant permissions; the remainder of the sites are mostly smaller sites with the exception of LW/18/0880 which is 16 units at Lower Lodge Farm and is yet to commence.
28. Ringmer Neighbourhood Plan Adopted in 2015 set out that 240 new dwellings would be provided by 2030. Should this application be approved that would result in an approximate maximum figure of 386 new dwellings being committed to since the adoption of the Ringmer Neighbourhood Plan, which would exceed the figure in the Neighbourhood Plan by 146 units (60.8% Increase).
29. Notwithstanding this however, since the adoption of the Ringmer Neighbourhood Plan, new Government legislation in the form of a revised NPPF has been released that supersedes the previously set housing targets for the district. Given the scale of the housing targets for the area, there is undoubtedly increased potential of Ringmer to accommodate additional dwellings over and above the previously set targets. The provision of approximately 386 new dwellings, would represent a 60.8% increase in the housing target set out in the Neighbourhood Plan. This increase in housing delivery given the scale of the housing target would not have a cumulative unacceptable impact upon the village in terms of density or its setting and would offer a valuable contribution to housing land supply.

*Criteria 3 of the IPSHD*

30. The application is outline and all matters are reserved. However, the layout shows a connection to the existing footpath on Lewes Road is possible, which would provide pedestrian access to both Ringmer and Broyleside.
31. The site would be easily accessible via a range of transport options including walking, motor vehicle, cycle and bus stops (Kennel Corner and Roundhouse Road). Therefore, Criteria 3 has been met in this regard.



#### *Criteria 4 of the IPSHD*

32. Criteria 4 states that Officer's should assess whether the site would result in actual or perceived coalescence of settlements. Whilst both demarcated within the Ringmer Neighbourhood Plan Boundary, Broyleside and Ringmer are clearly separate settlements with different histories and circumstances regarding their foundation. Therefore, although argued by the applicant within the planning statement that they are the same settlement, Officer's will consider them as separate entities for purposes of Criteria 4.
33. The location of the site although reducing separation between Broyleside and Ringmer Village, is located in between Broyleside and Chamberlaines Lane. Officers consider than Chamberlaines Lane forms a defensible development boundary to stop development further progressing from Broyleside towards Ringmer Village.
34. The current separation between Broyleside and Ringmer is approximately 350 metres, the reduction in separation distance between the two settlements would be approximately 115 metres. Therefore, the proposal would retain of a minimum 235 metres of open countryside between the two settlements.
35. Given that the reduction in separation distance between the two settlements is less than a third of the existing separation distance, the proposal would retain a clear separation between Ringmer and Broyleside. Due to the retained separation distance, in unison with the presence of a defensible boundary at Chamberlaines Lane, there would not be any unacceptable coalescence of settlements in this case.

#### *Criteria 5 of the IPSHD*

36. The site is located approximately 300 metres from the South Downs National Park. Due to the Proximity of the National Park to the site, it is considered that the proposal will have some impacts upon its setting.
37. Paragraph 176 of the NPPF sets out that development within the setting of national parks should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
38. Therefore, the impact upon the setting of the SDNP will be given significant weight when determining this application. Given that the impact upon the SDNP is intrinsically linked to the landscape and visual impact of the scheme, this will be assessed along with Criteria 7, in the '*Design, Character and Impact Upon Landscape*' section below.

#### *Criteria 6 of the IPSHD*

39. Criteria 6 relates to the ecological impact of the development. This is assessed in more detail in the '*Ecology and Biodiversity*' section of this report. However, no objections were raised from East Sussex County Council's Ecology Officer and conditions have been recommended in order to ensure biodiversity net gain.

40. Furthermore, the applicant has included the provision of a Community Woodland Area (CWA), which would deliver approximately 2000 new trees and shrubs. This would undoubtedly have a significant benefit in terms of its ecological impact.
41. Therefore, subject to the successful discharge of the recommended ecology conditions and the provision of a CWA, Criteria 6 of the IPSHD is considered to be satisfied.

*Criteria 7 of the IPSHD*

42. Criteria 7 requires that developments should make the most efficient use of land, whilst responding sympathetically to the surrounding rural environment.
43. The assessment in regard to whether or not the proposal would be sympathetic to the surrounding environment and its impact upon the SDNP is set out below in section '*Design, Character and Impact Upon Landscape*'.
44. Policy CP2 of the Local Plan Part 1 sets out that within village scales density should range between 20-30 units per hectare in order to respect the village context. This proposal seeks a maximum density of 24.49 dwellings per hectare, which would be in accordance with Policy CP2. The proposed density would be considered to respect the village scale whilst realising the potential of the site.
45. The proposal would be considered to fall within the density expected in this location and would make appropriate and efficient use of the land in accordance with adopted policies. The proposal therefore satisfies Criteria 7 in this regard.

*Criteria 8 of the IPSHD*

46. Criteria 8 sets out that it should be demonstrated that the scheme is deliverable with regard to elements such as, infrastructure and affordable housing.
47. The proposal seeks to deliver a 40% affordable housing contribution and it will be Liable for Community Infrastructure Levy Contributions. There is no evidence which suggests that the scheme would not be delivered with these benefits. However, Officers do note that the application is for outline consent and therefore, all reserved matters are required to be discharged, with this in mind it may be sometime before housing completions take place at this site. Nonetheless, this would not be sufficient to demonstrate that the site is not deliverable and Officers consider that the proposal would not be contrary to Criteria 8 of the IPSHD purely on the basis that it is an application for outline planning consent.

**Community Facilities**

48. Paragraph 92 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:
  - promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong

neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

- are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and
  - enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.
49. Core Policy 7 – ‘Infrastructure’ of the Lewes District Local Plan Part 1, seeks the creation of sustainable communities in the district by protecting, retaining and enhancing existing community facilities and services, including facilities which serve older people. New community facilities should be located within the defined planning boundaries where they will be most accessible. In exceptional circumstances, such facilities may be located outside of these areas where it can be demonstrated that this is the only practicable option and the site is well related to an existing settlement.
50. Paragraph 7.1.4 of the Ringmer Neighbourhood Plan states that the Broyleside has no social facilities or public meeting place. As such, the Ringmer Neighbourhood Plan actively seeks to encourage the provision of community facilities and Policy 7.1 further states that applications to provide additional community meeting facilities will be supported.
51. It is noted that Sussex Police have objected to the proposed community facilities due to the potential issues with regards to security and anti-social behaviour. The application at present is all matters reserved. It is considered that at the reserved matters stage a secure by design solution can be achieved at this site. Details relating to the design and security of the community facilities will be discharged in consultation with Sussex Police, in order to achieve the safest final arrangement.
52. Therefore, the provision of community facilities is considered to be supported by local and national planning policy. It is considered that the security issues can be mitigated and on balance the provision of a community facility is considered to be a significant benefit of the scheme, which would address an issue that is identified within the Ringmer Neighbourhood Plan.

### ***Community Woodland Area (CWA)***

53. Core Policy 8 – ‘Green Infrastructure’ seeks to conserve and enhance the natural beauty, wildlife, and the high quality and character of the district’s towns, villages, and rural environment. The policy sets out that it would achieve this by resisting development that would result in the loss of existing green spaces, unless either mitigation measures

are incorporated within the development or alternative and suitable provision is made elsewhere in the locality.

54. Policy 4.6 of the Ringmer Neighbourhood plan states that the development of accessible natural or semi-natural greenspace, including a community-managed woodland, in Ringmer parish will be supported.
55. The proposal includes the provision of an offsite CWA, which the applicant submits would result in the planting of approximately 2000 additional trees. Whilst the proposal as a whole would result in the loss of what is currently greenfield land, a CWA would significantly offset some of the harms of the development and provide a public benefit of the scheme. The full extent of the harm to the landscape caused by the development is assessed in section '*Design, Character and Impact Upon Landscape*' below and it is clear that the inclusion of the woodland would not completely mitigate the harm resulting from the proposal. However, in principle the provision of the offsite Woodland would undoubtedly be a positive outcome of the proposal and is supported by Policy CP8.
56. The proposed woodland would be secured via S106 agreement, which will include a requirement to produce a long-term maintenance plan for the area in order to secure its long-term benefits.
57. In conclusion, the proposal seeks to deliver up to 97 new dwellings at the site. Given the Council's housing requirement and the lack of a 5-year housing land supply, the Council are applying the presumption in favour of sustainable development. Given the scale of the Council's housing deficit the delivery of up to 97 units would be considered a significant benefit of the scheme.
58. However, the site falls outside of the defined development boundaries. The IPSHD produced by the Council sets out the criteria which it considers to define sustainable development. This document sets out eight criteria which are to be used as a guide to determine what is sustainable development. As set out above, the proposed scheme would satisfy the majority of the criteria set out in the 'IPSHD on an in-principle basis. However, this is subject to the separate assessment of the impacts upon the setting of the South Downs National Park and the wider policies of the development plan that include the visual impact upon the countryside, which is set out in section '*Design and Character and Impact Upon Landscape*' below and is required by Criteria 5 and 7 of the IPSHD.
59. The proposed community facilities will provide an amenity which has been identified within the Ringmer Neighbourhood Plan as desirable, due to the lack of similar facilities in the Broyleside Area. The provision of these facilities is supported by national, local and neighbourhood planning policies. However, Sussex Police have objected to the community facilities on grounds of security and the potential for anti-social behaviour. Officers are content that a design solution could be achieved at reserved matters stage in consultation with Sussex Police that would mitigate these potential issues. On balance, subject to the resolution of the security issues relating to the

design and layout the development, the proposed community facilities would be a significant benefit of the scheme

60. The proposal seeks to provide a CWA, with approximately 2000 new trees to be planted. This would provide community amenity facilities and would undoubtedly have ecological benefits for the surrounding area. The CWA would be a significant benefit of the scheme.
61. On balance, the principle of the application is generally acceptable. The proposal would have benefits in the form of 97 new dwellings contributing to housing supply; the provision of community facilities sought after in the Neighbourhood Plan; and, a CWA for the use and enjoyment of the local population. However, Officers recognise that this is to be weighed against the impact upon the surrounding landscape and the impact upon the setting of the SDNP (section 'Design, Character and Impact Upon Landscape' below) in accordance with the IPSHD and the NPPF. Subject to any potential harm of the development not outweighing the benefits, the principle of the development is considered to be acceptable.

### **Design, Character and Impact Upon Landscape**

62. The proposed development site is comprised of two large and one smaller open agricultural fields, which are enclosed by tree belts along the northern and western boundaries. The fields are divided by hedgerows and a tree belt associated with the stream which crosses the site. These tree belts, hedgerows and the stream are distinctive landscape features of the site. The open character of much of the site makes it visually sensitive, as there are potentially long views across the area towards the site and particularly from the SDNP.
63. Paragraph 131 of the NPPF stresses the importance of trees to the placemaking process. The indicative layout plan shows that green spaces and planting will be integrated throughout the site. However, a detailed landscaping plan will be required as part of the reserved matters. The landscaping plan will be required to retain as much existing vegetation as possible whilst providing a net gain of high biodiversity value trees and shrubs throughout the site.
64. In terms of design, the indicative plans and Design & Access Statement confirm that dwellings and flats would not exceed two-storeys in height. An appraisal of surrounding development will be required to identify key architectural features and materials within the surrounding area to inform the design of the buildings within the development.
65. The proposed development seeks a maximum density of 24.49 dwellings per hectare and would be in accordance with Policy CP2, which sets out that within village settings the maximum density should be between 20-30 dwellings per hectare. This density would be further reduced if the number of units delivered on site were lessened at the reserved matters stage, creating a more spacious site layout, in keeping with the village to rural transition area in which the site is located.

66. The details of access will form part of the reserved matters submission. The formation of the site access would be via an existing access from Lewes Road. The access would be required to be upgraded as a part of this application. The works may lead to the removal/cutting back of some of the existing tree line/hedgerow flanking Lewes Road, to allow for a wider opening and visibility splays. The loss of hedgerow would likely be minor and this loss can be effectively mitigated by the planting of new native hedgerow to reinforce the existing hedgerows. This new planting could connect with the existing hedgerows. Therefore, Officers consider that the proposal would only result in a minor degree of harm to the surrounding landscape and streetscene due to the presence of the existing access and potential for mitigation.
67. The indicative masterplan proposes to retain the majority of the boundary trees. However, the access through the central tree belt would require further tree loss and the mature hedge bounding the eastern side of the smaller field would also likely be lost to the development. It is recommended that the applicant is required to provide an arboriculture survey and impact assessment which outlines proposed tree and hedgerow protection measures where possible.
68. The indicative layout plan shows that the site has capacity for buildings and infrastructure to be set back from the road. This would allow 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.
69. It is considered that there is ample opportunity for mitigation in the form of planting that would maintain the verdant nature of this section of Lewes Road passing the site. Any planting would also provide a visually sympathetic screen to the proposed development that would amalgamate effectively with surrounding landscaping from street level. The 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.
70. Notwithstanding site boundary landscaping, the rising topography of the surrounding area means the proposed development would be visible from a significant distance away. In particular, the proposed development lies approximately 300 metres from the SDNP boundary at its closest point and there is the potential for longer-distance views to and from higher ground within the National Park, such as Mill Plain. The proposal therefore has the potential to have an impact upon the setting of the South Downs National Park (such considerations have recently been strengthened in para 177 of the NPPF).
71. However, it is noted that existing views on this approach include dwellings and other development at Ringmer Business Park, Laughton's Lane and the Broyleside settlement. It is considered that the proposed development would somewhat integrate with these

neighbouring developed areas, marking the edge of the settlement and the transition from the rural environment to the village.

72. 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 unmaintained greenfield land. Notwithstanding this, the site is not isolated, being directly adjacent to the established settlement boundary of Broyleside and Ringmer Business Park.
73. The northern half of the site (north of the stream) has been identified in the most recent SHLAA as being available and deliverable for housing development. The northern half of the development site would appear as a more natural extension to the west of the Broyleside settlement and fits comfortably within the confines of Chamberlaines Lane and Broyleside. Notwithstanding this, it is important to note that all development outside of the planning boundary would by definition cause some level of harm to the surrounding landscape. In this case, given its location and context, the level of harm upon the surrounding landscape and the setting of the SDNP attributed to the northern half of the site would be less than significant harm.
74. The extent of the proposed development would project a significant distance from Lewes Road in a southerly direction. It is considered that the southern half of the development (south of the stream) would represent the most significant level of harm that would arise from the development. The southern half of the development would undoubtedly be prominent within the landscape and particularly from the SDNP.
75. The South Downs National Park Authority (SDNPA) has raised concerns regarding the lack of a Landscape Visual Impact Assessment (LVIA) to accompany the submission and that without one the extent of the harm cannot be fully quantified. It is worth again reiterating that this application would be an 'up to' development with no lower limit. The SDNPA have therefore requested that to aid in determining the reserved matters an LVIA is submitted to support any proposals brought forward. The SDNPA and ESCC Landscape Officer both state that the area of the site that they have particular concern regarding was the proposed inclusion of development to the south of the site.
76. Notwithstanding the fact that the scale of the development can be reduced at reserved matters stage, the southern half of the site does form a part of this submission and therefore its level of harm must be considered to its fullest extent. The southern half of the site would abut Laughton's Lane and Ringmer Business Park, however, its proximity to nearby development does not completely compensate for its intrusion into the countryside. It would be clearly visible from the surrounding area and would be a less natural extension of the settlement than the northern half of the site. Therefore, Officers consider that the southern half of the site would result in harm to the openness of the countryside.

77. The SDNP is 300 metres removed from the site but would still be affected by the proposal in terms of its setting. However, these reaching views from the park are set against a backdrop of existing development in the form of the Broyleside settlement which would lessen the impact. The SDNP Authority response does not recommend refusal but does suggest conditions to inform later iterations of the development. With this in mind, Officers consider that a development solution could be reached which would not attract an objection from the SDNPA, subject to an LVIA informing the final housing numbers and design (with particular regard to the southern half of the proposal). Therefore, Officers consider that the level of harm arising from the southern half of the site upon the SDNP to be less than significant harm, subject to conditions.
78. The proposal would offer a mitigation in the form of the large CWA to the South West of the site, which would result in the planting of up to 2000 new trees. Whilst this would not completely mitigate the impact of the development, it would go some way to softening its impact, particularly from street level. The CWA would be visible from the SDNP and with proper maintenance and management would undoubtedly soften the impact of outward views from the national park.
79. Further mitigation will be required in the form a lighting assessment with any reserved matters, which would soften the impacts of the development by informing a design with limited light spill from the site, in accordance with the SDNP Dark Skies TAN. Further to this significant planting towards the southern end of the site would also help soften the impact of the development from a southerly aspect.
80. The proposed site itself would comfortably accommodate a development of 97 units whilst staying within the housing density required by Policy CP2. The reserved matters will require the submission of elevations and layout plans and this will be informed by a character assessment of the surrounding area in order to achieve a vernacular that matches the areas character. The maximum building height will be two stories
81. Trees, shrubs and hedgerows will play a key role in the successful delivery of this proposal. Hedgerows and landscaping have the potential to significantly soften the visual impact of the development. Additional planting as well as reinforcing existing vegetation and planting where possible, will be a key requirement of any detailed plans submission.
82. The site access would be formed by enhancing an existing access. The enhancements will be required to create an opening large enough for two vehicles to pass each other and create sufficient visibility splays. This may lead to a minor loss of hedgerows. However, with mitigation in the form of additional planting, this would only be considered to result in minor harm to the street scene and wider area.
83. The proposal will undoubtedly have visual ramifications for the surrounding landscape. This site sits amongst existing development



and as such, the proposal does not represent wholly new development in the countryside.

84. For purposes of this assessment, the scale of the impact resulting from the proposal can be divided between the northern half and the southern half of the site.
85. The proposal would include a large CWA to the south west of the site, resulting in the planting of approximately 2000 new trees. This would significantly soften the visual impact of the development and would give a more verdant appearance to the area, especially from a western aspect.
86. The northern half of the site would have a significantly lesser impact on the surrounding Area. Both ESCC Landscaping Officers and the SDNPA suggest that the impact caused by the northern half of the site warrants a lesser concern than the southern half. This is due to the northern half of the site forming a more natural extension of the built form of the Broyleside settlement. Officers consider that the northern half of the site represents a less than significant harm to the countryside and the SDNP.
87. The southern half of the site extends more deeply into the countryside, this would have far reaching views from the wider environment and the SDNP and would result in a greater degree of harm upon the surrounding landscape. Mitigations are offered in the form of the creation of the large CWA, the requirement for a lighting assessment and extensive planting along the periphery of the site. Nonetheless, Officers consider that to its fullest extent the southern half of the site would result in harm to the openness of the countryside. Due to its separation, the harm to the SDNP would be lesser, however harm can still be attributed which could be quantified as a less than significant harm to the SDNP, subject to relevant mitigations.
88. Overall, the development would result in harm to the countryside at the southern half of the site and less than significant harm to the SDNP. However, there are significant gains to be made in terms of a net increase in planting. Mitigation offered would significantly soften the impact of the development. However, notwithstanding this, the harm to the countryside would still be considered to be significant, even if to a lesser degree.

### **Highways and Transport**

89. The site would be accessed on the northern boundary, directly from Lewes Road. The access includes a footway on both sides, ensuring the needs of cyclists and pedestrians, as well as motorists, are met. It is noted that the application is all matters reserved which includes access and therefore, specific details of the access would be dealt with at the detailed plans stage. However, ESCC highways have reviewed the site of the proposed access and have not objected to its location or potential impacts upon highways safety. Therefore, the siting and location of the access would be acceptable in terms of highways capacity and safety.

90. The site is located within 50 metres of existing bus stops on Lewes Road. There are regular bus services to Lewes, Uckfield and Brighton. The site is therefore considered to be in a relatively sustainable location with regards to public transport.
91. 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. This will specifically include details of how a refuse vehicle could navigate the site, as requested by LDC Waste Services.
92. The applicant has agreed that the quantum of parking spaces will be informed by and comply with both ESCC parking standards and the standards set out within the Ringmer Neighbourhood Plan Policy 8.3. Subject to compliance with parking standards, it is considered that the proposal would result in an acceptable parking arrangement.
93. The commercial/community hub element of the development would likely provide thirteen car parking spaces to be shared with the two flats above. The details and layout of the parking would be dealt with at reserved matters stage, in consultation with ESCC Highways Officers. However, the Highways Authority has confirmed that they are content that the site could accommodate all the required parking spaces and would be acceptable in this regard.
94. ESCC parking guidance requires the minimum dimensions of parking bays to be 5 metres in depth by 2.5 metres in width, with an additional 0.5 metres in either/both dimensions if the space is adjacent to a wall or fence. This will be a requirement at the discharge of the reserved matters.
95. The indicative layout proposes a significant number of tandem parking spaces. The Highway Authority has voiced their concerns and would seek to resist this arrangement. This is due to the inconvenience of the vehicles parked in the rear being blocked and how this would result in residents not using these spaces and parking on the highway, potentially resulting in overspill parking. Details submitted as part of the reserved matters should remove the proposed tandem parking where possible and this will be dealt with at reserved matters stage.
96. In terms of cycle parking provision, two spaces would need to be provided per house. The submitted details propose secure cycle stores to be provided in each garden, which is in line with ESCC parking guidance. The Highways Authority requires cycle stores to be located in a secure, convenient and covered location. Further details should be provided as part of reserved matters.
97. A Construction Traffic Management Plan would need to be provided with details to be agreed. This would need to include management of contractor parking to ensure no on-street parking occurs during the whole of the construction phases. This would be secured via condition to be discharged.
98. A Travel Plan has been submitted as part of the proposal. It is recommended that if the application comes forward, that the applicant

provides a Travel Plan Pack for every first occupier of each dwelling, in order to encourage the uptake of sustainable modes of transport.

99. A Transport Assessment has been submitted as part of this application. This illustrates that the proposed upper limit of the development of 97 dwellings has the potential to generate approximately 56 two-way vehicular weekday AM peak trips and 58 two-way vehicular weekday PM peak trips. ESCC Highways have reviewed the assessment and has confirmed that the methodology is acceptable.
100. The transport assessment includes junction assessments of key junctions in the local area. The junction assessments suggest that the operation of the proposed access, and the mini-roundabout junction between Lewes Road, B2192 and Laughton Road would operate within capacity at the expected number of additional trips.
101. However, the transport assessment also eludes to the junction improvements at Earwig Corner, which are to be delivered to accommodate a separate development on Bishops Lane. The junction improvements at Earwig Corner are yet to be completed and until this point it would not be possible to model the impact of the development upon the junction in its improved state. The Highways Authority has insisted that until the works at Earwig Corner are complete, it is not possible to understand the extent that the development would impact the junction, and whether or not this junction could accommodate the proposed development. As such, the Highways Authority originally refused their support for the scheme until an assessment of the junction at Earwig Corner can be undertaken.
102. The Highway Authority's position is clear that the only concern which would attract their objection to this scheme is the impact upon Earwig Junction and whether or not the yet to be completed junction would have the capacity to cope with the increased traffic from the site.
103. However, since the initial objection the LPA and the Highways authority have agreed to an approach to determining this application whereby if a positive recommendation is to be reached, the S106 would include a requirement that requires the works to the junction at Earwig Corner to be completed, modelled and submitted to the Council prior to any other reserved matters being discharged. This modelling exercise should show that the junction would have capacity to cope with the trips generated by the proposed development. The Highways Authority would be consulted and be required to agree in writing that the impact of the development would not unacceptably impact highways capacity at Earwig Corner, or that the impact of the development upon the junction could be successfully mitigated (It should also be noted that other planning applications in Ringmer may also be included in any junction assessment undertaken).
104. Should mitigations not be achievable, the number of units to be provided in the remainder of the reserved matters would be reduced to within levels that the junction could accommodate.

105. In summary, the site would be accessed from the northern boundary, directly from Lewes Road. The site is located in close proximity to bus stops and walking routes and is considered to be a sustainable location in close proximity to nearby amenities and transport links.
106. The proposal would seek parking provision in compliance with ESCC parking standards and the Ringmer Neighbourhood Plan. Concerns were raised relating to the proposed tandem parking spaces and their layout. However, the application is all matters reserved and it is considered that the parking layout can be resolved in a way to make the arrangement acceptable at reserved matters stage. The site layout will be resolved in consultation with ESCC Highways Officers.
107. The Highway Authority has initially objected to the proposal on the basis that the junction at Earwig Corner is yet to be completed and that until the works are complete it would not be possible to confirm whether or not the junction can cope with the cumulative impacts of the development. There are no other concerns raised by the Highway Authority that would warrant the refusal of the scheme and it has been confirmed that all other outstanding matters could be resolved at reserved matters stage.
108. Officers therefore seek to resolve the application by placing a condition that requires details to be submitted prior to the discharge of any other reserved matters, in relation to the completion of the works at Earwig Corner. This approach has been agreed by ESCC highways who retain a standing objection subject to this resolution, conditions and legal agreements. These details should include relevant highways modelling and assessments. If the highway modelling and the Highways Authority deems that the junction cannot sustain the proposed development the then number of units proposed should be reduced to within acceptable levels, in order to not have any unacceptable cumulative impacts upon the junction at Earwig Corner.
109. Overall, the proposal is considered to be acceptable subject to the successful resolution of concerns regarding Earwig Corner. It is on this basis that Officers consider the highways impacts acceptable.

### **Residential Amenity**

110. This is an outline application where, if permission is granted, the details of the layout will be reserved for further consideration under a subsequent planning application. However, the indicative drawings inform the layout and heights of the proposed development and provide an expectation of what would be delivered. For the most part, the indicative drawings show that the development maintains separation distances between proposed and adjoining existing properties and would not be in close proximity to any existing properties at Laughton's Lane or Chamberlaines Farm. Furthermore, the application is an 'up to' outline application and it would be within the gift of the LPA to reduce the numbers in order to protect the amenity of nearby properties.
111. Although the new houses would be clearly visible from surrounding properties and may obstruct existing views across open parts of the

site, there is no material right to a view. The separation distances shown in indicative drawings would preclude what would be regarded, in planning terms, significant overlooking, loss of outlook or obtrusiveness that would be considered to materially harm the living conditions for the occupants of existing nearby properties. Nonetheless, the detailed reserved matters will include boundary planting and landscaped buffers, which would help to mitigate noise disturbance and harm to views for the neighbouring properties.

112. The proposed development is all matters reserved with an upper limit of 97 units. The indicative layout submitted with the proposal, in unison with the two storey heights of the proposed structures would not be considered to result in any unacceptable impacts upon any existing neighbouring properties in terms of overbearing, overshadowing, overlooking or daylighting/sunlighting. It is considered that the proposal could accommodate the upper development limit of 97 units within the site, whilst not resulting in any unacceptable internal or external residential amenity issues.
113. The application is considered to be acceptable in terms residential amenity subject to conditions and further details.

#### **Living Conditions for Future Occupants**

114. It is considered that the indicative layout plans demonstrate that the site could accommodate a development of up to 97 dwellings, that would also provide a good sense of place and community. However, it is expected that less than 97 units would be delivered given other site constraints such as SUDS and Landscaping, resulting in a more generous site layout in terms of living conditions. Nonetheless, the indicative layout shows that there would be sufficient space to provide soft landscaping and greenery as well as communal open areas. The site would be located adjacent to the existing settlement of Broyleside and would not be isolated and would have good connections to the existing community and services. It is therefore considered that occupants of the proposed dwellings would not feel a sense of detachment from their wider surroundings and would have a good standard of environment within the site itself.
115. It is stated that all housing units would meet the Nationally Described Space Standards and based on measurements 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 would be able to accommodate a good-sized garden, whilst communal green space would also be available.
116. The proposed development would include safe pedestrian links to Lewes Road in the form of raised kerb footways. There is a pedestrian link connecting the site to both Ringmer and Broyleside meaning that residents of the existing settlements and residents of the site can easily access the existing and proposed community facilities and local amenities.
117. An acoustic survey and report accompany the submission. The survey was undertaken over a number of days and nights to

specifically assess levels of noise emanating from the South Downs and Eridge Hunt Kennels to the north of the site. The wider general conclusions are that no other relevant noise sources will detrimentally affect the proposal.

118. The results of the analysis conducted within the report show that for the most exposed facades facing towards the kennels, an acceptable noise level could not be achieved with windows open. However, using readily available glazing and ventilation products, sound reduction could be achieved to acceptable levels of noise. For facades facing away from the hunting kennels, an acceptable level of noise could be achieved with windows open.
119. The acoustic report concludes that with appropriate mitigation in the form of acoustic fencing and screening, the impacts of the noise upon open facades facing the kennels could be mitigated to within acceptable levels for all properties. This in unison with good acoustic design in the fabric of the dwellings closest to the source of the noise, would not result in any unacceptable impacts upon the living standards of the future occupiers of the proposed dwellings.
120. The site would be a sufficient size and scale to sustain a development of 'up to' 97 units comfortably, whilst providing adequate living standards in terms of local environment and internal and external quality of private accommodation.
121. It is worth noting that although 97 units could be delivered on site, the detailed submission is an 'up to' application with 97 units being the upper limit. It is more than likely that given other site constraints that this number is likely to be below this figure, allowing for a more spacious site layout.
122. The site is well connected with existing public services meaning that the residents of the existing settlements can easily access the public realm improvements and the CWA and community facilities within the site. The pedestrian and vehicular links to Broyleside and Ringmer would allow residents of the site to easily access the amenities at the existing settlements.
123. The site is situated adjacent to the South Downs and Eridge Hunt Kennels. An acoustic report has assessed the impact of the kennels and concluded that subject to sufficient mitigation, the noise from the kennels would not detrimentally impact the living conditions of the future residents of the site. Therefore, subject to details of the acoustic fencing being submitted and approved by the LPA, the proposed development would not be considered to offer an unacceptable standard of living in terms of noise and disturbance.
124. It is therefore considered that the proposed development complies with Policy CP2 of LPP1, policy DM15, DM16 and DM25 of LPP2 and Section 8 of the NPPF.

## **Flooding and Drainage**

125. The proposed development would involve the introduction of buildings and impermeable surfaces (equating to a total area of approx. 3.96 hectares) on what is currently an undeveloped greenfield site.
126. The site is intersected by a major stream/river. According to the Environment Agency's Flood Map For Planning, the areas immediately surrounding this stream are located within Flood Zones 2 (4% of the total site) and 3a (13% of the total site) which puts these areas at risk of fluvial flooding. The remainder of the site falls within Flood Zone 1.
127. It is worth noting that the proposal is an all matters reserved application, so therefore final details of the layout of the site are unconfirmed. However, the applicants indicative site layout has demonstrated that the dwellings would only be located within Flood Zone 1. Only the less sensitive uses such as, roads and footpaths would be located within Flood Zones 2 and 3a. Flood Zones 2 and 3a will also feature green spaces, which adds amenity and biodiversity value to the site.
128. The NPPF requires that developments in areas at risk of flooding (Flood Zones 2 and 3) carry out the sequential test. The indicative layout plan sets out that all of the proposed dwellings would be located within Flood Zone 1 and therefore, the proposal is in accordance with the sequential test and the exception test is not a requirement of the proposal.
129. The Flood Risk Assessment (FRA) includes details of how flood risk would be managed. The proposal would include flood protection measures such as, raising the floor levels of the properties by 150mm above finished ground level where practicable.
130. However, ultimately surface water would be managed by runoff being directed via a piped drainage network into three geo-cellular storage ponds (two for northern catchment of the site one for the southern catchment). Which would allow controlled discharge at a restricted rate into adjacent watercourses. 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. Hydraulic modelling for the attenuation tanks provided in the FRA indicates that discharge into the water course will be less than it is at present.
131. Pollution control measures could be integrated into the drainage scheme to prevent discharge of pollutants into surrounding watercourses or onto surrounding land.
132. The FRA includes details of other sustainable SUDS mechanisms to be incorporated into the scheme such as, swales, permeable paving, rain gardens, tree pits and water butts.
133. Following the initial objections, the applicant has worked with both ESCC SUDS and the EA to resolve the concerns. At this point it is again worth reiterating that the scheme is an 'up to' development with a ceiling of 97 units and there is scope to reduce this number.

134. The applicant has made it clear that at the reserved matters stage they would reduce the number of units in accordance with the requirements of both the EA and ESCC SUDS. The reserved matters will be discharged in consultation with both ESCC SUDS and the EA to achieve a favourable layout. This layout would be required to maintain full access for maintenance of the watercourse, without increasing the risk of flooding. As such, due to site limitations the applicants have indicated that they are currently working to an assumption of a maximum of 91 units at the site to address comments relating to flooding.
135. Further to the above agreement to discharge the reserved matters in accordance with the EA and ESCC SUDS, the applicant submitted an updated FRA assessment to address Reason 2 of the EA's initial objection, which includes additional information and clarification on the points raised.
136. Since the above agreements and additional information was submitted, both ESCC SUDS and the EA have revised their comments and have both submitted responses which state that they have no objections subject to conditions.
137. In conclusion, the site is intersected by a major stream/river and falls partly in Flood Zones 2 and 3a. Residential properties are only proposed within the Flood Zone 1 areas of the site to minimise the risk to the health and well-being of the future occupants. Surface water would be managed by surface water runoff being directed via a piped drainage network into three geo-cellular storage ponds, which would then be released back into the watercourse at a controlled rate.
138. The initial objections raised by both ESCC SUDS and the EA have been resolved by implementing conditions and limiting the extent of the development so that the watercourse can be effectively managed. Both statutory consultees have therefore withdrawn their objections and have recommended approval subject to conditions. Details of the reserved matters will be carried out in consultation with both the EA and ESCC SUDS, who are both content an effective SUDS solution can be achieved.
139. It is 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 and maintain amenity space and wildlife areas. 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.
140. It is therefore considered that surface water run-off generated by the development can be adequately managed without unacceptable risk of flooding. The development is therefore considered to comply with policy CP12 of LPP1 and paras. 161 and 162 of the NPPF.

### **Ecology & Biodiversity**

141. The application is accompanied by an Ecological Appraisal Report, which sets out the impact of the proposal on a number of protected



species. The Ecological Appraisal Report identifies the primary ecological hotspots of the proposed development as being the river, the hedgerows and the trees at the site. Most of which are to be retained in the indicative layout plan. The majority of the grassland 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, foraging bats, hazel dormouse and reptiles.

