

Planning Applications Committee 6 April 2022



Working in Partnership



Time and venue:

5:00pm in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE

PLEASE NOTE: This meeting is a public meeting. The number of public seats, however, are limited at the moment and need to be carefully managed to ensure that the meeting remains Covid-secure. For this reason, in line with the requirements for this meeting venue, we would like to 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. In addition, anyone attending the meeting is recommended to wear a face covering and take a lateral flow test. **This meeting will be webcast.**

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

Published: Wednesday, 23 March 2022

Agenda

1 Minutes (Pages 5 - 8)

To confirm and sign the minutes of the previous meeting held on 9 March 2022 (attached herewith).

2 Apologies for absence/Declaration of substitute members

3 Declarations of interest

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

4 Urgent items

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

5 Petitions

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

6 Written questions from councillors

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

Planning applications outside the South Downs National Park

7 LW/20/0011 - Averys Nurseries, Uckfield Road, Ringmer, East Sussex, BN8 5RU (Pages 9 - 52)

8 LW/21/0503 - Land adjacent to The Old Brickworks, Finns Farm - Station Road, Station Road, Plumpton Green, East Sussex (Pages 53 - 80)

9 LW/20/0885 - Land adjacent to Norton Road Business Park, Norton Road, Newhaven, East Sussex, BN9 0JF (Pages 81 - 112)

Planning applications within the South Downs National Park

10 SDNP/21/05039/LIS - 32 High Street, Lewes, BN7 2LX (Pages 113 - 118)

Non-planning application related items

11 Date of next meeting

To note that the next meeting of the Planning Applications Committee is scheduled to commence at 5:00pm on Wednesday, 27 April 2022.

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.leweseastbourne.gov.uk/planningandbuildingcontrol/planningapplications/speaking-at-planningcommittee/>

Information for Councillors

Disclosure of interests:

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

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

Councillor right of address:

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

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

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

Democratic Services

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

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Planning Applications Committee

Minutes of meeting held in Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE, on 9 March 2022 at 5:00 pm.

Present:

Councillor Sharon Davy (Chair).

Councillors Christoph von Kurthy, Jim Lord (Substitute), Sylvia Lord, Imogen Makepeace, Milly Manley, Laurence O'Connor, Nicola Papanicolaou and Richard Turner.

Officers in attendance:

Andrew Hill (Senior Specialist Advisor, Planning)

Emily Horne (Committee Officer, Democratic Services)

Sarah Lawrence (Senior Committee Officer, Democratic Services)

Nick Peeters (Committee Officer, Democratic Services)

Joanne Stone (Solicitor, Planning)

Christopher Wright (Specialist Advisor, Planning)

85 Minutes

The minutes of the meeting held on 16 February 2022 were submitted and approved, and the Chair was authorised to sign them as a correct record.

86 Apologies for absence/Declaration of substitute members

An apology for absence had been received from Councillors Graham Amy, Tom Jones, and Steve Saunders. It was declared that Councillor Jim Lord would be acting as substitute for Councillor Tom Jones.

87 Declarations of interest

There were none.

88 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).

89 Petitions

There were none.

90 Written questions from councillors

There were none.

91 LW/21/0803 and LW/21/0804 - 1 Bramber Avenue, Peacehaven, BN10 8LR**Application A – LW/21/0803:**

Liz Venn (Immediate Neighbour and Manager of Fourways), John Armstrong (Neighbour) and David Carpenter (Neighbour) spoke against the proposal. Rob Henderson (Consultant) and Rupert Nesbitt-Day (Applicant) spoke for the proposal.

Resolved:

That planning application, LW/21/0803 for the removal of Condition 1 of E/68/0850 and Condition 2 of E/71/0883 (occupancy conditions) to enable the use of the premises for other purposes falling within Class C2 (residential institutions), *be refused* on the basis of the following reason:

In view of changes in the locality, including the provision of a homeless hostel in close proximity, that all other uses within Class C2 would fail to reflect the site context and that of the surrounding area, contrary to Policy CP23.

Application B – LW/21/0804:

Liz Venn (Immediate Neighbour and Manager of Fourways), David Carpenter (Neighbour) and Gerald Baker (Adjacent Neighbour) spoke against the proposal. Rob Henderson (Consultant) and Rupert Nesbitt-Day (Applicant) spoke for the proposal.

The Committee adjourned for five-minutes for the Solicitor to consult the Senior Specialist Advisor, Planning, on matters raised by committee.

Resolved:

That planning application LW/21/0804 for new vehicular access with formation of car parking bays, cycle store and bin store, hard and soft landscaping, erection of porch canopy to front, erection of enclosure to external escape stair, installation of solar panels to roof, installation of first floor dormer, insertion of new roof light and various alterations to windows and doors on elections be approved, subject to:

- 1) The conditions and informative set out in the report; and
- 2) Amended wording to the description (remove words: increase 21 to 27 bedrooms).

92 SDNP/21/00345/FUL - Manor Farm House, Bishopstone, BN25 2UQ

Geoff Johnson spoke on behalf of Seaford Town Council. Imogen Taylor (Friends of Bishopstone Village), Peter Earl (Consultant, representing Friends of Bishopstone Village) and David Walters (Bishopstone and Norton Preservation Committee) spoke against the proposal. John Collins (Agent), Veronica Beeny (Local resident) and Penny Evans (Local resident) spoke for the proposal. The Committee Officer read a statement on behalf of Councillor Liz Boorman and Councillor Linda Wallraven, Ward Members for Seaford West Ward.

Resolved:

That planning application SDNP/21/00345/FUL for the change of use of agricultural barn to *Sui Generis* comprising mixed use artists' studios and metalworking studio for blacksmith, with associated storage and use of residual parts of building for agricultural storage, together with associated parking, access and landscaping be approved, subject to:

- 1) The conditions set out in the report and supplementary report;
- 2) Amended wording to condition 4 (as set out in the supplementary report);
- 3) Additional condition 12 in respect of limiting noise levels (as set out in the supplementary report); and
- 4) Amendment to condition 6 to prohibit the use of noisy plant machinery on Saturdays.

93 Date of next meeting

That it be noted that the next meeting of the Planning Applications Committee was scheduled to be held on Wednesday, 6 April 2022, in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE, commencing at 5:00pm.

The meeting ended at 8.05 pm

Councillor Sharon Davy (Chair)

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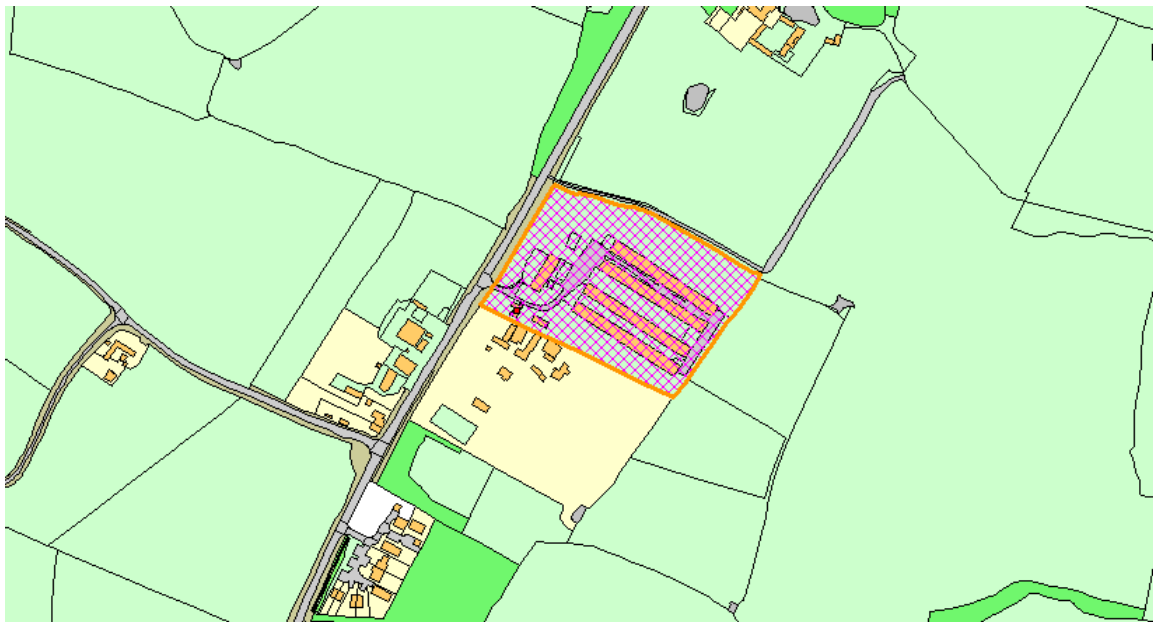
Report to: Planning Applications Committee
Date: 6 April 2022
Application No: LW/20/0011
Location: Averys Nurseries, Uckfield Road, Ringmer, East Sussex, BN8 5RU

Proposal: Outline application (Access only) for demolition of existing commercial/agricultural buildings and construction of new office/light industrial workshops (B1) and 53 dwellings, including new site entrance and A26 right turn lane.

Ward: Ouse Valley & Ringmer
Applicant: Mr R Barbour
Recommendation: Approval subject to a Section 106 legal agreement to secure affordable housing, highway works and phasing arrangements.

Contact Officer: **Name:** James Smith
E-mail: james.smith@lewes-eastbourne.gov.uk

Map Location:



1. Executive Summary

- 1.1 The site is not within, or directly adjacent to, any settlement boundary.
- 1.2 The site is allocated for employment redevelopment in the Ringmer Neighbourhood Plan
- 1.3 This is a brownfield site and is also identified as a contamination risk given its former use . The development of the site is therefore considered to contribute a benefit in remediating the land and putting it into viable use.

- 1.4 Although the site is not within a settlement, ESCC Highways have identified it as having access to public transport and, therefore, there would not be a complete reliance on the use of the private motor vehicle.
- 1.5 The site is allocated for redevelopment in the Ringmer Neighbourhood Plan. Although the allocation relates to employment use, the applicant has submitted a Financial Viability Assessment (FVA) that maintains the employment aspect of the development could not be delivered without facilitatory housing development. The FVA has been independently assessed and its conclusions have been accepted.
- 1.6 The provision of 53 dwellings would assist with housing delivery in Lewes District, which is currently unable to demonstrate a 5 year supply of housing land. The FVA recognises that there is potential for a contribution towards the provision of off site affordable housing.
- 1.7 The residential element of the development would also facilitate the delivery of modern, adaptable employment buildings with a suitable mechanism in place to ensure they are provided before dwellings are occupied. The employment use would support the changing needs of modern business, improve the local economy and provide job opportunities within the local area.
- 1.8 The consultees to this application have raised concerns regarding the sustainability of the site, delivery of biodiversity net gain and the landscape impact of the development, these concerns can be mitigated to some degree at the reserved matters stage with the inclusion of adequate biodiversity/ecological and landscape buffer within the site.
- 1.9 It is recognised that the illustrative layout is unlikely to be supportable in the light of the concerns raised, and the layout and footprints of the units would probably have to be varied/reduced.
- 1.10 On the presumption that the site is very expensive to remediate (remove the contamination) and to speculatively build the proposed employment space then on balance it is recommended for approval.

2. Relevant Planning Policies

- 2.1 National Planning Policy Framework 2021
 2. Achieving sustainable development
 4. Decision making
 5. Delivering a sufficient supply of homes
 6. Building a strong, competitive economy
 8. Promoting healthy and safe communities
 11. Making effective use of land
 12. Achieving well-designed places
 14. Meeting the challenge of climate change, flooding and coastal change
 15. Conserving and enhancing the natural environment

- 14. Conserving and enhancing the historic environment
- 2.2 Lewes District Local Plan (Parts 1 and 2)
 - LDLP1: – CP2 – Housing Type, Mix and Density.
 - LDLP1: – CP4 – Economic Development & Regeneration.
 - 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: – DM10 – Employment Development in the Countryside
 - 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
- 2.3 Ringmer Neighbourhood Plan
 - 4.1 The countryside in Ringmer
 - 4.2 The South Downs National Park
 - 4.9 Green corridors, ponds and streams
 - 4.10 Maintaining and enhancing biodiversity
 - 4.11 Avoidance of light pollution
 - 5.1 Employment in Ringmer
 - 6.1 Total new housing numbers in Ringmer to 2030
 - 6.2 Affordable housing numbers and types
 - 6.3 Scale of new residential developments
 - 7.5 Outdoor play facilities for children
 - 7.6 Outdoor facilities for young people & adults
 - 8.1 Access to the local road system
 - 8.3 Provision of adequate off-road parking
 - 8.5 Road safety
 - 8.6 Public transport
 - 9.1 Design, massing and height of buildings

9.2 Making good use of available land

9.3 Materials

9.4 Housing space standards

9.6 Hard & soft landscaping

9.7 Types of residential development

3. **Site Description**

- 3.1 The site comprises a single parcel of land enclosed by hedgerow with trees in places. The western boundary is flanked by a drainage ditch, a grass verge and the A26 (Uckfield Road). The northern and eastern boundaries are bordered by fields, whilst to the south are dwellings at Merlins as well as a collection of commercial buildings and storage areas. The overall site area is 2.94 hectares.
- 3.2 The site is occupied by a single-storey timber clad building that is set back from the frontage, but is visible from the road due to being on rising land. This building has most recently accommodated a retail use. There is an existing access from the A26 which leads to a hard surfaced parking area to the front of the building. Behind the frontage building are four long rows of chicken sheds, orientated west to east. These sheds, which previously formed part of an agricultural enterprise, have been out of use for almost twenty years and are falling into disrepair, with some of the sheds having collapsed. There is a bungalow dwelling (with agricultural occupancy restriction) positioned towards the front of the site and close to the southern boundary. This dwelling is derelict and has been boarded up. The remainder of the site is predominantly grass surfaced although it is becoming overgrown in places.
- 3.3 The site, as well as the commercial development at Merlins to the south, is identified as an employment area in the Ringmer Neighbourhood Plan (site EMP20).
- 3.4 The site is located outside of the built-up area and the general character of the surrounding environment is rural. There are sporadic clusters of buildings, including residential and commercial buildings at Merlins to the south, a filling station and associated shop on the opposite side of the road to the south-west and the recently built 'Orchards' development of 12 dwellings to the south. There is a further cluster of residential development along with a garden centre and public house to the south-west, distributed along the original course of Uckfield Road and, therefore, set back from the current route. Aside from these buildings, and occasional agricultural structures, the surrounding area is largely undeveloped and is characterised by a patchwork of irregularly shaped fields set back behind hedgerows and grass banks.
- 3.5 The Plashett Park Wood SSSI/Ancient Woodland is approximately 1.5 km to the north of the site. Closer by, the network of fields at Plashett Park Farm and Clay Hill Farm, which extend to within approximately 250 metres of the northern boundary of the site, are identified in the

Ringmer Neighbourhood Plan as showing exceptional biodiversity. Clayhill House, which is approximately 200 metres to the north of the site, is Grade II Listed. Approximately 415 metres to the north-east of the site is a Scheduled Ancient Monument in the form of earthworks comprising a mound and a ditch associated with a medieval fortification.

- 3.6 The site does not fall within any recognised settlement nor is it directly adjacent to one. The relatively large village of Ringmer is approximately 2.5 km driving distance to the east whilst the smaller village of Barcombe is approximately 3 km driving distance to the west, with the hamlet of Barcombe Mills closer by.
- 3.7 Other than the neighbourhood plan designation as employment land, there are no specific planning designations or constraints attached to the site.

4. Proposed Development

- 4.1 The application seeks outline permission to remove all existing buildings and clear the site, in order to allow for the erection of 53 new dwellings and commercial buildings providing a total of 2240 m² office and light industry floor space. The development would incorporate public open space in the form of a community green and a childrens play area.
- 4.2 The applicant maintains that, although the site is identified in the Ringmer Neighbourhood Plan as suitable for development of employment uses only, the residential element is required in order to facilitate the delivery of necessary infrastructure and the remediation of the site.
- 4.3 At this stage, approval is being sought only for site access arrangements. The existing site access would be blocked off (with pedestrian access maintained) and a new access on to the A26 would be formed further to the north. The new access road would be 5.5 metres wide with the bellmouth opening onto the A26 widening to approximately 45 metres. These works would require the removal of an approximately 20 metre section of hedgerow as well as approximately 255 m² of grass verge. This would also allow the marginal widening of an approximately 115 metre stretch of the road to enable the formation of a right hand turn lane to serve the development. Off site highway works would need to be agreed with ESCC Highways and would be secured by a legal agreement.
- 4.4 Approximately 90 metres of 2 metre wide footway would be provided as an extension to the existing footway that links the bus stop to the south to the 'Orchards' development. A section of ditch would be culverted to allow the footway to pass behind a substantial roadside tree on the verge to the front of 'Merlins' and a textured paving would be provided either side of the existing crossover serving 'Merlins'. As with the road widening, the proposed works would take place on ESCC Highways land and be secured by legal agreement.

- 4.5 The application is accompanied by indicative layout plans used to demonstrate the capacity of the site to support the development and associated infrastructure, and to maintain accessibility. However, these plans would not be included on any approved plans list as the design, layout, scale and landscaping of the development would be assessed at the reserved matters stage, should the application be approved.
- 4.6 Policy CP1 of Lewes District Local Plan Part 1 requires major residential developments to deliver 40% of units as affordable housing. A failure to fulfil this requirement would only be accepted where it is demonstrated that to do so would render a development unviable. In order to ascertain if this is the case, the submitted FVA has been independently assessed by a Chartered Surveyor. They have concluded that, dependent on section 106 and CIL costs, a commuted sum of up to £250,413 or an on-site provision of equivalent value could be achieved. The applicant has therefore stated that they would seek to provide 5 dwellings as affordable housing (10% of the development) in the form of 3 x 2 bed units and 2 x 3 bed units. This would be secured by a section 106 agreement

5. **Relevant Planning History**

- 5.1 **E/50/0263** – Proposed bungalow – Approved Conditionally 31st July 1950 (Agricultural occupancy condition)
- 5.2 **LW/87/0509** - Erection of agricultural building for use as retail sales – Approved conditionally 14th May 1987 (included widening of access)
- 5.3 **LW/88/1305** - Change of Use of four buildings from poultry houses to light industrial and storage use – Refused 21st December 1988
- 5.4 **LW/92/1317** - Change of use of land for storage and maintenance of public service vehicles with workshop and office – Refused 13th November 1992
- 5.5 **LW/05/0427** - Change of use (unit 2 only) of redundant poultry shed to storage of furniture for polishing and removal of feed hoppers – Approved conditionally 19th April 2005
- 5.6 **LW/06/0116** - Change of Use of redundant poultry shed to furniture production in association with Unit 2 – Approved conditionally 17th March 2006
- 5.7 **LW/15/0082** - Application for removal of condition 1 (agricultural occupancy) attached to planning approval E/50/0263 – Withdrawn 24th March 2015
- 5.8 **LW/17/0939** - Change of use of a former chicken barn to three self-contained dwellings – Refused 19th December 2017

6. **Consultations**

- 6.1 Consultations:.

Ringmer Parish Council

Objects to and recommends refusal of this application as it is a clear contravention of the Ringmer Neighbourhood Plan as well as the site being deemed in Lewes District Council's Local Plan as not appropriate for housing. Ringmer Parish Council would like to draw attention to the fact that Lewes District Council does have a 5-year housing supply.

Planning theory suggests this country site is inappropriate for large scale housing. It is remote from Ringmer's schools, services and amenities so car ownership would be essential. It would also encourage further ribbon development along the A26.

The application does not demonstrate sufficient parking provision for employees. There is also insufficient space to service the commercial element.

Ringmer Parish Council considers the housing mix to be wrong whilst the parking mentioned in the application is based on the East Sussex County Council's Policy rather than Policy 8.3 of Ringmer Neighbourhood Plan as endorsed by LDC. There will be a considerable increase of traffic movement onto the A26 as parents drive their children to school.

Ringmer Parish Council considers that the proposal of 53 dwellings, of which none are affordable, is too dense so does not provide sufficient and adequately safe areas for children to play. The location itself is not suitable for family dwellings – the only way out is by car. There is inadequate green and amenity space which is essential as there is none within walking distance.

A location for a SUDS pond has not been provided. There is no proposal for how foul sewage will be dealt with. Ringmer Parish Council also have significant concerns regarding surface water drainage disposal.

Any Council who wishes to be involved in Climate Change needs to bear in mind that this application will increase the Carbon Footprint.

Ringmer Parish Council does not consider the precedent of the 'Orchards' to be appropriate because of the large amount of housing in this case, lack of parking provision and its isolation from schools, services and amenities. It should remain a designated employment site.

The commercial success and recent expansion of nearby employment sites (e.g. Bridge Farm Barcombe) suggest that this site too is fully viable for further employment use.

Ringmer Parish Council will still hold the view, even should this Application be approved, that this is an inappropriate housing site and should be used as a commercial site as previously designated.

ADDITIONAL COMMENTS PROVIDED:

No one who gives any credence to the importance of neighbourhood planning or to the Lewes District Council declaration of a Climate Change Emergency could possibly recommend the approval of this application.

The application remains in complete conflict with the key policy 3.2 of the adopted Ringmer Neighbourhood Plan (RNP), recited below. The application proposes to take one of the new employment sites identified in the RNP and instead develop 80% of it as additional commuter housing. The

consequence would thus be to reduce the planned provision of additional local employment, at the expense of increasing the level of out-commuting by private car, for employment. Evidence from the East Sussex in Figures website is that out-commuting from Ringmer is overwhelmingly by private car, and even the few journeys recorded to take place by public transport often start with a private car drive to Lewes railway station. Such out-commuting would inevitably occur predominantly via the Earwig Corner and Southerham roundabout pinch points in the local road network. Contrary to the declaration of a Climate Change Emergency, approval of this application would create new, additional private car commuting from a rural location, the exact opposite of what is required to combat climate change.

There is no available route for residents at this site to access schools, community facilities and village services, in Ringmer or in other nearby village centres such as Barcombe, either by public transport or by safe and sustainable means of transport. The distance is too long for children to walk to either Ringmer or Barcombe schools, and there is no footpath for most of the distance, nor is there a safe cycle route. In principle the many children such a development would attract might travel by bus to South Malling School, but that school is always full with students from its own catchment area, which does not include Ringmer. Such daily travel will thus necessarily be by private car.

It is argued that it is not economically viable for this site to be developed for employment use, as proposed in the RNP policy 5.1, site EMP20. That argument is simply incorrect. This is well illustrated by the developments that have been approved and implemented under the RNP at the nearby but less well placed site EMP23 (Bridge Farm, Barcombe Mills) under planning applications LW/19/0923; LW/16/0506; LW/15/0552 & LW/15/0456. LW/19/0923 includes detailed evidence about the demand for new employment space in Ringmer and the economic viability of meeting that demand. There has been a total of 40 applications during the RNP period to date for new employment space and facilities in Ringmer, the great majority of which have been approved (with Parish Council support) and implemented. The purchase price actually paid for the present site is not a material consideration for the viability assessment if that price was inflated by hope value for inappropriate residential use.