142. The report sets out a range of mitigation measures to minimise the impact upon wildlife during site clearance and construction works. This includes the translocation of reptiles from the construction zone to a suitable receptor site, prior to the site preparation and the commencement of works, to avoid the risk of killing/injuring reptiles. The report also suggests the timing of all vegetation clearance works to avoid hibernating, maternity and nesting seasons for bats, birds, mammals, and reptiles.
143. Further measures will be taken to ensure all retained trees and hedgerow are protected during site clearance and construction works; that external lighting is avoided or minimised where possible; that excavations and open pipework is covered overnight; and that new boundary fencing includes mammal gates.
144. A number of opportunities for ecological enhancements/biodiversity net gain are identified within the report. These include the creation of a generously sized Community Woodland Area, which will be secured via legal agreement and will provide up to 2000 new trees. Further enhancement measures and recommendations for the site and the Community Woodland Area include: the use of native wildflower and grass seed mix in areas of green space; the creation of roosting opportunities: the installation of bat and bird roost/nest boxes: and the creation of a barn owl box.
145. ESCC Ecology Officer has assessed the appraisal and the details of this response are set out below.

#### ***Designated sites and habitats***

146. The site is not designated for its nature conservation interest. Given the nature, scale and location of the proposed development, there are unlikely to be any impacts on any designated sites.
147. The site currently comprises semi-improved grassland, hedgerows, tree cover, trees/treelines, dense scrub and ruderal vegetation, a watercourse, buildings and hard standing. ESCC Ecology Officer has identified that the habitats of greatest significance are the boundary habitats, hedgerows and tree lines, and the watercourse. Many of the existing habitats are to be retained and protected.
148. The proposal seeks to enhance the hedgerows, which is supported by ESCC Ecology Officer. All new hedgerows are recommended to be comprised of native species with high biodiversity value. Historically semi-improved grassland forms most of the site, the majority of which would be lost in this proposal. However, semi improved grassland is

of relatively low importance, on the grounds that it is of a low diversity value and has been regularly managed for hay/silage in the past.

149. A reduction in management in recent times has improved the structure of the grassland such that it now offers greater potential for protected species, most notably amphibians and reptiles.
150. The impacts and mitigations upon all species for consideration are set out below.

### ***Badgers***

151. Badgers are protected under the Protection of Badgers Act 1992. No evidence of badgers has been recorded on site, but it is possible that badgers may enter the site from the surrounding landscape, as they are a relatively common and widespread species. The report sets out several mitigations for during construction.
152. Details of construction management and ecology mitigation will be secured at the detailed plans stage. However, ESCC Ecology Officer confirms that the safeguarding measures set out in the Ecological Appraisal report are supported. However, as the application still has to progress through detailed plans stage and it is likely to be some time before the development breaks ground, ESCC Ecology has recommended that a Reserved Matters application is informed by updated badger surveys.

### ***Bats***

153. All species of bats are fully protected under the Wildlife and Countryside Act 1981, (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), making them a European Protected Species.
154. The existing buildings on site offer negligible bat roost potential and no evidence of bats was found. Five trees were assessed as offering low bat roost potential. The indicative layout shows these trees as being retained. However, should this change at the Reserved Matters stage, an updated bat roost assessment will be required.
155. The Ecological Appraisal report sets out a number of mitigations for circumstances where any trees with low bat roost potential require works or removal. The mitigation measures would require the felling of such trees to be undertaken under an ecological watching brief and would be required to be carried out using the 'soft-felling' technique. The 'soft felling' technique is carried out by cutting sections of the tree and lowering them to the ground. This is followed by leaving the felled sections on the ground for a period of at least 24 hours to allow any bats, should these be present, to escape.
156. ESCC Ecology Officer confirms that the proposed Community Woodland Area and the enhancement of boundary features will enhance the site for bats. These elements are therefore considered to be a positive benefit of the development with regards to bats and their protection/enhancement.

### ***Breeding birds***

157. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken.
158. The hedgerows, scrub and trees on site offer potential for nesting birds. To avoid disturbance to nesting birds, any demolition of buildings or the removal of scrub/trees that could provide nesting habitat should be carried out outside of the breeding season (generally March to August).

#### ***Hazel Dormouse***

159. The hazel dormouse is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017 (as amended), making it a European Protected Species.
160. Scrub and hedgerows on site offer some potential for dormice, albeit limited by the site's isolation from optimal habitat. Also, the majority of suitable habitats are to be retained under current proposals. The report suggests precautionary measures in the eventuality that there is any removal of dense scrub or tree cover. The mitigation measures suggested are that this should be undertaken under a watching brief, ideally within the active season for dormice, and that the removal is preceded by a search of the vegetation by a suitably qualified ecologist.
161. ESCC Ecology Officer has confirmed that the precautionary measures recommended in the Ecological Appraisal report are supported. Should the layout significantly change from the indicative layout at reserved matters stage, the potential impacts on dormice should be reassessed and an updated report submitted.

#### ***Great Crested Newts***

162. The Great Crested Newt (GCN) is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017 (As amended), making it a European Protected Species.
163. There are records of GCN within 250 metres of the site, and two of the ponds within 250 metres were assessed as offering average and excellent potential for GCN. There is also suitable terrestrial habitat on site. As such, works will require a European Protected Species Licence, which will need to be informed by up-to-date surveys.
164. ESCC Ecology Officer has suggested that an alternative approach would be for the applicant to enter the forthcoming District Licensing scheme with NatureSpace. The site lies within the red zone of the Impact Risk Zone maps, indicating that the area is highly suitable for GCN. Whilst a district licence has not yet been secured, the licence application is being considered by Natural England and is expected imminently.
165. Subject to applying for and receiving the appropriate licenses, the proposal would not result in any unacceptable impacts upon GCN.

### ***Reptiles***

166. Slow worms, grass snakes, common lizards and adders are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).
167. There are local records of reptiles, and the Ecological Appraisal notes that the grassland offers moderate potential for reptiles, with the boundary habitats offering elevated potential. Whilst previous regular management of the grassland may have limited reptile colonisation of the site, as the site has not been managed for some time, its suitability has increased.
168. The Ecological Appraisal report recommends a precautionary approach to vegetation clearance. Whilst this may be appropriate if populations are low, ESCC Ecology Officer has recommended that a Reserved Matters application is informed by presence/absence surveys so that appropriate mitigation/compensation can be agreed.

### ***Other species***

169. The site has the potential to support Hedgehogs. The Hedgehog is listed as a Species of Principal Importance (SPI) under section 41 of the NERC Act, and is classed as vulnerable to extinction on the Red List for British Mammals, as populations have suffered significant declines in recent years.
170. The Ecology Appraisal sets out mitigation measures in the form of:
- Implementing a watching brief, which should be maintained for Hedgehog and other small mammals throughout any clearance works,.
  - Any piles of material already present on site, particularly vegetation/leaves, etc. and any areas of dense scrub or hedgerows, shall be dismantled/removed by hand and checked for Hedgehog prior to the use of any machinery/disposal.
  - Any material to be disposed of by burning, particularly waste from vegetation clearance and tree works, should not be left piled on site for more than 24 hours in order to minimise the risk of Hedgehogs occupying the pile.
  - The development should include mammal gates in residential gardens
  - Any injured hedgehogs found during construction should be taken to a vet immediately
171. ESCC Ecology Officer has confirmed that the safeguarding measures set out in the Ecological Appraisal report are supported.

### ***Mitigation Measures and Biodiversity Net Gain***

172. In addition to the above mitigation and compensation measures, the development should seek to enhance biodiversity and to provide biodiversity net gain, as required by the NERC Act, and national and local planning policy.

173. ESCC Ecology Officer confirms that the recommendations made in the Ecological Appraisal report are broadly acceptable, and it is noted that some of these recommendations have been incorporated into the Design and Access Statement and the site layout.
174. In addition to the recommendations in the Ecology Appraisal, it is recommended that new buildings should incorporate integral features for birds and bats such as, integral bird/bat boxes and bat tiles, and a barn owl box could be provided in the Woodland Community Area.
175. Consideration should also be given to the provision of green (biodiverse rather than sedum) roofs where possible, and to the use of hardy wildflower mixes for amenity grassland areas. The SuDS features should be designed to maximise opportunities for biodiversity. A full application should also be supported by a Landscape and Ecological Management Plan, setting out the long-term management of the new and retained semi-natural habitats.
176. In summary, there are several different species which may be affected by the proposal, but there is also potential for ecological benefits. The proposal includes a Community Woodland Area, which will result in significant biodiversity net gain for the area and will be secured via legal agreement. The Community Woodland Area's longevity will be insured by a requirement within the legal agreement to provide an ongoing management and maintenance plan.
177. ESCC Ecology Officer has confirmed that if the recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective with regard to protected species. Further mitigation is recommended by ESCC Ecology Officer which can be secured at the reserved matters stage and detailed in an updated Ecological Impact Assessment.
178. Overall, the proposal seeks adequate mitigation and would result in significant biodiversity enhancement measures. ESCC Ecology Officer has confirmed that they have no objection to the proposal and therefore, the ecological impact of the proposal is acceptable.

## **Environmental Health**

### ***Air quality***

179. The initial response from LDC's Air Quality Officer recommended refusal of the proposed development, due to the absence of an air quality assessment. However, since the initial response, an updated response has been received which withdraws the objections. The response sets out that the air quality assessment and any required mitigation can be achieved at the reserved matters stage. As such, it is considered that a successful resolution in terms of air quality can be achieved for this scheme.
180. Therefore, Officers have no air quality concerns subject to conditions.

### ***Contamination***

181. The proposal does not include any Ground Contamination Assessment. However, LDC's Contamination Officer has provided a

response which sets out that a Ground Contamination Assessment and any required remediation can be submitted at the reserved matters stage, as it is considered that a successful resolution can be achieved for this scheme.

### ***Environmental Health Conclusion***

182. Neither a Ground Contamination Assessment nor an Air Quality Assessment have been submitted with this proposal. However, the proposal is all matters reserved and both assessments can be effectively dealt with at reserved matters stage. Any recommended reports and subsequent mitigation will be required prior to any development commencing at this site. Therefore, there are no environmental health concerns resulting from the proposal subject to additional details.

### **Sustainability**

183. 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. This includes restricting development surrounding existing watercourses to 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 LPP2 Policy DM14.
184. 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.
185. A Site Waste Management Plan (SWMP) should be submitted at the reserved matters stage in full accordance with the Site Waste Management Plan Regulations 2008.

### **Archaeology**

186. An Archaeological Desk Based Assessment (DBA) of the site has been carried out and a report submitted as part of the suite of documents supporting the application.
187. The DBA places the proposed development site within an archaeological and historic context and confirms that the application site lies in an area of known prehistoric, Romano-British, medieval and post-medieval exploitation and settlement.
188. ESCC Archaeological Officer has reviewed the report and generally agrees with its conclusions. In light of the potential for impacts to heritage assets with archaeological interest, it is recommended that

the area affected by the proposals should be the subject of a programme of archaeological works, in order to determine the impact of the proposal.

189. This programme of works would 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. This schedule of works will be required at the reserved matters stage.
190. Due to the archaeological potential of the site, a schedule of archaeological works will be required to be carried out at the reserved matters stage at the advice of ESCC Archaeological Officer.
191. Therefore, subject to additional details being received at reserved matters stage, the proposed development complies with Policy CP11 of LPP1, DM33 of LPP2 and section 16 of the NPPF.

### **Planning Obligations**

192. The proposed scheme represents major development and, as such, there is a requirement for affordable housing to be provided. At a rate of 40% of the total number of units being provided as affordable housing, the proposal is in accordance with Policy CP1 of the Lewes District Core Strategy. No specific numbers have been agreed as the scheme is an 'up to' application. However, with an upper limit of 97 units, the maximum number of affordable housing units would be 38.8 units.
193. In order to fully comply with the standards set out in the Lewes District Council SPD for affordable housing, all the whole units would need to be incorporated into the development with any remaining decimal points 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. Any commuted sum will be calculated using the Affordable Housing Commuted Sum Table provided in the Affordable Housing SPD.
194. 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 with a tenure split of 75% affordable rent and 25% intermediate has been agreed.
195. The applicant has agreed to provide a Community Woodland Area to the south west of the site which is demarcated in plan 2103-F-022 . The applicant has indicated that the landowner will be responsible for the ongoing maintenance of the woodland area. The provision of the Community Woodland Area will be secured by S106 Agreement. A planting plan along with a woodland maintenance plan will be required by the S106.
196. The community facilities proposed by the applicant will be secured by S106 agreement. The community facilities including the two flats above, will be managed and operated by a nominated operator, who will be confirmed and agreed with the Council. These facilities will be

gifted in their entirety to the nominated operator and will be maintained using funds received via rent and fees for other services.

197. Officers seek to resolve Highways objections by placing a provision within the S106 agreement that requires details to be submitted prior to the discharge of any other reserved matters, in relation to the completion of the works at Earwig Corner. The reserved matters application should reflect the outcomes of the assessments of the new junction and this will be secured via S106.

### **Human Rights Implications**

198. 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.

### **Planning Balance**

199. The provision of 'up to' 97 units given the scale of the Councils housing requirement would play a role in reaching the target of 602 homes per year. It is noted that this number may be reduced at reserved matters stage to ensure that other technical considerations of the scheme are acceptable. Therefore, Officers consider that the provision 'up to' 97 homes would carry significant positive weight in the planning balance.
200. At a rate of 40% of the total number of units being provided as affordable housing, the proposal is in accordance with Policy CP1 of the Lewes District Core Strategy. With an upper limit of 97 units, the maximum number of affordable housing units would be 38.8. The policy compliant affordable housing would be a significant benefit of the scheme and would carry significant positive weight in the planning balance.
201. Overall, due to its degree of separation and the context of the development being located amongst existing built areas, the development would result in less than significant harm upon the setting of the SDNP subject to the reserved matters being informed by an LVIA. However, there are significant gains to be made in terms of a net increase in planting. Mitigation offered would significantly soften the impact of the development upon the national park. However, notwithstanding this, the harm to the would still be noticeable and the SDNP is an asset of significant importance. Therefore, it is attributed moderate negative weight in the planning balance.
202. The proposal complies with all elements of the 'Interim Policy Statement for Housing Delivery' except criteria relating to harm on the surrounding visual environment and landscape. This harm varies at different areas of the site but overall, the impact upon the surrounding landscape would be significant. Mitigations are offered which would go some way to softening the visual appearance of the development. However, the impact upon the landscape resulting from the



development, particularly for the southern half of the site, would carry negative weight in the planning balance.

203. The proposal includes the provision of a Community Woodland Area to the south west of the site (demarcated in plan 2103-F-022) which would provide approximately 2000 new trees. The proposed CWA would be accessible to the public and would provide a host of benefits including, softening the visual impact of the development; providing outdoor amenity space; and contributing to biodiversity net gain. The CWA would not completely mitigate the harms of the development however, its provision is supported by neighbourhood, local and national planning policy and it would undoubtedly result in benefits. Due to the range of benefits resulting from the provision of the CWA this would carry moderate positive weight in the planning balance.
204. The proposal includes the provision of community facilities. To resolve the lack of community facilities in Broyleside is an objective of the Ringmer Neighbourhood plan and thus the provision of such facilities carries with it positive weight. However, the provision of such facilities would not wholly balance out the harm resulting from the development. Officers consider that the provision of the community facilities would carry a minor positive weight.
205. The proposal seeks adequate mitigation and would result in significant biodiversity enhancement measures. ESCC Ecology Officer has confirmed that they have no objection to the proposal subject to conditions. Overall, the proposal would result in the loss of a low biodiversity value greenfield and some established hedgerows. However, it would offer enhancements in the form of an internal landscaping scheme, the CWA, the retention and enhancement of the river and enhancement and retention of the remaining hedgerows. On balance, the proposed biodiversity enhancements would be positive but limited to some degree. On this basis the biodiversity enhancements would carry minor positive weight in the planning balance.
206. Officers seek to resolve Highways objections by placing a provision within the S106 agreement that requires details to be submitted prior to the discharge of any other reserved matters, in relation to the completion of the works at Earwig Corner. If the highway modelling and the Highways Authority deems that the junction cannot sustain the proposed development the then number of units proposed should be reduced to be within acceptable levels. Subject to the successful resolution of impacts upon the highway, this would carry neutral weight in the planning balance.
207. The site is situated within an area with archaeological interest. Due to the archaeological potential of the site, a schedule of archaeological works will be required to be carried out at the reserved matters stage at the advice of ESCC Archaeological Officer. Subject to conditions, the archaeological impacts can be acceptably resolved, and this therefore bears neutral weight in the planning balance.
208. It is considered that surface water run-off generated by the development can be adequately managed without unacceptable risk

of flooding, subject to the reserved matters submission limiting the locations of dwellings and residential gardens to flood zone 1. Subject to conditions the flooding and SUDS impacts can be acceptably resolved, and this therefore bears neutral weight in the planning balance.

209. Neither a Ground Contamination Assessment nor an Air Quality Assessment have been submitted with this proposal. However, the proposal is all matters reserved and both assessments can be effectively dealt with at reserved matters stage. Subject to conditions, the environmental health impacts can be acceptably resolved, and this therefore bears neutral weight in the planning balance.
210. The site would be a sufficient size and scale to sustain a development of 'up to' 97 units comfortably, providing adequate living standards in terms of local environment and internal and external quality of private accommodation, whilst not harming the amenity of existing properties nearby. Subject to details at reserved matter stage the living standards and residential amenity impacts can be acceptably resolved, and this therefore bears neutral weight in the planning balance.
211. Overall, Officers consider that the significant benefits in terms of the provision of 'up to' 97 Units and a policy compliant affordable housing provision, the moderate benefits in terms of the provision of a Community Woodland Area, and the minor benefits in terms of a biodiversity net gain and the provision of community facilities, would outweigh the harm resulting upon the Visual Landscape, and the moderate harms upon the setting of the SDNP. Therefore, Officers consider that the scheme would be acceptable and is therefore recommended for approval.

## **Recommendation**

**Part A)** Subject to the successful completion of an S106 agreement under the following Heads of Terms:

- Provision of 40% of the residential units as Affordable Housing
- Provision of Community Woodland (Plan 2103-F-022)
- Provision of Community Hub
- Provision to delay the reserved matters submission until Earwig Corner improvements are completed and modelled. The reserved matters submission should reflect the outcome of this assessment.

The Planning Applications Committee grant the Head of Planning delegated authority to **APPROVE** the permission subject to conditions listed below.

**Part B)** Subject to the LPA and the applicant failing to successfully complete an S106 agreement to secure necessary legal requirements (referred to in Part A) by the 10<sup>th</sup> of February 2022 or a time frame agreed with the LPA, the Planning Applications Committee grant the

Head of Planning delegated authority to **REFUSE** the application for the following reason(s):

- The application fails to provide the necessary Affordable Housing, Community Facilities or Community Woodland Area for the proposed development, contrary to policy CP1 of LPP1, DM25 of LPP2, 7.1 of the Ringmer Neighbourhood Plan and the National Planning Policy Framework.

**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 LPA 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
  - e) access

(hereinafter called "the Reserved Matters") have been submitted to and approved in writing by the LPA. 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:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Other Plan(s)	27 April 2021	2013-F-020 Site Location Plan
Other Plan(s)	27 April 2021	2103-F-021 Context Plan
General	27 April 2021	Chamberlaines Final 2-Sheet 1
General	27 April 2021	Chamberlaines Final 2-Sheet 2
General	27 April 2021	Chamberlaines Final 2-Sheet 3
General	27 April 2021	Chamberlaines Final 2-Sheet 4
General	27 April 2021	Context Document
General	27 April 2021	Design and Access Statement
General	27 April 2021	Planning Statement

General	27 April 2021	Planning Statement Appendix 1
General	27 April 2021	Planning Statement Appendix 2
General	27 April 2021	Planning Statement Appendix 3
General	27 April 2021	Planning Statement Appendix 4
General	27 April 2021	Planning Statement Appendix 5
General	27 August 2021	2103-F-022 – Legal Agreement Plan 3
General	27 August 2021	2103-F-021 – Legal Agreement Plan 2
General	27 August 2021	2103-F-020 – Legal Agreement Plan 1

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 commence, including any ground works or works of demolition, until details of the layout of the new and the specification for the construction of the access, which shall include details of drainage and visibility splays 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 approved details.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LPP2 policy DM25 and para 110, 111 and 112 of the NPPF.

5. No development shall commence, including any ground works or works of demolition, until a Landscape and Visual Impact Assessment has been submitted to the LPA to aid in informing the final design of the proposed development. The LVIA shall inform the reserved matters considerations including:

- i) layout;
- ii) scale (to include overall number of dwellings);
- iii) landscaping (to include a scheme to ensure the retention and enhancement of trees and hedges around and within the site)

Reason: to ensure a satisfactory design of the proposal and to minimise the impact upon the South Downs National Park in accordance with DM25 and para 177 of the NPPF.

6. No development shall commence, including any ground works or works of demolition, until a lighting assessment and (if external lighting is necessary) a scheme of external lighting to be installed at the site have been submitted to and has been approved in writing by the LPA in consultation with the South Downs National Park Authority. The lighting shall:

- i) Comply with the guidance set out in the SDNPA's Dark Night Skies Technical Advice Note;
- ii) Be designed to minimise impacts on wildlife.

Reason: to ensure a satisfactory design and appearance of the proposal and to minimise the impact upon the South Downs National Park in accordance with DM25 and para 177 of the NPPF.

7. No development shall commence, including any works of demolition, until a Sustainability Statement has been submitted to and approved in writing by the LPA. 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 LPP1 policies CP10 and CP08, CP09, CP14 and LPP2 policy DM24 and Section 15 of the NPPF

8. No development shall commence until an arboriculture survey and impact assessment has been submitted to and approved in writing by the Local Planning Authority. The scheme as submitted shall be in accordance with British Standard 5837 (2005).

Any mitigations proposed and agreed in writing will be implemented prior to any development on site and shall be retained until the completion of the development.

Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies CP8 and CP10 of LPP1 DM24 and DM25 of LPP2, and the NPPF

9. No development shall commence, including any works of demolition or site clearance, until the following documents have been submitted to and approved in writing by the LPA in relation to the Community Woodland Area shown in plan reference 2103-F-022:

- Tree Planting and Hard and Soft Landscaping Plan
- Woodland Maintenance Plan

Reason: In the interests of the amenity and the landscape character of the area in accordance with LPP1 policy CP10, LPP2 policy DM27 and section 15 of the NPPF.

10. No development shall commence, including any works of demolition or site clearance, until the following document have been submitted to and approved in writing by the LPA in relation to the Community Facilities shown in plan reference 2103-F-021:

- Site Layout Plan
- Management Plan
- Secured by Design Statement

Reason: In the interests of the character and appearance of the community facilities, its long-term maintenance and its security, in accordance with policy DM25 of the LPP2 and para 92 and 97 of the NPPF.

11. No development shall take place, including any ground works or works of demolition, until such time as a technically accepted highway scheme [layout of the new access, pedestrian facilities, bus stop relocation, details incorporating the recommendations given in a Stage 2 Road Safety Audit and accepted in the Designers Response] has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved highway scheme shall be completed prior to first occupation of the development hereby permitted.

Reason: In the interests of road safety.

12. No development shall commence, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the LPA. 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;
- address vibration impacts arising out of the construction;
- dust mitigation measures,
- 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 LPP1, policies DM20 and DM23 of the LPP2 and the Circular Economy Technical Advice Note.

13. No development shall commence, including any works of demolition, until a detailed surface water drainage system shall be submitted in support to and approved in writing by the LPA. The proposed drainage strategy should incorporate source control sustainable drainage systems which manage surface water runoff close to the ground as much as possible. The surface water drainage system shall incorporate the following:
- a) Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to the greenfield runoff rates for all rainfall events including those with a 1 in 100 (plus 40% for climate change). The calculation should incorporate a 10% allowance for urban creep.
  - b) The details of the outfall of the proposed drainage system and how it connects into the watercourse shall be submitted as part of a detailed design including cross sections and invert levels.
  - c) The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
  - d) The detailed design of the surface water drainage features (attenuation tank and pond) shall be informed by findings of groundwater monitoring between autumn and spring at the location of the proposed drainage structures as minimum. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system should be provided

Reason: In order to ensure surface water is managed effectively in accordance with LPP1 policy CP12, LPP2 policy DM22 and para 166 and 168 of the NPPF.

14. No development shall commence, including any works of demolition, until a maintenance and management plan for the entire drainage system has been submitted to the planning authority, to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:
- a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
  - b) Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development

These details shall be submitted to and approved in writing by the LPA and shall thereafter remain in place for the lifetime of the development.

Reason: In order to ensure surface water is managed effectively in accordance with LPP1 policy CP12, LPP2 policy DM22 and para 166 and 168 of the NPPF.

15. No development shall commence, including any ground works or works of demolition, until the following has been submitted to and approved in writing by the LPA:

- details of the proposed clear span bridge, or alternative method of crossing the watercourse (i.e. the designated main river called ‘the Bulldog Sewer and Green Man Spur’); and
- evidence to demonstrate that the proposed clear span bridge, or alternative method of crossing the watercourse, will not increase flood risk on site or elsewhere (particularly downstream of the site).

Reason: Structures over watercourses can increase flood risk if they impede or block flood flows. Sufficient information about the proposed watercourse crossing will be required to show that it will not have detrimental impacts upon flood risk both on-site and offsite (particularly downstream) in accordance with LPP1 policy CP12, LPP2 policy DM22 and para 166 and 168 of the NPPF

16. No development shall commence, including any works of demolition or site clearance, until details of the protection of the trees to be retained has been submitted to and approved in writing by the LPA. 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 LPP1 policy CP10, LPP2 policy DM27 and section 15 of the NPPF.

17. No development shall commence, including any works of demolition, until details of earthworks have been submitted to and approved in writing by the LPA. 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 LPP1 policies CP10 and CP11, LPP2 policies DM25 and DM27 and section 15 of the NPPF.

18. No development shall commence, including any works of demolition, until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the LPA. The CEMP (Biodiversity) shall include the following:

- risk assessment of potentially damaging construction activities;
- identification of “biodiversity protection zones”;
- 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);



- the location and timing of sensitive works to avoid harm to biodiversity features;
- the times during construction when specialist ecologists need to be present on site to oversee works;
- responsible persons and lines of communication;
- the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- 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 LPP1.

19. No development commence, 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 LPA. The content of the method statement shall include the:

- purpose and objectives for the proposed works;
- detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- extent and location of proposed works shown on appropriate scale maps and plans;
- timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- persons responsible for implementing the works;
- initial aftercare and long-term maintenance (where relevant);
- 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 commence, including any ground works or works of demolition, 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 LPA. The EDS shall include the following:

- purpose and conservation objectives for the proposed works;

- review of site potential and constraints;
- detailed design(s) and/or working method(s) to achieve stated objectives;
- extent and location /area of proposed works on appropriate scale maps and plans;
- type and source of materials to be used where appropriate, e.g. native species of local provenance;
- timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- persons responsible for implementing the works;
- details of initial aftercare and long-term maintenance;
- details for monitoring and remedial measures;
- 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, para 170 and 175 of the NPPF, and CP10 of LPP1.

21. No development shall take place, including any demolition, ground works, site clearance, until an Air Quality Assessment (AQA), prepared in accordance with Institute of Air Quality Management (IAQM) best practice guidance and the Sussex-air guidance document <https://sussex-air.net/Reports/SussexAQGuidanceV.12020.pdf> has been submitted to and approved in writing by the LPA.

Reason: Reason: Reduce harmful emissions and minimising the impact of the development on air quality, in accordance with policies CP9, CP13 and CP14 of the LPP1 and LPP2 and having regard to the NPPF.

22. No development shall take place, including any demolition, ground works, site clearance, until (or such other date or stage in development as may be agreed in writing with the LPA), the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved, in writing, by the LPA:

- a. A preliminary risk assessment which has identified:
  - i) all previous uses
  - ii) potential contaminants associated with those uses
  - iii) a conceptual model of the site indicating contaminants, pathways and receptors
  - iv) potentially unacceptable risks arising from contamination at the site.
- b. A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- c. The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with NPPF, para 174, 183 and 184].

23. No development shall take place, including any demolition, ground works, site clearance, until details have been submitted showing that 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 a safe, open and welcoming location 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 details shall thereafter remain in place for the lifetime of the development unless otherwise agreed by the LPA.

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 LPP2 and section 8 of the NPPF.

24. No development shall take place, including any demolition, ground works, site clearance, 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 LPA.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with Policy CP11 LPP1 and the NPPF.

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 LPA. 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 25.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with Policy CP11 LPP1 and the NPPF.

26. Prior to occupation of the development hereby approved, full details of storage for refuse and recycling bins shall have been submitted to and approved in writing by the LPA. These areas shall thereafter be retained.

Reason: In the interests of the amenities of the area, having regard to policy DM26 and guidance within the National Planning Policy Framework.

27. Prior to occupation of the development hereby approved, details of sound protective fencing to the north east of the site adjacent to the South Downs and Eridge Hunt Kennels, shall be submitted to and approved in writing by the LPA. These details shall thereafter be retained.

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 LPP1, policies DM20 and DM23 of the LPP2 and the Circular Economy Technical Advice Note.

28. Prior occupation of the development, details shall be submitted to and approved in writing by the LPA for the installation of Ultra-Low NOx boilers with maximum NOX Emissions less than 40 mg/kWh. The details as approved shall be implemented prior to the first occupation of the development and shall thereafter be permanently retained.

Reason: To reduce harmful emissions and minimising the impact of the development on air quality, in accordance with policies CP9, CP13 and CP14 of the LPP1, LPP2 and having regard to the NPPF.

29. Prior to occupation of the development hereby approved, turning area/s for vehicles will have been provided and constructed in accordance with the details which have been submitted to and approved in writing by the Planning Authority and the turning space shall thereafter be retained for that use and shall not be obstructed

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

30. Prior to occupation of the development hereby approved, car parking areas shall have been provided in accordance with details which have been submitted to and approved in writing by the LPA 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 LPP2 policy DM25 and para 108, 109 and 110 of the NPPF.

31. Prior to occupation of the development hereby approved, cycle parking areas shall 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 LPP1 and para 104 of the NPPF.

32. Prior to occupation of the development hereby approved, a Travel Plan Statement shall have been submitted to and approved in writing by the LPA 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 LPP1 policy CP14 and section 9 of the NPPF.

33. Prior to occupation of the development hereby approved, evidence (including photographs and as built drawings) 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 LPP1 policy CP12, LPP2 policy DM22 and para 166 and 168 of the NPPF.

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

Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with NPPF, para 174, 183 and 184].

35. The development shall be carried out in accordance with the submitted Flood Risk Assessment (Flood Risk and Drainage Strategy, ref: 3042, dated July 2021, by Herrington Consulting Ltd) and the following mitigation measures it details:

- All buildings shall be located within Flood Zone 1 and outside of the flood extents for the Upper End climate change scenario (105%) (Section 6.1).
- No land raising or gardens of the proposed properties shall be located within the design flood extents (for the 1:100 45%cc event) (Section 6.2).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with LPP1 policy CP12, LPP2 policy DM22 and para 166 and 168 of the NPPF.

The condition is in line with the Planning Practice Guidance to the NPPF for Flood Risk and Coastal Change.

36. On each side of the watercourse (i.e. the designated main river called 'the Bulldog Sewer and Green Man Spur') an 8 metre wide buffer zone shall be maintained in accordance with the submitted plan (ref: 2103-F-003-B) (measured from the top of each riverbank). The buffer zone shall be kept free from any built development including lighting, domestic gardens and formal landscaping.

The buffer zone shall be kept free from any built development for the lifetime of the development.

Reason: A buffer zone is required to ensure there is the ability for riparian owners and/or the Environment Agency to access the watercourse to carry out essential or emergency maintenance activities to reduce and/or manage any flood risk. In addition, a buffer zone allows the river to be more naturalised which creates benefits for reducing flood risk, increasing resilience to climate change and creating valuable habitats for aquatic and semi-aquatic flora and fauna.

37. An external power point shall be supplied to each property, with an independent 32amp radial circuit and must comply with BS7671 for the purpose of future proofing the installation of an electric vehicle charging point.

Reason: Reason: To encourage the uptake of electric vehicles in the interests of reducing harmful emissions and minimising the impact of the development on air quality, in accordance with policies CP9, CP13 and CP14 of the LPP1 and having regard to LPP2 and the NPPF.

38. 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 LPP2 policy DM25 and para 110, 111 and 112 of the NPPF.

39. 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 LPA.

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 LPP1, policies DM20 and DM24 of the LPP2 and para 174, 180 and 185 of the NPPF.

40. 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 LPP2 policy DM25 and para 110, 111 and 112 of the NPPF.

41. 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 policy DM25 and para 108, 109 and 110 of the NPPF.

42. 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 LPP1 policies CP10 and CP11, LPP2 policies DM25, DM27 and DM33 and sections 15 and 16 of the NPPF.

43. All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (Aspect Ecology, April 2021) as already submitted with the planning application and agreed in principle with the LPA prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by para 174 and 180 of the NPPF, Section 40 of the Natural Environment and Rural Communities Act 2006, and CP10 of LPP1

44. Construction work shall be restricted to the hours of 0800 to 1800 Monday to Fridays and 0900 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 LPP2.

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

Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with NPPF, para 174, 183 and 184].

Informative(s)

1. All waste material arising from any site clearance, demolition, preparation and construction activities should be stored and removed from the site and disposed of in an appropriate manner. It is offence to burn trade waste. So, there should be no bonfire onsite

8. **Background Papers**

- 8.1 None.