OFFICER COMMENT: It is assumed the reference to the site being dismissed in the Lewes Local Plan relates to the 2018 SHELAA and the 2022 Land Availability Assessment where the site was screened (and therefore not fully assessed) due to it falling outside of the proximity threshold in relation to distance to nearest settlement. It should be noted that the Council can no longer demonstrate a 5-year housing land supply.

The submitted layout plan is indicative only. Parking provision would be agreed at the reserved matters stage, with the observations of ESCC Highways being reviewed at that stage.

Ward Councillor Denis

This site is in the neighbourhood plan for employment and light industrial use is entirely in keeping with this.

The housing element, however, is outside of the neighbourhood plan. While one could help finance the other there are several things to bear in mind

This adjoins a busy road where accidents are frequent. A planning condition to have reduced speeds in the hamlet should be considered and safe junction, either traffic lighted or roundabout for example would enhance safety

I am concerned about the sustainable development of a housing development away from jobs and all amenities, shops, schools ,services with the exception of a bus stop in each direction but no means of crossing the road safely, or of walking/cycling safely to quieter roads such as Barcombe Mills Road and Wellingham Lane, or across and towards the Old Uckfield Road or towards Ham Lane.

Specialist Advisor - Ecology

From the walkover, the site was recorded to comprise of a complex of buildings, mostly past agricultural usage, all in varying states of disrepair, set within ruderal and scrub habitats and bounded by established / old hedge / ditch and tree lines including a historic native hedge bank and track way to the north. The hedge banks include old coppice trees of Field Maple, Sycamore and Ash, Oak standards, with a Hawthorn, Blackthorn, Elder and Ivy understorey, with dominant English Bluebell, and Lords and Ladies ground flora. The ruderal and scrub areas include uneven, vegetated-over rubble piles, and areas holding water and of wetter ground including the presence of willow sp trees etc. Old bird nests were recorded within the buildings and Wren, Green Woodpecker, Rooks were seen / heard singing / calling on site during the visit.

The current masterplan shows the 3.2 ha site to be, on the whole, lost to development with retention of the boundary tree / hedge lines only. A section of the existing established native mixed Privet and Hawthorn boundary hedge along the western A26 boundary is also proposed to be lost / removed for the new access way.

I would object to the current scheme due to lacking sufficient information to show how it meets with current policy namely the 'achieving of net biodiversity gains', British Standards namely BS 42020:2013 Biodiversity, and how it meets with 'encouraging opportunities to incorporate biodiversity in and around developments'.

Specialist Advisor - Arboriculture

No material objections are raised in principle to the development of the site, but an objection is raised against the proposed layout in relation to the poor spatial relationship to certain trees identified for retention.

Tree survey: The submitted report deals with significant trees within the site boundary and outside but within falling distance of the site boundary. It outlines the potential impact on the trees by the development (in relation to root and crown protection or foundation design). I am broadly in agreement with its findings and conclusion.

Site Layout: There appears to be a poor relationship between domestic properties and their gardens with the eastern, southern and northern boundaries of the site. The lack of space is likely to lead to conflict with

future occupants, who will want uninterrupted sunlight and views and the Council will not be able to resist or enforce retention particularly when heavy shade impacts on the reasonable use and enjoyment of the garden.

Soft Landscaping: Note: This should be read in conjunction with our ecological expert, Kim Dawson, comments which seeks to incorporate, enhance and or create habitat for wildlife. Overall, the density of development is considered to be too high to provide adequate space for soft landscaping. The use of domestic garden to provide soft landscaping for the site as a whole is not considered to be acceptable and the enforcement burden would untenable.

The boundary trees and vegetation are the only means of visually softening the impact of the development on the open countryside. Whilst the garden orientation is considered to be good, the close proximity of the domestic properties to boundary trees and hedges will become a source of conflict with future occupants. They are likely to bring pressure to bear on the Council – or the management company - to lop, top or otherwise remove trees and hedges to alleviate fears of wind-throw or branch shedding episodes, loss of direct and indirect light, and loss or obstruction of views.

I would like to see the eastern and northern boundaries separated from private gardens and made subject to a separate management plan with stated objectives. This will avoid piecemeal work for each property and lessen the problem of enforcing and implementing a specific management plan. Appropriate access these areas would need to be designed in.

Landscape Management Plan: In general terms this is supportable, but the details can be sorted out as a reserved matter. It is strongly suggested that the landscape management plan is withdrawn until the layout, density and communal spaces are agreed. Trying to judge something in advance of the fundamental elements being agreed would be a waste of time.

ESCC Highways

Notwithstanding the issues concerning Earwig Corner (see below), the highway issues have been resolved and the application proposal is now acceptable subject to off-site Highway Works, Travel Plans and Travel Plan Audit Fee, secured through a s106 agreement, and highway conditions attached to any approval as detailed at the end of this report.

However, despite the above it is understood that there is some debate over the actual use of the existing buildings and whether the 2500sqm quoted by the applicant can be correctly used and thus whether business park use should be used to determine the existing trip generation. Should Lewes District Council clarify that the existing commercial use has less floor area and/or different type of use then the impact of the development on the local highway network, and in particular Earwig Corner, would need to be reassessed by the applicant. This being the case the application would attract a highway holding objection until this satisfactorily resolved which is line with other recent applications in the vicinity. Thus, the following similar objection would apply: -

Earwig Corner

The highway authority is unable to determine the impact of this development upon the highway network until the Earwig Corner junction improvement scheme is completed and traffic flow surveys have been completed following these works. Although these works are substantively complete, the traffic flow surveys have not been undertaken and will need to be carried out during a neutral period which may not be possible now until early 2022.

The Highway Authority is concerned about the highway impact on the network, particularly Earwig Corner. A full assessment of the completed Earwig Corner junction, including traffic surveys, needs to be undertaken for the proposed 53 dwellings/ 2240sqm commercial space plus committed developments and live applications at the time, and this is requested to be undertaken during a neutral period agreed by the Highway Authority

Highway modelling requirements would be for a survey to be carried out at the junction to provide an up-to-date baseline, to add the committed development that are either under construction, yet to commence or yet to be occupied to provide a forecast baseline; and to add the proposal traffic to provide a baseline + development forecast for the expected opening year and an agreed future year to safeguard effective operation at this junction. These forecasts would also require a growth factor to be added using TEMPRO.

Earwig Corner signalised junction was designed to accommodate the expected growth that was set for Ringmer in the Local Plan Part 1: Joint Core Strategy and available headroom for growth was significantly constrained, and thus requires testing to ensure that the level of housing proposed as part of this application can be accommodated.

The site itself has been deemed as a suitably accessible site, with available transport options aside from the private car to reach employment, education, shopping, and leisure. The remaining highway requirement to deem the site acceptable for development is the wider impact on the highway network, which is currently not known or to what degree.

Thus, as the highway impact of the development on the highway network cannot be determined at this stage the application as submitted attracts a holding objection.

A Transport Assessment [TA] has been submitted, and the applicant has also included an illustrative site layout plan [No.100-P8] 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 and turning 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 53 dwellings [net gain 52] and 2095sqm of B1 and 145sqm of A1 use on land at Averys Nursery, Uckfield Road, Clayhill, Ringmer consisting of an indicative mixture of housing tenure, size and type to be determined at reserved matters stage. The site is situated on the

eastern side of the A26 Primary Route within the hamlet of Clayhill some 2 km to the north west of Ringmer Village.

Clayhill benefits from a petrol station with convenience store and a fireplace/woodstove business which is to the immediate south west of the site within easy walking distance of the site. Ringmer benefits from most local services (pubs, primary school, petrol/small car repair shop, community college, doctor's surgery, convenience store and a few small shops). Bus services by Brighton and Hove buses route along the A26 between Brighton, Lewes, Uckfield, and Tunbridge Wells with regular half hourly services Monday to Sunday.

2. Transport Statement/Trip Generation

The TA suggests that any commercial use ceased on this land some time ago [circa 2017] however, the site appears to benefit from planning permission for B1/B8 use. The applicant has assessed the existing trips associated with 2500sqm as existing Business park use. 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 Trip Related Information Computer System [TRICS] database for the residential element and business park aspect. This reveals that the current use [including 1 dwelling] could generate 541 vehicular trips a day with 58 & 71 in the AM and PM peaks.

The proposed development could generate a total of 783 a day with 84 & 97 in the AM/PM peaks respectively. Thus, an increase of 230 vehicular trips a day with up to 26 [rounded up] extra trips generated in the AM & PM peaks. These are shown to be roughly equally split north and south. These in turn would be dispersed west along Barcombe Mills Road and east along Ham Lane [through Ringmer village] with approximately 7 derived to go through Earwig Corner to Lewes. These trip rates were agreed with the applicant/agent when the application was submitted at the beginning of 2020.

The impact of the proposed traffic flows to this development on the local highway network at peak times has been modelled by the applicant using Picady. This reveals that the junction would operate satisfactorily without any undue delay on the highway network.

3. Access/Visibility

A new access is proposed to serve this development together with the existing access to be permanently closed off to vehicles. The existing access would be narrowed down to provide an alternative pedestrian/cycle route into the site.

The new access is shown to be in the form of a simple ghost island junction with a right turn facility on the A26 and is indicated as being 5.5m wide with 15m junction radii together with a new footway around the junction.

In accordance with Design Manual for Roads and Bridges visibility splays of 2.4m x 215m should be provided. As a result of a satisfactory speed survey carried out in 2018 the applicant suggests that the splays can be reduced to 190m in accordance with the recorded speeds. These have been adequately shown on the submitted plans to be provided. Visibility splays of

2.4m x 215m have also been shown to be provided. I am confident that these splays can be achieved and can be conditioned.

A stage 1 Road Safety Audit [RSA] has been satisfactorily carried out on the access proposals. Problems raised within the Audit have been addressed by the Designers Response and which have been accepted by the Auditor.

Some concern is expressed by ESCC at the provision of double white lines on the A26, however, I am content that this detail can be dealt with through the s278 detailed design and RSA procedure. Thus, the access is acceptable in this location.

4. Vehicle Tracking

A swept path for a refuse truck with specification 11.97m x 3m x 3m passing through the access has been provided in accordance with 'Good Practice Guide (GPG) Refuse & Recycling Storage at New Residential Developments within Eastbourne, Hastings, Rother and Wealden'. This demonstrates on drawing Nos. 210 & 211 that such a vehicle can access the site.

5. Layout/Accessibility

The proposed access geometry is shown to be 5.5m wide with 15m radii with a 2m wide footway around the bell mouth on the southern side only. This is shown to link to the new proposed footway along the site frontage to the south and is shown to connect to the footway on the western side of the A26 with appropriate uncontrolled crossing points [dropped kerbs/tactile paving]. As the desire line for pedestrians is to the south no footway is required on the northern side of the vehicle access.

The desire line from this site by pedestrians is likely to be to the south to reach bus stops (known as Barcombe Mills Stops) north and southbound, facilities in Lewes and Uckfield town centres for employment, for leisure purposes and visitors to this site. The submitted plans show this as the desire line.

The submitted plan 200F also shows a pedestrian connection from the site in the southwestern corner of the site in the position of the existing vehicular access which is to be narrowed to provide an additional pedestrian link. Whilst it is noted that the site boundary does not extend far enough north it would be beneficial for the site occupiers if a connection could be made to connect the site to Footpath Ringmer 10/1 to the north for leisure purposes.