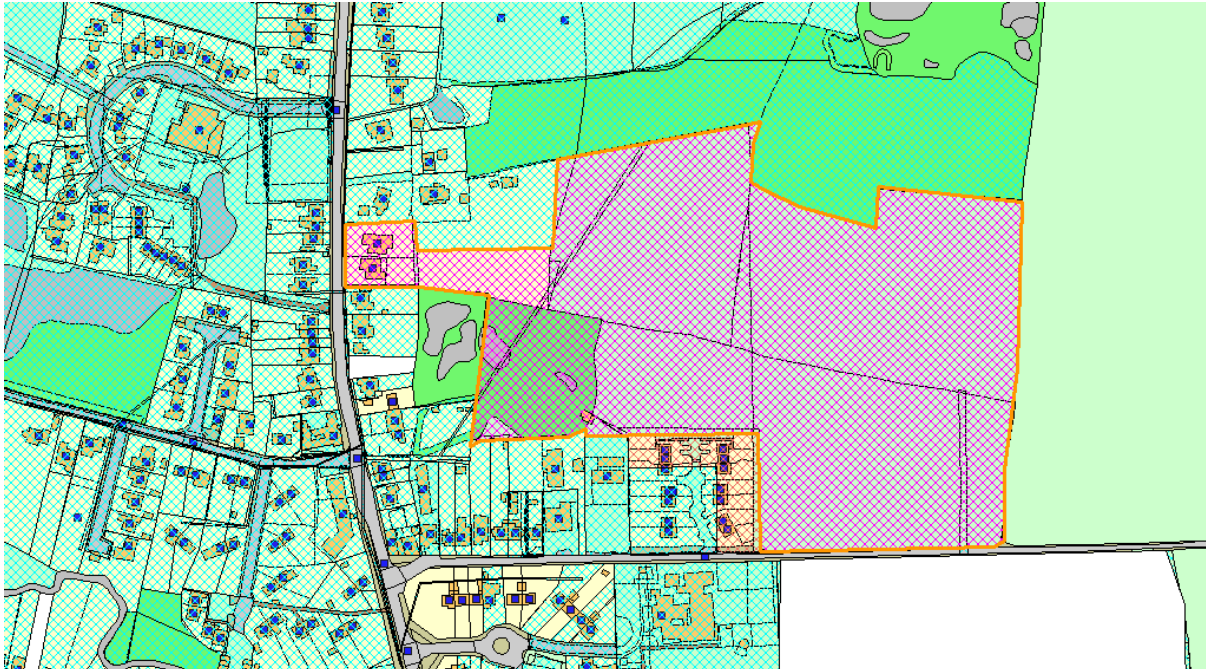


**Report to:** Planning Applications Committee  
**Date:** 8 December 2021  
**Application No:** LW/21/0262  
**Location:** Land adjacent Nolands Farm, Station Road, Plumpton Green, East Sussex  
**Proposal:** Outline application for the demolition of 2-No. existing dwellings and outbuildings and the erection of up to 86 No. residential dwellings, including 40% affordable housing, provision of pedestrian and vehicular access, open space, associated infrastructure and landscaping, all matters reserved except access (amended description).  
**Ward:** Plumpton, Streat, E.Chiltington, St John Without  
**Applicant:** Mr W Adams  
**Recommendation:** Refuse planning permission.  
**Contact Officer:** **Name:** Andrew Hill  
**E-mail:** [andrew.hill@lewes-eastbourne.gov.uk](mailto:andrew.hill@lewes-eastbourne.gov.uk)

---

**Important note: this scheme is CIL liable.**

## Map Location:



## 1. Executive Summary

- 1.1 The current scheme follows a previous outline application (LW/17/0885) for 45 dwellings, which was refused in 2018 on the

grounds of principle of development, landscape impact and impact on highway safety.

- 1.2 The submitted scheme is also in outline form with only access determinable at this stage. The current proposal is seeking permission for up to 86 residential units, and is supported with additional technical reports, seeking to address the previous reasons for refusal.
- 1.3 The proposed development would provide environmental gains by way of introducing new habitat as part of the site landscaping scheme however it would in itself result in the development of a large greenfield site. It would provide social gains by facilitating a net gain of 86 residential units (including 40% affordable housing units) that would be of an appropriate design for the area 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 an indicative layout, design, scale and landscaping details that demonstrate the site is capable of accommodating the development proposed. However it is considered that this extensive development to the east of the village, extending the built form of the village onto an area of undeveloped countryside would have a detrimental impact on the character and appearance of the wider landscape setting of this part of the village and wider countryside.
- 1.5 Overall, it is considered that the proposed development would have an unacceptable impact on areas or assets of significant importance (as defined in the NPPF), in this case the character and visual amenity associated with the wider countryside and result in significant harm that would outweigh the benefit that up to 86 new dwellings would have in assisting the district in addressing housing need.
- 1.6 It is therefore recommended that the application is refused.

## **2. Relevant Planning Policies**

### **2.1 National Planning Policy Framework**

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)

Spatial Policy SP2 - Distribution of Housing

LDLP1: - CP1 – Affordable Housing;

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: – 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

## 2.3 Plumpton Neighbourhood Plan

Policy 1 – Spatial Plan

Policy 2 – New Build Environment and Design

Policy 3 - Landscape and Biodiversity

Policy 4 – Sustainable Drainage and Wastewater Management

Policy 5 - New Housing

## 3. Site Description

3.1 The Application Site, comprising two properties located on the eastern side of Station Road and approximately 5ha of predominantly flat land to the east, is located on the eastern edge of Plumpton Green. With the exception of the two properties, Chestnut House and Saxon Gate and their curtilages, the site lies outside the planning boundary; it is not within or adjacent to a Conservation Area and is not within the South Downs National Park.

- 3.2 The site comprises the access (2 existing dwellings with gardens and part of a field forming the immediate Nolands Farm House curtilage), three larger fields bounded by mature hedgerow with some trees and a small area of woodland containing two ponds, on the north side of North Barnes Lane. The site is not classified as high-grade agricultural land. The southern boundary of the Site is contiguous with existing residential development along North Barnes Lane and the Lane itself.
- 3.3 To the south of North Barnes Lane, the land is within the control of the applicant. This land is currently formed partly of open field with trees and scrubland in the western part and the Bevern Stream flanked by mature trees is just beyond the southern boundary.
- 3.4 The site is in close proximity to a range of services and facilities including the convenience store/post office, village hall, pub, recreation ground and tennis club, pre-school, railway station and bus stops, all within walking distance of the site.
- 3.5 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 86 new dwellings on the site, to include 40% affordable housing. All matters are reserved other than site access details. A new access off Station road would function as the main access to the site and would be provided by way of a new crossover formed on the western part of the site currently occupied by the dwellings Saxon Gate and Chestnut House. The application has been amended with the reduction in the maximum number of units (down from 89 to 86) and the removal of the proposed business hub.
- 4.2 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 layout has been amended to address concerns raised in third party representations. The accompanying Design & Access Statement sets out design principles and parameters. It is stated that maximum building height would be two-storey, with single storey bungalows and covered parking structures. It describes how dwellings could be designed to be sympathetic to the local vernacular through the identification of characteristic architectural features and locally used materials.
- 4.3 The application is accompanied by a range of supporting documents including an Ecological Appraisal, Landscape and Ecology Plan, Biodiversity Impact Calculation, Archaeological Assessment, Utilities and Foul Drainage assessment, Flood Risk Assessment, and assessments covering Landscape and Visual Impact, Townscape, arboriculture, transport, energy statement, and an environmental

assessment. An indicative layout plan, together with indicative design plans to show building designs and materials have also been submitted.

## 5. Relevant Planning History

- 5.1 E/58/0544 - Outline Application to erect ten dwellinghouses. - Refused
- 5.2 E/71/0608 - Outline Application for the erection of dwellings. - Refused
- 5.3 E/71/0789 - Outline Application for erection of dwellings. - Refused
- 5.4 LW/87/1101 - Planning and Building Regulations Applications and Listed Building Consent to erect a front porch. Planning Permission Approved Conditionally. Building Regulations Exempt. Site plan inadequate. Plotted from sheets. - Approved
- 5.5 LW/01/0873 - Demolition of outbuildings and construction of bungalow. – Approved
- 5.6 LW/02/0930 - Listed Building application for alteration to drive including part demolition of garden wall - Withdrawn
- 5.7 LW/04/2598 - Change of Use of land from agricultural to residential, extension of driveway and erection of garage - Approved
- 5.8 LW/17/0885 - Outline planning application for 45 new dwellings, including 40% affordable units, the demolition of two existing dwellings and outbuildings. Provision of a new vehicular and pedestrian access via Station Road. Provision of open space, associated infrastructure and landscaping. Demolition of 2 no. existing houses - Saxon Gate & Chestnut House - and miscellaneous farm structures - Refused
- 5.9 LW/21/0055 - screening opinion relating to potential development of 89 new dwellings – EIA not required as not EIA development.

## 6. Consultations

### 6.1 Consultations:

ESCC Landscape Architect – On balance and considering the current policy context, it is recommended that the proposed development could be supported. This would be subject to a robust mitigation strategy, as outlined.

It is recognised that the proposed development needs to be considered against the provisions of policy DM1 of the LPP2 and Policy 1 of the Plumpton Neighbourhood Plan as it would be outside the current planning boundary and within a countryside setting. However, as the council can no longer demonstrate a five-year housing supply it is understood that both of these policies can only be afforded moderate weight and therefore decisions on planning applications involving provision of housing must be tilted in favour of sustainable development, in accordance 11d of the NPPF. The Lewes DC Planning Policy comment on this application, dated 14.5.21, outlines that this means planning permission should be granted unless any adverse impacts would significantly outweigh the benefits.

The Lewes District Council and South Downs National Park Landscape Capacity Study (September 2021) for Plumpton Green concludes that:

The south-east edge of the village is relatively open with medium sized fields, however land to the immediate east features several smaller fields bounded by mature trees and hedgerows. These features contain the landscape and obstruct outside views. This area offers the greatest opportunity for change without impacting on the landscape character. Although other identified landscape character areas, adjacent to the existing development area, are considered to be more visually sensitive due to the larger scale landscape, there is the potential for small scale changes in the landscape within a strong and reinforced landscape.

This study identifies three broad character areas around the village and the site area is washed over by two of these. The majority of the site area is within character Area B01 which is assessed as having a medium capacity for development. The field within the proposed site development area to the east of Sun Close is in character Area A01 which is assessed as having low to negligible capacity for development. The area which is in the same ownership as the application site to the south and east of the school, Area A03, is assessed as having low to negligible capacity.

It is acknowledged that areas of the site could be considered suitable for development without having unacceptable impacts on the wider landscape and views. Notably those fields closest to the village edge that are aligned with the existing development edge.

It is noted that a Landscape and Visual Impact Assessment (LVIA, HED March 2021) has been submitted to accompany the application. This provides a description of the baseline landscape and visual context of the site and surrounding area including the local and national planning policy context.

The LVIA does identify some local sensitivities in relation to the site including the intact character of the field systems and strong historic field pattern. The LVIA identifies viewpoints towards the site from the local public footpath network and assesses the potential visual effects of the proposed development from these views.

The LVIA suggests that the proposed development, with appropriate mitigation, would have an overall moderate adverse effect on landscape and visual amenity. The LVIA concludes that these effects will reduce to minor after 15 years, by which time the proposed mitigation planting would have established. The change would be from rural countryside to medium to low density residential development across the site area. The proposed mitigation includes retention of the existing trees and hedgerows on the site, provision of landscape buffers to the boundaries with the countryside and reduced densities on the rural edges of the site. The proposed development would have an impact on the rural character of this edge of village location. The conclusion of the LVIA that this would reduce over time would be dependent on the detailed design and robust mitigation measures.

The proposed landscape masterplan would retain existing mature trees and hedgerows; however, the historic open green field character within this framework of hedges would be lost. The site currently forms part of the

green buffer between the wider countryside and the village. This buffer is important in views to the village from surrounding public rights of way and notably North Barnes Lane, as well as footpaths 8a, 20 and 16. The views across the site area from Sun Close and Barnes Lane towards the church spire are also notable. These could be obscured by the proposed development.

The background assessments which have informed the Plumpton Neighbourhood Plan concluded that there would be scope for small scale development to the east of the village and as an extension to the built-up area boundary. These are proposed to be low density developments with, for example, a maximum of twenty houses on the Oakfield plot. It was considered that low density development in a strong landscape framework would not detract from the character of the village.

The development boundary on the eastern edge of the village is currently Sun Close aligned with the school to the south. The development of 20 units currently under construction on the Oakfield site does not extend beyond this edge. The proposed development of 89 units would extend beyond this edge and encroach into the countryside setting of the village.

It is acknowledged that the proposed development would retain and protect most of the existing trees and hedges on the site. If reinforced with new tree planting the well treed hedgerow on the eastern edge of the site could be established as the new defined boundary to the village

The two houses to be demolished have become an established part of the streetscape and are well designed to be in character with the local vernacular. The loss of these and creation of a new bell mouth would have an adverse impact on the character of Station Road in this location. It is noted that a new house is proposed on the south side of the access which would help to mitigate the impact of the new access.

There are views towards the development site from the local footpath network and in most of these views the roofs of Sun Close are evident. The development and associated mitigation could offer an opportunity to reduce the visual impact of the houses in Sun Close from these viewpoints. The proposed houses would extend the built form on the village edge deeper into the countryside. The proposed development and associated mitigation planting could obscure views to the church spire from North Barnes Lane. The potential visual effects of the development would be restricted to the local area.

The comments from the SDNPA raise concerns regarding potential impacts on the longer distance views from the Black Cap and Ditchling Beacon. The retention of the existing trees and hedgerows and provision of additional planting, as recommended below, would help to ensure that potential visual impacts on long distance views would be negligible. From these longer distance viewpoints the proposed development would be seen against the background of the existing built up area. Potential impacts from these longer distance views could be further mitigated by the sensitive use of a variety of materials which reflect the local vernacular.

The SDNPA highlight concerns regarding potential impacts on the Western Low Weald character area as the setting of the SDNP. The retention of the

existing trees and hedgerows and the recommended mitigation measures outlined below would minimise potential effects on the setting of the SDNP. Regarding the Dark Night Skies Reserve it is recommended that the applicant is required to provide a lighting assessment and that external lighting is kept to a minimum.

The Townscape Note provided to accompany the application identifies that the more recent growth of the village has been as linear spurs to the west and east. The proposed development would extend deeper into countryside than the existing built up area. The key landscape and visual effects of the development would be the loss of the green buffer between the existing village edge and countryside and the visual effects from surrounding public rights of way and notably North Barns Lane.

Should the local planning authority be minded to approve the application the detailed layout and landscape masterplan would need to incorporate measures to mitigate for adverse landscape and visual effects. As an outline application it is acknowledged that the layout in terms of scale and massing can be secured by condition. It is recommended that the following mitigation measures are considered in the detailed design and layout:

- a) The proposed habitat net gain area within the blue line to the south of North Barns Lane is secured as undeveloped land in perpetuity as this provides a landscape buffer between the site and the South Downs National Park.
- b) A Landscape and Ecological Management Plan (LEMP) is required by condition to secure the long-term retention and protection of all retained and new landscape features including the land outlined in a) above.
- c) The proposed planted buffer on the north side of North Barns Lane is extended to fill the proposed open space between the access road and the site boundary.
- d) The Design and Access Statement suggests that there would be a variety of eaves heights across the site including single storey bungalows. It is recommended that the lower eaves are located along the boundary with North Barns Lane and on the east side of the proposed development. This would reduce the potential visual intrusion on the views towards the development from the surrounding countryside and public rights of way.
- e) The proposed access would impact on the character of the existing streetscape and it is noted that a footway is proposed on both sides of the bell mouth. The urbanising effect of the new access could be reduced if the footway was provided on one side only. It is recognised that this would be subject to the approval of East Sussex highways.
- f) The existing treed hedgerow is reinforced with large specimen native trees to close gaps and in the long-term screen the proposed development and the houses on Sun Close. This tree belt provides a robust edge to the wider and much more open countryside to the east. If the development were to be approved this tree belt could form the new defensible boundary to the built-up area of the village.

Conclusion



On balance and considering the current policy context, it is recommended that the proposed development could be supported. This would be subject to a robust mitigation strategy, as outlined above. A high-quality landscape led development could provide an opportunity to enhance local landscape character and views and establish a defensible boundary to the built development on the eastern edge of the village.

South Downs National Park – Although the application site is located outside of the National Park, the Council has a statutory duty to consider the Purposes of the National Park when making its determination. The statutory purposes and duty of the National Park are:

- o Purpose 1: To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
- o Purpose 2: To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.
- o Duty: To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes.

The National Park's comments on the development are as follows:

Landscape and Visual Impacts - The site is 770m from the national park at its nearest point and 3.5Km north of the scarp slope, from which far ranging views of the Western Low Weald are possible. We are concerned by the proposed development as it is within the setting of the South Downs National Park (SDNP). It is part of a larger landscape of which its historic character is shared with parts of the SDNP and this coherence in historic character suggests the site contributes positively to the setting of the SDNP.

The NPPF paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks. We wish to draw attention to the Government's proposed changes (underlined below) to the NPPF paragraph 175 on national parks. Although this is still in draft form it certainly shows policy direction by the Government to protect the setting of national parks as well as the national parks themselves.

"The scale and extent of development within these designated areas should be limited, while any development within their settings should be sensitively located and designed to avoid adverse impacts on the designated landscape."

It needs to be fully considered whether this proposal is indeed sensitively located and avoids adverse impacts on the National Park. In determining the application, the District Council should have regard to the East Sussex Landscape Character Assessment 2016 (in particular the character of settlements within the Western Low Weald Landscape Character Area), and the South Downs Landscape Character Assessment 2020 (in particular the potential effects on the A2 Adur-Ouse Open Downs, I2 Adur-Ouse Scarp, and J2 Adur-Ouse Scarp Footslopes Landscape Character Areas). The SDNPA Viewshed Analysis should also be consulted, with particular regard to viewpoints 13 (Blackcap) and 22 (Ditchling Beacon).

## Rural Roads

It necessary to consider the impact of the development on the rural roads of the National Park. This is a matter that is currently being addressed by the new transport model being prepared for

East Sussex. It was addressed at the recent examination of the Eastleigh Local Plan. Paragraphs 23 to 25 are the most relevant where the Inspector talks about the impact of a strategic development on the rural roads of the South Downs National Park. She describes how the rural roads form an integral part of the overall National Park experience and how the predicted levels of traffic could have a detrimental effect on local communities. She concluded that the site did not represent the most suitable option when considered against all other reasonable alternatives and deleted it from the Plan. The Inspector referenced our document Road in the South Downs and was not convinced that suitable mitigation could be brought forward to mitigate against this increase in traffic movements having regard to this document.

## Lighting

The SDNPA has been successful in achieving Dark Skies Reserve status for the South Downs National Park - only the second such Reserve in England. Lighting should therefore follow the Institute of Lighting Professionals (ILP) guidance GN01:2011 Guidance notes for the reduction of obtrusive light. Should you be minded to grant planning permission then details of external lighting (both

during and after the construction period) should be secured by an appropriate planning condition with the intention of limiting light pollution impacts and disturbance to wildlife.

Council For Protection Of Rural England – Stripped of its superficial greenwash and its imaginative but completely implausible transport statement, this is a proposal to create a large new housing estate for commuters at a sensitive and car-dependent countryside location at Plumpton Green, at a time when there are large allocated urban-centre brownfield development sites in Lewes and Newhaven, with and without planning permission, whose construction is stalled by the developer preference for the windfall profits arising from countryside planning permissions such as that sought here.

The national interest and the critical fight against climate change demands that such self-interested and destructive proposals to prioritise greenfield over brownfield development are refused.

Plumpton residents (who have demonstrated through their Neighbourhood Plan that they are willing to accept appropriate development in their village) have unambiguously shown their overwhelming opposition to the disproportionate scale of this proposal, which would be very damaging to Plumpton's sense of place.

Comparison of the transport systems actually used by the real residents of Lewes and Newhaven (available on the East Sussex in Figures website maintained by East Sussex County Council) demonstrates beyond any

shadow of a doubt the much higher use of the private car in communities such as Plumpton Green, despite the presence of a railway station, compared to those of the equivalent urban households. Rural residents have no realistic alternative. They not only own far more cars; they also necessarily make much greater use of them. The application notes the presence of a GP surgery in South Chailey, barely 45 minutes' walk away, for Plumpton Green residents to use. It does not mention that there is no footpath along the narrow, busy, country lanes connecting the two, or consider that those needing to access primary care may be unable to walk such a distance. Lewes District Council has declared a climate change emergency. Any council claiming to care about this issue yet even considering approval of such an inappropriate proposal would be guilty of the absolute hypocrisy.

This application should be refused. To approve it would be completely irresponsible

Planning Policy Comments – This proposed residential development should be considered against the policies of the adopted Lewes District Local Plan Part 1 (LPP1), the adopted Lewes District Local Plan Part 2 (LPP2) and the Plumpton Parish Neighbourhood Plan (PPNP). The National Planning Policy Framework (NPPF) is also a material consideration.

The Local Plan Policies Map (Inset Map 8) shows that the proposed development is located outside of the planning boundary for Plumpton Green, with the exception of the two existing dwellings that would be demolished to provide access. The application is therefore in clear conflict with Policy DM1 of the LPP2, adopted in 2020, and Policy 1 of the PPNP, adopted in 2018. It therefore fails to be in accordance with the approved development plan for the area.

However, the LPP1, which sets out the strategic policy framework to guide development and change, was adopted on 11 May 2016 and is now more than five years old. The Government has introduced a new standard method for calculating local housing need and instructed local planning authorities to identify a five-year supply of housing land sufficient to meet this housing need if their adopted strategic policies are more than five years old.

The district's housing land supply therefore has to be assessed against a local housing need figure of 782 dwellings per annum, calculated using the Government's standard method, instead of the 345 dwellings per annum requirement set out in Spatial Policy 1 of the LPP1.

As a consequence, the Council can no longer demonstrate a five-year supply of deliverable housing sites and decisions on planning applications involving the provision of housing must be tilted in favour of sustainable development, in accordance with Paragraph 11d of the NPPF. This means that planning permission should be granted unless:

- i) The application of NPPF policies that protect areas and assets of particular importance provides a clear reason for refusing the development proposed, or

ii) 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.

In recognition that Policy DM1 can only carry moderate weight in decision making under such circumstances, the Council has approved an Interim Policy Statement for Housing Delivery (Cabinet 25 March 2021 Minute 52). This Statement identifies the factors that the Council considers are critical to achieving 'sustainable development' in relation to the provision of housing outside of the settlement planning boundaries, as defined on the Lewes District Local Plan Policies Map.

The Statement does not form part of the development plan and does not alter the statutory planning framework for that part of Lewes District outside of the South Downs National Park. However, the Statement is intended to be used as a material consideration in the determination of planning applications.

In my opinion, the proposed housing development adjacent to Nolands Farm accords with the sustainability criteria set out in the Statement in the following respects:

- 1) The western boundary of the site is contiguous with the adopted settlement planning boundary for Plumpton Green
- 2) The scale of the proposed development would be appropriate to the size, character and role of Plumpton Green, having regard to its definition as a 'service village' in Table 2 of LPP1
- 3) The proposed development can provide safe and convenient pedestrian and cycle access to key community facilities and services within Plumpton Green
- 4) The proposed development would not result in the actual or perceived coalescence of settlements
- 5) The proposed development is located within the setting of the South Downs National Park but, subject to satisfactory design, is not likely to have an adverse impact upon the special qualities of the Park
- 6) An ecological impact assessment has been submitted and demonstrates that a 10% net gain in biodiversity can be achieved.
- 7) The proposed development makes an efficient use of the land, whilst responding sympathetically to the existing character and distinctiveness of the adjoining settlement and surrounding rural area.

All these factors are material considerations that weigh in favour of the application. In terms of deliverability, this is an outline application and I am not entirely convinced that the site is capable of delivering housing completions within the period up to the end of 2023 (i.e. the anticipated adoption of the new LPP1). This is material consideration that counts against the application.

However, with the exception of Policies DM1 of the LPP2 and Policy 1 of the PPNP, the application does not appear to conflict with other development plan policies. The provision of 89 dwellings, 40% of which would be affordable, is a significant benefit which, together with the overall compliance

with the criteria set out in the Council's Interim Policy Statement for Housing Delivery, suggests the balance may be in favour of approval.

N.B. The Council has a statutory duty to have regard to the purposes of the South Downs National Park in carrying out its planning functions. It will therefore be important to obtain the opinion of the National Park Authority in respect of the impact of the proposed development on the natural beauty, wildlife and cultural heritage of the Park

### ESCC Highways – no objection subject to conditions/S106

Although this application is for OUTLINE purposes only the access is to be dealt with at this stage.

A Transport Assessment [TA] has been submitted, and the applicant has also included an illustrative site layout plan [1924-PL04 Revision P] which show both possible house type split and number of parking spaces. Whilst the layout of the site, including parking, is to be dealt with at detailed/reserved matters stage the parking areas as illustrated would not be acceptable. The applicant should also take into account those comments at a later date as it could affect the overall layout of the site.

#### 1. The site and location

The applicant is proposing an 86-unit housing development to land at Nolands Farm, Station Road, Plumpton consisting of an indicative mixture of housing tenure, size and type to be determined at reserved matters stage. The site is situated within the village of Plumpton on the eastern side of Station Road.

Plumpton benefits from local services [public houses, convenience store and primary school] all within 10-minute walk of the site. Whilst there are school buses the bus services through the village are limited for commuters. However, Plumpton railway station is within approximately a 15-minute walk from all parts of the site with regular services to London Victoria and Lewes/Brighton/Eastbourne for commuters.

School bus transport is also provided to and from Chailey Secondary School via a school bus.

#### 2. Transport Statement/Trip Generation

In order to determine the AM and PM peak traffic flows for this development and impact on the highway network the applicant has used the nationally accepted Trip Related Information Computer System (TRICS). This analysis reveals that the

the development would generate 49 vehicular trips in the AM peak and 50 in the PM peak. This relates to 1 trip every 1.2 – 1.5 minutes during the peak hours. Thus the number of vehicular daily trips associated with this development of 86 dwellings onto the highway network is acceptable.

### 3. Vehicular Access/Visibility

The proposal includes the permanent closure of the two existing accesses direct onto Station Road.

A new access is proposed to serve this development approximately midway along the Station Road site frontage.

The applicant has confirmed that Option 1, without any vertical traffic calming features, is proposed with this development, Option 2 has been omitted from the scheme. It should be noted that the semi-permanent vehicle activated signs [VAS] indicated to be installed at the proposed road narrowing/crossing points on drawing No. SK2164-10 revision B will not be required by ESCC as the recorded vehicle speeds here are suitable for a 30mph speed limit.

The new access is shown to include buildouts either side of the access narrowing Station Road and providing priority working for southbound traffic. New sections of footways around the bell mouth of the access would connect and link into existing footways on the eastern side of Station Road. New crossing points (dropped kerbs/tactile paving) on Station Road (C110) are to be provided linking the site to the footway on the western side.

In accordance with Manual for Streets visibility splays of 2.4m x 43m should be provided. These have been adequately shown on the submitted plans [SK2164-10B] to be provided.

A Stage 1 Road Safety Audit [RSA] was carried out on the access proposals by an independent RSA team, in line with ESCC guidance. The RSA raised 2 problems, the first relates to parked vehicles on Station Road and has recommended further measures are sought to prevent loading/unloading within the proposed parking restriction area/road narrowing on Station Road. The second concerns northbound reduced intervisibility at the road narrowing and recommends additional signing.

I am satisfied that the problems raised in the RSA have been addressed by the Designers Response and can be agreed/dealt with through the detailed design of the s278 agreement and Traffic Regulation Order process.

It should be noted that any parking restrictions would require a Traffic Regulation Order [TRO] which is open to objections and thus any restrictions not guaranteed.

### 4. Highway Works

In addition to the above the following points will need to be agreed/clarified at detail design stage through the s278 Agreement: -

- Provision and position of Timber posts/ gateway features- recommend safer alternative materials are used (particularly for the posts that sit outside the lower speed limit).
- Details of signing for the proposed priority working [non shown on current plans]
- Feature would need to be visible – with bollards etc, to prevent vehicle strikes/ loss of control type crashes
- Substantial gateway features will need to be submitted and agreed at the detailed design stage through the S278 Agreement. A commuted sum would be sought through the S278 for the maintenance of gateway features on the public highway and the features would require acceptance at that stage from the Parish for any Licencing and/or any on-going maintenance requirements (or an alternative maintenance arrangement must be found). The maintenance costs will not be known until the gateway features are agreed during the detailed design at s278 stage but will be calculated using the standard methodology. Thus contributions for ongoing maintenance will not need to be sought separately through the S106.

To encourage occupiers of this development/villagers to use public transport bus stop infrastructure needs to be improved.

- The nearest northbound bus stop is just south of Riddens Lane which has a brick bus shelter. However, the stop is not accessible to all persons due to parked vehicles. Providing the necessary protection to ensure compliance with accessibility regulations would normally be by way of a raised kerb. However, to minimise the loss of parking in this location, I would wish to see the entry to the layby [southern end] re-profiled to effectively provide a bus stop build out “pier” of sufficient width and height to be accessibility compliant.
- There is currently no marked southbound bus stop in the location of the site/Riddens Lane. It is therefore recommended that a new stop opposite the northbound bus stop (or in the vicinity of) be provided. The exact position to be agreed and will need to be accessible to all with provision of DDA compliant kerbing, bus stop pole, flag/timetable.
- Also, in order to connect the site to the bus stops dropped kerbs and/or tactile kerbing is required across Riddens Lane at its junction with Station Road and across Station Road in the vicinity of the bus stops and may require further alterations to the bus layby profile at the northern end.
- Due to vehicles currently parking on Station Road to the north of Riddens Lane it may be necessary to introduce some form of parking restrictions at this point.

A Traffic Regulation Order and appropriate signing will be required for the alterations to the bus stop; parking restrictions in the vicinity of Riddens Lane; parking restrictions at the location of the access to this site therefore a £5000 contribution would be sought for the administrative costs of the Traffic Regulation Order.

## 5. Layout/Pedestrian Connectivity

The applicant has indicated that the site's internal carriageways would likely be offered for adoption. For an estate of this size, the Highway Authority would seek to adopt the internal carriageways and footways (in particular the main spine road from the C110) which should be laid out and constructed in accordance with ESCC Local Design Guide.

The layout should be well designed to accommodate all modes. Consideration should be given to providing footways on both sides of the internal spine road with associated crossing points (dropped kerbs) and/or service strips provided alongside carriageways.

The proposed road widths are detailed in the TA. A 6m carriageway for first section of the access road with 2m wide footways around the bellmouth and into the access linking to existing footways in Station Road is acceptable. A well-designed road layout prioritising non car movement over traffic often does not require speed reducing features, but these are likely to be acceptable within the site layout as part of the highway.

Given the 30mph speed limit through the village this development would need to be subject to a 30 limit also. As a result if street lighting is not provided then appropriate signing with repeaters will be required and necessitate alterations to the Traffic Regulation Order.

The application indicates a cycle/footway link through the site to the south to connect to North Barnes Lane. As previously discussed this would be a good link both for cyclists and pedestrians to reach the Primary School and local facilities as well as the local bridleway/footpaths. It would be beneficial if this link was provided for not only the residents of this site but also the general public particularly for locals to use. If the internal roads are not to be adopted public use of this route should be secured through the site through a s106 agreement for this footpath/cycle path to be used by the public as a permissive path. Adequate signage etc would also need to be agreed.

## 6. Refuse and Servicing

The ESCC 'Good Practice Guide for Property Developers' states that the access road(s) within a new development must be capable of accommodating a vehicle with dimensions of approximately 12 metres length x 3.5 metres high x 3 metres wide and weighing 26 tonnes (when fully loaded).

The swept path analysis drawing SK21614-51 shows that a refuse vehicle can enter and leave the site and drawing Nos: SK21614-50; 52 - 54 shows



indicatively that a vehicle can negotiate a route around the site. The 12m refuse vehicle would seem to be able to manoeuvre in the turning areas. However, as layout is a reserved matters issue the internal tracking would need to be determined at detail stage.

## 7. Travel Plan

A Travel Plan is required in association with this development to ensure that private car trips to and from the site are minimised. The travel plan should include targets for reduced car use and a monitoring programme to ensure these targets are met. The Travel Plan and Travel Plan Audit Fee of £6,000 should be secured by a s106 legal agreement.

## 8. Parking

Parking is to be dealt with at detail stage and would need to be in accordance with ESCC's parking demand calculator [October 2017].

The applicant has confirmed that there will be no garages on the site only car spaces and car ports. However, the indicative layout still shows a considerable amount of tandem parking. In accordance with ESCC's parking guidelines tandem parking should also be avoided where possible, as with garages, if vehicles are in regular use and for convenience parking on-street occurs instead. The removal of tandem parking from the provision may result in a shortfall of spaces. Although an illustrative plan shows the house type split/number of bedrooms these would be finalised at detail stage and cannot be fully assessed at present.

The revised layout now indicates effectively a car park between gardens and accessed via one point of entry between two properties [plots 19 & 20] in the northern part of the site. These parking areas tend not to get used whereby residents park on the road outside their property instead for convenience. Thus unless this parking area is well overlooked by properties then this type of parking is not generally not accepted by ESCC.

The parking spaces should also be 2.5m x 5m to meet current day standards with parallel spaces being 6m in length. The distribution of unallocated spaces for residents and visitors should be evenly spaced through the development.

As mentioned above the proposed parallel parking spaces for existing displaced residents on Station Road (and their visitors) would not be acceptable in that form. These spaces would need to be at a right angle to the new estate road to make them more accessible/attractive and prevent drivers having to do a 3 point turn close to the access junction onto Station Road. This can be dealt with at detail design stage.

Thus, the parking layout would need to be revised in accordance with ESCC's parking calculator at detail stage. It should be noted that this could affect the overall layout of the site.

Cycle parking would need to be provided at detail stage in accordance with ESCC's parking guidelines: -

Dwelling Type	Number of Bedrooms	Cycle Provision per Unit
Flat space if individual	1 & 2	0.5 spaces if communal 1
Flat	3 or more	1 space
House	1 & 2	2 spaces
House	3 or more	2 spaces

These parking areas should be covered, secure and in a conveniently accessible location for all users.

#### 9. Construction Traffic Management Plan (CTMP)

I note that reference to the access for construction vehicles onto North Barnes Lane has now been deleted and that all construction traffic will be via the site access onto Station Road for which temporary construction access details would need to be agreed.

A revised CTMP would need to be submitted as there is insufficient information contained therein at this stage, however, this could be conditioned.

#### Conclusion

##### Mitigation Measures/S106 Agreement Obligations

- 1) Travel Plan developed in accordance with ESCC Travel Plan Guidance for developers (Feb 2020).
- 2) Travel Plan Audit Fee of £6,000
- 3) Access from the C110 [Station Road] including, closure of existing accesses, new buildouts, visibility splays and road markings etc as shown on plans Nos:- SK2164 – 10 revision B; site indicative layout 1924-PL04 revision P; and SK21614 -25;
- 4) The existing layby to the south of Riddens Lane shall be reprofiled to effectively provide a bus stop build out "pier" of sufficient width and height to be accessibility compliant and/or provide further alterations to the bus layby profile at the northern and southern ends.
- 5) New southbound bus stop on Station Road opposite the northbound stop [or in vicinity of] to be provided. The exact position to be agreed and

will need to be accessible to all with provision of DDA compliant kerbing, bus stop pole, flag/timetable.