All these improvements would need to be appropriate to the setting and secured through a s278 agreement with all details to be agreed prior to commencement of development.

The internal layout of the site would need to be in accordance with Manual for Streets. It is not clear if the internal roads are to be offered for adoption. However, the proposed illustrative layout would not be acceptable as shown as there is no formal turning head or continuous footways [2m wide] on both sides of the estate roads.

The development is well located in terms of access to public transport being well within the recommended 400 metres walking distance from a bus stop. Brighton and Hove Buses route 29 & 29x currently provides a regular service

Monday to Sunday to/from Brighton/Lewes/Uckfield and Tunbridge Wells and provides half hourly service for commuters.

In order to encourage occupiers/villagers to use public transport bus stop infrastructure would need to be improved with the provision of real time passenger information signs at the Barcombe Mills bus stops. This should be provided in the form of a contribution of £25,000 for two signs. In addition, three months free bus travel followed by 3 months of discounted travel for each property would also be required and included within a Travel Plan.

All the off-site highway works would need to be secured through a s106 and detailed design agreed through a s278 Agreement with ESCC.

6. Travel Plan

This level of development does not normally require a full Travel Plan in accordance with ESCC Travel Plan guidance (February 2020) to ensure that private car trips to and from the site are minimised with the threshold being 80 dwellings or 2500sqm. However, given the residential element combined with the commercial floor space and given the location of the site it is recommended that a full travel plan is required to be provided.

The travel plan should include targets for reduced car use and a monitoring programme to ensure these targets are met. The Travel Plan and Audit fee of £6,000, should be secured by a s106 legal agreement.

7. Parking

Parking is to be dealt with at detail stage and would need to be in accordance with ESCC's parking guidelines (October 2017).

Residential – Any garages shall measure at least 3m by 6m (internally). In accordance with ESCC's current parking standards integral garages only count as a third of a parking space within the parking allocation as they are unlikely to be utilised to their designated use, especially if vehicles are in regular use and convenience of parking on street occurs instead. Similarly, tandem parking should also be avoided.

As a result, some of the dwellings would only appear to be provided with 1 allocated space. This is not sufficient and 2 on plot spaces need to be allocated to 2,3 & 4 bedroomed houses.

The removal on integral spaces and 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 parking spaces should also be 2.5m x 5m to meet current day standards, or 2.5 x 6m for parallel spaces. The distribution of unallocated spaces for residents and visitors should be evenly spaced through the development. 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.

OFFICER COMMENT: The site benefits from permitted use for employment purposes and is identified in the Ringmer Neighbourhood Plan as a major

employment site with the former chicken farm area having considerable unrealised potential for redevelopment as a large business site. Policy 5.1 b) of the Neighbourhood Plan states that the more intensive use of the existing major employment, retail, service and leisure sites listed below. Proposals for the more intensive use of these sites, and the upgrading of their facilities, will be supported. Policy 5.1 c) supports proposals for the conversion to employment use of suitable redundant agricultural buildings.

The potential for impact on Earwig Corner would have been assessed when the neighbourhood plan was examined, and the allocation clearly allows for an intensification of the use of the site. As such, the holding objection based on headroom at Earwig Corner is not considered to be applicable.

ESCC Landscape Officer

It is acknowledged that the application is outline and that the detailed layout and extent would be for reserved matters. However, the proposed scale and density of a development with 53 houses and associated business units would represent a considerable change from the baseline situation. High density residential development of two and possibly three stories would be of a very different character to the existing development on the site and surrounding area. The proposed houses and associated garden paraphernalia would be very close to the southern, eastern and northern boundaries of the site. The northern and eastern boundaries are adjacent to open countryside.

It is noted that several trees would be lost to the development including four category B trees to the site entrance. The gardens and in places the houses are within the crown spread of the boundary trees. This could cause damage to the root protection areas of the trees and would be likely to lead to future issues for the residents in terms of nuisance from roots, overhanging branches and shade. The proposed new pavement adjacent to the A26 would be within the crown spread of 2 category A oak trees. These are outside the site adjacent to the Highway, if the development were permitted these trees would need to be protected during construction.

The application is supported by a landscape masterplan which indicates the internal landscape treatments and proposed open spaces. It does not provide adequate enhancement or reinforcement of the site boundaries. The proposed density and layout of the development would not allow for sufficient space to provide the required green infrastructure for landscape and visual mitigation, tree protection and biodiversity net gain.

If permitted the proposed development would need to incorporate suitable landscape mitigation measures to ensure that it would meet the requirements of the NPPF. This would require a landscape led development proposal which enhances and protects existing landscape features and incorporates multifunctional green infrastructure for the benefit of local residents and wildlife.

A landscape and visual appraisal would help to inform a landscape led masterplan. This would need to ensure that an adequate undeveloped buffer is provided around the site boundaries to address the following:

- a) Mitigation for the likely adverse effects on local landscape character and visual amenity.

- b) Adequate protection for boundary trees to avoid conflict between future residents and existing trees.
- c) A green infrastructure buffer zone to the countryside which is shared space and not in private gardens.

It is recommended that whilst the principal of development on this site could be acceptable the proposal for 53 houses would be unlikely to deliver an acceptable scheme in relation to local landscape character and views.

Lead Local Flood Authority

There are a number of matters that need be considered at the detailed design stage, notably the discharge point for the commercial part of the site. However, overall, the proposals are acceptable in principle and we are pleased to see the use of permeable paving considering the contamination issues with the existing site.

We note that the northern part of the site (commercial use) will discharge into a ditch at a rate of 2.7 l/s (Qbar). This ditch is a highway asset, and the applicant will need to agree this discharge rate with the Highway Authority, along with any other requirements that they may have for discharging runoff to their assets.

Any works affecting the ditch that will act as a discharge point for the southern catchment (proposed discharge rate of 8.9 l/s) will have to be discussed and agreed to by the County Council. The applicant should approach the LLFA for discussions once the nature of these works is known.

The plans appear to indicate that part of the overall attenuation storage will be provided through an offline tank located under one of the roads. We would not be in support of this design as it may impede maintenance access to undertake works on the tank, or if the tank requires replacing. We request that clear justification for this is provided, and that the tank is relocated into a communal green space or green corridor to ensure the viability of future maintenance.

Southern Water

The wastewater discharged from the proposed development will be drained to Southern Water's SMALLHOLDINGS RINGMER Wastewater Treatment Works. The works currently does not have the capacity to accommodate flows from the proposed development. The proposed site is included in the Southern Water's Regional Forecast for growth within this area. However, there is a Southern water scheme ongoing and due to be completed in 2022. Capacity should be available to service this particular development site once these works are completed.

Should planning approval be granted then Southern Water recognises its obligations under the new charging regime to provide capacity in the existing sewerage system to accommodate the needs of the proposed development. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme.

Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed

occupation of the development, as it will take time to design and deliver any such reinforcement.

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

Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of works required (If any).

Environment Agency

The previous use of the proposed development site as a poultry farm/piggery presents a medium risk of contamination that could be mobilized during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a Principal Aquifer.

The application's site investigation demonstrates that it will be possible to manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning Authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy as set out above. This should be carried out by a competent person in line with paragraph 178 of the NPPF.

Without this condition we would object to the proposal in line with paragraph 170 of the NPPF because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

We appreciate that the Applicant has already submitted a site investigation report based upon intrusive and walkover methods. The site investigation indicates that a remediation strategy and verification report will be forthcoming. We require clarification on one issue - the report indicates that the site sits upon Weald Clay, however, the BGS records indicate that the southern half of the site rests upon the Lower Greensand. Could the Applicant provide some clarification as to the thickness of any clay cover over the southern half of the site? It is noted that groundwater was not encountered during the investigation. However, the groundwater levels are highly variable, and we would expect this risk to be fully assessed.

The previous use of the proposed development site as poultry farm/piggery presents a medium risk of contamination that could be mobilized by surface water infiltration from the proposed sustainable drainage system (SuDS). This could pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is on Principal Aquifer.

In light of the above, we do not believe that the use of infiltration SuDS is appropriate in this location. We therefore request that the above planning condition is included as part of any permission granted. Without this condition, we would object to the proposal in line with paragraph 170 of the NPPF because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

ESCC Archaeology

The proposed development is of archaeological interest due to its proximity to known Roman and medieval activity.

In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be 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):

The *written scheme of investigation*, referred to in the recommended condition wording above, will set out the contracted archaeologist's detailed approach to undertake the programme of works and accord with the relevant sections of the Sussex Archaeological Standards (2019).

7. Neighbour Representations

7.1 Eleven letters of objection have been received, the relevant contents of which are summarised below:-

On a dangerous stretch of road.

Will lead to more development in the immediate area that will create a residential nucleus where currently there is none.

Car dependent development

No foul sewage facilities available

Would be remote from other settlements and services.

Does not meet the qualitative need for housing. No affordable housing or homes for the elderly are provided. Development is therefore in conflict with para. 61 of the NPPF.

Contrary to the Ringmer Neighbourhood Plan.

Loss of allocated employment land

Increased carbon footprint due to traffic generated
Pressure on local infrastructure
Public transport not accessible
Overdevelopment of plot
Negative landscape impact

8. **Appraisal**

8.1 Key Considerations

- 8.1.1 The site is allocated for employment development and is in a relatively isolated location. Residential development would not normally be accepted on a site with these attributes.
- 8.1.2 Therefore, a key consideration is whether there is sufficient justification, on viability grounds, for housing to be provided as a means to facilitate the delivery of new commercial buildings as well as the remediation of the site.
- 8.1.3 The applicant has submitted a Financial Viability Assessment that concludes a proportion of housing is required to facilitate the delivery of the commercial element of the scheme. Two scenarios are modelled within the FVA a) 41 house scheme which was found to be unviable with or without affordable housing contributions factored in and b) a 53-house scheme which is consistent with the submitted application.
- 8.1.4 Notwithstanding the above, the benefits of the development will need to be assessed against any adverse impacts.
- 8.1.5 Matters relating to landscape sensitivity, highway safety and sustainability are of particular importance in this assessment, as is the ability of the development to contribute to the rural and wider economy, as well as responding to housing need in the district.
- 8.1.6 All planning obligations need to be agreed at the outline stage as this represents the overall planning permission for any such development. As such, if to be supported a Section 106 legal agreement would be drafted to include highway modifications/improvements, a Travel Plan monitoring fee, affordable housing and a mechanism will also be added to allow for the viability of the scheme to be reviewed

8.2 Principle

- 8.2.1 The site is situated outside of the settlement boundary as defined in the Lewes District Local Plan Part 1 (LLP1). As LLP1 is now over 5 years old, the housing delivery target set out in policy SP1 (approx. 275 net dwellings per annum) is obsolete and the target is instead based on local housing need calculated using the standard method set out in national planning guidance as per para. 74 of the National Planning Policy Framework (NPPF). This has resulted in the delivery target rising to 782 dwellings per annum.