- 6) Dropped kerbs and/or tactile kerbing across Riddens Lane at its junction with Station Road and across Station Road in the vicinity of the bus stops.
- 7) Footways around access bellmouth and footway links on Station Road together with appropriate crossing points on Station Road.
- 8) Substantial Improvements/alterations to gateway features at both ends of village with a commuted sum sought at the s278 detailed design stage.
- 9) Link through the site to North Barnes Lane [as cycleway/footway] for public use as permissive path [to be secured in case estate roads not adopted]
- 10) School Transport Contribution £108,300 to provide/enhance existing school bus transport services for 3 years.
- 11) Provision of parking spaces on new estate road for existing residents/visitors on Station Road.
- 12) A £5000 contribution towards the administrative costs of a Traffic Regulation Order for implementation of any parking restrictions required and/or extension to the 30mph within the site and/or bus stop cage.
- 13) Prior to commencement of Development Items 3-8 above shall be agreed, secured by a s278 agreement and constructed prior to the occupation of the first dwelling and which will include the need for Road Safety Audits stages 2, 3 and 4 and the implementation of any subsequent remedial measures.

The applicant is aware of and agreed to the above measures/obligations.

ESCC Archaeologist – 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.

Design & Conservation Officer – Less than substantial harm to the grade II listed Whitehouse Farm. No heritage benefits associated with the proposal which will therefore need to be weighed against the wider public benefits of the scheme.

The application site is to the east of Station Road in Plumpton Green. Access to the new housing development would be provided south of Whitehouse Farm, a grade II listed building formerly known as Knole Land Farm. The farmhouse is a simple 18th century farmhouse of two storeys, brick built and painted white under a tiled roof.

At the time of the 1841 tithe, Whitehouse Farm (or Knole Land Farm as it then was) formed part of a larger agricultural landholding belonging to John Jenner. The map below shows the farmhouse (plot 239, and the land associated with the farm (plots 221 and 240-248). The application site is on

part of the historic farmland associated with what is now Whitehouse Farm and there is an historic association with that building. The undeveloped land forms part of the setting of the grade II listed building. It is acknowledged that later development has already occurred on land that once belonged to the farm, and so the setting of the building has already been eroded, and the significance of the building affected. Nevertheless, the farmhouse is set back from the road and is currently experienced in a rural context with open fields to the north, east and south.

The development of land to the south would alter that rural experience and be harmful to the appreciation of the historic farmhouse.

The NPPF requires that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (para 193). Where development would result in less than substantial harm (as here), this should be weighed against the public benefits of the proposal (para 196).

There are no heritage benefits associated with the proposal and it is therefore necessary to consider the harm that would result to the designated heritage asset against the other merits of the proposal.

Southern Gas Networks – Our gas pipe locations are now available online at [www.linesearchbeforedig.co.uk](http://www.linesearchbeforedig.co.uk) Not only can you access information about the location of our gas pipes in your proposed work area, but you can also search for information on other utility companies assets at the same time.

ESCC SUDS – The information provided is satisfactory and enable 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.

We have reviewed the submitted information and conclude that the preliminary proposals for the management of surface water from the development site are acceptable in principle.

As part of the detailed design, the applicant should determine the invert level of the receiving watercourses in order to confirm the feasibility of a gravity discharge. The applicant should also provide hydraulic calculations for the entire SuDS system and these should take into account the connectivity of the different SuDS features ('Network Model').

Information provided by the applicant indicates groundwater was struck at very shallow depths within the site. This should be carefully considered as part of the detailed design. Instead of accepting a potential loss of storage capacity due to high groundwater levels, the applicant should incorporate measures to prevent water ingress into the attenuation features, as well as measures to ensure the structural integrity of these features is not compromised.

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

1. The principles set out in the outline surface water drainage strategy should be carried forward to detailed design. Surface water runoff from the proposed development should be limited to greenfield runoff rates 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.
2. The details of the outfall of the proposed attenuation ponds and how they connect into the watercourse should be provided as part of the detailed design. This should include cross sections and invert levels.
3. 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.
4. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
5. The detailed design of the attenuation ponds and permeable pavement should be informed by findings of groundwater monitoring between autumn and spring. If a 1m unsaturated zone between the base of the SuDS features and the highest recorded groundwater level cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.
6. 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.
7. The applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.
8. 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.

Sussex Ramblers – overdevelopment in this rural parish, intrusive in and landscape from the South Downs Way, extend too far into the countryside beyond the existing settlement, Plumpton Lane unsuitable for increased traffic.

ESCC County Ecologist – no objections subject to mitigation and compensation measures being delivered.

With reference to your recent consultation, I have now had the opportunity to consider the above application and offer the following comments on ecological issues.

This advice is provided to the Local Planning Authority by the County Ecologist in line with the Service Level Agreement and is not a statutory consultation response.

#### Policy Context

1. Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that:

"Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity."

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

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

3. The NPPF sets out principles that local planning authorities should seek to apply when determining planning applications to protect and enhance biodiversity; these include refusing planning permission if significant harm to biodiversity from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for; refusing development that would result in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees), unless there are wholly exceptional reasons and a suitable compensation strategy exists; and encouraging opportunities to incorporate biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity (paragraph 175).

4. Core Policy CP10 of the Lewes District Local Plan 2016 states that the natural environment of the district, including landscape assets, biodiversity, geodiversity, priority habitats and species and locally designated sites, will be conserved and enhanced by: ensuring that new development will not harm nature conservation interests, unless the benefits of development at that location clearly outweigh the harm caused (in such cases appropriate mitigation and compensation will be required); maintaining and where possible enhancing local biodiversity resources including through maintaining and improving wildlife corridors, ecological networks and avoiding habitat fragmentation; and working with neighbouring local authorities to contribute to the delivery of biodiversity improvements within

the South Downs Way Ahead Nature Improvement Area and the Brighton and Lewes Downs Biosphere Project, as well as other projects and partnerships that are established during the plan period.

#### Potential Impacts on Biodiversity

##### Designated Sites and Habitats

5. The site proposed for development is not designated for its nature conservation interest. Given the nature, scale and location of the proposed development, there are unlikely to be any impacts on sites designated for their nature conservation interest.

6. The development relates to two plots of land. The northern sector is proposed for development, and the southern sector is proposed for enhancement. Habitats on site (in both sectors) include improved grassland, neutral semi-improved grassland, dense/continuous scrub, ruderal vegetation, scattered scrub, broadleaved woodland, a small orchard and allotments, buildings and bare ground. There are hedges bordering and within the site, the majority of which are species rich and in good condition. The site also includes a dry ditch and a number of log piles. The habitats of greatest importance from an ecological perspective are the hedgerows, scrub and woodland. Both the woodland and the hedgerows are habitats of principal importance (HPI) under section 41 of the NERC Act. The woodland is to be retained and enhanced through positive management, and the majority of the hedgerows are to be retained and protected.

7. The proposed development will result in the loss of 3.19ha of improved grassland, 1.12ha of semi improved grassland, 0.07ha of amenity grassland, 0.33ha of scrub, 0.01ha of bare ground and 0.22ha of ruderal vegetation. There is a lack of clarity over the biodiversity impact of this loss. The Ecological Impact Assessment (EclA, The Ecology Co-op, 11/03/21) states that without mitigation, there will be a loss of 22.49 biodiversity units, calculated using the Defra Biodiversity Metric 2.0. However, the Biodiversity Impact Calculation (BIC, The Ecology Co-op, 11/03/21) states that there will be a loss of 12.82 units. If it is the case that 22.49 units will be lost and 11.01 created (as stated in the BIC), then there will be a net loss of 11.48 units. However, if it is the case that the site pre-development has 22.41 biodiversity units, and post development 24.77, then there will be a net gain. Clarification is required.

8. The BIC states that habitat creation and enhancement within the developed area in the northern sector, and in the southern sector to be retained, will compensate for the loss of habitat and will provide enhancements. The BIC also states that compensation/enhancement will include tree planting, including with new garden spaces. Planting within garden spaces should not be included in calculations of mitigation/compensation and biodiversity net gain as there is no way of guaranteeing that the planting will be retained.

9. The proposed development will result in the loss of c. 0.052km of hedgerow for access into and through the site. The proposal to mitigate for this impact through the provision of 1.44km of new native species-rich hedgerows is acceptable and will result in a net gain in terms of hedgerow units. To maximise their potential for biodiversity, hedges should be allowed

to grow tall, and cut to an A shape. They should also be cut on alternate sides in alternate years in late winter. The Landscape and Ecological Management Plan (LEMP, The Ecology Co-op, 11/03/21) refers to hedges being cut in late winter but does not make any reference to the height, width, cutting regime etc.

10. The proposal to retain, protect and enhance the woodland is supported, as is the proposal to maintain a minimum 5m buffer to the woodland and retained hedgerows during construction. However, given the known presence of dormice, nightingales (likely breeding), and bats on site, including the rare barbastelle bat, it is strongly recommended that a wider buffer to the hedgerows and woodland is provided. This is particularly important for the northern boundary, which is where dormouse nests were recorded, and where there are trees with bat roost potential.

#### Badgers

11. Badgers are protected under the Protection of Badgers Act 1992. Four sett entrances were recorded on the eastern boundary of the northern sector and there were multiple mammal runs recorded across the site. In 2017 and 2020, the set was disused, but the recommendation in the EclA for a pre-construction survey is supported, as are the best practice construction practices outlined in the EclA and LEMP. The proposed development will result in the loss of some foraging habitat, but the proposals to retain/create some open space and corridors on site, and to enhance the southern sector is acceptable.

#### Bats

12. All species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and the Conservation of Habitats and Species Regulations 2017, as amended, making them European Protected Species. Chestnut House, proposed for demolition, supports up to three day roosts of common pipistrelles, and has also been used by brown-long eared bats relatively recently. Low numbers of common pipistrelles were also recorded emerging from Saxon Gate (also proposed for demolition) in 2017, although not in 2020. As the building was historically a bat roost, and the conditions have not changed significantly, it should be assumed that the building still supports roosting bats. As such, works to demolish the buildings will require a European Protected Species licence. From the evidence provided, I concur with the view expressed in the EclA that a low impact licence is likely to be suitable.

13. There are six mature trees on site with bat roost potential, the majority of which are on the northern boundary of the site. Artificial light can negatively impact on bats through e.g. causing disturbance at the roost, affecting feeding behaviour, avoidance of lit areas and increasing the chances of bats being preyed upon. All lighting design should take account of national guidance, as recommended in the EclA, and it is recommended that the buffer to the northern boundary and central hedgerow is increased from that shown in the indicative layout plan. This is particularly important given the recording of a barbastelle bat using the site. Barbastelles are very rare and are listed in Annex II of The Habitats Directive. Barbastelles forage over and in broadleaved woodland, unimproved grassland and field margins,



and are particularly light sensitive, tending to wait for darkness to cross open areas.

14. At least nine species of bats were recorded foraging and commuting on site, with the hedgerows and treelines being important features. As such, these features should be retained as far as possible, and kept dark. Maximum light spill onto these areas should be 1 lux.

15. The LEMP proposes the provision of a number of bat boxes, tubes and access tiles on mature trees on site and in new houses. Given the recorded presence of brown long-eared bats in Chestnut House, it is also recommended that consideration is given to at least one of the properties on site including a dedicated roof void for the species, with access tiles provided.

#### Breeding birds

16. Under Section 1 of the Wildlife and Countryside Act 1981, as amended, wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. All the dense scrub, hedgerows, hedgerows with trees, semi-mature and occasional mature trees offer potential for nesting birds, and the EclA notes that habitats on site also have potential for barn owl, turtle dove, lapwing, skylark and yellowhammer. Breeding bird surveys recorded 33 species on site, of which six are red listed on the Birds of Conservation Concern and four are amber listed. Of particular note is the recorded presence of nightingale on site, likely breeding. Unfortunately, the EclA does not show where the nightingale was recorded, and as such, it is difficult to ascertain what the potential impacts of the development may be on that species. Nightingales are faithful to their breeding sites, and as such, as much dense scrub as possible should be retained and protected with a suitable buffer. The proposal in the EclA to create new areas of native scrub around the edges of the woodland and along the dense species-rich hedgerows is supported.

17. As recommended in the EclA, to avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation.

#### Hazel Dormouse

18. The hazel dormouse is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981, as amended, and Schedule 2 of The Conservation of Habitats and Species Regulations 2017, as amended, making it a European Protected Species. Dormouse presence has been confirmed on site, with nests recorded in hedgerows on the northern boundary and to the south east of the site. Dormice should therefore be assumed to be present in all suitable habitat on site. The removal of suitable habitat to create access will therefore require a European Protected Species licence.

19. The removal of scrub should be kept to a minimum and the number and size of gaps in hedgerows for access should be kept to a minimum. The current site layout shows two sections of hedgerow for removal. If possible, this should be reduced to one. Furthermore, it is recommended that heavy standards are planted either side of the gap with the canopy allowed to join across the carriageway, to reduce fragmentation.

20. The EclA recommends that new native hedges should contain a high proportion of thorny species and that thorny species should be included in the buffer planting to the woodland, to reduce the risk of predation from domestic cats. It is also recommended that wider buffers are provided to the hedgerows and woodland to further reduce the risk.

#### Great Crested Newts

21. The great crested newt (GCN) is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017 making it a European Protected Species. There are good quality terrestrial habitats on site, and GCN were recorded in a pond within 250m of the site in 2017 and 2020. Given the number of waterbodies in the surrounding area, most of which could not be accessed for survey, I concur with the conclusion in the EclA that it should be assumed that GCN are using the site and that works will require a European Protected Species licence.

22. The mitigation strategy outlined in the EclA and the LEMP is in line with best practice. It is noted that it is proposed that any GCN captured will be translocated to a receptor site in the southern portion of the site. It is strongly recommended that a new pond is created in this area.

23. It should be noted that Lewes District Council is entering into the District Level Licensing scheme with NatureSpace, with an organisational licence expected to be secured in the late summer. It may therefore be possible for the applicant to enter into the scheme at the Reserved Matters stage.

#### Reptiles

24. Slow worms, grass snakes, common lizards and adders are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. Reptile surveys in 2017 were carried out broadly in accordance with best practice and recorded low populations of slow worm and common lizard on site. No updated surveys have since been conducted, but the walkover survey in 2020 found no significant change in conditions, so it can be assumed that these populations persist. It is therefore proposed that reptiles are translocated to the southern sector of the site.

25. Whilst it is noted that enhancements are proposed to the southern sector to increase its carrying capacity for reptiles, no reptile surveys have been conducted of that area, and as such, it is not possible to ascertain whether that area already supports reptiles. Best practice guidance is that receptor sites should not currently support a population of the species to be translocated, for known reason, but be capable of supporting them given suitable remedial works if necessary. This is important because translocation should result in no less loss of sites.

26. The mitigation strategy set out in the LEMP proposes a minimum of 60 trapping visits. Best practice guidance is that the minimum trapping effort for low populations of slow worm and common lizard is 60 suitable days.

#### Other species

27. The site has the potential to support hedgehogs. The hedgehog is listed as a Species of Principal Importance (SPI) under section 41 of the NERC Act, and is classed as vulnerable to extinction on the Red List for British Mammals, as populations have suffered significant declines in recent years. Care should be taken during clearance of suitable habitat, and any hedgehogs found should be moved to retained habitat on or adjacent to the site. Any boundaries within the site should include gaps to allow hedgehogs to move through the site, with hedgerows being preferred to fences.

28. Himalayan balsam has been recorded within the dense scrub bordering the Bevern Stream to the south of the southern sector. Himalaya balsam is an invasive non-native species, listed on Schedule 9 of the Wildlife and Countryside Act. Whilst the stream is not in the same ownership and is therefore not subject to the current application, the proposal to remove Himalayan balsam from the site following best practice is supported.

29. The site is unlikely to support any other protected species. If protected species are encountered during development, work should stop immediately, and advice should be sought from a suitably qualified ecologist as to how to proceed.

#### Mitigation Measures and Biodiversity Net Gain

30. The majority of surveys were carried out in 2016/17, with some updates in 2020. It is important that planning decisions are based on up-to-date ecological reports and survey data. There were also some limitations to the surveys, e.g. GCN surveys where access to all waterbodies within 250m was not gained, and reptile surveys where the southern portion of the site was not surveyed. It is therefore recommended that the Reserved Matters stage is informed by up-to-date surveys. Furthermore, given the known presence of protected and notable species on site, including Barbastelle bats, dormice and nightingales, it is strongly recommended that a Reserved Matters application and site layout is informed by an Ecological Constraints and Opportunities Plan.

31. Whilst the LEMP submitted with the outline application is broadly acceptable, there is a lack of clarity over whether the development can compensate for the likely losses and provided biodiversity net gain. Whilst it is considered likely that some development of the site is possible, it is recommended that consideration is given to amending the layout and/or reducing the number of units, to increase buffer areas to boundary habitats and linear features, and to reduce the number of sections of hedgerows to be removed.

#### Summary

In summary, it is recommended that as much dense scrub and hedgerow as possible is retained, and that wider semi-natural buffers are provided to the hedgerows and woodland. Clarification is required as to how biodiversity impacts will be mitigated and/or compensated and how biodiversity net gain

will be achieved. Surveys are required to inform whether the survey site is suitable as a receptor site for reptiles. Reserved Matters should be informed by updated surveys and an Ecological Constraints and Opportunities Plan.

District Services – Waste Services has concerns about the site layout plan. A vehicle sweep path analysis would need to be provided to demonstrate sufficient turning space for up to a 12-metre-long vehicle. The need to reverse should be avoided as much as possible and the current layout suggests numerous reverse manoeuvres would need to be carried out in order to access all the properties.

Officer comment – amended plans have been received that indicate that the proposed layout could accommodate the necessary service vehicles and enabling them to turn within the site.

Sussex Police – Due to the application being outline, my comments will be broad with more in-depth advice being delivered at reserved matters.

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

Plumpton Parish Council - wishes to OBJECT to the planning application reference LW/21/0262 and makes the following observations:

- o The determination of this application raises issues of strategic concern relating to housing numbers across the district and the relative age of the Lewes Local Plan. This application, unless recommended for refusal should not be determined under delegated powers and should be brought to Committee for determination, in which case the Parish Council would still recommend refusal.
- o The Parish Council considers that this application has not overcome the reasons for refusal related to Application Reference LW/17/0885 which was for a significantly lower amount of development. The Parish Council considers the urbanising impact of 89 dwellings will be most keenly felt in the Parish and will result in harm to the landscape setting not only of the village but the South Downs National Park.
- o The Parish Council considers that this application added to the cumulative impact of other planned sites to the eastern side of Plumpton Green would represent an unacceptable impact and pressure on the open countryside and the intrinsic rural character of the area.

- o The Parish Council considers that the application represents a quantum of development that is manifestly out of keeping with the nature of the Parish because if this application were to be approved it would represent a 25% expansion of the Parish over a relatively short period of time.
- o The Parish Council acknowledges the current uncertainty surrounding the number of houses that the District Council are expected to provide and notes the contents of the Interim Policy Statement for housing delivery. However, the Parish Council also notes that the Council stated: "It is important to note that the IPS will be published as informal guidance and will not alter the statutory planning framework for the district. Nor does it set out the full range of relevant national or local planning policy and practice that may be applied by the Council when considering applications for housing development outside of the planning boundaries."
- o The Parish Council acknowledges that Lewes District Council planning officers have stated that high weight will be accorded to both the Neighbourhood Plan policies and the Local Plan policies even though these are both now 'aged' according to revised (in 2019) Paragraph 14 of the NPPF and that the made Neighbourhood Plan along with the policies in the Lewes District Local Plan Part 1 and Part 2 still comprise the development plan for the application site, and should still be considered the starting point for determination of the application according to Paragraph 12 of the NPPF which states that "The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making."
- o the planning application is in outline form with all matters reserved except for access. The Parish Council considers that Lewes District Council should seek additional information up to and including a full application to allow Councillors to make an informed decision with all the information before them for their consideration. This application only seeks to determine the principle of development and not the details including the final number of dwellings to be provided. Without this information the accompanying assessments cannot be considered to be based on accurate information. The application seeks up to 89 dwellings with a similarly indicative notion of the make-up of dwellings. It must be considered that there is the potential for a development of 4 bed+ houses which would have much more of an impact on traffic, layout, landscaping, visibility from the national park etc than an application of 89 dwellings of up to 2 bed houses or flats.
- o The Parish Council considers that the applicant's description of the development proposal and its impact underplays the fact that the Parish is essentially rural, with a very limited range of amenities, with a significant part lying within the South Downs National Park; by the applicant's own description this development is within 1km of the South Downs National Park border. The Parish Council also considers that the impact of this proposal would severely erode both the soft border and the renowned dark skies biosphere as it appears to introduce street lighting in a village that has none currently.
- o The Parish Council considers that the applicant has misrepresented the discussions that have been carried out with the Parish Council during the pre-application process. Furthermore, the Parish Council would respectfully

remind Lewes District Council that pre-application advice is not binding on the authority in the determination of the application. The pre-application page on the Lewes District Council website states, "The advice we give at pre-application stage does not provide a formal legal opinion" and this allows for an application to be refused by Councillors.

- o The Parish Council considers that the proposed access for the site can only be made safe by fundamentally altering the character of the single rural road that serves the Parish. The Parish Council wishes to stress that it has not sought and does not agree with the wholesale changes proposed to several road junctions or the creation of access build out priority junctions. The applicant appears to believe that the measures are in keeping with the village character, but the Parish Council believes this statement is manifestly incorrect as Station Road has none of the proposed features currently.

- o The Parish Council has concerns that infrastructure in Plumpton has widely acknowledged capacity issues across all services, and that would only be exacerbated by this development proposal. Further indications of the lack of infrastructure maturity in the village is the lack of a connection to mains gas.

- o Of concern to the Parish Council is the statement that the development will benefit from fibre broadband provision to which the village does not have access. The Parish Council considers this runs contrary to the government's proposals to 'level-up' and would create a 'village within a village'.

- o The Parish Council raises concerns about the level of car parking proposed with an additional 210 spaces being provided and would ask Lewes District Council to seek further clarification from the Applicants that the correct numbers have been used in the assessments.

- o Given the outline nature of the application there is a lack of detail about what the 'Business Hub' will comprise in built form. The Parish Council would ask Lewes District Council to seek further information on this element of the proposal prior to determining the application.

- o The planning application form in Section 12 would appear to indicate that trees or hedges adjacent to the application site do form an important part of the local landscape character. In this instance Lewes District Council do have the ability to seek a full tree survey and the Parish Council would strongly recommend this.

- o The Biodiversity Impact Calculation submitted alongside the application is based on the provision of a number of matters that are not the subject of the application i.e. the final number of houses, provision of landscaping etc. The Parish Council considers that this is another reason why Lewes District Council should require a full application.

- o The Parish Council considers that the development proposal would remove and or displace community amenity and activity especially with regards to the highly valued Plumpton Scout Group.

- o The proposed construction access via North Barnes Lane cannot be supported given the experience and impact evidenced during the much smaller Sun Close construction.

Therefore, in conclusion the Parish Council objects to this application and would ask that Lewes District Council planning officers honours the commitment to give high (i.e. substantial) weight to the Neighbourhood Plan and Local Plan as the adopted development plan for the area.

The Parish Council considers that the policies within the adopted development plan for the application site are in broad conformity with the NPPF and that the application should be refused as to approve this application in isolation "Would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework when taken as a whole." (NPPF Para 11.d.ii)

The Parish Council would also recommend that Lewes District Council planning officers seek additional information in order to allow Councillors to make an informed decision, up to and including requiring the submission of a full application including all appropriate supporting documentation.

Plumpton Parish Council – Plumpton Parish Council objects in the strongest possible terms to this proposed development, on grounds of both principle and practice. If approved, it will not only undermine the inherent rural character of the Parish by extending greenfield development to the Parish boundary, but more significantly it also effectively undermines all made plans across the district and consequently erodes trust in local democracy and planning within Lewes District Council in particular.

In principle, the application is manifestly speculative, in that it does not accord with any of the relevant made plans, namely LPP1, LPP2 and the PPNP. It is opportunistic as these plans

are not inherently failing as the government's latest figures show Lewes District Council is delivering to 100% of the plan target, but unfortunately have been made to fail by changes in planning policy which dramatically change the future 'need'.

The application therefore relies not on true need and consensus, but instead on specific and narrow interpretations of uncertain and evolving planning policy and appeal decisions. Whilst it naturally exploits the unfortunate NPPF policy revisions (notably paragraph 14) that reduce the weight of democratically made plans, the result of this interpretation is contrary to the governments stated aim that the policy changes would reduce speculative developments and ensure that communities are not disadvantaged by unplanned growth.

The applicant simultaneously dismisses the made plans to justify the application, but then uses the content to support this development. If any weight is to be given to the made plans, then it is clear that this site has already been assessed and rejected. This was fundamental to the refusal of the previous application LW/17/0885, a decision that was clearly acknowledged by the applicant in 2019 in that no appeal was forthcoming.

Whilst there is still obvious uncertainty on what the district need actually is, Lewes District Council has commenced activity to resolve that and update the plan. At the very local need level it should be noted that only one of the

four allocated PPNP sites is currently in the process of build out, which is a good indication of demand.

The initial call for sites has identified potential land offering many thousands of dwellings across the district. Plumpton Parish Council is not blind to the sustainability merits of this particular site if developed more sympathetically to respect residents wishes, and subject to an appropriate access solution. However, in principle a development of this size relative to the target community should be plan led, allowing consideration of all sites, whilst prioritising brownfield over greenfield. In the absence of any compelling reason to the contrary, to proceed outside of district and neighbourhood plans is simply undemocratic and delaying the economic gain of a developer for a relatively short period to allow meaningful consultation within the plan process should not be regarded as compelling.

The applicant states in the Planning Statement (8.10) "There is no defensible reason why 'in principle' the application site cannot deliver 89 No. new homes, a business hub and associated green infrastructure." Plumpton Parish Council would respectfully suggest that respecting democracy is a fundamental British value, and in Lewes of all locations that principle should be defended. In practice, the proposed development is nearly twice the size of the previous application LW/17/0885 which was refused as recently as 2019, and for which the refusal reasons substantially still apply. At up to 89 new units, the development is utterly out of scale with not only the allocated housing target set by Lewes District Council in LPP1 and maintained in LPP2 (a minimum of 50 for the plan period, for which 70 are planned), but also anything that has gone before in the village; the assertion to the contrary by the applicant is clearly incorrect as the largest PPNP site is 20 and developments in the last 30 years have been limited to 12

(Sun Close) and 33 (West Gate). Density at the stated "25 - 26 dwellings per hectare" may be "policy compliant" but is approximately double that of the immediately adjacent PPNP site to the north that is currently in build out.

The applicant also does not consider this application in the context of planned development, and therefore understates the growth impact. The net result of its approval would be a 128% increase over planned growth, meaning that Plumpton would have to accommodate village expansion of 25% over a much shorter timespan than the original plan period, threatening community cohesion. The planning boundary would also be extended significantly to the east, opening up the potential for further speculative applications.

As the only 'non reserved matter', the chosen access to the site can only be made safe by fundamentally altering the character of the single rural road that serves the Parish - for the avoidance of doubt, and contrary to the applicants documented discussions with ESCC Highways officers, Plumpton Parish Council has not requested and does not support the wholesale changes proposed to several road junctions, nor the introduction of access build out priority junctions that simply inconvenience the vast majority of drivers that use the roads safely whilst doing nothing to increase enforcement for the very small minority who do not.

The applicant's analysis that these measures are in keeping with the existing village character is manifestly incorrect - Station Road has none of the



proposed features currently, and these were not required for access to the one plan site that is currently being built out.

Infrastructure in Plumpton is acknowledged as having capacity and reliability issues, especially around water, sewage, and electricity services. There is scepticism based on experience that existing services will cope as suggested. Whilst this development would more than double the planned growth, there is still no confidence in how the governments 'infrastructure first' commitment is to be realistically met for the expected growth, let alone any substantial unplanned additions, thus leaving residents to suffer more failures in water, sewage, surface water drainage, and electricity services, as well as endure slow broadband. As a further indication of infrastructure maturity, Plumpton was never even connected to a mains gas supply. It is also worth noting that there is no current fibre provision to residents of Plumpton, but this development will apparently benefit from that, further increasing the sense of creating a 'village within a village'.

This is greenfield development that removes and/or displaces community amenity and activity, including the highly valued Scouting activities. As a greenfield site it is difficult in isolation to accept the analysis that this type of development actually improves the landscape environment, ecology and biodiversity as suggested by the applicant. When viewed through the lens of the cumulative impact of this site alongside the three planned sites to the eastern side of Plumpton Green it represents an unacceptable pressure on open countryside and the inherent rural character of the area. It underplays the fact that the Parish is partly within the SDNP and this site is only 1km from the boundary, so the soft barrier and the world-renowned dark skies biosphere would inevitably be eroded.

The applicant states (section 9.2) that "This Planning Statement has demonstrated that there are no significant issues preventing approval for the principle of up to 89 No. new dwellings on the Application Site with detailed consent for the access from Station Road". Plumpton Parish Council has identified that there are significant issues. Whilst the NPPF revisions reduce the weight of current plans, LPP1, LPP2 and PPNP, it does not render them redundant, and all remain significantly aligned to policies within the NPPF.

Since this application falls under the 'decision taking' clauses of paragraph 11, Plumpton Parish Council considers that paragraph 11 clause d ii applies, and refusal is required as, especially when considered in the wider context of the profound implications for the district, the adverse impacts of approving this application in isolation "would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole".

Accordingly, Plumpton Parish Council would request that Lewes District Council planning officers honour the stated commitment to provide 'high' weight to the made plans as permitted under the NPPF, refuse permission again for this application and direct this site through the plan making process so that it can be properly considered in the district and Parish context and not act as an unwanted precedent for further speculative development, in Plumpton or beyond. This would also better serve local democracy across the district, as it would free parish councillors, largely unpaid volunteers,

from the significant cost, time and effort expended responding to speculative development to the detriment of more positive community activity.

Plumpton PC also felt compelled to respond to the comments made by LDC Policy Team (letter dated 21 May 2021):

PPC considers that the strategic context for the policy conclusions is premature, and that some interpretations are flawed. The conclusions do not address the reality that in February 2019 LDC refused the application for a development half the size on the basis that it was unplanned, represented an unacceptable incursion of development and urbanisation of open countryside, resulting in harm to the rural and natural character of the landscape around Plumpton village, and could not demonstrate safe access.

- Regarding the primary justification for considering the application, namely that the council cannot demonstrate a 5-year housing supply, it has been most recently stated by Maria Caulfield (19th May 2021) that “I have had confirmation from the Government department that there is no increase in housing numbers for the local area and the housing need calculation is a guidance figure only and not a target. Once the South Downs National Park figure is taken out the guidance is 600 a year but if the district council can evidence why this is not achievable, they can set their own housing number. In addition, the current local plan still carries legal weight in planning terms and so the current figure can be used as there is a five-year land supply via the part 2 document.” It is therefore manifestly premature to justify unplanned development based on uncertain need figures, especially when this runs contrary to the stated aim of the NPPF policy revisions to avoid communities being subject to unplanned development. LDC planning officers should put the plan process before any individual speculative development.
- Use of ‘moderate’ weight for made plans is a breach of trust as LDC planning officers have reassured PPC in writing that LPP1/2 and the PPNP will be given ‘high’ weight; this is regarded as obvious as the interim policy statement clearly cannot carry the same weight as the legally made and adopted plans. Policy DM1 is clearly a very material policy within LPP2, adopted as recently as February 2020, and should be given substantial weight accordingly. Policy 1 is the major policy within the PPNP.

PPC respectfully challenges the opinions on the interpretation of the sustainability criteria in the interim statement. In particular:

- o 2 – the scale of the development is manifestly not appropriate and does not take into account extant unimplemented permissions as required; Table 2 in LPP1 states that a service village should take 30-100 units. Policy SP2 allocates a minimum of 50 to Plumpton Green, and that number is confirmed in LPP2 where it is acknowledged that the adopted neighbourhood plan more than meets that target at 68 (now 70 with approved applications). When considered against planned growth, this application would therefore exceed the policy maximum significantly over the plan period and would constitute a single development greater than the total

of all planned developments over the plan period, and greater than anything ever seen in the village, with overall growth of 25% in the plan period.

o 4 – this statement would be accurate except for the fact that it excludes consideration that extending the eastern building boundary to the parish boundary whilst LDC planning officers are in active discussion under a Planning Performance Agreement with another developer for a significantly larger development risks coalescence that should be considered in a planned way, and not in isolation.

o 5 – whilst inevitably subjective as to what constitutes an adverse impact, given the magnitude of this development within 1km of the SDNP it is disappointing that SDNP appears not to have been consulted to date. PPC has particular concerns regarding the impact on the world renowned dark skies biosphere as Plumpton currently has no streetlighting, but would draw attention to the relevant policy statement “Within the setting of the South Downs National Park, an assessment is undertaken to demonstrate that the proposed development will conserve the special qualities of the National Park. This assessment should be informed by the SDNP View Characterisation & Analysis Study 2015, the SDNP Tranquillity Study 2017, and the SDNP Dark Skies Technical Advice Note 2018. Relevant Local Plan Policies: APPENDIX 1 5 · LPP1 Core Policy 10 (Natural Environment & Landscape Character) · LPP1 Core Policy 11 (Built & Historic Environment and High-Quality Design) · LPP2 Policy DM25 (Design)”

o 6 – PPC is taking specialist advice on this point, but it is regarded that to support the developers claim that a biodiversity increase will result from development is open to challenge; the reality is that any biodiversity increase could be much more sustainably achieved without building on green fields.

o 7 – PPC does not consider that the development responds sympathetically to the existing character of the village; it is too large in scale, too dense in development, and requires wholesale changes to the single rural road to facilitate safe access, introducing features that do not exist currently and are not otherwise required. Whilst not always a concern of planners, many parishioners share PPC concerns regarding the impact on community cohesion by such a large development.

Barcombe Parish Council – object – no local demand for further housing, overdevelopment, outside the Parish Neighbourhood Plan boundary, insufficient infrastructure to meet demand, speculative development, LDC has a 5-year housing land supply.

Chailey Parish Council – Although the above planning application does not fall within the parish of Chailey, Chailey Parish Council would like to express

their concerns with regard to the proposed development for the following reasons:

We understand that the proposed development was previously considered by PPC and rejected. It has now come back with a considerable increase in the number of housing. Furthermore, the Plumpton Neighbourhood Plan does not allow for a development on such a large scale as this.

This development would destroy the character of the village; something that all villages are battling very hard with at the moment.

As with many of the surrounding villages, Plumpton Village lacks the necessary infrastructure to support such a development. In fact, the present infrastructure is already inadequate to support the current village. This development would therefore severely impact on an already weak system.

The proposed site is outside the planning boundary and therefore does not comply with the NHP nor the Local Plan.

Every day we are reminded about the future of our already delicate eco-system. This development would have a negative effect on the flora and fauna. The development would mean more cars on the road, therefore more pollution giving rise to more illnesses and allergies and subsequently a hit on our already overwhelmed NHS.

The track that will lead to the development (North Barnes farm) does not have suitable access and it would have an impact on the residents who already live on the track and Plumpton Lane. It would affect those that currently use it such as walkers and cyclists.

Southern Water Plc – No objection, there is currently adequate capacity in the local sewerage network to accommodate a foul flow of 0.90 l/s for the above development at manhole reference TQ36163501. Please note that no surface water flows (existing or proposed) can be accommodated within the existing foul sewerage system unless agreed by the Lead Local Flood Authority in consultation with Southern Water, after the hierarchy Part H3 of Building Regulations has been complied with Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

We completed a capacity check assessment for this site in February 2021 which advised of the following:

'There is currently adequate capacity in the local sewerage network to accommodate a foul flow of 0.90 l/s for the above development at manhole reference TQ36163501. Please note that no surface water flows (existing or proposed) can be accommodated within the existing foul sewerage system unless agreed by the Lead Local Flood Authority in consultation with Southern Water, after the hierarchy Part H3 of Building Regulations has been complied with.'

Our records indicate that primarily the flooding incidents in this area are attributable to blockages rather than insufficient capacity within the sewer network.

The analysis undertaken in relation to the impact of a proposed development on the existing sewer network, focuses on the capacity within the sewer network to accommodate the flows from the development. Sewer blockages do not bear relation to the capacity of the sewer and are caused by obstructions within the network, so they would not be a primary consideration when making the assessments (capacity checks).

Our Operations team are aware of the issues here and are working hard to identify and deliver the best long-term solution.

## 7. Neighbour Representations

7.1 A total of 601 representations were received of which 395 came from individual addresses, and of which there were 13 letter of support. Some responses were duplicated.

A summary of the issues raised is provided below:

- wieght should be given to the Neighbourhood Plan
- size and character inappropriate for the village
- impact on the National Park
- new housing should go on brownfield land
- massive overdevelopment
- alters the character of the village
- contrary to adopted policy
- increased traffic
- impact on public rights of way
- lack of infrastructure and services
- damage to the landscape
- impact on wildlife
- increae pollution
- increase danger to road users and those using the bridleway
- danger to way of life
- too many houses in one go
- previous reasons for refusal still apply
- just too big
- ruining the natural environment
- cumulative impact of development should be taken into account
- drainage issue especially sewerage
- increased flooding
- outside developmment boundary
- noise nuisance
- light pollution
- highway hazards
- undermines neighbourhood plan
- set a precedent for future development
- visual impact from the SDNP area
- no requirement for a village hub
- no demand for housing
- dark skies would be severely impacted on
- detrimental impact on biodiversity

- loss of green space

(Full copies of all representations received can be viewed on the web site).

Councillor Rob Banks, Plumpton, East Chiltington, Streat and St John Without ward -

I would like to submit my objections to the planning application at Nolands Farm in Plumpton Green for 89 houses (LW/21/0262) on the following grounds;

1. The cumulative impact of the 87 net houses in the Nolands Farm application would negatively affect the character of the village, added to the three sites already planned on the Eastern side of Plumpton Green but not yet all implemented, (The Glebe, Strawlands, and land to the rear of Oakfield House). This includes: - An unacceptable impact and pressure on the open countryside and the intrinsic rural character of the existing settlement of Plumpton Green and nearby area.

- The 2018 Plumpton Parish Neighbourhood Plan (Policy 5) deliberately chose smaller sites so that it would be easier for new residents to integrate with the wider community. This development, by contrast, with its own community hub would in effect be “a village within a village” and harm community cohesion.

- The pressure on infrastructure which cannot cope with the existing housing including sewerage, a poor power supply and narrow rural roads. Indeed the rural road which serves the village would be urbanised.

- The impact on people’s mental health and well-being resulting from the loss of yet more green space.

2. This development is outside of the 2018 Neighbourhood Plan which was a democratic process and voted on by local people. This site was considered and rejected and there is no demonstrable local demand for any further housing outside of this plan which already allows for 70 more houses to be built.

3. The application (LW/17/0885) for a smaller number of houses (48) on this site was refused in February 2019 because the development would represent “incursion of development and urbanisation of open countryside”. Nothing has changed and this reason for refusal still applies. LW/21/0262 does not accord with any of the relevant made plans, namely the existing Local Plan Part 1, Local Plan Part 2 (passed only in 2020) and the Plumpton Parish Neighbourhood Plan.

4. This proposed development goes against policies adopted in the Lewes District Local Plan, including Policies DM1 and DM2.

5. Visibility from and proximity to the South Downs National Park where there is supposed to be a “soft boundary”. Sun Close on North Barnes Lane consists of 12 dwellings and is very visually prominent to the surrounding area including from the Downs (as noted by the

Neighbourhood Plan steering group); 89 houses in the surrounding fields would have significantly greater impact on the landscape – the developer admits this is just 1km from the South Downs National Park border.

6. Insufficient and deficient infrastructure to support the current housing numbers let alone additional large development. Plumpton Green suffers now from frequent overflowing mains sewage system, no mains Gas, frequent mains power supply cuts and poor broadband. It has no GP surgery.

7. LDC already has a five-year housing supply. This is a speculative application outside of the plan led process.

8. Local youth (Scouts) amenity that has been used for decades would be lost and this would be to the detriment of young people. Uses for this amenity include for the Duke of Edinburgh awards for Scouts and local schools.

9. The main road through the village will see a huge increase in vehicular traffic (I am concerned about the level of car parking proposed with an additional 210 spaces being provided – but this itself proves the developers accept most people will use their cars. Even if the developers reduce this figure slightly there will still be a large increase in traffic). It will reduce the safety for villagers walking to the school and other amenities. It will cause immense traffic congestion and pollution, not just at a key junction in the heart of the village around the village shop but the length of the single street through the village and leading into the level crossing. The associated parking restrictions for other residents in Plumpton which accompany this application if it were to go ahead would have a significant impact on current residents' lives and could create serious access to their own homes for some residents with mobility problems.

10. The application talks of minimising light pollution but goes on to speak of street lighting lampposts limited to 3.5m in height. The Parish has a "dark skies" policy which does not favour street lighting.

11. The area has a history of flooding due to the relatively flat land east of Station Road, there is no indication how the hard road surfacing and accompanying development would not make matters worse.

12. North Barnes farm track is unsuitable as an access road for construction vehicles. Its use would severely affect residents living on the track, and on Plumpton Lane, as it would walkers, cyclists and horse riders, who all currently use the track.

In addition to my comments made in objection to the above planning application on 13th May (but uploaded onto the planning portal website on 19th May), I would like to raise the additional points in response to the comments from the Planning Policy Team made on 18th May:

1. That the application is assessed directly by the South Downs National Park Authority in terms of the impact of the proposed

development on the landscape, natural beauty, wildlife and cultural heritage of the Park, and for any comment to be reported back. This is made all the more relevant by the fact it is just under 1km from the Park boundary. LDC Planning policy itself states: “Within the setting of the South Downs National Park, an assessment is undertaken to demonstrate that the proposed development will conserve the special qualities of the National Park. This assessment should be informed by the SDNP View Characterisation & Analysis Study 2015, the SDNP Tranquillity Study 2017, and the SDNP Dark Skies Technical Advice Note 2018. Relevant Local Plan Policies: APPENDIX 1 5 · LPP1 Core Policy 10 (Natural Environment & Landscape Character) · LPP1 Core Policy 11 (Built & Historic Environment and High-Quality Design) · LPP2 Policy DM25 (Design)” ;

2. I do not believe the Policy response addresses the point that in February 2019 the District Council refused the application for a development half the size on the basis that it was unplanned, represented an unacceptable incursion of development and urbanisation of open countryside, resulting in harm to the rural and natural character of the landscape around Plumpton village. This crucial point remains valid and nothing has changed in the last 2 years.

3. Use of ‘moderate’ weight for ‘made’ plans in the policy response contradicts assurances LDC planning officers have given both to myself and to Plumpton Parish Council in writing that LPP1/2 and the PPNP will be given ‘high’ weight. Policy DM1 is clearly a very material policy within LPP2, adopted as recently as February 2020, and I ask that the existing Local Plan and Neighbourhood Plan should be given substantial weight accordingly.

4. As well as it not being in line with the existing Local Plan, I do not feel that 4.1.(2) of the Interim Statement for Housing Delivery has been met:

That the scale of the development is manifestly not appropriate and does not take into account the cumulative impact of planned (but not yet built out) development on the Eastern side of the village. As outlined in my previous objection, this cumulative impact would also be felt in terms of pressure on infrastructure, encroachment into open countryside and requires large changes to the rural road serving the village.

Table 2 in LPP1 states that a service village should take 30-100 units. Policy SP2 allocates a minimum of 50 to Plumpton Green, and that number is confirmed in LPP2 where it is acknowledged that the adopted neighbourhood plan more than meets that target at 68 (now 70 with approved applications). When considered against planned growth, this application would therefore exceed the policy maximum significantly over the plan period and would constitute a single development greater than the total of all planned developments over the plan period, and greater than anything ever seen in the village, with overall growth of 25% in the plan period. So it would also be in breach of 4.1 (7) of the Interim Statement. The planning policy team response also excludes consideration of the eastern building boundary. This



would extend the site into open countryside and up to the parish border. LDC planning officers are in active discussion under a Planning Performance Agreement with another developer for a significantly larger site .

5. It will be more car dependent than the developers would have you believe, meaning less ability to tackle climate change. For example, access to the nearest GP surgery will be difficult without a car, (there is no GP surgery in Plumpton Green itself). South Chailey is at least 45-minute walk away with no pavement along much of the route, with no direct public transport provision. And contrary to comments in the application paperwork, there is no regular bus service to Ditchling.

6. And finally I would like to support Plumpton Parish Council's response, in particular to repeat my call for this application to be refused. Should officers recommend supporting the application, I repeat my call as the ward councillor for it to be brought before the planning committee for a decision, where I will call for it to be refused.

## **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, impacts on the wider countryside, flood risk, ecological impact, 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 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.

### **8.2 Principle**

8.2.1 The site falls outside of the defined settlement boundary where the general principle of residential development is resisted.

8.2.2 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.

8.2.3 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.

- 8.2.4 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.'
- 8.2.5 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 housing need.
- 8.2.6 Plumpton Parish Neighbourhood Plan (PPNP) contains a number of housing policies, allocating four housing sites totalling a minimum of 68 net additional dwellings. The Local Planning Authority (LPA) cannot, as a result of the Government's adoption of the standard methodology, demonstrate a housing land supply position of five years or more. (The Council currently has a supply of deliverable housing land equivalent to 2.9 years outside the South Downs National Park (SDNP)). This means that the local plan policies that are most important for determining an application are out-of-date, and the NPPF's presumption in favour of sustainable development will apply to decision making. The PPNP is over two years old it is not afforded the protection of Paragraph 14 of the NPPF.
- 8.2.7 PPNP Policy 1 (Spatial Plan for the Parish), confirms that new development proposals within the planning boundary will be supported, provided they accord with other provisions of the PPNP. Importantly it goes on to state that developments outside the planning boundary will not be supported if it results in coalescence and the loss of separation between neighbouring settlements and/or alters the spatial character and views of the landscape, notably from the SDNP. The site is centrally located, maintaining the green gaps to the north and south of the village, and within easy walking distance to key services. The application is therefore considered to meet the broad aspiration set out in the PPNP.
- 8.2.8 In 2018 an application for 45 new dwellings on the site was submitted and refused for the following three reasons:

Principle - The proposed development is not acceptable in principle

because the site lies outside of the adopted planning boundary as defined in both the Joint Core Strategy and the adopted Plumpton Parish Neighbourhood Plan, which allocates housing sites to meet identified growth through a democratic and plan-led process. In view of this the proposals are contrary to the Council's key countryside policy CT1, which is up to date and retained within the Lewes District Local Plan Part One: Joint Core Strategy; policy SP2 of the Joint Core Strategy; and policies 1, 5 and 6 of the Plumpton Parish Neighbourhood Plan; along with the National Planning Policy Framework.

Landscape impact - The proposed development will, by reason of the siting and location of the application site, represent an incursion of development and urbanisation of open countryside, resulting in harm to the rural and natural character of the landscape around Plumpton village, contrary to the aims and objectives of retained policy CT1 and policies CP10 and CP11 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

Highway safety - Notwithstanding the revisions and amendments submitted, the proposed development, by reason of the position of the access road, does not provide sufficient visibility splays for vehicles entering and leaving Station Road, thereby increasing the hazards faced by existing highway users and negatively affecting highway safety and adversely affecting the amenity of existing residents. As such the proposed development is contrary to the requirements of policies CP11 and CP13 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

- 8.2.9 In view of the substantially altered policy position due to the lack of the 5 year housing land supply, as outlined above, and with regard to the view of professional officers in relation to highways issues as outlined within the report, it is considered that that two of the three previous reasons for refusal would now be difficult to sustain. The NPPF states that in terms of lack of 5-year housing land supply and status of the adopted Plan, that permission should be granted unless 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. In that regard the previous reason for refusal based on impact on the rural and natural character of the area is considered in detail later in the report.
- 8.2.10 In recognition that Policy DM1 can only carry moderate weight in decision making under such circumstances, the Council has approved an Interim Policy Statement for Housing Delivery. This Statement identifies the factors that the Council considers are critical to achieving 'sustainable development' in relation to the provision of housing outside of the settlement planning boundaries, as defined on the Lewes District Local Plan Policies Map.

- 8.2.11 The Statement does not form part of the development plan and does not alter the statutory planning framework for that part of Lewes District outside of the South Downs National Park. However, the Statement is intended to be used as a material consideration in the determination of planning applications.
- 8.2.12 In terms of the third reason for refusal relating to landscape impact, this is considered in the following section.

### **8.3 Visual Impact and the Countryside**

- 8.3.1 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) have been assessed as the potential form and layout of the development.
- 8.3.2 It is considered that there are three aspects to the potential visual impact associated with the development: the formation of the site access; impact on the surrounding countryside; and the impact on the setting of the South Downs National Park.
- 8.3.3 In terms of the access, it is accepted that the loss of the two houses and the creation of a new access on the eastern side of Station Road would impact on the character of the existing streetscape. The road at this point is narrow with a footpath on the western side of the road. Buildings are generally set back from the street, with front boundary treatments varying from low and high hedges, low timber fences, and dwarf walls. The most significant interruption of this layout in the vicinity of the site is the access at West Gate on the western side of the road, leading to the village hall and small housing development of 34 dwellings. There are other interruptions of a similar form (Chapel Road/Woodgate Meadow/Wells Close for example that extend east and westwards from Station Road itself and therefore lateral expansion is not uncommon. Therefore, the creation of a new access into the street scene is not in itself considered to be an alien feature whose visual impact could not be reduced with careful planting, landscaping, and layout of the access itself. The impact of the access has been reduced through the amended plan which indicates a replacement dwelling onto Station Road, thus reducing the visual gap created by the new access.
- 8.3.4 The impact that the development would have on the wider landscape and surrounding countryside requires careful consideration due to the development extending beyond the established village boundary into the well-defined open and green buffer between the village and wider farmed countryside.
- 8.3.5 The Lewes District Council and South Downs National Park Landscape Capacity Study (September 2012) for Plumpton Green concludes that:

The south-east edge of the village is relatively open with medium sized fields, however land to the immediate east features several smaller fields bounded by mature trees and hedgerows. These

features contain the landscape and obstruct outside views. This area offers the greatest opportunity for change without impacting on the landscape character. Although other identified landscape character areas, adjacent to the existing development area, are considered to be more visually sensitive due to the larger scale landscape, there is the potential for small scale changes in the landscape within a strong and reinforced landscape.

- 8.3.6 The study identified three broad character areas around the village and the site area is within two of these. The majority of the site area is within character Area B01 which is assessed as having a medium capacity for development. The field within the proposed site development area to the east of Sun Close is in character Area A01 which is assessed as having low to negligible capacity for development. The area which is in the same ownership as the application site to the south and east of the school, Area A03, is assessed as having low to negligible capacity.
- 8.3.7 It is considered that areas of the site could be considered suitable for development without having unacceptable impacts on the wider landscape and views. Notably those fields closest to the village edge that are aligned with the existing development edge. It is accepted that there is scope for small scale development to the east of the village and as an extension to the built-up area boundary. These are proposed to be low density developments with, for example, a maximum of twenty houses on the Oakfield plot. It was considered that low density development in a strong landscape framework would not detract from the character of the village.
- 8.3.8 The development boundary on the eastern edge of the village is currently Sun Close aligned with the school to the south. The development of 20 units currently under construction on the Oakfield site does not extend beyond this edge. The proposed development of 86 units would extend beyond this edge and encroach into the countryside setting of the village.
- 8.3.9 The submitted LVIA identifies some local sensitivities in relation to the site including the intact character of the field systems and strong historic field pattern. Views from public footpaths across the site towards the church also reinforce local character.
- 8.3.10 The LVIA suggests that the proposed development, with appropriate mitigation, would have an overall moderate adverse effect on landscape and visual amenity. The LVIA concludes that these effects will reduce to minor after 15 years, by which time the proposed mitigation planting would have established. The change would be from rural countryside to medium/ high density residential development over several fields the adverse effects would therefore be permanent.
- 8.3.11 In term of the impact on the rural character of the area and the village, the proposed mitigation largely relies on the existing trees and hedgerows on the site. Whilst these could be reinforced, the adverse effects on the setting of the village and loss of fieldscapes would not reduce over time and would remain adversely affecting the wider

setting and character in the long term, changing the character of the village through the scale, location and extent of the development

- 8.3.12 It is acknowledged that the proposed landscape masterplan would retain existing mature trees and hedgerows, however, the historic open green field character within this framework of hedges would be lost. The site currently forms part of the green buffer between the wider countryside and the village. This buffer is important in views to the village from surrounding public rights of way and notably North Barnes Lane, as well as footpaths 8a, 20 and 16. The views across the site area from Sun Close and Barnes Lane towards the church spire are also notable. These would be obscured by the proposed development.
- 8.3.13 The background assessments which have informed the Plumpton Neighbourhood Plan concluded that there would be scope for small scale development to the east of the village and as an extension to the built-up area boundary. These are proposed to be low density developments with, for example, a maximum of twenty houses on the Oakfield plot. It was considered that low density development in a strong landscape framework would not detract from the character of the village.
- 8.3.14 By contrast the application for 86 houses on this site would be of a medium to high density. The scale and massing of this development would conflict with the character of Station Road and the adjacent settlement area which is predominately of low density and characteristically ribbon development. The development boundary on the eastern edge of the village is currently Sun Close aligned with the school to the south. The development of 20 units currently under construction on the Oakfield site does not extend beyond this edge. The proposed development of 86 units would extend beyond this edge and encroach into the countryside setting of the village.
- 8.3.15 There are also views towards the development site from the surrounding footpaths and from these views the roofs of Sun Close are evident. The proposed houses would extend the views of built form deeper into the countryside. From footpath 16 there are clear views north to Sun Close and the school. The proposed development would also be clearly visible in these views. Further east along this path there are much clearer views to the edge of the site and the houses in Sun Close.
- 8.3.16 Whilst these impacts may not seem significant the proposed development would change the rural nature of these views and have a negative impact on local landscape character and visual amenity.
- 8.3.17 Whilst some of these impacts can be mitigated through new and enhanced planting, this would obscure and alter views to the church spire and the village from the surrounding areas.
- 8.3.18 In terms of the potential impact on the setting of and views from the South Downs National Park, the site is 770m from the national park at its nearest point and 3.5Km north of the scarp slope, from which far ranging views of the Western Low Weald are possible. The SDNP

Authority have, in their consultation response, commented that the NPPF paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks. They also mention that the development needs to be fully considered whether this proposal is indeed sensitively located and avoids adverse impacts on the National Park

- 8.3.19 The comments from the SDNPA raise concerns regarding potential impacts on the longer distance views from the Black Cap and Ditchling Beacon. This impact has been assessed and it is considered that the retention of the existing trees and hedgerows and provision of additional planting, would help to ensure that potential visual impacts on long distance views would be negligible. From these longer distance viewpoints, the proposed development would be seen against the background of the existing built up area. Potential impacts from these longer distance views could be further mitigated by the sensitive use of a variety of materials which reflect the local vernacular. These would all be secured at the detailed design stage.
- 8.3.20 The SDNPA also highlight concerns regarding potential impacts on the Western Low Weald character area as the setting of the SDNP. These have been considered above.
- 8.3.21 The Landscape Architect advising the Council has considered all of these aspects of the development and its potential impact, concluding that 'On balance and considering the current policy context, it is recommended that the proposed development could be supported. This would be subject to a robust mitigation strategy, as outlined. A high-quality landscape led development could provide an opportunity to enhance local landscape character and views and establish a defensible boundary to the built development on the eastern edge of the village'.
- 8.3.22 In acknowledging these comments it is important to note that they are 'on balance' and made in view of the current policy position in relation to the 5-year housing land supply, and state that the development 'could be supported'. Taking these comments into account and having due regard to the scale and location of the development, and due to the level of mitigation that would be required to begin to offset the visual harm that would arise, it is considered that the scale and location of the of the proposed development would not be in character with the existing built form and scale of development on the east side of Station Road. The development would extend beyond the established physical village boundary into the well-defined open and green buffer between the village and wider farmed countryside, having a detrimental impact on the visual and physical character of the surrounding countryside.

#### **8.4 Design and Layout**

- 8.4.1 Although full details of design, scale, layout and landscaping are reserved matters it is clear from the illustrative plans and documents that the proposed development will involve building over a site that

has not previously been developed. Whilst the overall site area covers approximately 5.2 hectares, the developable area is reduced due to the retention of existing trees and hedgerows, wildlife areas and enhanced margins. The net developable area has altered slightly during the pre-app process, with the inclusion of a new house fronting Station Road, and with the revision of the road pattern being amended to avoid tree screens etc. The site area considered for development is now approximately 3.4 to 3.5 hectares, and includes some areas set aside for attenuation and formal open space. With the number of dwellings proposed this would provide a density of approximately 25 units per hectare.

- 8.4.2 The site comprises a number of parcels of land that are separated by existing hedge and tree screens. Much of the land is classed as Grade 3 agricultural land, although there is an area of deciduous woodland with several ponds located in the south east. There are two residential units located on the western side of the land - abutting Station Road, and several agricultural structures within the site, that will be removed by any application proposals. The majority of the existing site features would be retained and where appropriate enhanced, particularly those related to landscape buffers and ecological margins.
- 8.4.3 The indicative layout indicates that the site is well connected in terms of its road access and footpath links. 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.
- 8.4.4 In terms of design, the indicative plans and Design & Access Statement indicate that the majority of the dwellings would not exceed two-storeys in height. The submitted appraisals of surrounding development have identified key architectural features within the area such as a mix of design features that are found locally and 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, to accord with the Plumpton Parish Neighbourhood Plan Design Statement, including the frequent use of red clay tile hanging, red brick, slate and clay roof tiles, timber weatherboarding and knapped flint. It is stated that these materials would be incorporated throughout the development.
- 8.4.5 It is considered that the indicative layout drawings and architectural appraisals demonstrate that the site could support, in design and layout terms, a residential development of the scale proposed. However, due to the location of the development and its separation from the linear layout of the village, it would fail to sit comfortably into the established and surrounding built environment of Plumpton and detrimentally impact on the wider countryside setting.

## **8.5 Highways and Site Access**



- 8.5.1 The full ESCC Highways comments are included in the report and are supportive of the application and therefore the comments are not repeated here. In summary they conclude that in terms of layout and safety the new access is satisfactory, and that issues/problems raised in the RSA have been addressed by the Designers Response and can be agreed/dealt with through the detailed design of the s278 agreement and Traffic Regulation Order process.
- 8.5.2 Various mitigation measure will need to be secured through a S106 agreement including contribution to school transport, new south bound bus stop, new dropped kerbs on Station Road, reprofiling laybys to provide accessibility compliant bus stops, parking spaces for existing residents along new estate road, pedestrian/cycle link from North Barnes Lane into the site and funding of a TRO to name a few.

## **8.6 Flooding and Drainage**

- 8.6.1 The proposed development would involve the introduction of buildings and new surfacing 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 there have been documented issues concerning foul drainage.
- 8.6.2 The submitted Flood Risk Assessment has been considered by ESCC as the Lead Local Flood Authority (LLFA) who considered that the preliminary proposals for the management of surface water from the development site are acceptable in principle.
- 8.6.3 They requested that, as part of the detailed design, the applicant should determine the invert level of the receiving watercourses in order to confirm the feasibility of a gravity discharge. The applicant should also provide hydraulic calculations for the entire SuDS system and these should take into account the connectivity of the different SuDS features ('Network Model'). These details will be secured by conditions.
- 8.6.4 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.
- 8.6.5 In terms of foul drainage, there have been several reports of capacity issues in the local sewerage system and questions asked about the overall capacity of the system to cope with this number of new homes.
- 8.6.6 Southern Water have been consulted (and further contact made to get an answer to this issue. They have responded that they had completed a capacity check assessment for this site in February 2021 which advised that there is currently adequate capacity in the

local sewerage network to accommodate a foul flow of 0.90 l/s for the above development at manhole reference TQ36163501. Please note that no surface water flows (existing or proposed) can be accommodated within the existing foul sewerage system unless agreed by the Lead Local Flood Authority in consultation with Southern Water, after the hierarchy Part H3 of Building Regulations has been complied with. ‘

- 8.6.7 They also stated that their records indicate that primarily the flooding incidents in this area are attributable to blockages rather than insufficient capacity within the sewer network. The analysis undertaken in relation to the impact of a proposed development on the existing sewer network, focuses on the capacity within the sewer network to accommodate the flows from the development. Sewer blockages do not bear relation to the capacity of the sewer and are caused by obstructions within the network, so they would not be a primary consideration when making the assessments (capacity checks).
- 8.6.8 The Operations team are aware of the issues and have carried out CCTV investigation which show that the issue is not related to capacity, but condition of the pipes – which are pitch fibre. These need to be lined, however they were unable to confirm any timeline on this. They are looking into how to identify and deliver the best long-term solution. It is likely that new linings to the existing pipework will be their preferred solution.
- 8.6.9 Therefore, it is considered that the site can satisfactorily accommodate the proposed level of development without detriment to the existing drainage system, albeit that there is a requirement for Southern Water to undertake their statutory works in the village.

## **8.7 Ecology & Biodiversity**

- 8.7.1 The application is accompanied by an Ecological Impact Assessment (EclA – The Ecology Co-op 11/3/21). The development relates to two plots of land. The northern sector is proposed for development, and the southern sector is proposed for enhancement. Habitats on site (in both sectors) include improved grassland, neutral semi-improved grassland, dense/continuous scrub, ruderal vegetation, scattered scrub, broadleaved woodland, a small orchard and allotments, buildings and bare ground. There are hedges bordering and within the site, the majority of which are species rich and in good condition. The site also includes a dry ditch and a number of log piles. The habitats of greatest importance from an ecological perspective are the hedgerows, scrub and woodland. The woodland is to be retained and enhanced through positive management, and the majority of the hedgerows are to be retained and protected.
- 8.7.2 The proposed development will result in the loss of 3.19ha of improved grassland, 1.12ha of semi-improved grassland, 0.07ha of amenity grassland, 0.33ha of scrub, 0.01ha of bare ground and 0.22ha of ruderal vegetation.

- 8.7.3 The Biodiversity Impact Calculation (BIC) states that habitat creation and enhancement within the developed area in the northern sector, and in the southern sector to be retained, will compensate for the loss of habitat and will provide enhancements. The BIC also states that compensation/enhancement will include tree planting, enhancement to the green buffer areas, thickening and enhancement of species rich thorny planting to existing hedgerows to enhance opportunities for wildlife, new bat and bird boxes, buffers to protect the existing and retained hedgerows, planting of wildflower meadows, and the protection and enhancement of the woodland and pond area. Concerns raised in relation to nesting nightingales has been resolved with the two identified nesting sites being located outside of the development area and the overall enhancement to the vegetation across the site and in particular to the woodland area on the south west corner.
- 8.7.4 The proposed development will result in the loss of approximately 0.052km of hedgerow for access into and through the site. The proposal to mitigate for this impact through the provision of 1.44km of new native species-rich hedgerows is acceptable and will result in a net gain in terms of hedgerow units. This will benefit nesting birds and specifically dormice.
- 8.7.5 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 will provide a minimum of 10% Biodiversity Net Gain as required by the Biodiversity Net Gain Technical Advice Note (TAN). Supplemental information submitted by the applicant shows that there would be a 39.51% net gain in hedgerows and 16.95% in habitats overall.
- 8.7.6 Full details of site landscaping would be secured at the Reserved Matters stage.
- 8.7.7 It is therefore considered that the development would comply with policy CP10 of LLP1, policies, DM24 and DM27 of LLP2 and paras. 170 and 175 of the NPPF.

## **8.8 Sustainability**

- 8.8.1 The application is in outline form and, as such, it is not possible for all sustainability measures to be detailed at this stage. However, the application is supported by an Energy and Sustainability Statement that sets out the aim on achieving at least a 20% reduction in regulated CO2 emissions against a Building Regulations Part L 2013 compliant scheme. It is also an aim to target a 40% reduction in the dwelling emission rate against a target emission rate. These would be achieved through the use of both passive design and use of new technologies.

8.8.2 The application for Reserved Matters would need to include a sustainability statement that confirms compliance with the aims and objectives Energy Statement and 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 Archaeology**

8.9.1 An Archaeological Desk based Assessment of the site has been carried out and a report submitted as part of the suite of documents supporting the application.

8.9.2 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.

8.9.3 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.

8.9.4 It is therefore considered the proposed development complies with policy CP11 of LLP1, DM33 of LLP2 and section 16 of the NPPF.

## **8.10 Planning Obligations**

8.10.1 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 34.4 units. In order to fully comply with the standards set out in the Lewes District Council SPD for affordable housing, 34 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.

8.10.2 The applicant has confirmed that affordable housing would be provided in compliance with the requirements of CP1 and a Section 106 legal agreement would be required to secure the units/payment.

8.10.3 In terms of Highway issues the following will also need to be secured:

- 1) Travel Plan developed in accordance with ESCC Travel Plan Guidance for developers (Feb 2020).
- 2) Travel Plan Audit Fee of £6,000

- 3) Access from the C110 [Station Road] including, closure of existing accesses, new buildouts, visibility splays and road markings etc as shown on plans Nos:- SK2164 – 10 revision B; site indicative layout 1924-PL04 revision P; and SK21614 -25;
- 4) The existing layby to the south of Riddens Lane shall be reprofiled to effectively provide a bus stop build out “pier” of sufficient width and height to be accessibility compliant and/or provide further alterations to the bus layby profile at the northern and southern ends.
- 5) New southbound bus stop on Station Road opposite the northbound stop [or in vicinity of] to be provided. The exact position to be agreed and will need to be accessible to all with provision of DDA compliant kerbing, bus stop pole, flag/timetable.
- 6) Dropped kerbs and/or tactile kerbing across Riddens Lane at its junction with Station Road and across Station Road in the vicinity of the bus stops.
- 7) Footways around access bell mouth and footway links on Station Road together with appropriate crossing points on Station Road.
- 8) Substantial Improvements/alterations to gateway features at both ends of village with a commuted sum sought at the s278 detailed design stage.
- 9) Link through the site to North Barnes Lane [as cycleway/footway] for public use as permissive path [to be secured in case estate roads not adopted]
- 10) School Transport Contribution £108,300 to provide/enhance existing school bus transport services for 3 years.
- 11) Provision of parking spaces on new estate road for existing residents/visitors on Station Road.
- 12) A £5000 contribution towards the administrative costs of a Traffic Regulation Order for implementation of any parking restrictions required and/or extension to the 30mph within the site and/or bus stop cage.
- 13) Prior to commencement of Development Items 3-8 above shall be agreed, secured by a s278 agreement and constructed prior to the occupation of the first dwelling and which will include the need for Road Safety Audits stages 2, 3 and 4 and the implementation of any subsequent remedial measures.

## 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. Conclusion

- 10.1 In considering the proposed development it is important to assess the application against the sustainability criteria set out in the Interim Policy Statement for Housing Delivery (Cabinet 25 March 2021 Minute 52) and which is a material consideration in the determination of applications.
- 10.2 The proposed development can provide safe and convenient vehicle, pedestrian and cycle access to key community facilities and services within Plumpton Green. It would not result in the actual or perceived coalescence of settlements. The indicative plans suggest that its location within the setting of the South Downs National Park is not likely to have an adverse impact upon the special qualities of the Park.
- 10.3 In terms of the potential impact on buildings of historical significance it is considered that whilst there may be some impact on the wider setting of those buildings, especially Whitehouse Farm, this is judged to result in less than substantial harm to its wider setting. In distant views from outside but towards the settlement the view of the church and Whitehouse Farm would be altered, but any impact would be mitigated through landscaping of the site. The immediate setting of both buildings would not, in the opinion of officers, be so detrimentally impacted upon to justify refusal.
- 10.4 An ecological impact assessment has been submitted and demonstrates at least 10% net gain in biodiversity can be achieved, and that mitigation measured and be conditioned to reduce impact and enhance the site. The proposed layout indicates that the development can be achieved on the site and meet the technical requirements in terms of layout, servicing, amenity, privacy, parking, dwelling and garden sizes.
- 10.5 However, the proposed western boundary of the site does not locate the built form contiguous with the adopted settlement planning boundary for Plumpton Green, projecting as it does into the field system and open countryside located to the east of the village. Through its scale and location it fails to respond sympathetically to the existing linear character and distinctiveness of the adjoining settlement and surrounding rural area.
- 10.6 It is considered that the scale and location of the of the proposed development would not be in character with the existing built form and scale of development on the east side of Station Road. The development would extend beyond the established physical village boundary into the well-defined open and green buffer between the village and wider farmed countryside, having a detrimental impact on

the visual and physical character of the surrounding countryside.