- 8.2.2 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.
- 8.2.3 As this level of growth is unlikely to be deliverable wholly within the planning boundaries set in LLP1 it is accepted that development outside of these boundaries should be explored where appropriate. An Interim Policy Statement for Housing Delivery was issued in March 2021 to help define suitable conditions for development outside of the planning boundary. This statement will be referred to throughout this report.
- 8.2.4 The ‘tilted balance’ set out in para. 11 (d) of the NPPF also applies. This approach is based on the approval of development other than where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 8.2.5 It should be noted that the NPPF does not recognise settlement boundaries but does seek to avoid the development of isolated homes within the countryside (para. 80).
- 8.2.6 Whilst the proposed development does not fall within any settlement recognised in the development plan, it is noted that there are a number of residential properties nearby, with some being long established, and there is also a fairly large convenience store within the filling station opposite the site. It is therefore considered that, whilst outside settlement boundaries defined in the local development plan, the site is not considered to be in an isolated location.
- 8.2.7 The site, along with part of the neighbouring site ‘Merlins’ and the filling station and depot on the opposite side of the road, is identified as an employment site (EMP20) in the Ringmer Neighbourhood Plan. Policy 5.1 of the Neighbourhood Plan seeks to retain these sites or develop for employment use the major business, retail, service and leisure. Appendix 2 of the Neighbourhood Plan specifically identifies the site as having considerable unrealised potential for redevelopment as a large business site.
- 8.2.8 The quantum of commercial floor space provided would be comparable with the existing provision but with significant enhancements in terms of adaptability, functionality and longevity as a result of the buildings being purpose built for commercial use, benefitting from improved access and service yard arrangements and being served by improved infrastructure. Furthermore, they would provide enhanced employment opportunities close to Ringmer and would reduce the potential for longer distance journeys from Ringmer to alternative employment sites.

- 8.2.9 Para. 85 of the NPPF maintains that planning decisions ‘should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements...’ and that ‘the use of previously developed land... should be encouraged where suitable opportunities exist.’
- 8.2.10 The use of previously developed land for mixed use schemes that can deliver net environmental gains and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land is encouraged by para. 120 of the NPPF. This stance is also reflected in policy CP4 of LLP1 of which a main objective is to ‘safeguard existing employment sites from other competing uses unless there are demonstrable economic viability or environmental amenity reasons for not doing so.’
- 8.2.11 In this instance, the applicant submits that the provision of the housing would be crucial in order to facilitate the viable development of the commercial use of the site. This is due to the costs associated with the remediation of the site and the need to provide necessary infrastructure (including significant highway works).
- 8.2.12 In order to ensure that the commercial aspect of the development is delivered, a phasing condition would be attached to any approval. This would require the commercial element of the scheme to be completed before any works commence on the residential part of the scheme.
- 8.2.13 The principle of the development could therefore be considered to be acceptable, on the condition that it can be clearly demonstrated that the residential component of the development facilitates the delivery of the enhancements to the employment use.
- 8.2.14 Notwithstanding the above, the development would only be considered acceptable provided that the benefits of the development are not significantly outweighed by the adverse impacts within the context of the NPPF and relevant Local Plan policies along with the concerns derived from the consultation responses

8.3 Planning Obligations

- 8.3.1 The proposed scheme represents major development (more than 10 new dwellings) and, as such, there is a requirement for affordable housing to be provided, at a rate of 40% of the total number of units as per Policy CP1 of the Lewes District Core Strategy. This would amount to a provision of 21.2 units. In order to fully comply with the standards set out in the Lewes District Council SPD for affordable housing, 21 units would need to be incorporated into the development with the remaining 0.2 unit required being secured as a pro-rata commuted sum.
- 8.3.2 A Financial Viability Assessment (FVA) has been submitted and has been independently reviewed. Para. 4.4 of the Affordable Housing SPD states that the policy is not intended to operate in a way that renders development non-viable and thereby should not reduce development coming forward. Para. 6.13 states that to abandon the requirement for affordable housing to be provided or funded as a

consequence of the development will not normally be considered unless there is clear, justifiable and independently verified evidence that none of the options set out in the SPD are viable.

- 8.3.3 Following review, the assessor concluded that the development may be able to deliver a £250,413 contribution towards affordable housing (or equivalent on-site provision), although this figure may be impacted upon by other section 106 and CIL contributions. The applicant has agreed to provide 5 dwellings (10%) of the dwellings as affordable housing. The provision would comprise 3 x 2 bed dwellings and 2 x 3 bed dwellings and would be secured by section 106 agreement. The tenure mix would be reviewed as part of the section 106 process and be agreed with the applicant based on sound viability evidence.
- 8.3.4 As a means to ensure that the commercial aspect of the development is delivered, the section 106 agreement would include a requirement that a minimum of 50% of the commercial floorspace will be fully complete externally and to shell specification internally before any of the residential units are occupied. Once the first 50% of the commercial floor space is built then a maximum of 50% of the floor area of the residential units can be occupied. Occupation of the remaining 50% of the residential floor area would not take place until the rest of the commercial space has been fully completed externally and to shell spec internally. If more than 50% of the commercial floorspace is completed in phase one then the agreement would allow for occupation of a higher percentage of residential units at that stage, commensurate with the percentage of commercial floor space provided.
- 8.3.5 In addition to the above, a section 106 agreement would need to be entered into in order to secure mitigation measures required by ESCC Highways. Which are as follows: -
- Right turn lane access from the A26 including closure of existing access and new road markings.
 - New footway along the eastern side of the A26 from the new site access to connect to the existing footway to the south together with new crossing points on the A26 to enable pedestrians to reach bus stops north and southbound.
 - Contribution of £25,000 towards provision of Real Time Information Signs for the two bus stops on the A26.
 - Travel Plans [residential and commercial elements] developed in accordance with ESCC Travel Plan Guidance for developers (Feb 2020) including Travel Plan Audit Fee of £6,000

8.4 Site Access:

- 8.4.1 The application seeks approval for site access arrangements only. Albeit additional information has been submitted by the applicant as a means to demonstrate the capacity of the site and the ability to address constraints present that would, if not addressed, impact upon the principle of the development.

- 8.4.2 The site is currently accessed directly from the A26 via a crossover positioned towards the southern end of the site. The proposed development would involve closing off this access (although an opening would be retained for pedestrian use) and providing a new two-way access further to the north of the site.
- 8.4.3 The opening onto the A26 would be approx. 50 metres in width, tapering to approx. 15 metres where it would cross the site boundary and the access road would ultimately reduce to 5.5 metres, allowing for two carriageways to be formed. Similar improvements would be required were the site to be redeveloped solely for employment use given the narrow width of the existing access and its proximity to the access to the neighbouring site, Merlins.
- 8.4.4 Visibility spays of 2.4 metres by 190 metres would be provided either side of the junction. These could be maintained as they are over the existing ESCC Highways owned grass verge area flanking the road, with trees and hedgerow being set further back from the road.
- 8.4.5 A new right-hand turn lane would be formed on the approach to the site from the south.
- 8.4.6 This southbound lane off the A26 would be widened by approx. 1.1 metres around the site access to allow for the right-hand turn lane to be accommodated. The widening works would be carried out on ESCC Highway land which is currently part of the grass verge. The north and southbound lanes would be reduced to approx. 3 metres in width either side of the proposed turning lane, with the turning lane itself being approx. 2.5 metres in width.
- 8.4.7 A new two-metre wide footway would be formed on the existing grass verge, extending from the existing footway connecting The Orchards with the bus stop to the south of the site. The new footway would continue northward where it would enter the site at the point where the current vehicular access is positioned. The footway would be largely straight but would skirt around a mature oak tree, allowing for its retention.
- 8.4.8 A Road Safety Audit has been provided. The audit identifies potential hazards associated with the new access arrangements and makes recommendations on how they can be mitigated. Identified hazards, which all relate to the footway, include the danger of pedestrians losing their footing on the pavement and falling into the steep ditch that it flanks, the gradient of the footway and the presence of street furniture/trees that may obstruct pedestrian movements.
- 8.4.9 In response, a hand rail/barrier would be positioned alongside the footway to prevent pedestrians from falling into the ditch, the gradient of the footway and the access to Merlins would be kept to a suitable level and street furniture, such as the existing BT cabinet, would be re-sited.
- 8.4.10 ESCC highways have reviewed the submitted plans and confirmed that the proposed junction would be in a position where an acceptable level of visibility, compliant with Design Manual for Roads and Bridges standards, can be provided. As such, motorists waiting

to leave the site would have long range views of traffic approaching from both directions. They have also confirmed that the additional vehicular movements associated with the development could be accommodated on the surrounding highway network, provided the right-hand turn lane is formed prior to development commencing

- 8.4.11 It is therefore considered that the site would be served by a safe and effective access and that safe pedestrian links to the public transport system and the nearby shop would also be available.
- 8.4.12 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. It would also need to show that a suitable quantum of parking could be provided and that the dimensions of all spaces would be compliant with ESCC standards.
- 8.4.13 It is therefore considered that the submitted site access arrangements provide sufficient capacity to serve the development and would not result in an unacceptable highway or pedestrian safety hazard.
- 8.4.14 The proposed scheme is therefore considered to comply with LLP2 policy DM25 and paras. 108, 109 and 110 of the National Planning Policy Framework (NPPF).

8.5 Highway Impact

- 8.5.1 The potential highway impact of the development has been thoroughly assessed by ESCC Highways. They regard the site as suitably accessible, with available transport options aside from the private car to reach employment, education, shopping, and leisure.
- 8.5.2 Although there are no significant operations currently being undertaken on the site and the bungalow dwelling is boarded up, the site is considered to have the potential to generate up to 541 vehicular trips per day if the dwelling was to be re-occupied and approved commercial use was to be brought back into operation to its full extent.
- 8.5.3 ESCC Highways estimate that the proposed use would generate up to 783 vehicular movements per day, an increase by 242 trips, including an additional 26 during AM and PM peaks. Based on these trip rates, ESCC Highways conclude that the proposed junction would operate satisfactorily without any undue delay on the highway network. Due to the flexibility provided by use class E, a condition would need to be used to restrict the use of the commercial buildings to business park uses within that class so as to prevent alternative uses that may generate additional trips.
- 8.5.4 Although the impact on the immediate highway network has been determined to be acceptable, ESCC Highways note that modelling of impacts upon the revised highway arrangements at Earwig Corner are unknown as these works have only recently been completed.
- 8.5.5 In response to this it is suggested that a resolution is made on the general principle of the development and that the scheme is delegated back to officers to secure appropriate modelling and

confirmation from ESCC that the impact upon Earwig Corner would be acceptable.

8.6 Visual Impact

- 8.6.1 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.
- 8.6.2 Indicative plans have been submitted by the applicant as a means to demonstrate the capacity of the site to support the development and the proportion that could be retained for biodiversity enhancements/landscaping.
- 8.6.3 The indicative layout of the site, which has an overall area of approx. 2.9 hectares indicates that the commercial aspect of the development could be accommodated within an approx. 4770 m² area along the western boundary of the site, retaining approx. 2.42 hectares for residential development. On this basis, the residential density of the development would equate to approx. 22 dwellings per hectare. It is noted that the density of neighbouring development is approx. 14.5 dwellings per hectare (following the recent approval to increase the amount of units on site to 12 approved under LW/20/0198) and it is considered that the density of the proposed development would not be significantly greater than that of the Orchards scheme.
- 8.6.4 It is noted that the Ringmer Neighbourhood Plan encourages the efficient use of land, with policy 9.2 stating that housing densities outside of 20-30 dwellings per hectare require special justification.
- 8.6.5 The County Landscape Architect has stated that 'The settlement of Clayhill is a ribbon development of mixed commercial and residential uses strung along the A26. The existing residential development is typically of individual houses in large plots. An exception to this is the recently constructed small residential cul-de-sac to the south of the site. The site is noted as detracting from the character of the landscape in its current form due to its derelict and overgrown appearance although attention is drawn to the positive contribution that mature boundary trees make to the wider landscape character.
- 8.6.6 The County Landscape Architect considers that the principle of the development of the site could be acceptable but has objected to the density of the residential component of the development, with concerns being raised over the limits this may place on the ability of the site to incorporate biodiversity net gain as well as how the development would sit within the wider landscape.
- 8.6.7 Concerns are also raised that the development could encroach on the root protection areas for some of the boundary trees. These comments are based on the indicative site plans and landscaping masterplan. Similar concerns have been raised by the Council's arboriculturist.
- 8.6.8 Whilst the concerns over the indicative plans are noted, these can be appropriately addressed via conditions and at the reserved matters stage in consultation with ESCC's Landscape Officer and LEBC's Arboriculturist. However, it is important to note that the indicative plan

submitted would not be considered acceptable and that the developable area, and potentially the scale of the development, may need to be adjusted to reflect a reduced developable area.

- 8.6.9 The site has a built-up appearance when viewed from the A26 on account of the presence of the site access, hard surfacing and existing frontage commercial unit. The site is visible from the public right of way RIN/10/1, particularly where it approaches on raised ground to the north east. The footpath crosses from east to west, running roughly parallel to the northern boundary of the site, with a separation of approx. 250 metres.
- 8.6.10 Views of the site directly from the north are relatively limited due to intervening landscaping at the Grade II Listed Clayhill House. As the site is already comprised of built upon commercial land and is approx. 200 metres from Clayhill House, the setting of the heritage asset would remain relatively unchanged. Therefore, by reason of the separation distance to the site, the fact that the site is already developed upon land and the presence of existing screening, officers consider that the proposal would have negligible impacts upon the setting of the Grade II Listed Clayhill House.
- 8.6.11 The site is self-contained, being enclosed by a mix of trees and hedgerow and is clearly distinct from the surrounding patchwork of fields. Although considering the density of development to be inappropriate, the landscape architect does state that, if development were to be approved, it could be on condition that the scheme is designed as a landscape led development which enhances and protects existing landscape features and incorporates multifunctional green infrastructure for the benefit of local residents and wildlife.
- 8.6.12 It is considered the site provides the opportunity for existing landscape features, particularly boundary screening, to be preserved and enhanced and achieving this would be sacrosanct in the consideration of any reserved matters application. There would also be a requirement for an undeveloped buffer to be provided around boundaries. This would need to be communal land and not within private gardens. Should outline permission be granted then this would need to be addressed at the reserved matters stage.
- 8.6.13 It is therefore considered that the significance of any harm to the character of the landscape could be realistically reduced through the use of a robust and sympathetic landscaping scheme, controls over the design and scale of the buildings (with reference to RNP policy 9.1) and controls over the use of hard surfacing. Permitted development rights could also be restricted so as to control the future extension of any of the approved buildings and the use of hard surfacing.
- 8.6.14 It is therefore considered that the significance of the harm upon the landscape, with appropriate control measures in place, could be managed so as not to significantly outweigh the benefits the development would deliver.

8.6.15 It is therefore considered that the application complies with policy CP10 of LLP1, policies DM25 and DM27 of LLP2, policies 4.1, 4.9 and 4.10 of the RNP and paras. 127 and 170 of the NPPF insofar as the outline details of the scheme are concerned.

8.7 Living Conditions for Future Occupants

8.7.1 The mixed-use nature of the development means that the proposed dwellings, particularly those towards the western side of the site, would be positioned close to commercial buildings. It is important that the surrounding residential development is not exposed to unacceptable levels of noise, light and air emissions generated by commercial uses in the interest of residential amenity. It is also important that nearby residential use does not impede upon the ability of businesses occupying those buildings to carry out their operations without causing nuisance.

8.7.2 It is therefore considered that the commercial use of the site is best suited to use class E (g) which comprises uses which can be carried out in a residential area without detriment to its amenity. Suitable uses include offices, research and development of products or processes and suitable industrial processes. It is therefore considered that the proposed development would allow for a suitable level of flexibility. Notwithstanding residential amenity concerns, it is also considered that industrial processes which generate significant levels of noise, light or air emissions would not be suitable for the site due to the impacts this would have upon the tranquillity of the surrounding rural environment.

8.7.3 It is considered that the occupants of the proposed development would not be subject to an unacceptable sense of isolation. The proposed development would provide a quantum of housing that would be sufficient to provide the development with a clear sense of space and identity.

8.7.4 Whilst the location of the development would result in a certain level of reliance on private motor vehicles, there are frequently served bus stops adjacent to the site that are on the Brighton to Tunbridge Wells route, which also serves nearby towns such as Lewes, Uckfield and Crowborough. There is also a fairly large convenience store directly opposite the site which would be accessible to future occupants on foot. The mixed-use nature of the scheme also presents a realistic possibility of future occupants working within the site and therefore not needing to travel for work.

8.7.5 The overall quality of the development in terms of living environment would be more thoroughly assessed at the reserved matters stage, where compliance with national design codes would be expected, with all dwellings providing an appropriate amount of internal space, having access to natural light and ventilation and engaging with their surroundings.

8.7.6 It is therefore considered that the proposed development complies with policy CP2 of LLP1, policy DM15, DM16 and DM25 of LLP2, policy 9.4 of the RNP and section 8 of the NPPF.

8.8 Flooding and Drainage

- 8.8.1 The site falls within Flood Zone 1 and is therefore not identified as being subject to any significant risk of flooding from tidal and fluvial sources.
- 8.8.2 Environment Agency mapping also shows that the majority of the site is at very low risk from surface water flooding. However, there are small pockets towards the east of the site where this increases to low risk and a very small area where risk increases to medium. It is noted that there is a ditch to the front of the site, following the course of the western boundary, running between the site and the A26. There are also ditches following the course of the northern and eastern boundaries.
- 8.8.3 A Flood Risk Assessment and Surface Water Drainage Strategy has been submitted. The assessment states that the likely site coverage of buildings if the development were to go ahead would be 14,650 m², an increase from the existing coverage of 6925 m². The proposed site coverage represents approx. 50% of the overall site area.
- 8.8.4 The submitted drainage strategy states that the drainage scheme for the development would address the existing localised surface water flood risk on parts of the site.
- 8.8.5 . Infiltration is not appropriate for the site due to the presence of clay in the soil and has therefore been discounted. The Environment Agency have also raised concerns that infiltration drainage could mobilise contaminants that would pollute controlled waters. Instead, the development would be drained using the existing ditches on the northern, eastern and western boundaries.
- 8.8.6 Attenuation would be required in order to provide storage of surface water during periods of heavy rain. This would allow for the flow rate into the drainage ditches to be controlled to a suitable rate, taking into account 1 in 100-year storm events as well as the predicted impacts of climate change). The drainage strategy states that the use of permeable paving and retention basins would allow for a level of attenuation; however, it is likely that specific attenuation tanks may be required.
- 8.8.7 There is no sewer infrastructure within the immediate vicinity of the site and, in response to this, the applicant has stated that foul water would be treated on site by a below ground package treatment plant capable of processing 60,000 litres of wastewater per day, with the treated water then being discharged into the surrounding ditches. This method of disposal would require a permit to be issued by the Environment Agency, separate to the planning process. The Environment Agency have not objected to the principle of the use of the package treatment plant or discharge of treated water into watercourses.
- 8.8.8 The Lead Local Flood Authority (LLFA) have been consulted on the application and have accepted the principle of the drainage system put forward. This is subject to detailed drawings and calculations being provided at the reserved matters stage; a survey being carried

out on the ditches and improvements being made where necessary; details of means of connection to the ditch being provided; and, details on how surface water would be managed if it exceeds the capacity of the drainage system. A management and maintenance plan would also be required.

- 8.8.9 The LLFA have drawn attention to the fact that the ditch on the western boundary is a highway asset and, therefore, the discharge rate into this ditch would need to be agreed with the Highway Authority. They have also stated that the detailed design should include attenuation tanks being positioned below communal space in order to allow for ease of access for maintenance and monitoring purposes.

8.9 Land Contamination:

- 8.9.1 The Environment Agency have noted the sensitivity of the site due to it being positioned on a principal aquifer. The previous use of the site is likely to have resulted in the presence of contaminants that could be mobilised and infiltrate into controlled waters if surface water is not correctly managed on site and if remediation works are not carried out.
- 8.9.2 The site is currently hard surfaced in many areas and the discharge of contaminants into controlled waters is therefore an existing concern.
- 8.9.3 Through the undertaking of remediation works, which would be secured by condition, as well as the provision of a suitably designed drainage system, it is considered that the proposed development would allow for the remediation of despoiled, degraded, derelict and contaminated land. Substantial weight is attached to the value of such a development as per para. 120 of the NPPF.

8.10 Landscape, Ecology & Biodiversity

- 8.10.1 The application is accompanied by an Ecological Impact Assessment which covers the full extent of the site. The assessment notes the different habitats provided on site, the majority of the area that has not been built upon or hard surfaced being tall ruderal habitat and dominated by nettles. Areas of scrub and patches of overgrown amenity grassland are noted as well as scattered trees in the south-eastern corner of the site.
- 8.10.2 The assessment identifies the hedgerow on the northern and eastern boundaries as being intact but species poor, with native hedge species interspersed with trees. The western boundary, which flanks the A26, is also identified as being species poor and comprises a mix of privet and hawthorn with no notable trees present. Due to the species poor quality of site hedgerow, the assessment considers the site to be of limited ecological value and negligible value to dormice.
- 8.10.3 A number of ponds within 500 metres of the site were identified as providing good conditions for great crested newts and eDNA surveys carried out in a number of these ponds returned positive results for great crested newts. The tall ruderal habitat and rough grassland within the site was also identified as providing optimal terrestrial

habitat for great crested newts and the common toad. The County Ecologist states that the site could provide habitat for newts and further details of how the newt population would be protected from harm should the development go ahead is required. This would be secured by condition and would need to be supported by the County Ecologist.

- 8.10.4 Reptile surveys were carried out using 40 artificial hibernacula positioned towards the northern end of the site where the optimal habitat for reptiles is concentrated. The surveys did not return any records of reptiles and the assessment concludes that the site is of negligible value to reptiles.
- 8.10.5 The assessment maintains that all but one of the buildings on site are of negligible value as bat roosts due to either being tightly sealed (the building to the front of the site); being subject to high levels of noise or light (former chicken sheds currently in commercial use); or, being a damp environment. The vacant bungalow dwelling was regarded as offering low roosting potential as gaps in roof tiles and crevices in the chimney could potentially be used by bats. One mature oak tree within the eastern boundary hedge was identified as offering modest roosting potential within cracks and splits. Bat emergence surveys recorded a pipistrelle bat leaving the tree, but the assessment considers the roost to be of low conservation significance due to its small size and occupation by a common species of bat. The tree would, in any case, be retained and protected during construction works. Bat activity surveys recorded foraging bats following the tree line on the southern boundary but none within the site interior.
- 8.10.6 Surveys did not record any evidence of badger either living or foraging on the site.
- 8.10.7 Any hedgehogs present would be concentrated towards the hedge line due to the sub optimal habitat provided within the site itself.
- 8.10.8 The report concludes that the limited diversity in flora across the site would be likely to reduce the range of invertebrates that it supports.
- 8.10.9 The report identifies the hedgerow, particularly on the southern boundary, as providing the best quality habitat within the site, supporting nesting birds, hibernating hedgehogs and foraging bats amongst others. It is noted that, other than the section of hedgerow on the western boundary to be removed to allow for site access, the remainder would be retained and a landscaped buffer of 5-10 metres width, outside of private garden space, would be maintained to the front of the northern, eastern and southern hedgerow. There is also the potential to secure enhancement of the existing species poor hedgerow through a suitable landscaping scheme that could be secured by planning condition.
- 8.10.10 At the reserved matter stage and guided by a landscape led approach it is possible that the loss of grassland and ruderal habitat as a result of the works could be mitigated.
- 8.10.11 The reports set out a range of mitigation measures to minimise impact upon wildlife during clearance and construction works. This includes

the translocation of reptiles from the construction zone to a suitable receptor site prior to site preparation and commencement of works. Furthermore, mitigation would include the timing of all vegetation clearance to avoid interfering with hibernation, mating and nesting seasons for bats, birds, mammals and reptiles.