## 11. Recommendation

11.1 It is recommended that planning permission is refused for the following reason:

It is considered that the scale and location of the of the proposed development would not be in character with the existing built form and scale of development on the east side of Station Road or the village as a whole. The siting of the development would extend beyond the established physical village boundary into the well-defined open and green buffer between the village and wider farmed countryside, having a detrimental impact on views into and over the site to the detriment of both the visual and physical character of the surrounding countryside, and that the adverse impact significantly and demonstrably outweighs the benefits of providing up to 86 residential units, contrary to Policy CP10 ( i) of LDLP Part 1 and Policy DM25 (1) of LDLP Part 2, and Para 8 ( c ) and 11 ( d (ii)) of the NPPF.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Proposed Layout Plan	1 September 2021	1924-PL04 Rev P WITH DIMS INDICATIVE SITE LAYOUT
Proposed Layout Plan	14 May 2021	SK21614-22 to 26
General	27 August 2021	Biodiversity Impact Calculation
General	27 August 2021	Landscape and ecology Management Plan
General	27 August 2021	Constraints and opportunities Pan
General	27 August 2021	Ecological Impact Assessment
Additional Documents	31 August 2021	Ecological technical Note
Proposed Layout Plan	31 August 2021	Indica1924-PL04 Rev P site layout
Technical Report	9 April 2021	Flood Risk Assessment _ SuDS report
Landscaping	7 July 2021	Landscaping Designations Plan Rev C
Technical Report	12 October 2021	Supplemental Transport Tech Note
General	9 April 2021	S106 Heads of Terms

General	9 April 2021	Utilities Foul Drainage Statement
General	9 April 2021	Transport Assessment & Travel Plan
General	9 April 2021	Townscape Note
General	9 April 2021	Sustainability Checklist & RES Breakdown
General	9 April 2021	Planning Statement
General	9 April 2021	Phase 1 Environmental Assessment (contamination)
Other Plan(s)	9 April 2021	1:1250 Site Location and Block Plan
General	9 April 2021	Landscape and Visual Impact Assessment
General	9 April 2021	Landscape _ Ecology Management Plan
Other Plan(s)	9 April 2021	Indicative Site Location Plan
Other Plan(s)	9 April 2021	Indicative Opportunities and Constraints
Other Plan(s)	9 April 2021	Indicative Developable Areas Plan
Other Plan(s)	9 April 2021	Indicative Density Plan
General	9 April 2021	Ground Water Level Monitoring
General	9 April 2021	Energy Statement
General	9 April 2021	Ecological Statement
Other Plan(s)	9 April 2021	Design Panels 1
Other Plan(s)	9 April 2021	Design Panels 2
Other Plan(s)	9 April 2021	Design Panels 3
Other Plan(s)	9 April 2021	Design Panels 4
Other Plan(s)	9 April 2021	Design Panels 5
Other Plan(s)	9 April 2021	Design Panels 6
General	9 April 2021	Design and Access Statement
General	27 August 2021	Biodiversity Impact Calculation
General	9 April 2021	Biodiversity Checklist
General	9 April 2021	Archaeological Magnetometer Survey



General	9 April 2021	Archaeological Desk Based Assessment (Heritage Statement)
General	9 April 2021	Arboricultural _ Planning Implementation Report
General	9 April 2021	Appendix M - Approach to Disaggregating Local Housing Need
General	9 April 2021	Appendix L Lewes Local Plan - Briefing Paper Towns and Parishes
General	9 April 2021	Appendix K - Gradwell End Appeal APP.P1425.A.14.2220421
General	9 April 2021	Appendix J - Bishops Lane Appeal APP.P1425.W.14.3001077
General	9 April 2021	Appendix I - Land south of North Common Road Appeal APP.P1425.A.14.2215421
General	9 April 2021	Appendix H - Culpepper Close Appeal APP.C1435.W.17.3178137
General	9 April 2021	Appendix G - Mitchelswood Appeal APP.P1425.W.15.3119171
General	9 April 2021	Appendix F - Hallam Land Management Ltd v Secretary of State for Communities and LG
General	9 April 2021	Appendix E - Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates
General	9 April 2021	Appendix D - List of Supporting Documentation
General	9 April 2021	Appendix C - Public Consultation
General	9 April 2021	Appendix B - Pre-Application Meeting Notes and Key Correspondence
General	9 April 2021	Appendix A - LDC Formal Pre-Application Response and Correspondence
General	14 Oct 2021	HED landscape rebuttal letter 6/7/21

This page is intentionally left blank

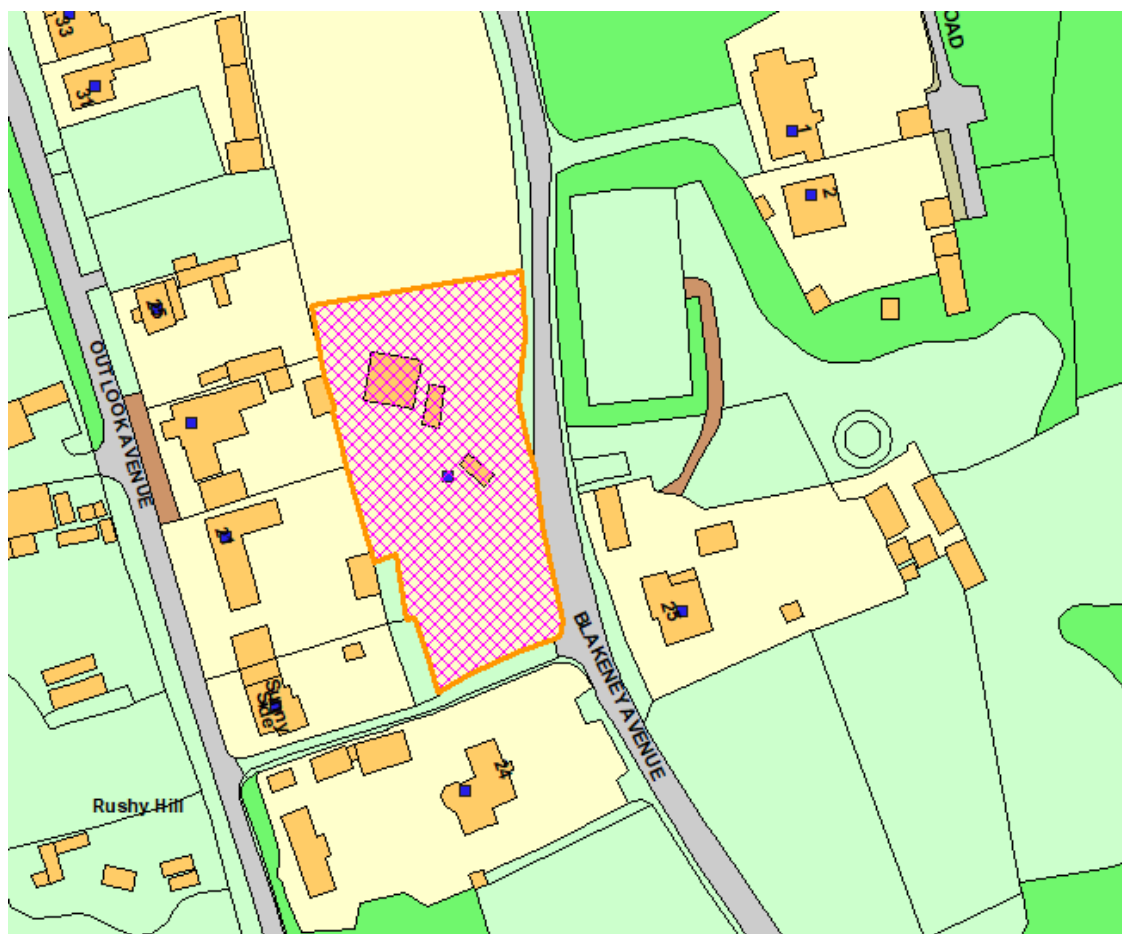
# Agenda Item 10

**Report to:** Planning Applications Committee  
**Date:** 8 December 2021  
**Application No:** LW/20/0390  
**Location:** Sweetwater, 26 Blakeney Avenue, Peacehaven, BN10 8UY  
**Proposal:** Change of use of land to use as a residential caravan site for gypsy/traveller family, involving removal of one existing stable and siting of one new static caravan/mobile home on existing hardstanding, and retention of the existing bungalow as day room/amenity building (amended scheme).

**Applicant:** Michael Cash  
**Ward:** Peacehaven East  
**Recommendation:** Grant Planning Permission.  
**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 as amended in August 2021, is considered to be acceptable. Approval is recommended, subject to conditions.

## 2. **Relevant Planning Policies**

### 2.1 National Planning Policy Framework

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

### 2.2 Lewes District Local Plan

- LDLP: – CP2 – Housing Type, Mix and Density
- LDLP: – CP11 – Built and Historic Environment & Design
- LDLP: – CP13 – Sustainable Travel
- LDLP: – DM1 – Planning Boundary
- LDLP: – DM25 – Design
- LDLP: – DM27 – Landscape Design

## 3. **Site Description**

- 3.1 The application site is located on the west side of Blakeney Avenue, an unmade road accessed at the north from South Coast Road (A259) and ends at its junction with The Highway to the south. Beyond to the south is open land, terminating in the coastal path.
- 3.2 The site is roughly rectangular in shape and covers an area of 0.2ha. Around two thirds of the site is rough grass, the remainder gravel/cinder including a pathway leading from a gate at the southern boundary to the centre of the site. There are three structures on the site – two stables and a single storey timber clad building with pitched roof.
- 3.3 The land to the north of the site is also in the applicant's ownership. On this site at present is a static caravan.
- 3.4 There are a number of residential properties in Blakeney Avenue and to the east of the site. Much of the land off Blakeney Avenue is in use as grazing, stabling and other equestrian activities. To the west of Blakeney Avenue is Outlook Avenue, also with a number of residential properties and equestrian uses.

- 3.5 The site lies outside of the planning boundary and is covered by an Article 4 Direction (Peacehaven Harbour Heights), designated in 1973. The A4 Direction controls the following matters only:

*Houses*

- The erection, construction, improvement or any alterations of gates, fences, walls or any other means of enclosure.
- The formation, laying out and construction of access to a highway.

*Agricultural land*

- The erection or construction of a building or structure on agricultural land
- The extraction of, working with or use of materials on agricultural land, including fertilisation

**4. Proposed Development**

- 4.1 The application as originally submitted was for the retention of the existing stables and the timber clad building, which would be used as a day room/amenity room, together with the formation of hardstanding to accommodate a fixed mobile home, a pitch for a touring caravan, and a post and rail fence to the north, separating the site from the land to the north.

- 4.2 In August 2021, an amendment to the layout was submitted, which is intended to address some of the concerns raised by objectors. The revised proposal now involves the removal of one of the existing stables and the siting of a fixed mobile home in roughly the same location on existing hardstanding, together with the retention of the existing timber clad building for use as day room/amenity building. The applicant has also confirmed that the existing caravan in the adjacent land in his ownership will be removed if this application is approved. This can be secured by condition.

- 4.3 The applicant is from a Traveller/Gypsy background. Travellers and Gypsies prefer to separate their main living/sleeping accommodation from bathroom and toilet facilities. Kitchen areas in mobile homes are often very limited. Therefore, the day room/amenity building is intended to be used for cooking, eating, laundry and use of bathroom.

**5. Relevant Planning History**

- 5.1 E/55/0535 - Outline Application for the erection of 35 dwelling houses- refused 2 August 1955.
- 5.2 E/66/0737 – Change of use of land fronting Blakeney Avenue, to Livery and Riding Stables and retention of timber building in connection therewith – not proceeded with.
- 5.3 E/67/0690 – Use of land as livery and riding stables and retention of stable building adjoining Blakeney Avenue. Restrictive Planning Condition No. 1. Temporary Permission Expires 31/07/1974. Building Regulations approved – approved 3 July 1967.

- 5.4 E/67/0810 - Planning and Building Regulations application for two pairs of loose-boxes on land off Blakeney Avenue. Temporary Permission Expires 31/07/1974. Building Regulations approved – approved 25 September 1967.
- 5.5 LW/76/0434 - Retention of two pairs of loose boxes. Temporary Permission Expires 30/06/79 – approved 10 June 1976.
- 5.6 LW/76/0435 Use of land as livery and riding stables and retention of stable buildings. Temporary Permission Expires 30/06/79 – approved 10 June 1976
- 5.7 LW/79/1195 - Continuation of Use (LW/76/0435) of land as livery and riding stables, retention of stable buildings, and retention (LW/76/0434) of two pairs of loose boxes. Permission Expires 31/08/1980 – approved 20 September 1979.
- 5.8 LW/80/1728 - Continuance of Use LW/79/1195 of land as livery and riding stables, retention of stable buildings and retention of two pairs of loose boxes. Expires 30/11/1985 – approved 19 November 1980.
- 5.9 LW/91/0727 - Outline application for the erection of dwelling house – refused 15 July 1991.
- 5.10 LW/94/1308 - Erection of two stables and two field shelters – approved 24 November 1994.
- 5.11 LW/97/1569 - Section 73A Retrospective application for the retention of post & rail fence – approved 8 December 1997.
- 5.12 LW/14/0629 - Erection of three dwellings – refused 6 November 2014, appeal dismissed 25 April 2015.
- 5.13 LW/16/1029 - Section 73A retrospective application for the siting of a mobile home on land at rear of property – approved 6 February 2017.
- 5.14 LW/18/0017 – Certificate of Lawful Development (existing) for Continued use as a residential dwelling – refused 18 June 2018 – insufficient evidence.
- 5.15 LW/18/0622 - Section 73A retrospective application for change of use of a building to a residential dwelling – refused 18 October 2018, subsequent appeal dismissed 13 June 2019.

## 6. Consultations

### 6.1 Environmental Health

- 6.1.1 Original application - After considering the proposed change of use of the land for domestic purposes, I can confirm that I have no objection.
- 6.1.2 The application form makes reference to a new septic tank which will be installed on the land. Whilst this will be addressed by Building Regulations, I would like to draw attention to the nature of the local geology, which contains clay and sand outcrops and is historically subject to subsidence. Special consideration should be made to the location of the land drain serving the septic tank to ensure that settled wastewater does not drain onto a clay-rich subsoil, as this will hinder percolation and risk causing a hazard if it emerges above the ground surface downstream. If you consider it appropriate, I suggest the following condition:

- Drainage works must be carried out in accordance with a drainage statement to be submitted to and approved by the local planning authority. The statement should demonstrate how any discharge of treated wastewater to the subsoil will be made showing full consideration of the surrounding geology to ensure appropriate percolation into the ground. The statement should be accompanied by a drainage plan.

6.1.3 Amended application – I have no comments in terms of air quality.

6.2 ESCC Rights of Way

6.2.1 No comments received for either original or amended applications.

6.3 ESCC Traveller & Gypsy Liaison Officer

6.3.1 No comments received for either original or amended applications.

6.4 Friends Families and Travellers

6.4.1 No comments received for either original or amended applications.

6.5 Planning Policy - original application

6.5.1 The relevant policy is LPP1 Core Policy CP3, which states that applications for site for Gypsies and Travellers proposals will be supported where they meet the listed criteria and are in conformity with other relevant district wide policies.

6.5.2 Key here is that the intended occupiers meet the definition of Gypsies and Travellers which is set out in the glossary in LPP1:

Gypsies and Travellers - Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such.

6.5.3 If the occupiers meet the definition and the proposal is considered in accordance with the criteria of CP3 and any other relevant policy, then in principle there would be no policy objection to the proposal.

6.5.4 No comments received for amended application.

6.6 Peacehaven Town Council - original application

6.6.1 Peacehaven is currently in the process of trying to protect the natural green space. Within any town there are Planning boundaries and up to those boundaries are urban settlements and this application LW/20/0390, is outside of this urban Boundary and in the countryside.

6.6.2 LDC have a core strategy part 2 in place. This document has a policy DM4 giving exceptions of when something can be built in the countryside or agricultural land, and this new application does not meet any of those exceptions. According to the core strategy document for Lewes, very strong policies are set for travellers and it was found that there was no more need to find anymore sites for

Travelers, the main site is just off Lewes and there is room there for more.

- 6.6.3 It is Article 4 land, which is a rural area of outstanding natural beauty, there are nearby horses and there are environmental concerns to protect this area. This new site is unnecessary when there is space at the main site and it doesn't fit any criteria to 1) build/develop in the countryside and 2) to make any allowance for travellers.
- 6.6.4 Town Councillors have been to view the site and have reviewed all areas of this proposed site:
- There is a static caravan already on the site and a septic tank fitted at far end of it which was fitted 2 years ago, and the position of the septic tank is a concern.
  - The existing building there which is a 1-bedroom bungalow, is classed on the application as the day room/games room, this has a wooden base/veranda, this building base is rotting away. The water comes in and goes out to a septic tank. New caravan will be further up, with a longer distance to go to the septic tank.
  - The Grazing land stated on the application is not actually grazing land, the grazing land is further down.
  - Concerns why there will be a touring caravan next to hedge at the back, as well as a static van?
  - Large gate opening out on to a public footpath. Which is unsuitable for large vehicles.
  - The land here is Clay based ground surface, so water struggles to drain away. Potential for flooding and a natural spring is here.
  - 1 traveller family can be up to 70 people. Concerns this site will be used for a bigger family than stated.
  - This area is Defined as a rural area/county side area. Different set of planning rules should be applied to this area of natural beauty.
  - Concerns that previous Planning Applications for the last 25yrs have suddenly disappeared from the LDC Planning website.
  - Annual report for building, last one in 2018 states that Blakeney Ave is a red zone, unsuitable for building. Piece of land is actually grazing land and soak away, which is a soggy piece of land, the access to this site is the A259 which has always been unrepaired as always collapsing on this section.
- 6.6.5 Peacehaven Town Council would like to OBJECT TO THIS APPLICATION.
- 6.6.6 Amended application - It was resolved to recommend refusal on the following basis:
- There had been no substantial change to this application



- The Town Council's previous recommendation for refusal therefore stands, for the reasons stated. Please carry this forward as part of the Town Council's response to this amended application.
- The caravan has just been moved to a slightly different position.
- Unacceptable change of use
- Approval would set a precedent for this type of development in a rural area/buffer zone between Peacehaven and Newhaven
- The existing building is NOT a bungalow
- There are known issues with water pressure and electricity supply in the area
- It was resolved that, should LDC be minded to approve this application, the following Conditions should be included:
- Site hours limited to Monday-Friday 08:00 to 18:00 and Saturday 08:00 to 13:00, no working on Sundays or Bank Holidays, no plant and equipment to be started up outside of these hours, no loud music to be played
- Vehicles belonging to construction staff should not block access for other residents and should not be parked on grass verges or at junctions
- Any damage to the grass verges during construction must be repaired by the developer
- All construction equipment and supplies to be delivered between the hours of 09:30 and 14:30 to avoid rush hour on the A259 and ease congestion
- If parking at the front of property required, recommend that suitable provision is made for the safety of pedestrians and cyclists
- An asbestos survey should be carried out prior to demolition
- A vehicle wheel wash system to be used to stop contamination of the public highway

## 7. Neighbour Representations

7.1 Original application - Representations have been received from 11 local residents objecting to the application for the following reasons:

- Land is unsuitable for further building
- Land is subject to flooding, additional hardstanding would increase this and lead to subsidence to nearby properties
- Impact on wildlife
- There is no existing 'bungalow' on the site
- Applicant has trespassed on adjoining land and cut down trees

- Proposal is out of character, allowing a static caravan would set a precedent for other strips of land in the area
- Land is adjacent to AONB and SDNP
- Area can't support any more dwellings
- Previous residential uses on this site have been refused
- Road is in poor condition
- Land has been used for grazing and is a greenfield site
- Drainage, refuse collection needs to be taken into consideration
- Planning history of site is not on the website
- Residents in Outlook Avenue not consulted
- The site is outside of the planning boundary, new development not permitted
- Septic tank was out in without permission
- There is a spring on the site
- LDC has sufficient space for Travellers, this would undermine the strategy
- AONB would be ruined
- Insufficient infrastructure, area is subject to power cuts
- Road will be subject to additional traffic which would cause more damage
- Proposed planting will block sightlines of the road
- Proposed hardstanding area is too large and will be out of keeping with the character of the area
- Road is used as a rat run for the tenants in the caravan park, which has increased in size
- Site does not meet the Site Assessment Criteria for Traveller Sites, LDC quota has been reached
- Site is subject to an Article 4 Direction, further development will lead to domestication of the area
- Concern that use of the existing building will become an additional dwelling by stealth.
- Additional noise and disturbance
- A Gypsy/Traveller site here would be detrimental to the area

7.2 Amended application – representations have been received from 10 local residents objecting to the application for the following reasons:

- Very little change to original application, still does not meet the criteria for a Travellers Site
- No main drainage

- Blakeney Avenue is still a steep narrow road
- The site has not been previously developed
- Application is out of character
- Caravan will overlook nearby properties
- Loss of privacy
- Noise and disturbance
- Previous applications have been refused
- Would set a precedent for more static caravans
- Buildings should be removed
- Increased danger of water running down onto A259
- Increase in deterioration of Blakeney Avenue
- Misleading information regarding use of 'bungalow' as just toilets
- Approving will reward illegal behaviour
- Contrary to council policy
- A caravan near properties will devalue them
- Concerns raised about the applicant's behaviour.

## 8. **Appraisal**

### 8.1 Background

8.1.1 As can be seen from the planning history, the site has a planning complex history, involving multiple applications and several different landowners. Formerly associated with number 23 Outlook Avenue, the site and the land to the north is now in the ownership of the applicant. As the application relates to buildings/structures that are currently on the site, it is considered appropriate to examine in further detail certain aspects of applications relating to these structures.

8.1.2 It is clear that stables have been on the site as far back as 1967. Whether or not they are in 'exactly' the same positions as they are now is difficult to ascertain.

8.1.3 The static caravan in the adjacent land has planning permission under LW/16/1029, but with the following restrictive condition:

*The area of land identified on the location plan submitted with the application and hereby approved shall be used for the stationing of a single mobile home to be used only for purposes that are incidental to the use of the site for the keeping of horses for recreational purposes and for no other purposes unless otherwise approved in writing by the local planning authority.*

*Reason: In order to safeguard the character and appearance of the locality and protect residential amenity in accordance with retained policies ST3 and RE8 and Core Policies 10 and 11 of the Lewes*

*District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.*

- 8.1.4 The current status of the caravan – i.e., whether or not it is currently being used in accordance with the above planning permission – would be immaterial if this application is approved as the applicant has agreed to remove it from the site.
- 8.1.5 The planning history of the existing timber clad building on the site, that is proposed to be used as a ‘day room/amenity (see paragraph 4.3 above), is less clear. It is variously described in historical documents as one of a number of ‘*low timber clad buildings*’ (Inspector’s decision LW/14/0629), a ‘*rural dwelling*’ (Application form LW/18/0017), a ‘*barn*’ (Design and Access Statement LW/18/0622) and ‘*rural building*’. (Inspector’s decision LW/18/0622).
- 8.1.6 According to a statement from the previous owner of the site, Mr Betts, submitted under LW/18/0017 (for lawful use), the building was constructed sometime between 2006 and 2007, seemingly for ancillary use to number 23 Outlook Avenue and without planning permission. The building was apparently fitted out for residential use in 2012 and occupied by Mr Bett’s sons at various times. Photos taken at the time of this application confirm that the fitting out works had indeed been carried out.
- 8.1.7 However, this application was refused on the basis of insufficient information to demonstrate that the building had been in residential use for more than 4 years prior to the submission of the application.
- 8.1.8 The Inspector’s decision in respect of LW/18/0622, states in paragraph 4 that ‘*The Appeal building is already used as a single dwelling and no details have been provided regarding when the building was constructed and what activities it has been used for, including dates. At the same time the Appellant has stated that an application for a Certificate of Lawfulness for the use of the Appeal building as a dwelling was refused*’.
- 8.1.9 In paragraph 3, he states that ‘*It is apparent from the 2015 Appeal decision, which relates to the construction of three dwellings on the site, that at that time there were no dwellings on the Appeal site and that the site was occupied by a range of low timber-clad buildings around a concrete apron which the Appellant indicated were used in association with 23 Outlook Avenue*’.
- 8.1.10 The appeal was determined on the basis that the building was in residential use at the time of that appeal (2019), the decision being that it ‘*unacceptably harms the open and semi-rural character and appearance of this area of countryside*.’ Following the appeal decision, the Council did not instigate enforcement action for the removal of the building.
- 8.1.11 The applicant has agreed to alter the building by way of removing the existing stepped terrace and patio doors to the front (north facing) elevation in order that it appears less domestic. Some

additional planting can be added to mask it further. These measures can be secured by condition.

- 8.1.12 Under these circumstances, it is considered that the *proposed* use of the building as applied for under this application -i.e., to provide ancillary facilities for residents of the static caravan – is appropriate.

## 8.2 Principle

- 8.2.1 The site falls outside of the planning boundary for the area, where development is normally resisted under policy DM1. Policy CP2 seeks to provide “*flexible, socially inclusive and adaptable accommodation to help meet the diverse need.*” The Planning Statement submitted with the application confirm that the accommodation is for use by one Gypsy/Traveller family. Planning Policy does not object to the proposal on policy grounds.
- 8.2.2 One of the purposes of DM1 is to protect the “*distinctive character and quality of the countryside*”. In this case, a static caravan and the timber building have clearly been in place for a number of years, possibly in excess of 10 years. Notwithstanding the planning history, it would be difficult to justify a refusal that this application would erode the distinctive character and quality of this site and the surrounding area.

## 8.3 Design and Landscape

- 8.3.1 The design aspects of this proposal are confined to the alterations to the existing building, the appearance of the new static caravan, planting and the finish to the access road. All of these matters can be secured by conditions to ensure compliance with the relevant design aspects of policies CP11, DM25 and DM27 and the Article 4 Direction in respect of boundary treatment.
- 8.3.2 Crucially, the removal of the existing static caravan will improve the overall appearance of the wider site from longer views.

## 8.4 Amenity

- 8.4.1 The existing building does not overlook or overshadow any of the surrounding properties. Similarly, the location of the proposed new static caravan would ensure that the privacy of residents of the properties to the west of the site is not compromised.

## 8.5 Transport and parking

- 8.5.1 There is space for vehicle parking close to the proposed location of the new static caravan.
- 8.5.2 A condition is recommended to secure cycle parking facilities.
- 8.5.3 There are bus stops on the A259 close to the junction with Blakeney Avenue, serving the 12, 12A, 14 and 14C bus routes.
- 8.5.4 It is considered that the proposal does not conflict with policy CP13.

## 8.6 Comments on objections

8.6.1 The comments received have been covered in the preceding sections.

8.6.2 With regard to the condition of the road, it is considered that the level of vehicle activity that would be generated by this proposal would not be significantly different from existing situation and use and therefore a refusal on this ground alone would be difficult to justify.

## 8.7 Conclusion

8.7.1 The application as amended does not propose any additional structures on the site than are there already. The alterations to the timber building will reduce its visual impact and the new static caravan will be located within an existing grouping.

8.7.2 It is considered that the proposal would not lead to such significant harm to the character and appearance of the area as to justify a reason for refusal.

8.7.3 Approval is therefore recommended.

## 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

### 10.2 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>
Location Plan	25 June 2020	Location Plan
Proposed Block Plan	26 August 2021	Amended Layout
Other Plans	25 June 2020	Fencing Plans
Planning Statement	25 June 2020	Planning Statement

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

2. Within 28 days of the static caravan/mobile home hereby approved being brought into use the existing static home/caravan on the adjoining site to the north in the applicant's ownership shall be removed and the land restored to its former condition.

Reason: In order to reduce the visual impact of the development having regard to policies CP11 and DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework

3. The use hereby approved shall not be commenced until full details of the proposed new static caravan/mobile home and its exact location on the site have been submitted to and approved by the Local Planning Authority.

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

4. The use hereby commenced shall not be commenced until details of external alterations to remove the terrace to and change the north facing windows of the existing timber building on the site have been submitted to and approved by the Local Planning Committee. The works shall be carried out in full as approved before occupation of the site.

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

5. The use hereby commenced shall not be commenced until details of all proposed landscaping works, including surface materials of the access road, fencing and planting to the southern and eastern boundaries of the site have been submitted to and approved by the Local Planning Committee. The works shall be carried out in full as approved before occupation of the site.

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

6. The use hereby commenced shall not be commenced until details of a drainage scheme to serve the site has been submitted to and approved by the Local Planning Authority. The works shall be carried out in full as approved before occupation of the site. The drainage scheme should demonstrate how any discharge of treated wastewater to the subsoil will be made showing full consideration of the surrounding geology to ensure appropriate percolation into the ground.

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

7. The use hereby commenced shall not be commenced until details of secure and undercover cycle parking have been submitted to and

approved by the Local Planning Committee. The works shall be carried out in full as approved before occupation of the site.

Reason: To promote sustainable ways of transport in accordance with policies CP13 and CP14 of the Lewes District Joint Core Strategy National Policy Guidance contained in the National Planning Policy Framework.

8. The use hereby commenced shall not be commenced until details of refuse and recycling facilities have been submitted to and approved by the Local Planning Committee. The works shall be carried out in full as approved before occupation of the site.

Reason: In the interests of the amenities of the area, having regard to policy DM26 and guidance within the National Planning Policy Framework.

9. The timber building shall not be used other than for amenity and ancillary use only of the future occupants (and their family and friends) of the proposed static caravan and not at any time for overnight occupation.

Reason: The Local Planning Authority, having regard to the specific living requirements of the intended users of the building, has permitted this development in exception to policies that seek to resist development outside the planning boundary.

## 11. **Background Papers**

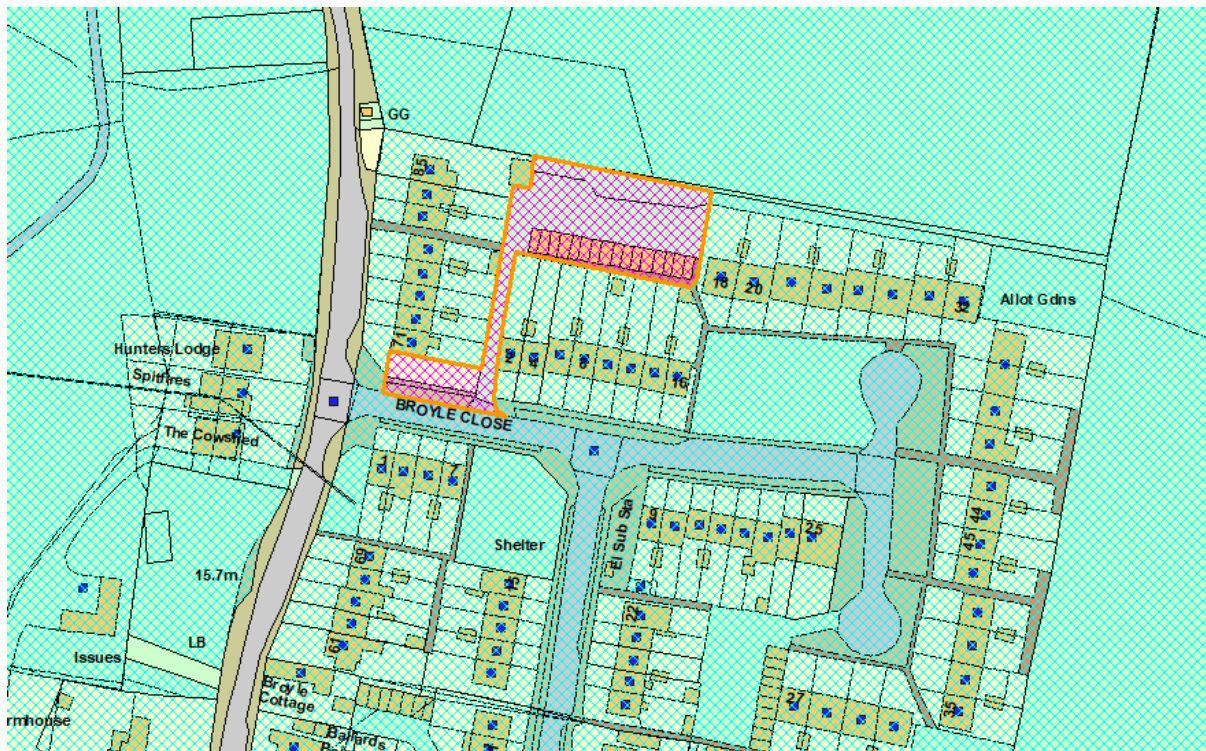
- 11.1 None.



**Report to:** Planning Applications Committee  
**Date:** 8 December 2021  
**Application No:** LW/21/0351  
**Location:** Site to the rear of 2 - 16 Broyle Close, Ringmer, East Sussex BN8 5PL  
**Proposal:** Redevelopment of vacant garage site to provide 3-No. three bed affordable homes including associated vehicle parking, Hard and Soft Landscaping.  
**Applicant:** Lewes District Council  
**Ward:** Ringmer  
**Recommendation:** Grant Planning Permission.  
**Contact Officer:** **Name:** Tom Bagshaw  
**E-mail:** [tom.bagshaw@lewes-eastbourne.gov.uk](mailto:tom.bagshaw@lewes-eastbourne.gov.uk)

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

**Map Location:**



## 1. Executive Summary

- 1.1 This application is before planning committee as the applicant is Lewes District Council, who also own the land.
- 1.2 The proposed development is considered to meet all relevant local and national planning policies.
- 1.3 Approval is recommended, subject to conditions.

## 2. Relevant Planning Policies

### 2.1 National Planning Policy Framework

- 2: Achieving sustainable development.
- 5: Delivering a sufficient supply of homes.
- 8: Promoting healthy and safe communities.
- 9: Promoting sustainable transport.
- 11: Making effective use of land.
- 12: Achieving well designed places;
- 15: Conserving and enhancing the natural environment

#### 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: – DM20 – Pollution Management
- LDLP: – DM22 – Water Resources and Water Quality
- LDLP: – DM23 – Noise DM24: Protection of Biodiversity and Geodiversity
- LDLP: – DM24 – Protection of Biodiversity and Geodiversity
- LDLP: – DM25 – Design

### 2.2 Ringmer Neighbourhood Plan

#### RES10

- 4.1 The countryside in Ringmer
- 4.2 The South Downs National Park
- 4.10 Maintaining and enhancing biodiversity
- 4.11 Avoidance of light pollution
- 8.1 Access to the local road system
- 8.2 The local road network within Ringmer parish
- 8.3 Provision of adequate off-road parking
- 8.5 Road safety
- 8.6 Public transport
- 8.11 Drainage & sewerage
- 8.12 Waste disposal & recycling

- 9.1 Design, massing and height of buildings
- 9.2 Making good use of available land
- 9.3 Materials
- 9.4 Housing space standards
- 9.5 Pedestrian movement
- 9.6 Hard & soft landscaping
- 9.7 Types of residential development
- 9.8 Housing for the elderly & disabled
- 9.9 Housing for supported living
- 9.11 Avoidance of nuisance to neighbours

### **3. Site Description**

- 3.1 The site is located within the Broyle side habitation of Ringmer on an old garage site off Kiln Road. The site itself is 0.117Ha (1,173sqm).
- 3.2 The site is currently vacant garages with hardstanding within the existing residential suburban development of Broyle Side. The garages are vacant not being suitably sized for modern cars and when in use were mainly used for storage.
- 3.3 The predominant building style of the area is of no particular architectural merit, consisting mainly of 70's / 80's mass terraces with mixed brick, tile or plastic cladding and shallow pitch concrete tiled roofs.
- 3.4 There is a mix of materials, however brick features heavily, both buff brick and red brick which this proposal seeks to marry together into a more modern aesthetic. Immediately adjacent the site on Broyle lane a new development at 'The Cowshed' which introduces a modern agricultural aesthetic using timber cladding and zinc.

### **4. Proposed Development**

- 4.1 The application seeks full planning permission for the construction of a three new, three-bedroom houses with rear gardens and would be accessed from Broyle Close. The proposed properties will be affordable units.
- 4.2 Each dwelling would have a Gross Internal Area of approximately 103sqm. The development is located to the rear of properties on Broyle Close and would not be visible in the wider street scene.
- 4.3 This Site is identified in the Ringmer Neighbourhood plan for residential development, section 6.4 RES10
- 4.4 The buildings comprise of two semi-detached properties and one detached property. The dwellings would be orientated to face to the north. The houses have been designed in a contemporary building style and fenestration pattern. The proposal features oriel windows which will prevent overlooking of neighbouring properties.
- 4.5 The final facing materials will be conditioned with the submission of physical samples, however the following examples are the likely materials;

- Good quality Buff Brick with buff mortar such as Marziale brick by Weinereberger with Light Yellow Buff mortar by Tarmac,
- Good quality Red Brick with red mortar such as Olde woodford Red Multi brick by Weinerberger with a medium red-brown mortar by Tarmac,
- Anthracite coloured frame doors and windows,
- Anthracite coloured soffit, eaves and barge boards,
- Standing seam Anthracite Zinc feature panels and roof.

4.6 The site is set out with car parking at the front and side of the properties comprising six allocated parking spaces and 4 visitor parking spaces to offset the loss of the garages. The properties will be accessed via an access road from Broyle Close.

4.7 The proposal includes some light landscaping with light coverage of trees and shrubbery.

## 5. **Relevant Planning History**

5.1 N/A

## 6. **Consultations**

6.1 ESCC SUDS – no comments received.

6.2 ESCC Highways – No Comments.

6.3 Southern Water - The attached plan shows that the proposed development will close to an existing public foul sewer, which will not be acceptable to Southern Water. The exact position of the public apparatus must be determined on site by the applicant before the layout of the proposed development is finalised.

It might be possible to divert the sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

Please note:

The 150 mm public 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 access for maintenance. No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water. No new soakaways should be located within 5 metres of a public sewer. All existing infrastructure should be protected during the course of construction works.

Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout. If the applicant would prefer to advance these options, items above also apply.

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission; for example, the developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.

6.4 Ringmer Parish Council – Ringmer Parish Council strongly objects on the grounds of over-development and loss of parking.

## 7. Neighbour Representations

7.1 We consulted 48 properties and 7 objections have been received:

- Overdevelopment
- Out of character
- loss of parking
- Loss of garages
- Noise from traffic
- Loss of trees
- Harm to habitat
- Reduce visibility at the junction
- Obstruct the highway and bus routes
- Disruption during construction
- Not enough infrastructure to support new housing

## 8. Appraisal

### Key Considerations

8.1 The main considerations in relation to this application are principle of development; design and character; neighbouring residential amenity; highways; refuse and recycling; quality of accommodation; sustainability; biodiversity and ecology and drainage.

#### Principle

8.2 National Planning Policy Framework Paragraphs 7 and 8 state that there are three dimensions to sustainable development: economic, social and environmental. The social role of the planning system should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high-quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural wellbeing.

8.3 The Economic objective helping to build a strong, responsive economy and ensuring that the right types of sufficient land are available in the right places, and the environmental objective making efficient and effective use of land to improve the environment.

8.4 Development proposals that accord with an up-to-date Development Plan should be approved and where a planning application conflicts with an up-to-

date Development Plan, permission should not usually be granted (Paragraph 12).

- 8.5 Section 5 of the Framework sets out policies aimed at delivering a sufficient supply of houses and maintaining the supply to a minimum of five years' worth (Paragraph 73).
- 8.6 Spatial Policy 1 (Provision of housing and employment land) states that in the period between 2010 and 2030, a minimum of 6,900 net additional dwellings will be provided in the plan area (this is the equivalent of approximately 345 net additional dwellings per annum).
- 8.7 Since its introduction through the NPPF in 2018, local housing need is calculated using a standard method contained within Planning Practice Guidance<sup>1</sup>. As such this is a Government initiative that sets the framework within which local housing need is assessed. The standard method uses a formula to identify the minimum number of homes expected to be planned for, in a way which addresses projected household growth and historic under-supply. Under the Government's standard method, the local housing need for the whole of Lewes District at 11th May 2021 is 782 homes per year.
- 8.8 However, approximately half of the area of Lewes District is in the South Downs National Park, which is not under the planning jurisdiction of Lewes District Council. Planning Practice Guidance states that where strategic policy-making authorities do not align with local authority boundaries, an alternative approach to identifying local housing need will have to be used, and such authorities may identify a housing need figure using a method determined locally. In these situations, Planning Practice Guidance also confirms that this locally derived housing requirement figure may be used for the purposes of the five-year housing land supply calculation where the local plan is more than 5 years old.
- 8.9 The Council has published its Approach to Local Housing Need for Lewes district outside the South Downs National Park for the purposes of the Five-Year Housing Land Supply (May 2021). This sets out a locally derived method for calculating local housing need for the plan area (i.e. Lewes district outside of the SDNP) on the basis of how the total number of dwellings in the District is split between inside and outside the National Park. This results in a locally derived housing requirement figure of 602 homes per year, which will be the housing requirement against which the housing supply will be assessed.
- 8.10 The Joint Core Strategy pre-dates the NPPF and in accordance with para 13 of the Framework, the policies of the core strategy should be given due weight according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). In the case of the old housing targets within SP1 and SP2 limited weight should be given, and housing targets which will be given substantial weight in the decision making process are those targets set out in the 'locally derived method for calculating local housing need' (602 dwelling per year).
- 8.11 Given the use of the Governments standard method for calculating housing need has derived a figure significantly greater than the previous position

then this will have a direct impact upon the land available to meet this inflated need. The Council currently has a supply of deliverable housing land equivalent to 2.9 years outside the South Downs National Park (SDNP). This means that the local plan policies that are most important for determining an application carry less weight, and the NPPF's presumption in favour of sustainable development will apply to decision making.

- 8.12 In terms of housing delivery, the Council was found to be delivering 86% of the figure required by the Housing Delivery Test (HDT). The NPPF sets out certain 'actions' that must be implemented depending on the HDT result with less than 95% delivery triggering the requirement of the LPA to produce an Action Plan. The Action Plan produced in 2019 sets out a number of positive actions for the Council to implement in order to increase housing supply, one of the measures being the imminent adoption of the Lewes District Local Plan (part two) 2020.
- 8.13 Overall, the proposal seeks to deliver new housing replacing an area of previously developed private garages. The site is identified in the Ringmer Neighbourhood Plan RES10 for development.
- 8.14 The Ringmer Neighbourhood Plan seeks adequate off-street parking provision for residential dwellings. However, the parking spaces to be lost are of a poor standard and not fit for modern cars and are used in a storage capacity. The loss of the garages would not be considered to have an unacceptable impact upon the area in terms of principle.
- 8.15 There are no local or national policies that resist the creation of such units on a principle basis and the development is supported by RNHP policy RES10, given that the garages do not represent good standard of parking spaces. As such, the delivery of an additional three units is considered to have positive weight in the planning balance.
- 8.16 Therefore, there are no objections to the principle of the scheme subject to the proposal being acceptable in terms of design and character; neighbouring residential amenity; highways; refuse and recycling; quality of accommodation; sustainability; biodiversity and ecology; and drainage.

#### Design & Appearance

- 8.17 Chapter 12 of the NPPF refers to design. Paragraph 127 sets out that planning decisions should ensure that developments (inter alia) function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Development should also create places that are safe, inclusive and accessible.
- 8.18 Paragraph 130 of the NPPF sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should

not be used by the decision-maker as a valid reason to object to development.

- 8.19 Paragraph 131 of the NPPF stipulates that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 8.20 The proposed development should comply with the provisions of Policy DM25 of the Lewes District Local Plan (part 2) sets out that development which contributes towards local character and distinctiveness through high quality design will be permitted where the following criteria are met:
- 8.21 Its siting, layout, density, orientation and landscape treatment respond sympathetically to the characteristics of the development site, its relationship with its immediate surroundings and, where appropriate, views into, over or out of the site;
- its scale, form, height, massing, and proportions are compatible with existing buildings, building lines, roofscapes and skylines;
  - it incorporates high quality, durable and sustainable materials of an appropriate texture, colour, pattern and appearance that will contribute positively to the character of the area;
  - existing individual trees or tree groups that contribute positively to the area are retained;
  - adequate consideration has been given to the spaces between and around buildings to ensure that they are appropriate to their function, character, capacity and local climatic conditions;
  - any car parking or other servicing areas are appropriate to the context and sensitively located and designed so as not to dominate the public realm.
- 8.22 The proposed development would need to be compatible with the surrounding environment in terms of scale, form, height and massing. It is noted that the overall height of the building is broadly consistent with the ridge height of the existing building.
- 8.23 The surrounding area is of a mixed character and appearance with terrace, semi-detached and detached properties of mixed architectural styles and materials. The development is located at the rear of Broyle Close and would be outside of the view of the street scene due to its obscure location. The proposal is not considered to be at odds with the character or appearance of the surrounding area or the street scene.
- 8.24 The dwellings would have a contemporary fenestration style whilst generally conforming to the surrounding area in terms of scale and massing. The proposal would replace existing garages that are of a poor quality of architecture and would not be considered to be of any architectural merit nor do they contribute positively towards the character of the area.
- 8.25 The contemporary design and appearance of the properties adds visual interest to the area with a mix of architectural character between traditional 1980s and 70s properties and contemporary architecture (Cow Shed). Given



visually interesting architecture of the properties the slight deviation from the general fenestration style of the older properties would not harm the character or appearance of the street scene. These properties are considered to be acceptable in terms of design and appearance.

- 8.26 The existing site is currently laid to parking and garages. The proposed landscaping would result in a softening of the appearance of the site. As such, the proposed landscaping would not result in unacceptable harm to the character or appearance of the area. Any external lighting scheme would be required to be submitted to the council prior to occupation of the development to avoid light spill that impacts upon the setting of the open countryside.
- 8.27 The proposal would be located adjacent to the development boundary. The site would be set amongst the existing built form of the Broyleside settlement and would not be considered to have any detrimental impacts to the setting openness of the countryside.
- 8.28 Therefore, the proposal would be acceptable in terms of design and character.

#### Impact on Neighbouring Residents

- 8.29 Policy DM25 of the Lewes District Local Plan (part 2) sets out that proposals seeking new development will not be approved unless it can be shown that there will be no unacceptable adverse impact on the amenities of neighbouring properties in terms of privacy, outlook, daylight, sunlight, noise, odour, light intrusion, or activity levels.
- 8.30 The proposed dwellings would be modest sizes and scales and would be in keeping with the massing of the existing properties in the area. The properties would be set away from the neighbouring properties on Broyle close which would not give rise to unacceptable overlooking of habitable windows. The separation distance to neighbouring properties in unison with would not result in any unacceptable impacts upon neighbouring amenity in terms of overbearing, overshadowing or daylighting/sunlighting to any properties on Broyle Close.
- 8.31 The properties include only one side facing window that would give rise to any overlooking of neighbouring properties. This window is located on the detached property and serves as a light source for the stairwell. A condition will be attached to any permission requiring side facing windows above ground floor level to be obscurely glazed.
- 8.32 Internally within the site the properties would not breach BRE 45 Degree daylighting/sunlighting guidance to any habitable room windows, nor would the orientation or the properties unacceptably overbear, overshadow or overlook other properties within the site. Overall, the proposed development would not be considered to result in any unacceptable impacts upon the

amenity of any nearby residential properties or the properties proposed within the site.

#### Living Condition for Future Occupants

- 8.33 The Nationally Described Space Standards, introduced by DCLG in March 2015, sets clear internal minimum space standards for bedrooms within new dwellings of 7.5 m<sup>2</sup> for single bedroom and 11.5 m<sup>2</sup> for a double bedroom.
- 8.34 Each of the properties would meet the minimum standards set out within the National Described Space Standards and would provide an acceptable standard of living space in this regard. All habitable rooms would be provided with outward looking windows and would provide a good standard of natural daylight/sunlight.
- 8.35 The proposal would provide private amenity space for the properties in the form of a private garden area at the rear of the properties. The provided gardens are considered to be of a size that would provide a good standard of amenity space for the proposed properties and would be acceptable in this regard.

#### Highways

- 8.36 Chapter 9 of the NPPF relates to the promotion of sustainable transport Paragraph 108 sets out that in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up and that safe and suitable access to the Site can be achieved for all users.
- 8.37 Paragraph 109 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.38 The site is located within an urban area and as such, public transport options are available with the nearest bus stop at Kiln Road (1 minutes' walk). Nonetheless, the owners of the property are likely to be reliant on private motor vehicles. The ESCC guidance recommends that for a three-bedroom house, two car parking spaces should be provided meaning the requirement for this site should be six parking spaces. The site plan shows a total of ten parking spaces at the front of the properties and therefore the proposal is in accordance with ESCC guidance. Six spaces would be allocated for occupants of the properties and four would be for visitor parking.
- 8.39 The site access would be required to have visibility splays showing 43 metres in either direct, or in the case of roads that are less than 43 metres to a junction, they should enable drivers to see vehicles turning at the junction. The proposal would be able to accommodate this, and it is therefore acceptable.
- 8.40 Objections have been raised regarding the closing of the bus route. Construction disruption is not a material consideration for planning application that can result in refusal. However, a construction management plan will be required by condition to limit disruption.
- 8.41 Objections have been raised with regards to the loss of the sixteen garages which according to ESCC highways parking would be classed as

approximately five parking spaces (garages are attributed 1/3 of a parking space) and the loss of six off street parking spaces. The garages are not fit for modern car parking and officers do not consider that the loss of spaces would result in a significant loss of off-street parking. Nonetheless, the highways statement set outs that in unison with the four visitors spaces proposed, there is ample on street parking to accommodate any displacement of the maximum number of eleven parking spaces. The methodology of the parking assessment is considered acceptable and therefore, officers have no objection to the parking provision.

- 8.42 Overall, the highways impact of the proposal is considered to be acceptable subject to mitigation and conditions.

#### Refuse and Recycling

- 8.43 The proposal includes details of refuse recycling locations and storage. These details are considered to be acceptable and would not harm the visual amenity or highways capacity and safety of the area. A condition will be included to secure their provision.

#### Ecology/Biodiversity

- 8.44 Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the local environment by (inter alia) recognising the intrinsic character and beauty of the countryside and the wider benefits from ecosystem services, including trees and woodland.
- 8.45 Policy DM24 (Protection of Biodiversity and Geodiversity) states that where development is permitted, the Council will use conditions and/or legal agreements in order to minimise the damage, ensure adequate mitigation and site management measures and, where appropriate, compensatory and enhancement measures in terms of biodiversity and ecology.
- 8.46 Policy DM27: (Landscape Design) states that where appropriate, development proposals should demonstrate a high quality of landscape design, implementation and management as an integral part of the new development. Landscape schemes will be expected to:
- 8.47 The proposal will not result in the loss trees on site. The site is located in an urban environment and does not host and substantial green space or habitats. The site is not considered to be of any significant biodiversity value.
- 8.48 Nonetheless, there is clearly an opportunity for biodiversity net gain resulting from the proposal. The applicant has provided an ecology report which sets out that the scheme would result in long term gains in the form of high biodiversity planting. Conditions will be attached to any planning permission requiring details of ecological enhancement features such as, bird and bat

boxes, and hedgehog house/holes to be submitted to the LPA prior to occupation of the development.

- 8.49 Furthermore, a landscaping plan will be required which will seek to utilise native plant species with a high bio-diversity value to achieve net biodiversity gain,
- 8.50 Therefore, the proposed development would be considered to represent a biodiversity net gain on the site and would be acceptable in this regard.

#### Sustainability

- 8.51 Paragraph 8 of the NPPF sets out that there are three strands to achieving sustainable development, including an environmental objective. This is for development to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 8.52 Paragraph's 10 and 11 of the NPPF state that at the heart of the Framework is a presumption in favour of sustainable development.
- 8.53 Paragraph 148 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; and support renewable and low carbon energy and associated infrastructure.
- 8.54 Paragraph 149 of the NPPF states that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.
- 8.55 Any new dwellings would need to incorporate the maximum feasible amount of renewable energy, and water and energy efficiency measures and equipment and any such features will be welcomed. A condition will be attached to any decision notice which details of sustainability measures on site to be submitted to the Council and approved in writing.
- 8.56 The proposal shows solar panels on the southern facing roof slopes of all Type A properties, which will be a significant benefit to the scheme in regard to achieving a high level of sustainability for the scheme.
- 8.57 Subject to the implementation of appropriate conditions the proposal is considered to be acceptable in terms of sustainability.

#### Drainage

- 8.58 Any submitted application should include details of how surface water generated by the development would be managed. It is recommended that rainwater harvesting infrastructure is incorporated as a means to reduce/control discharge.
- 8.59 The applicant submits that this scheme seeks reduce surface water run off rates by 50% as far as reasonably achievable. This will be achieved by the

implementation of a SUDS management system which includes but is not limited to permeable paving, soakaways, and a water attenuation tank.

- 8.60 ESCC SUDS Officer has not commented on the scheme however it is not situated within a flood zone and is not considered to be at risk of flooding. Therefore, a condition requiring these details be submitted and approved by the LPA in consultation with ESCC SUDS Officer will be attached to any approval. Subject to the receipt of these details the SUDS would be acceptable in this regard.
- 8.61 Southern Water have commented on the scheme regarding issues relating to access to the sewers. However, in order to remove all doubt an informative will be included with any permission which recommends the applicant seek advice directly from Southern Water relating connection to the existing sewer network.
- 8.62 Southern Water has commented on the proposal stating that there may be a public sewer under the site. A condition will be attached to any permission which requires works to stop and Southern Water to be notified in the event that any unidentified sewers are discovered at the application site.
- 8.63 Subject to the implementation of appropriate conditions the drainage layout of the site is considered to be acceptable.

#### Conclusion

- 8.64 The proposed development seeks the erection of three new dwellings. Given the Councils position on housing delivery and the lack of a 5-year housing land supply, the provision of three units is considered to be a significant benefit of the scheme.
- 8.65 The proposal would result in the loss of sixteen private garages. The site would be landscaped to improve green linkages for wildlife and improve the visual appearance of the site. From a design perspective the loss of the garages would improve the appearance of the area and their replacement with landscaped dwelling would be a minor benefit of the scheme.
- 8.66 The design of the proposed development, although contemporary, would enhance the character and appearance of the surrounding area which has a fairly standard type of architecture other than newer contemporary buildings such as the Cow Shed.
- 8.67 The proposed development would be an appropriate standard of accommodation and would not result in any detrimental impacts to the amenities of any neighbouring residential properties.
- 8.68 The lead local flood authority have not commented on the scheme. However, it is not located in an area prone to flooding and the implementation of a condition which requires details of SUDS to be submitted to the LPA prior to commencement of the development would be considered sufficient to mitigate any increase in surface run off resulting from the proposal
- 8.69 The site currently has a low bio-diversity value. Conditions requiring a high biodiversity landscaping plan and other biodiversity enhancement measures will be attached to any permission in order to achieve bio-diversity net gain.
- 8.70 The garages lost would not be considered to be fit for modern car parking. Notwithstanding, including the loss of garage parking spaces, the proposal

would result in a displacement of a maximum of seven cars. There is considered to be sufficient on street capacity to accommodate the displaced cars. The highways are therefore acceptable.

- 8.71 The inclusion of conditions and sustainability measures shown in the plan would result a development with a high level of sustainability.
- 8.72 On balance it is considered that the proposed development is acceptable, meets all relevant national and local plan policies and will make a small but valuable contribution to the District Council’s housing target. Approval is recommended, subject to conditions.

**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**

The proposal meets local and national planning policy and is therefore considered to be acceptable.

**10.1 Conditions**

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Other Plan(s)	13 June 2021	9095 P 206 Rev 07 Proposed Site Elevations
Other Plan(s)	13 June 2021	9095 P 204 Rev 07 Proposed Ground Floor Plan
Other Plan(s)	13 June 2021	9095 P 208 Rev 06 3D Site Visuals
Other Plan(s)	13 June 2021	9095 P 207 Rev 07 Proposed Section Plans
Other Plan(s)	13 June 2021	9095 P 203 08 Proposed Site Plan
Other Plan(s)	13 June 2021	9095 P 202 03 Existing Elevations
Other Plan(s)	13 June 2021	9095 P 200 Rev 07 Site Location Plan

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

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 take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:
- the anticipated number, frequency and types of vehicles used during construction
  - the method of access and egress and routeing of vehicles during construction
  - the parking of vehicles by site operatives and visitors
  - the loading and unloading of plant, materials, and waste
  - the storage of plant and materials used in construction of the development
  - the erection and maintenance of security hoarding
  - the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders)
  - details of public engagement both prior to and during construction works.
  - Details of measures to manage flood risk, both on and off the site, during the construction phase.

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

4. Prior to commencement of the scheme hereby approved a SUDS scheme shall be submitted to and approved in writing by the LPA. The approved details should thereafter be retained.

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

5. 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.

6. The access shall not be used until visibility splays of 2.4m by 43m are provided to the site accesses unless the road is less than 43 metres in length. In this circumstance the visibility splay should be as far as possible. The visibility splays shall be maintained thereafter. The height of the boundary wall and all vegetation should be retained at 1 metre in height towards the north in order to optimise the driver sightline.

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

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

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

8. 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

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

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

10. No part of the development shall be occupied until details for the provision of electric car charging points have been submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with that approval prior to occupation.

Reason: To promote sustainable ways of transport in accordance with policies CP13 and CP14 of the Lewes District Joint Core Strategy National Policy Guidance contained in the National Planning Policy Framework.



11. No part of the development shall be occupied until the refuse and recycling storage facilities detailed in 9095-P-204-07 have been installed 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.

12. 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

13. 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.

14. 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.

15. No windows other than those shown in the approved plans shall be formed in the side walls of any of the extensions hereby approved unless approved in writing by the LPA.

Reason: To protect the amenities of neighbouring residential properties in accordance with Policies DM25 and DM28 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

16. A detailed scheme of soft and hard landscape works, including tree/hedge and shrub planting, shall be submitted to and approved in

writing by the Council and shall be implemented in accordance with the approved details.

This landscaping plan should be design with the site relation to Lorraine Road in mind and the plants/shrubs should be set back from the street to allow unimpeded visibility spays for vehicles exiting Lorraine Road. The submitted landscaping plan will be required to demonstrate this relation and continuously maintain this unimpeded sight line.

If within a period of five years from the date of the planting, any tree, or any tree planted in replacement for it, is removed, uprooted destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

17. No development shall take place until Tree Protection measures have been implemented, in line with the recommendations in the LLD2088-ARB-DWG-002. These details shall thereafter be retained.

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

18. Should any sewers be discovered during construction of the development hereby approved works shall cease immediately and Southern Water shall be notified. Works will not be permitted commence from this point until an investigation of the sewers has been undertaken, the sewers ownership has been established and clearance to commence the development has been confirmed in writing by Southern Water.

Reason: in order to protect drainage apparatus.

19. No development shall take place until ecological enhancement measures have been implemented, in line with the recommendations in the ECOLOGICAL IMPACT ASSESSMENT - LLD2088, LIZARD, dated January 2021. These details shall thereafter be retained.

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.

20. Before occupation of the dwellings any side facing windows above ground floor level shall be obscurely glazed and non-opening below 1.7 metres from finished floor level. These details shall thereafter be retained.

Reason: to protect the amenities of current and future neighbouring properties in accordance with Policy DM25.

21. Prior to the occupation of the development hereby approved, details of all external lighting shall be submitted to an approved in writing by the Council. External lighting should be limited to lights used only for security and safety purposes.

Reason: To avoid unacceptable impacts upon the countryside in accordance with DM25.

22. Prior to occupation of the development hereby approved details of the type and locations of Bird and Bat boxes and mammal gates shall be submitted to an approved in writing by the LPA. The approved details shall thereafter be retained.

Reason: To enhance the biodiversity value of the site in accordance with DM24 and National Planning Policy Framework Paragraphs 170 and 175

## 10.2 Informative(s):

1. 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
2. It is strongly recommended that the applicant/developer seeks advice from Southern Water in relation to the connection to public sewers. furthermore, formal consent from Southern Water will be required for any formal connection to a public sewer.

## 11. **Background Papers**

- 11.1 None.

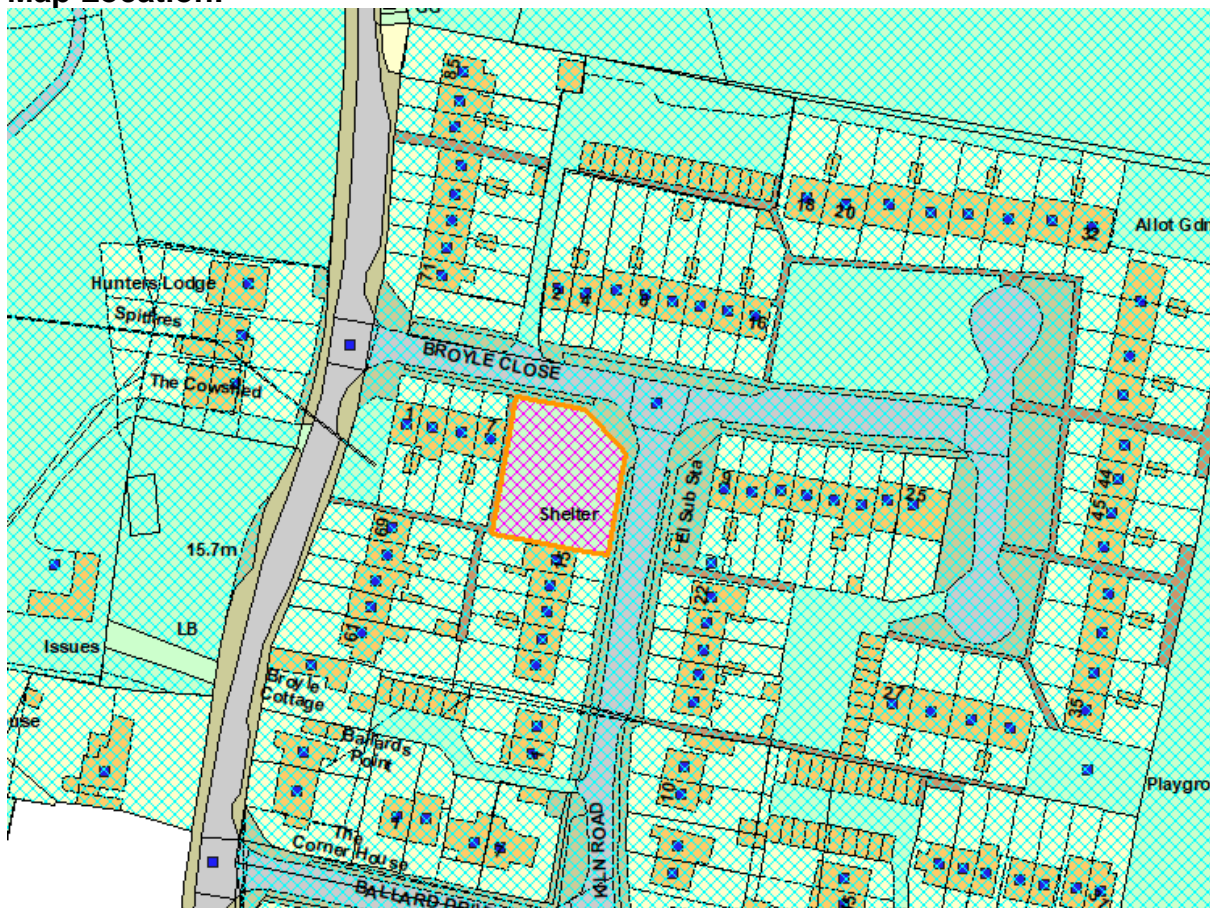
This page is intentionally left blank

# Agenda Item 12

**Report to:** Planning Applications Committee  
**Date:** 8 December 2021  
**Application No:** LW/21/0350  
**Location:** Land adjacent, 15 Kiln Road, Ringmer, East Sussex, BN8 5PJ  
**Proposal:** Redevelopment of Amenity site to provide a terrace of 3-No. two bed affordable homes including associated vehicle parking, hard and soft landscaping.  
**Applicant:** Lewes District Council  
**Ward:** Ringmer  
**Recommendation:** Grant Planning Permission.  
**Contact Officer:** **Name:** Tom Bagshaw  
**E-mail:** [tom.bagshaw@lewes-eastbourne.gov.uk](mailto:tom.bagshaw@lewes-eastbourne.gov.uk)

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

**Map Location:**



## 1. **Executive Summary**

- 1.1 This application is before planning committee as the applicant is Lewes District Council, who also own the land.
- 1.2 The proposed development is considered to meet all relevant local and national planning policies.
- 1.3 Approval is recommended, subject to conditions.

## 2. **Relevant Planning Policies**

### 2.1 National Planning Policy Framework

- 2: Achieving sustainable development;
- 5: Delivering a sufficient supply of homes;
- 8: Promoting healthy and safe communities;
- 9: Promoting sustainable transport;
- 11: Making effective use of land;
- 12: Achieving well designed places;
- 15: Conserving and enhancing the natural environment

### 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: – DM20 – Pollution Management
- LDLP: – DM22 – Water Resources and Water Quality
- LDLP: – DM23 – Noise DM24: Protection of Biodiversity and Geodiversity
- LDLP: – DM24 – Protection of Biodiversity and Geodiversity
- LDLP: – DM25 – Design

### 2.2 Ringmer Neighbourhood Plan

- RES10
- 4.1 The countryside in Ringmer
- 4.2 The South Downs National Park
- 4.10 Maintaining and enhancing biodiversity
- 4.11 Avoidance of light pollution
- 8.1 Access to the local road system

- 8.2 The local road network within Ringmer parish
- 8.3 Provision of adequate off-road parking
- 8.5 Road safety
- 8.6 Public transport
- 8.11 Drainage & sewerage
- 8.12 Waste disposal & recycling
- 9.1 Design, massing and height of buildings
- 9.2 Making good use of available land
- 9.3 Materials
- 9.4 Housing space standards
- 9.5 Pedestrian movement
- 9.6 Hard & soft landscaping
- 9.7 Types of residential development
- 9.8 Housing for the elderly & disabled
- 9.9 Housing for supported living
- 9.11 Avoidance of nuisance to neighbours

### 3. **Site Description**

- 3.1 The site is located within the Broyleside area of Ringmer on the junction of Broyle Close and Kiln Road. The site itself is 0.066Ha (661sqm) and is currently an area of amenity grassland.
- 3.2 The predominant style of the area is of no particular architectural merit, consisting mainly of 70's / 80's mass terraces with mixed brick, tile or plastic cladding and shallow pitch concrete tiled roofs.
- 3.3 There is a mix of materials, however brick features heavily, both buff brick and red brick which this proposal seeks to marry together into a more modern aesthetic. Immediately adjacent the site on Broyle lane a new development at 'The Cowshed' which introduces a modern agricultural aesthetic using timber cladding and zinc.

### 4. **Proposed Development**

- 4.1 The application seeks full planning permission for the construction of a three new, two-bedroom houses with rear gardens and would be accessed from Broyle Close. The proposed properties will be affordable units.
- 4.2 The application proposes a new residential development of 3 no 2 bed dwelling houses, each with a Gross Internal Area of 86sqm. The development is aligned facing onto Broyle close with individual driveways addressing Broyle close and visitor parking on Kiln Road. It is proposed that this will be a 100% affordable housing development.
- 4.3 The buildings are comprised of three terrace properties. The dwellings would be orientated to face to the north. The houses have been designed in a contemporary building style and fenestration pattern, where the windows are

intentionally different sizes and the properties have front gable end roof forms and rear gable end roof forms with a steep rear roof pitch and a shallow front roof pitch.

- 4.4 The materials will be conditioned and subject to submission of physical samples but the submitted plans indicate the following:
- Good quality Buff Brick with buff mortar such as Marziale brick by Weinereberger with Light Yellow Buff mortar by Tarmac,
  - Good quality Red Brick with red mortar such as Olde woodford Red Multi brick by Weinerberger with a medium red-brown mortar by Tarmac,
  - Anthracite coloured frame doors and windows,
  - Anthracite coloured soffit, eaves and barge boards,
  - Standing seam Anthracite Zinc feature panels and roof.
- 4.5 The site is set out with car parking at the front and side of the properties comprising three allocated parking spaces and three visitor parking spaces. The properties will be accessed from Kiln Road and Broyle Close.
- 4.6 The front of the site includes some light landscaping with light coverage of trees and shrubbery. The rear and side of the site has more extensive soft landscaping with lawn and some light trees and shrub coverage.