- 8.10.12 Further measures will be taken to ensure that all retained trees and hedgerows are protected during site clearance and construction works; that external lighting is avoided or minimised; that excavations and open pipework is covered overnight; and, that new boundary fencing includes small gaps underneath to allow for small mammals to commute through the site.
- 8.10.13 A number of opportunities for ecological enhancements/biodiversity net gain are identified. These include the use of native wildflower and grass seed mix in areas of green space; hedgerow replacement and enhancement to include native fruit, seed, nut and nectar-bearing shrub species; use of the attenuation pond to provide a habitat; planting that supports food sources for bats as well as roosting opportunities; installation of bat and bird roost/nest boxes; creation of piles and hibernacula for amphibians, invertebrates and reptiles; and, retention of corridors of less intensively managed vegetation to maintain ecological connectivity through the site for reptiles, particularly along the western boundary adjacent to off-site woodland.
- 8.10.14 Full details of site landscaping would be secured at the Reserved Matters stage. A minimum of 10% Biodiversity Net Gain (based against a baseline figure to be agreed with the County Ecologist) would need to be achieved if the development is to go ahead.
- 8.10.15 It is therefore considered that the development complies with policy CP10 of LLP1, policies DM24 and DM27 of LLP2, policies 4.9 and 4.10 of the RNP and paras. 170 and 175 of the NPPF.

8.11 Sustainability

- 8.11.1 The application is in outline form and, as such, it is not possible for all sustainability measures to be detailed at this stage. However, it is noted that the development would utilise sustainable drainage systems. The drainage would include the formation of an attenuation pond that will also provide an amenity and habitat asset. This, as well as other open green space within the overall site area is considered to support the delivery of multi-functional green infrastructure as required by LLP2 policy DM14.
- 8.11.2 The site is not within or adjacent to any recognised settlement and, as such, it is considered that there would be likely to be a level of dependence upon the use of the private motor vehicle. However, it should be noted that ESCC Highways regard the site as being well located in terms of access to public transport due to the proximity to existing bus stops. Planning obligations sought by ESCC include improvements to the existing bus infrastructure in the form of real time passenger information signs as well as occupants being provided with 3 months free, and a further 3 months discounted bus travel. A travel plan that would include targets for reduced car use

and a monitoring programme to ensure these targets are met would also be required.

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

8.12 Archaeology

- 8.12.1 The ESCC Archaeologist has noted that the site falls within an area of archaeological interest. Their response draws attention to archaeological remains associated with the Arlington to Barcombe Roman road and a medieval settlement that was uncovered during investigative works carried out at The Orchards, to the south of the site. The proximity to the Scheduled Ancient Monument at Clay Hill Mount, approx. 525 metres to the north-east of the site, is also noted.
- 8.12.2 In response to this, the ESCC Archaeologist has recommended that a programme of archaeological works is carried out to ensure archaeological deposits are either preserved in-situ or recorded. A planning condition would be used to secure the required works.
- 8.12.3 It is therefore considered the proposed development complies with policy CP11 of LLP1, DM33 of LLP2 and section 16 of the NPPF.

8.13 Planning Balance:

- 8.13.1 The recommendation for the approval of this application is made on the balance of the benefit of the development not being significantly outweighed by the harmful impacts.
- 8.13.2 It is acknowledged that the site is not contiguous with any existing settlement boundary, is in a location where there would be a degree of reliance on private car ownership and may impact upon the character of the surrounding landscape.
- 8.13.3 Given the condition of the site it is considered that there is potential for a suitable level of biodiversity enhancement to be provided. The concerns of the ecologist are noted, and it is paramount that these be addressed if and when an application for approval of reserved matters is received.
- 8.13.4 As a consequence, it is highly unlikely that the scheme as represented in the indicative layout drawings would be acceptable if promoted at the reserved matter stage as the developable area of the

site is likely to decrease in order to allow for necessary landscape buffers to be provided.

- 8.13.5 The composition of the residential elements would therefore likely need to be adjusted, with a greater number of smaller units being delivered or, potentially, a reduction in the quantum of dwellings.
- 8.13.6 To be weighed against the above are the benefits the application offers in terms of the development of a dilapidated brownfield site which the LLFA have noted is contaminated.
- 8.13.7 The principle of development of the site is considered to be accepted by its allocation in the Ringmer Neighbourhood Plan and, whilst the proposal does not deliver a 100% commercial scheme, independently assessed documents support the case that residential development is required to facilitate the delivery of the commercial element of the development, which will provide jobs and contribute towards the local economy. The site should be seen unique in this regard and it is not considered that the approval of the proposed development would set a precedent for further ribbon development along this part of the A26.
- 8.13.8 Significantly, the proposed development would deliver new housing that help address the shortfall in housing delivery within the district and, potentially, reduce pressure to develop greenfield sites.
- 8.13.9 Overall, Officers consider that on balance the benefits of this scheme outweigh the harm and the application is therefore considered to be acceptable subject to conditions and mitigations.

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 Approval subject to a section 106 legal agreement to secure affordable housing, highway works and phasing arrangements.

Conditions

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

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

- 2. **APPROVED PLANS:** This decision relates solely to the following plans:

Stage 1 Road Safety Audit - Version 1 and 2
Location Plan - 6366 LOC 01 Rev P1
Flood Risk Assessment - 4124 FRA SWDS V 2.0
Financial Viability Assessment
200 Rev F - Proposed Access Arrangements
210 - Vehicle Tracking
211 - Vehicle Tracking

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

PRE-COMMENCEMENT CONDITIONS:

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

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

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

4. **PHASING:** No development shall be commenced until a phasing plan is submitted to and agreed with the Local Planning Authority. This should include provision for the commercial aspect of the development to be completed prior to the occupation of any of the dwellings.

Reason: In order to ensure the employment use for which the site is allocated is delivered in a timely fashion in accordance with policy CP4 of LLP1.

5. **VISIBILITY SPLAYS:** The Development shall not commence until such time as the visibility splays at the access works and for the highway works are agreed with the Highway Authority.

Reason: In the interests of road safety.

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

Reason: In the interests of road safety

7. **WHEEL WASHING:** No development shall take place, including demolition, on the site unless and until an effective vehicle wheel-cleaning facility has been installed in accordance with details provided to and approved in writing by the Local Planning Authority and such facility shall

be retained in working order and utilised throughout the period of work on site to ensure the vehicles do not carry mud and earth on to the public highway, which may cause a hazard to other road users.

Reason: In the interests of road safety.

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

Reason: In the interests of highway safety

9. ROAD DETAILS: Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed roads, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with the Highway Authority

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

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

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

11. CONTAMINATION: Prior to each phase of development approved by this planning permission, no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

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

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

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework (NPPF).

12. VERIFICATION REPORT: Prior to each phase of development being brought into use, a verification report demonstrating the completion of 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.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the NPPF.

13. FOUL WATER: The development hereby permitted may not commence until a foul water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and completed prior to the development being brought into use.

Reason: To ensure that the proposed non-mains drainage system does not harm groundwater resources in line with paragraph 170 of the NPPF and the 'The Environment Agency's approach to groundwater protection'.

14. SURFACE WATER DRAINAGE: The development permitted shall not commence until detailed drainage drawings and calculations are submitted to and approved in writing by the Local Planning Authority. Surface water runoff from the proposed development shall be limited to the greenfield runoff rates for rainfall events with an annual probability of occurring greater than 1 in 2.33 and 11.6 l/s (Qbar) for rainfall events with an annual probability of occurrence less than 1 in 2.33, including those with a 1 in 100 (plus climate change) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) shall be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.

The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely. Details shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and paras. 167 and 169 of the NPPF.

15. DITCH CONDITION: Prior to the construction of the outfall, a survey of the condition of the ditches, including the highway ditch which will take surface water runoff from the development shall be investigated. Results of the survey shall be submitted to and approved in writing by the Local Planning Authority. Any required improvements to the condition of the ditch shall also be included and, if approved by the Local Planning Authority, implemented accordingly.

Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and paras. 167 and 169 of the NPPF

16. WATER OUTFALL: The details of the outfall of the proposed permeable pavement and how it connects into the ditch shall be submitted as part of a detailed design including cross sections and invert levels.

Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and paras. 167 and 169 of the NPPF

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

- a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
- b) Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development

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

Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and paras. 167 and 169 of the NPPF

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

- the anticipated number, frequency and types of vehicles used during construction,
- means of reusing any existing materials present on site for construction works,
- the method of access and routing of vehicles during construction,

- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.
- address noise impacts arising out of the construction.
- demonstrate that best practicable means have been adopted to mitigate the impact of noise and vibration from construction activities.
- include details of the use of protective fences, exclusion barriers and warning signs.
- provide details of the location and appearance of the site offices and storage area for materials, including a bunded area with solid base for the storage of liquids, oils and fuel.
- details of any external lighting.
- Waste minimisation statement

Reason: In the interests of highway safety and the amenities of the area in accordance with LLP2 policies DM20, DM23 and DM25 and paras. 110, 111 and 112 of the National Planning Policy Framework (NPPF).

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

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

20. GREAT CRESTED NEWTS: Development shall not commence until further details of a scheme for the protection of Great Crested Newts, including a detailed evidence-based assessment showing how an offence under the Conservation of Habitats & Species Regulations 2010 will not occur, the provision of compensatory/mitigation habitat and measures to minimise the area temporarily disturbed, has been submitted to and approved by the local planning authority. Work shall be carried out strictly in accordance with the agreed method statements, exclusion plan and mitigation scheme, as approved by the local planning authority, in accordance with the agreed timescale.

Reason: To ensure that any adverse environmental impacts of development activities are mitigated, to avoid an offence under the Wildlife and Countryside Act 1981, as amended, The Conservation of Habitats and Species Regulations 2017, as amended, and the Protection of Badgers Act, 1992, and to address Core Policy CP10 of the LLP1.

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

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

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

Reason: To ensure that any adverse environmental impacts of development activities are mitigated, to avoid an offence under the Wildlife and Countryside Act 1981, as amended, The Conservation of Habitats and Species Regulations 2017, as amended, and the Protection of Badgers Act, 1992, and to address Core Policy CP10 of the LLP1.

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

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

- f) initial aftercare and long-term maintenance (where relevant).
- g) disposal of any wastes arising from the works.

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

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

23. ECOLOGY: No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

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

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

Reason: To provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 174 and 179 of the National Planning Policy Framework, and Core Policy CP10 of the Lewes District Local Plan 2016.

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

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

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

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

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

PRE-OCCUPATION

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

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

27. CAR CHARGING POINTS: Prior to the first occupation of any part of the development hereby permitted, a minimum of one electric vehicle car charging point shall be provided for each property and shall be maintained in an operable condition thereafter for the lifetime of the development.

Reason: To encourage alternative, more sustainable modes of transport and to reduce local contributing causes of climate change in accordance with Policies CP13 and CP14 of Lewes District Local Plan, para. 112 of the Revised National Planning Policy Framework, the LDC Electric Vehicle Charging Points Technical Guidance Note. And the LDC Sustainability in Development Technical Advice Note.