## 5. **Relevant Planning History**

5.1 N/A

## 6. **Consultations**

6.1 ESCC SUDS – no comments

6.2 ESCC Highways – No Comments

6.3 Southern Water - The attached plan shows that the proposed development will close to an existing public foul sewer, which will not be acceptable to Southern Water. The exact position of the public apparatus must be determined on site by the applicant before the layout of the proposed development is finalised.

It might be possible to divert the sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

Please note:

- The 150 mm public 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 access for maintenance.
- No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.



- No new soakaways should be located within 5 metres of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.

6.4 Ringmer Parish Council – Ringmer Parish Council strongly objects on the grounds of over-development, parking issues, challenges to the bus route and not maintaining the green space as protected by the neighbourhood plan policy 4.6.

## 7. Neighbour Representations

7.1 We consulted 43 properties and 10 objections have been received raising the following issues:

- Overdevelopment
- Out of character
- Lack of parking
- Loss of trees
- Loss of green space
- Harm to habitat
- Reduce visibility at the junction
- Obstruct the highway and bus routes
- Disruption during construction
- Not enough infrastructure to support new housing

## 8. Appraisal

### Key Considerations

8.1 The main considerations in relation to this application are principle of development; design and character; neighbouring residential amenity; highways; refuse and recycling; quality of accommodation; sustainability; biodiversity and ecology and drainage.

### Principle

8.2 National Planning Policy Framework Paragraphs 7 and 8 state that there are three dimensions to sustainable development: economic, social and environmental. The social role of the planning system should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural wellbeing.

8.3 The Economic objective helping to build a strong, responsive economy and ensuring that the right types of sufficient land are available in the right

places, and the environmental objective making efficient and effective use of land to improve the environment.

- 8.4 Development proposals that accord with an up-to-date Development Plan should be approved and where a planning application conflicts with an up-to-date Development Plan, permission should not usually be granted (Paragraph 12).
- 8.5 Section 5 of the Framework sets out policies aimed at delivering a sufficient supply of houses and maintaining the supply to a minimum of five years' worth (Paragraph 73).
- 8.6 Spatial Policy 1 (Provision of housing and employment land) states that in the period between 2010 and 2030, a minimum of 6,900 net additional dwellings will be provided in the plan area (this is the equivalent of approximately 345 net additional dwellings per annum).
- 8.7 Since its introduction through the NPPF in 2018, local housing need is calculated using a standard method contained within Planning Practice Guidance<sup>1</sup>. As such this is a Government initiative that sets the framework within which local housing need is assessed. The standard method uses a formula to identify the minimum number of homes expected to be planned for, in a way which addresses projected household growth and historic under-supply. Under the Government's standard method, the local housing need for the whole of Lewes District at 11th May 2021 is 782 homes per year.
- 8.8 However, approximately half of the area of Lewes District is in the South Downs National Park, which is not under the planning jurisdiction of Lewes District Council. Planning Practice Guidance states that where strategic policy-making authorities do not align with local authority boundaries, an alternative approach to identifying local housing need will have to be used, and such authorities may identify a housing need figure using a method determined locally. In these situations, Planning Practice Guidance also confirms that this locally derived housing requirement figure may be used for the purposes of the five-year housing land supply calculation where the local plan is more than 5 years old.
- 8.9 The Council has published its Approach to Local Housing Need for Lewes district outside the South Downs National Park for the purposes of the Five-Year Housing Land Supply (May 2021). This sets out a locally derived method for calculating local housing need for the plan area (i.e. Lewes district outside of the SDNP) on the basis of how the total number of dwellings in the District is split between inside and outside the National Park. This results in a locally derived housing requirement figure of 602 homes per year, which will be the housing requirement against which the housing supply will be assessed.
- 8.10 The Joint Core Strategy pre-dates the NPPF and in accordance with para 13 of the Framework, the policies of the core strategy should be given due weight according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). In the case of the old housing targets within SP1 and SP2 limited weight should be given, and housing targets which will be given substantial weight in the decision making process are those targets

set out in the 'locally derived method for calculating local housing need' (602 dwelling per year).

- 8.11 Given the use of the Governments standard method for calculating housing need has derived a figure significantly greater than the previous position then this will have a direct impact upon the land available to meet this inflated need. The Council currently has a supply of deliverable housing land equivalent to 2.9 years outside the South Downs National Park (SDNP). This means that the local plan policies that are most important for determining an application carry less weight, and the NPPF's presumption in favour of sustainable development will apply to decision making.
- 8.12 In terms of housing delivery, the Council was found to be delivering 86% of the figure required by the Housing Delivery Test (HDT). The NPPF sets out certain 'actions' that must be implemented depending on the HDT result with less than 95% delivery triggering the requirement of the LPA to produce an Action Plan. The Action Plan produced in 2019 sets out a number of positive actions for the Council to implement in order to increase housing supply, one of the measures being the imminent adoption of the Lewes District Local Plan (part two) 2020.
- 8.13 Overall, the proposal seeks to deliver new housing replacing a small area of public amenity space. The site is identified in the Ringmer Neighbourhood Plan RES10 for development.
- 8.14 Policy CP8 resists the loss of green infrastructure. However, the scheme will be subject to a landscape plan and green space to the side of the properties and the amenity space is of a poor standard and its loss would not be considered to have an unacceptable impact upon local amenity standards and will maintain a verdant character.
- 8.15 There are no local or national policies that resist the creation of such units on a principle basis and the development is supported by RNHP policy RES10, given that the green space is of a poor standard. As such, the delivery of an additional three units is considered to have positive weight in the planning balance.
- 8.16 Therefore, there are no objections to the principle of the scheme subject to the proposal being acceptable in terms of design and character; neighbouring residential amenity; highways; refuse and recycling; quality of accommodation; sustainability; biodiversity and ecology; and drainage.

#### Design & Appearance

- 8.17 Chapter 12 of the NPPF refers to design. Paragraph 127 sets out that planning decisions should ensure that developments (inter alia) function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Development should also create places that are safe, inclusive and accessible.
- 8.18 Paragraph 130 of the NPPF sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or

supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

- 8.19 Paragraph 131 of the NPPF stipulates that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 8.20 The proposed development should comply with the provisions of Policy DM25 of the Lewes District Local Plan (part 2) sets out that development which contributes towards local character and distinctiveness through high quality design will be permitted where the following criteria are met:
- 8.21 Its siting, layout, density, orientation and landscape treatment respond sympathetically to the characteristics of the development site, its relationship with its immediate surroundings and, where appropriate, views into, over or out of the site;
- 8.22 The proposed development would need to be compatible with the surrounding environment in terms of scale, form, height and massing. It is noted that the overall height of the building is broadly consistent with the ridge height of the existing building.
- 8.23 The surrounding area is of a mixed character and appearance with terrace, semi-detached and detached properties of mixed architectural styles and materials. Therefore, the erection of terrace properties would not be considered to be at odds with the character or appearance of the surrounding area or the street scene.
- 8.24 The dwellings would have a contemporary fenestration style whilst generally conforming to the surrounding area in terms of scale and massing. The properties form a three-dwelling terrace in the street scene.
- 8.25 The properties align with established building line and would accommodate the parking at the front of the properties and would conform with the character of the street scene.
- 8.26 The contemporary design and appearance of the properties adds visual interest to the street scene in an area with a mix of architectural character between traditional 1980s and 70s properties and contemporary architecture (Cow Shed). Given visually interesting architecture of the properties the slight deviation from the general fenestration style of the older properties would not harm the character or appearance of the street scene. These properties are considered to be acceptable in terms of design and appearance.
- 8.27 The proposed car parking would result in hard landscaping at the front and side of the site. The existing site is currently laid to green amenity space, however, the proposed landscaping would result in a softening of the appearance of the site from the street scene. Furthermore, it is not uncommon in this area for properties to have hard surfaced front gardens to accommodate parking spaces. As such, the proposed landscaping would not

result in unacceptable harm to the character or appearance of the street scene and would be in keeping with the surrounding area.

- 8.28 Therefore, the proposal would be acceptable in terms of design and character.

#### Impact on Neighbouring Residents

- 8.29 Policy DM25 of the Lewes District Local Plan (part 2) sets out that proposals seeking new development will not be approved unless it can be shown that there will be no unacceptable adverse impact on the amenities of neighbouring properties in terms of privacy, outlook, daylight, sunlight, noise, odour, light intrusion, or activity levels.
- 8.30 The proposed dwellings would be modest sizes and scales and would be in keeping with the massing of the existing properties in the area. The properties would be set slightly back from the neighbouring properties on Broyle Close. However the separation distance to the boundary in unison with the modest depth of the setback would not result in any unacceptable impacts upon neighbouring amenity in terms of overbearing, overshadowing or daylighting/sun lighting to any properties on Broyle Close.
- 8.31 The properties are set well away from any properties on Kiln Road and are bounded on two sides by highways. Therefore, the proposal would not result in any unacceptable impacts upon neighbouring amenity in terms of overbearing, overshadowing or daylighting/sun lighting to any properties on Broyle Close
- 8.32 The properties do not include any side facing windows that would give rise to any unacceptable impacts in terms of overlooking to any neighbouring properties.
- 8.33 Internally within the site the properties would not breach BRE 45 Degree daylighting/sun lighting guidance to any habitable room windows, nor would the orientation or the properties unacceptably overbear, overshadow or overlook other properties within the site. Overall, the proposed development would not be considered to result in any unacceptable impacts upon the amenity of any nearby residential properties or the properties proposed within the site.

#### Living Condition for Future Occupants

- 8.34 The Nationally Described Space Standards, introduced by DCLG in March 2015, sets clear internal minimum space standards for bedrooms within new dwellings of 7.5 m<sup>2</sup> for single bedroom and 11.5 m<sup>2</sup> for a double bedroom. All new units should be designed in accordance with the National Space Standards.
- 8.35 The Nationally Described Space Standards set out the minimum floor space standard for residential units. In this case the proposed residential unit is a two-storey, two-bedroom dwellings (required floor area 70 metres squared).
- 8.36 Each of the properties would be approximately 86 metres squared. Therefore, the proposed dwellings meet the minimum standards set out within the National Described Space Standards and would provide an acceptable standard of living space in this regard. All habitable rooms would

be provided with outward looking windows and would provide a good standard of natural daylight/sunlight.

- 8.37 The proposal would provide private amenity space for the properties in the form of a private garden area at the rear of the properties. The provided gardens are considered to be of a size that would provide a good standard of amenity space for the proposed properties and would be acceptable in this regard.

#### Highways

- 8.38 Chapter 9 of the NPPF relates to the promotion of sustainable transport Paragraph 108 sets out that in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up and that safe and suitable access to the Site can be achieved for all users.
- 8.39 Paragraph 109 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.40 The site is located within an urban area and as such, public transport options are available with the nearest bus stop at Kiln Road (adjacent to the site). Nonetheless, the owners of the property are likely to be reliant on private motor vehicles. The ESCC guidance recommends that for a two-bedroom house, one car parking space should be provided meaning the requirement for this site should be three parking spaces. The site plan shows a total of six parking spaces at the front of the properties and therefore the proposal is in accordance with ESCC guidance.
- 8.41 The site access would be required to have visibility splays showing 43 metres in either direct or in the case of roads that are less than 43 metres to a junction, they should enable drivers to see vehicles turning at the junction. The proposal would be able to accommodate this and it is therefore acceptable.
- 8.42 Objections have been raised regarding the closing of the bus route. Construction disruption is not a material consideration for planning application that can result in refusal. However, a construction management plan will be required by condition to limit disruption.
- 8.43 Overall, the highways impact of the proposal is considered to be acceptable subject to mitigation and conditions.

#### Refuse and Recycling

- 8.44 The proposal includes details of refuse recycling locations and storage. These details are considered to be acceptable and would not harm the visual amenity or highways capacity and safety of the area.
- 8.45 The submitted refuse storage details are considered to be acceptable and a condition will be included to secure their provision.

#### Ecology/Biodiversity

- 8.46 Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the local environment by (inter alia) recognising

the intrinsic character and beauty of the countryside and the wider benefits from ecosystem services, including trees and woodland.

- 8.47 Policy DM24 (Protection of Biodiversity and Geodiversity) states that where development is permitted, the Council will use conditions and/or legal agreements in order to minimise the damage, ensure adequate mitigation and site management measures and, where appropriate, compensatory and enhancement measures in terms of biodiversity and ecology.
- 8.48 Policy DM27: (Landscape Design) states that where appropriate, development proposals should demonstrate a high quality of landscape design, implementation and management as an integral part of the new development.
- 8.49 The proposal will result in the loss of two mature *Acer platanoides* (Norway maple) trees on site. None of the trees are protected by TPO and the proposal will result in a net gain of high biodiversity native trees and shrubs at a rate of two trees for every one lost. Therefore, the loss of trees, whilst regretted, is acceptable in this case.
- 8.50 The site is located in an urban environment but is used as green amenity space. Whilst there will be net loss of greenspace this existing greenspace is not considered to be of great biodiversity value.
- 8.51 Nonetheless, there is clearly an opportunity for biodiversity net gain resulting from the proposal. The applicant has provided an ecology report which sets out that the scheme would result in temporary harm to biodiversity but long-term gains in the form of high biodiversity planting. Officers consider that the short term negative ecological impacts are outweighed by the long-term benefits. Conditions will be attached to any planning permission requiring details of ecological enhancement features such as, bird and bat boxes, and hedgehog house/holes to be submitted to the LPA prior to occupation of the development
- 8.52 Furthermore, a landscaping plan will be required which will seek to utilise plant species with a high bio-diversity value to achieve net biodiversity gain,
- 8.53 Therefore, the proposed development would be considered to represent a biodiversity net gain on the site and would be acceptable in this regard.

#### Sustainability

- 8.54 Paragraph 8 of the NPPF sets out that there are three strands to achieving sustainable development, including an environmental objective. This is for development to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 8.55 Paragraph's 10 and 11 of the NPPF state that at the heart of the Framework is a presumption in favour of sustainable development.
- 8.56 Paragraph 148 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise

vulnerability and improve resilience; and support renewable and low carbon energy and associated infrastructure.

- 8.57 Paragraph 149 of the NPPF states that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.
- 8.58 Any new dwellings would need to incorporate the maximum feasible amount of renewable energy, and water and energy efficiency measures and equipment and any such features will be welcomed. A condition will be attached to any decision notice which details of sustainability measures on site to be submitted to the Council and approved in writing.
- 8.59 The proposal shows solar panels on the southern facing roof slopes of all Type A properties, which will be a significant benefit to the scheme in regard to achieving a high level of sustainability for the scheme.
- 8.60 Subject to the implementation of appropriate conditions the proposal is considered to be acceptable in terms of sustainability.

#### Drainage

- 8.61 Any submitted application should include details of how surface water generated by the development would be managed. It is recommended that rainwater harvesting infrastructure is incorporated as a means to reduce/control discharge.
- 8.62 The applicant submits that this scheme seeks reduce surface water run off rates by 50% as far as reasonably achievable. This will be achieved by the implementation of a SUDS management system which includes but is not limited to permeable paving, soakaways, and a water attenuation tank.
- 8.63 ESCC SUDS Officer has not commented on the scheme however it is not situated within a flood zone and is not considered to be at risk of flooding. Therefore, a condition requiring these details be submitted and approved by the LPA in consultation with ESCC SUDS Officer will be attached to any approval. Subject to the receipt of these details the SUDS would be acceptable in this regard.
- 8.64 Southern Water have commented on the scheme regarding issues relating to access to the sewers. However, in order to remove all doubt an informative will be included with any permission which recommends the applicant seek advice directly from Southern Water relating connection to the existing sewer network.
- 8.65 Southern Water has commented on the proposal stating that there may be a public sewer under the site. A condition will be attached to any permission which requires works to stop and Southern Water to be notified in the event that any unidentified sewers are discovered at the application site.
- 8.66 Subject to the implementation of appropriate conditions the drainage layout of the site is considered to be acceptable.

#### Conclusion

- 8.67 The proposed development seeks the erection of three new dwellings. Given the Council's position on housing delivery and the lack of a 5-year housing



land supply, the provision of three units is considered to be a significant benefit of the scheme.

- 8.68 The proposal would result in the loss of green public amenity space. However, the site would be landscaped to maintain green linkages for wildlife and a verdant appearance. Therefore, the loss of the existing greenspace and trees would represent a minor harm of the scheme subject to a landscaping condition.
- 8.69 The design of the proposed development, although contemporary, would enhance the character and appearance of the surrounding area which has a fairly standard type of architecture other than newer contemporary buildings such as the Cow Shed.
- 8.70 The proposed development would be an appropriate standard of accommodation and would not result in any detrimental impacts to the amenities of any neighbouring residential properties.
- 8.71 The lead local flood authority has not commented on the scheme. However, it is not located in an area prone to flooding and the implementation of a condition which requires details of SUDS to be submitted to the LPA prior to commencement of the development would be considered sufficient to mitigate any increase in surface run off resulting from the proposal
- 8.72 The site currently has a low bio-diversity value. Conditions requiring a high biodiversity landscaping plan and other biodiversity enhancement measures will be attached to any permission in order to achieve bio-diversity net gain.
- 8.73 The inclusion of conditions and sustainability measures shown in the plan would result a development with a high level of sustainability.
- 8.74 On balance it is considered that the proposed development is acceptable, meets all relevant national and local plan policies and will make a small but valuable contribution to the District Council's housing target. Approval is recommended, subject to conditions.

## 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**

The proposal meets local and national planning policy and is therefore considered to be acceptable.

### 10.1 Conditions

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

PLAN TYPE

DATE RECEIVED REFERENCE

Other Plan(s)	11 May 2021	9095 P 101 Rev 05 Existing Site Plan
Other Plan(s)	11 May 2021	9095 P 100 Rev 05 Site Location and Block Plan
Other Plan(s)	11 May 2021	9095 P 102 Rev 03 Existing Elevations
Other Plan(s)	11 May 2021	9095 P 105 Rev 05 Proposed First Floor and Roof Plans
Other Plan(s)	11 May 2021	9095 P 104 Rev 05 Proposed Ground Floor Plan
Other Plan(s)	11 May 2021	9095 P 103 Rev 06 Proposed Site Plan
Other Plan(s)	11 May 2021	9095 P 103 Rev 04 Proposed 3D Visuals
Other Plan(s)	11 May 2021	9095 P 107 Rev 05 Proposed Site Sections
Other Plan(s)	11 May 2021	9095 P 106 Rev 06 Proposed Site Elevations
Other Plan(s)	11 May 2021	LLD2088-ARB-DWG-001 Tree Constraints Plan

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

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 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.
- Details of measures to manage flood risk, both on and off the site, during the construction phase.

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

4. Prior to commencement of the scheme hereby approved a SUDS scheme shall be submitted to and approved in writing by the LPA. The approved details should thereafter be retained.

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

5. 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.

6. The access shall not be used until visibility splays of 2.4m by 43m are provided to the site accesses, unless the road is less than 43 metres in length. In this circumstance the visibility splay should be as far as possible. The visibility splays shall be maintained thereafter. The height of the boundary walls and all vegetation should be retained at 1 metre in height in order to optimise the driver sightlines.

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

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

Authority in consultation with the Highway Authority and the area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

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

8. 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

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

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

10. No part of the development shall be occupied until details for the provision of electric car charging points have been submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with that approval prior to occupation.

Reason: To promote sustainable ways of transport in accordance with policies CP13 and CP14 of the Lewes District Joint Core Strategy National Policy Guidance contained in the National Planning Policy Framework.

11. No part of the development shall be occupied until the refuse and recycling storage facilities detailed in 9095-P-104 Rev.05 have been installed 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.

12. 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

13. 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.

14. 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.

15. No windows other than those shown in the approved plans shall be formed in the side walls of any of the extensions hereby approved unless approved in writing by the LPA.

Reason: To protect the amenities of neighbouring residential properties in accordance with Policies DM25 and DM28 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

16. A detailed scheme of soft and hard landscape works, including tree/hedge and shrub planting, shall be submitted to and approved in writing by the Council and shall be implemented in accordance with the approved details.

This landscaping plan should be design with the site relation to Lorraine Road in mind and the plants/shrubs should be set back from the street to allow unimpeded visibility spays for vehicles exiting Lorraine Road. The submitted landscaping plan will be required to demonstrate this relation and continuously maintain this unimpeded sight line.

If within a period of five years from the date of the planting, any tree, or any tree planted in replacement for it, is removed, uprooted destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

17. Should any sewers be discovered during construction of the development hereby approved works shall cease immediately and Southern Water shall be notified. Works will not be permitted commence from this point until an investigation of the sewers has been undertaken, the sewers ownership has been established and clearance

to commence the development has been confirmed in writing by Southern Water.

Reason: in order to protect drainage apparatus.

18. No development shall take place until ecological enhancement measures have been implemented, in line with the recommendations in the ECOLOGICAL IMPACT ASSESSMENT - LLD2088, LIZARD, dated December 2020. These details shall thereafter be retained.

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.

19. Prior to occupation of the development hereby approved details of the type and locations of Bird and Bat boxes and mammal gates shall be submitted to an approved in writing by the LPA. The approved details shall thereafter be retained.

Reason: To enhance the biodiversity value of the site in accordance with DM24 and National Planning Policy Framework Paragraphs 170 and 175

## 10.2 Informative(s):

1. 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
2. It is strongly recommended that the applicant/developer seeks advice from Southern Water in relation to the connection to public sewers. furthermore, formal consent from Southern Water will be required for any formal connection to a public sewer.

## 11. **Background Papers**

- 11.1 None.

**Report to:** Planning Applications Committee  
**Date:** 8 December 2021  
**Application No:** LW/21/0160  
**Location:** Former Hamsey Brickworks, South Road, South Common, South Chailey  
**Proposal:** Variation of condition 27 in relation to planning approval LW/14/0712.  
**Applicant:** Antler Old Hamsey LLP  
**Ward:** Chailey, Barcombe & Hamsey  
**Recommendation:** That the Variation of Planning Condition is approved subject to a Deed of Variation.  
**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 proposal is considered to be acceptable and is recommended for approval subject to a Deed of Variation in respect of the s106 for the original planning permission LW/14/0712.

## 2. **Relevant Planning Policies**

### 2.1 National Planning Policy Framework

- Achieving sustainable development
- Building a strong, competitive economy

### 2.2 Lewes District Local Plan

- LDLP: – SP1 – Provision of housing and employment land
- LDLP: – CP4 – Economic Development & Regeneration

### 2.3 Hamsey Neighbourhood Plan

- LE4: - Support for new employment related developments

## 3. **Site Description**

- 3.1 The application site, known as the Old Hamsey Brickworks, is located in open countryside on the eastern side of the A275, approximately 5km to the north of Lewes and 1.2km to the south of South Chailey.
- 3.2 Works relating to the development approved under LW/14/0712 are well underway.

## 4. **Proposed Development**

- 4.1 The application seeks consent to vary condition 27 of LW/14/0712, which stated the following:

*“No more than 50% or 24 residential units hereby approved shall be occupied until the B1 commercial units approved as part of this permission have been constructed in accordance with the approved details and made available for occupation*

*Reason: In order to ensure compliance with Local Plan Policy to secure employment floorspace on the site having regard to Policy E1 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.”*

- 4.2 This condition was varied under application ref. LW/18/0098 and states:

*“No more than 50% or 24 residential units hereby approved shall be occupied until one of the B1 commercial units approved as part of this permission have been constructed in accordance with the approved details and made available for occupation.*

*Reason: In order to ensure compliance with Local Plan Policy to secure employment floorspace on the site having regard to Policy E1 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.”*



- 4.3 Originally, the application sought to remove condition 27 entirely, which was considered to be unacceptable. Following negotiations with officers, the application was amended to a variation with the following wording:

*“No more than 85% or 42 residential units hereby approved shall be occupied until one of the B1 commercial units approved as part of this permission have been constructed in accordance with the approved details and made available for occupation”.*

The applicant’s justification for seeking this variation is to reflect various changes in circumstance since the original application was approved and subsequently varied, as set out below in section 8.

## 5. Relevant Planning History

- 5.1 LW/14/0712 - Redevelopment of industrial estate with 8 x B1 (business) units and enabling residential development of 37 open market houses and 12 affordable dwellings – Approved 13 February 2015.

- 5.2 LW/17/0117 - Removal of condition 27 attached to planning approval LW/14/0712 – Refused 27 March 2017 for the following reason:

*“It is considered that the removal of the condition would be likely to result in a residential development being built without any commercial floorspace, creating a development that would not accord with the site allocation HY1 within the Lewes District Local Plan 2003 (LDLP) and the Joint Core Strategy 2010-2030 for employment use, which specifically identifies the site for B1, B2 and B8 uses, and would undermine the enabling justification put forward with the original application which justified the need for residential units to enable the provision of the commercial floorspace”*

- 5.3 LW/18/0098 - Variation of condition 27 relating to planning approval LW/14/0712 whereby the wording of the condition be changed to: "No more than 50% or 24 residential units hereby approved shall be occupied until one of the B1 commercial units approved as part of this permission have been constructed in accordance with the approved details and made available for occupation " - Approved 6 April 2018.

## 6. Consultations

### 6.1 Planning Policy

- 6.1.1 Original proposal: It is considered that from a policy point of view nothing has changed since the 2018 refusal to remove the condition. Ultimately it is still considered that the original permission was granted on the basis that the housing would enable the continued employment use of the site, to remove the condition would likely result in the commercial units not being built out and the benefit of delivering the commercial units is compromised if this condition is removed
- 6.1.2 Amended proposal: I don't have an issue with 85%, which is actually 42 units occupied as they are referring to 29 market units – 8 units remaining.

## 6.2 Town or Parish Council

- 6.2.1 Hamsey PC takes issue with many of the arguments in the submission letter dated 16/6/21, which contain contradictory, and often irrelevant points. HPC would make 2 particular points of challenge – firstly that the condition at issue is not the cause of withholding housing supply, but the applicants. Approving the application is not the only way of increasing the supply of homes – the applicant could do so by constructing only 1 commercial unit – and yet the applicant claims to be poised to construct 3 of the units. Secondly, the applicant argues that the condition is not effective in that it does not lead to the construction of the business units, but that is precisely its current effect.
- 6.2.2 We are not persuaded by the marketing information, partly because the applicants do intend to construct a business unit, but also because, on their own admission, covid is creating uncertainty, and in the medium term, unforeseen post-covid opportunities are likely to emerge to justify strong demand for commercial floorspace in rural locations.
- 6.2.3 Refusal would have a sound policy basis in the employment policies of Hamsey NP, Lewes Local Plan and the NPPF. While the NPPF emphasises housing delivery as a key priority, employment in rural areas is also a NPPF objective, so decision makers should balance the two priorities in decision making.
- 6.2.4 The question is whether or not increasing the percentage of homes that can be occupied before 1 business unit is constructed from 50% to 85% is reasonable. While raising the bar to 85% still provides an incentive, it is clearly a lesser incentive. It also raises the prospect of a further application for removal of the condition at a later date. We are not convinced by the financial arguments, and it seems that the applicant is on track to provide the business units anyway, so rendering the variation of condition unnecessary.
- 6.2.5 However, in a spirit of co-operation we reluctantly **withdraw our objection** but wish to record our continued support for business/mixed use development on the site and urge the construction of the business units as approved. We also wish to signal our strong opposition to any further erosion of the condition under question, or its removal.

## 6.3 ESCC Archaeology

- 6.3.1 No comments on proposal.

## 6.4 ESCC Highways

- 6.4.1 Given that the S278 Agreement for the off-site highway works has been agreed, signed, a bond in place and works commenced on site a highway, an objection in this instance would not be justified.

## 6.5 Sussex Police

- 6.5.1 From a crime prevention perspective, Sussex Police have no objection to the removal of condition 27.

- 6.6 Natural England  
6.6.1 Natural England currently has no comment to make on the removal of condition 27.
- 6.7 East Sussex Waste & Minerals  
6.7.1 No comments on proposal.
- 6.8 Southern Gas Network  
6.8.1 Our gas pipe locations are now available online at [www.linesearchbeforedig.co.uk](http://www.linesearchbeforedig.co.uk) Not only can you access information about the location of our gas pipes in your proposed work area, but you can also search for information on other utility companies assets at the same time All requests for maps and plant location information must now be submitted through this online service.
- 6.9 Southern Water  
6.9.1 No comments on removal of condition 27 submitted by the applicant.
- 6.10 British Telecom  
6.10.1 No response.
- 6.11 District Valuer  
6.11.1 No response.
- 6.12 Environmental Health  
6.12.1 No response.
- 6.13 UK Power Network  
6.13.1 No response.
- 6.14 East Sussex Fire Authority  
6.14.1 No response
- 6.15 Early Years Development Childcare  
6.15.1 No response.
- 6.16 Housing Needs & Strategy Division  
6.16.1 No response.
- 6.17 Sussex Community National Health Service  
6.17.1 No response.
- 6.18 Sussex Wildlife Trust  
6.18.1 No response.
- 6.19 Tree and Landscape officer  
6.19.1 No response.
- 6.20 District Services  
6.20.1 No response.

## 7. Neighbour Representations

- 7.1 One representation has been received a local resident commenting that the since the pandemic, more people have been working from home and that the commercial units should be marketed as co-worker space or made into smaller units that would attract those who can't work from home.

## 8. Appraisal

### 8.1 Background

- 8.1.1 The development site was originally in industrial use. The original decision to develop the site for a mix of residential and commercial uses was against a background of the council having a lack of 5-year housing supply. Condition 27 sought to retain an element of employment floorspace on the site to meet the requirements of policy E1 of the Local Plan that was extant at the time. Policies SP1 and CP4 of the LDLP Part 1 have replaced this policy.
- 8.1.2 The applicant's justification behind the first application to remove condition 27 (LW/17/0117) was based on the assertion that the condition did not meet the NPPF tests; that there was limited demand for office (sic) space in the area; there is "*virtually*" no supply of office accommodation outside of the larger towns of Lewes and Uckfield because "*it is anticipated that there is no demand; and that levels of commercial rents within a 5 mile radius of the site "do not make the development of new office space viable"*". A marketing appraisal from a local commercial agent was submitted in support of the application.
- 8.1.3 It was argued that the requirement to restrict that only 50% of the residential units be occupied before the B1 units are available for occupation was unreasonable and that it would be "*more practical*" to complete and occupy all of the residential units prior to developing the commercial units whilst a marketing exercise (for the commercial units) continues.
- 8.1.4 A final argument in favour of removing the condition was the requirement for the developer to fund off site highways works that were not included in the original viability appraisal.
- 8.1.5 The application was nonetheless refused – see section 5 above.
- 8.1.6 Application LW/18/0098 sought to vary the condition to require that just one of the units be completed and available for occupation. The applicant had, in advance of the application, sought and secured the support of Hamsey Parish Council.
- 8.1.7 This application was approved.

### 8.2 Current application

- 8.2.1 As noted above, the current application as originally submitted, sought to remove condition 27 entirely. The applicant's justification again cited the "*unreasonableness*" of the condition, housing supply/delivery and lack of interest in the commercial units. An

updated marketing report was supplied to underpin the latter, including the impact of the pandemic.

8.2.2 As before, this approach was considered to be unacceptable due to the lack of certainty surrounding the delivery of the commercial units

8.2.3 Following negotiations with officers, the application was amended to alter the percentage of residential units that could be occupied increased from 50% to 85%. This is acceptable to all parties.

### 8.3 Considerations

8.3.1 The main consideration is whether the aims and objectives of the council's economic strategy as manifested in the above-mentioned policies will continue to be met if this condition is varied.

8.3.2 It is considered that the evidence submitted with the application, taken together with the impact that the pandemic will inevitably have on working patterns, is sufficient to justify this further variation to condition 27.

8.3.3 If the committee is minded to grant approval, a Deed of Variation to the s106 attached to the original planning permission will need to be secured, following which the decision can be issued by officers.

8.3.4 A suite of conditions is attached to this decision, comprising those that have not yet been discharged and those which are to remain on the planning permission.

8.3.5 The PC comments are noted. Any further applications to vary the condition will be considered against circumstances prevailing at the time.

## 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 a Deed of Variation in respect of the s106 for the original planning permission LW/14/0712 and the following conditions.

### 10.2 Conditions

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

<b>PLAN TYPE</b>	<b>DATE RECEIVED</b>	<b>REFERENCE</b>
Additional Documents	16 June 2021	Covering letter/statement
Additional Documents	16 June 2021	Marketing Report

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

2. No more than 85% or 42 residential units hereby approved shall be occupied until one of the B1 commercial units approved as part of this permission have been constructed in accordance with the approved details and made available for occupation.

Reason: In order to ensure compliance with Local Plan Policy to secure employment floorspace on the site having regard to policies SP1 and CP4 of the Lewes District Local Plan, policy LE4 of the Hamsey Neighbourhood Plans and to comply with National Policy Guidance contained in the National Planning Policy Framework.

3. No part of the development hereby permitted shall be occupied until works for the disposal of sewage have been provided on the site to serve the development, in accordance with details which have first been submitted to and approved in writing by the local planning authority.

Reason: In the interests of amenity of future occupiers of the development having regard to policies CP11 and DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

4. If within a period of 5 years from the date of planting any tree (or tree planted in replacement for it) dies, is removed or becomes seriously damaged or diseased it shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written approval to any variation.

Reason: In the interests of amenity of the wider area having regard to policy DM27 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

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

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to policy CP13 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

6. Demolition or construction works shall not 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 local amenity 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

7. No external lighting or floodlighting shall be installed on the buildings hereby permitted or the wider site without the prior written approval of the local planning authority.

Reason: In the interests of local amenity 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

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

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to policies CP11 and DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors having regard to policy DM25 of the Lewes District Local Plan and to comply with National Planning Policy Framework.

10. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with

those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors having regard to policy DM25 of the Lewes District Local Plan and to comply with National Planning Policy Framework.

11. 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, an amendment to the 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 having regard to policy DM25 of the Lewes District Local Plan and to comply with National Planning Policy Framework.

12. There shall be no deliveries or departures of goods from the new proposed commercial units other than between 07:00 to 19:00 hours Monday to Friday, 08:00 hours to 16:00 hours Saturday, Sundays and Bank Holidays.

Reason: In the interests of local amenity having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

## 11. **Background Papers**

- 11.1 None.