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

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

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

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

30. ROAD SPECIFICATION: 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/their] subsequent adoption as a publicly maintained highway

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

31. INFRASTRUCTURE: Before house building commences, the new estate roads shall be completed to base course level, together with the surface water and foul sewers and main services to the approval of the Planning Authority in consultation with the Highway Authority

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

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

Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and paras. 167 and 169 of the NPPF

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

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

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

COMPLIANCE CONDITIONS

34. USE CLASS RESTRICTION: The employment element of the development hereby approved shall be restricted to uses falling within class E(g) of the Town and Country Planning (Use Classes) Order 1987 (as amended) only and for no other purpose unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway capacity and the amenities of neighbouring residents in accordance with policies CP11 and CP13 of LLP1, policies DM20, DM23 and DM25 of LLP2 and para. 110 and 185 of the NPPF.

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

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

36. **UNEXPECTED CONTAMINATION:** 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the NPPF.

37. **INFILTRATION:** No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the NPPF.

38. **HEIGHT LIMIT:** No buildings or structures within the development shall exceed two storeys in height.

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

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

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

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

Reason: To protect the amenity and character of the surrounding countryside and to prevent disturbance of nocturnal species having regard to Policy CP10 of the Lewes District Local Plan part one, policies DM20 and DM24 of the Lewes District Local Plan part two and paras. 174, 179 and 185 of the NPPF.

11. **Background Papers**

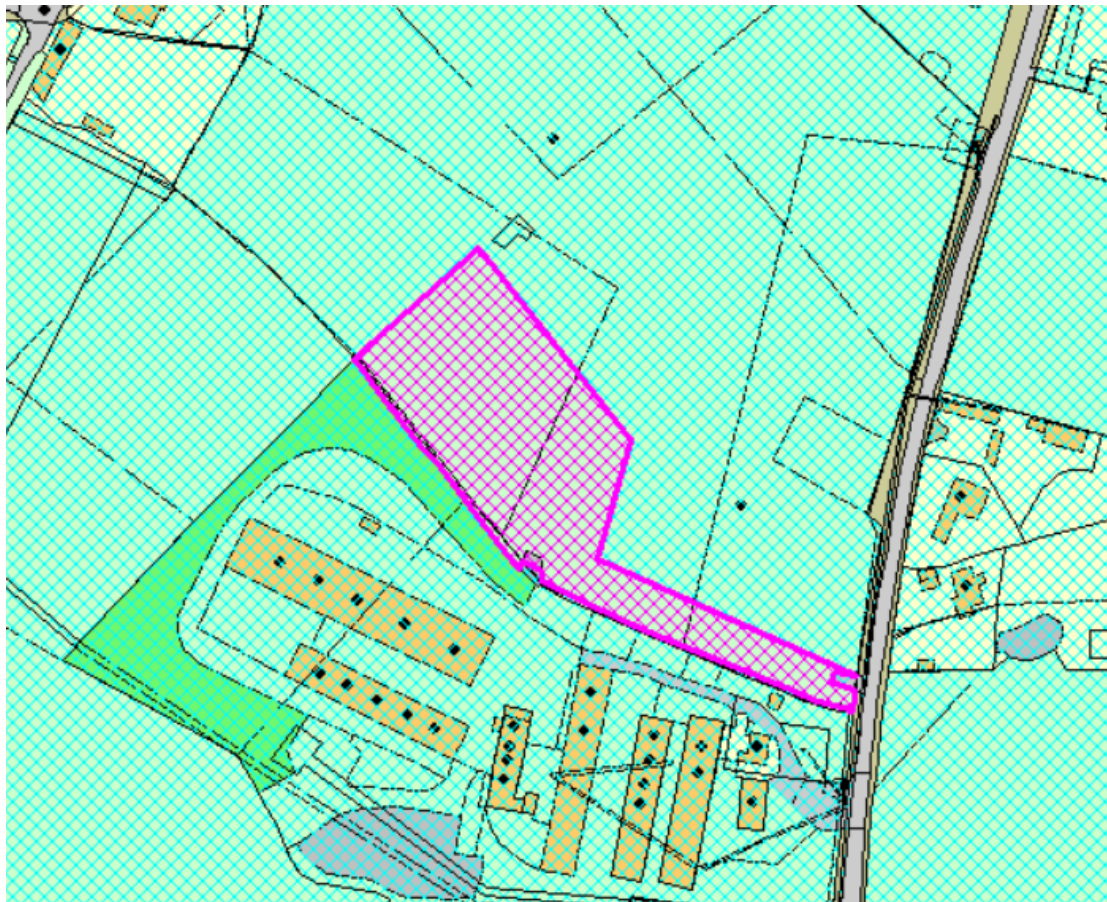
11.1 None.

Agenda Item 8

Report to: Planning Applications Committee
Date: 6 April 2022
Application No: LW/21/0503
Location: Land adjacent to The Old Brickworks, Finns Farm - Station Road, Station Road, Plumpton Green, East Sussex
Proposal: Equestrian facility for the treatment and recuperation of race/sports horses, including temporary mobile home staff accommodation.
Applicant : Mr and Mrs Davies
Ward: Plumpton
Recommendation: Grant planning permission with approval subject to conditions.
Contact Officer: **Name:** Rita Burns
E-mail: rita.burns@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liabile.

Applicant Site Location:



1. Executive Summary

- 1.1 The application is being reported to the Planning Committee as the applicant is a local councillor.
- 1.2 The planning application promotes the development of a rural business comprising an equestrian facility for the rehabilitation and treatment race/sports horses. The scheme is specifically for recuperation of injured horses, rather than a leisure livery stabling where owners attend their equines.
- 1.3 The proposal would not be considered to be of a size or scale that would result in any unacceptable harm to the setting or openness of the countryside. The proposed development of land is, in this instance, considered to be acceptable as the scheme responds well to the context of the surrounding natural and built environment and would not cause unacceptable harm towards, nor overwhelm, the overall character or amenity of the area.
- 1.4 The proposed development is considered to meet all relevant local and national planning policies. Overall, it is considered that the proposed development would not result in any harm of a magnitude that would outweigh the benefit of a gaining of rural business and new employment opportunities which would contribute towards the Council's delivery economic prosperity and rural diversification within the District.
- 1.5 Approval of planning permission is recommended, subject to conditions.

2. Relevant Planning Policies

National Planning Policy Framework 2021

- 2: Achieving sustainable development
- 4: Decision making
- 6: Building a strong, competitive economy
- 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 Part 1 (2016)

- CP4: Economic Development & Regeneration
- CP10: Natural Environment and Landscape
- CP13: Sustainable Travel
- CP14: Renewable and Low Carbon Energy

Lewes Local Plan Part 2 (2020)

- LDLP: – DM1 – Planning Boundary
- LDLP: – DM3 – Accommodation for Agricultural and Rural Workers

LDLP: – DM6 – Equestrian Development
LDPD – DM10 – Employment Development in the Countryside
LDLP: – DM23 – Noise
LDLP: – DM24 – Protection of Biodiversity and Geodiversity
LDLP: – DM25 – Design
LDLP: – DM26 – Refuse and Recycling
LDLP: – DM35 – Footpath, Cycle and Bridleway Network
LDLP: – GT01 – Land south of The Plough

PLUMPTON PARISH NEIGHBOURHOOD PLAN 2017-2030

Policy 1: Spatial Plan for the Parish

Policy 2: New-build environment and design

Policy 3: Landscape and biodiversity

Policy 4: Sustainable drainage and wastewater management

3. Site Description

- 3.1 The application site lies immediately to the north of an established industrial site and business park, known as The Old Brickworks. The site is accessed from Station Road on the eastern side. To the far north of the site is The Plough Public House and to the east of the site on the opposite side of Station Road there are a number of detached houses. The site is approximately 650m from Plumpton Green village and in a slightly wider local context Plumpton Racecourse is at distances of approximately 2Km.
- 3.2 The site slopes gently north to south. The application site is approximately 0.55ha and forms part of a large grassy field at Finns Farm and is roughly rectangular in shape, with the proposed development to be developed in the south west corner of a larger plot of land.
- 3.3 Whilst the site is within a rural setting it is not considered to be isolated. The siting of the development means it runs parallel with the Old Brickworks Business Park which is visible from the Site. The Old Brickworks business park to the south of the application site is a busy commercial park which is well established with of a cluster of 7 low rise industrial buildings. A small number of detached residential dwellings are noted to the east of the application site on the opposite side of Station road and The Plough public house is visible to the north of the Site.
- 3.4 The application site is within the same field as an area allocated for a Gypsy Traveller site. The site allocated under Policy GT01 in the LLP2 falls to the east of the proposed scheme. Whilst the allocated site is within the same plot of land as the proposed scheme they are proposed in different areas of the larger field. Both areas of the land are under the ownership of the applicant. The area allocated for the Gypsy and Traveller site under Policy GT01 is the

area of land immediately adjacent to the Site entrance which is to the east of the proposed equine scheme.

- 3.5 The allocation under Policy GT01 is for five permanent pitches for Gypsy and Traveller Accommodation. The remainder of the field within which the Site lies is an agricultural land holding and does not form part of this Gypsy and Traveller site allocation. The proposed site for the equestrian rehabilitation facility and the allocated land for Gypsy and Traveller Accommodation are in part separated on the plot by an existing 4m high bund. It is considered that the location of the proposal will not compromise the delivery of the allocated Gypsy and Traveller Accommodation (Policy GT01).
- 3.6 The site entrance features an area of hardstanding and gated entrance set back from Station Road. The existing access in the south east corner of the field, off Station Road, is to be used for the proposed equine scheme. An existing hard surface access track runs along the southern boundary of the site from the access point from the public highway.
- 3.7 Mature deciduous trees and vegetation are established to the southern boundary of the application site. The site is in close proximity to public transport with a bus stop located 200m to the north of the site entrance on Station Road.
- 3.8 A Public Right of Way footpath crosses the centre of the field, within which the site lies, from St Helena Lane and terminates at Station Road. On the western side of the field the footpath connects to the wider footpath and bridleway network.
- 3.9 The Site lies within a Flood Risk Zone 1 Area thus is considered to be at low risk of flooding. A drainage ditch is apparent to the immediate south of the application site. The field drainage ditch along the southern border provides exit for the constructed field drains and field run-off. It is not subject to any local or national biodiversity, landscape or heritage designations however local records do show notable and protected species in the area.

4. Relevant Planning History

- 4.1 PREAPP/19/0302: Pre-application advice was sought from the Council in 2019 which confirmed that the proposed equestrian development was recognised as an appropriate rural use given the site falls outside of the planning boundary. The principle of the proposed scheme was considered acceptable, provided it was sympathetically designed and appropriately sited.
- 4.2 LW/08/0165: Erection of a barn to store hay, agricultural machinery, and livestock. Approved
- 4.3 Approved 07/04/2008 LW/08/0807: Retrospective application for the retention of an access to field in southeast corner. Approved 30/07/2008.

- 4.4 Policy GT01 Land South of The Plough: Site Allocation for the provision of 5 permanent residential pitches for Gypsy and Traveller use. Adopted Lewes Local Plan Part 2 February 2020

5. Proposed Development

- 5.1 The proposed development involves the erection of a stable barn, covered sand school, horse walker, hay store and mobile home staff accommodation. The proposed equestrian facility is to provide treatment, recuperation and rehabilitation for race and sports horses and therefore is a different equine enterprise to equestrian livery yards for the purpose of stabling of horses.
- 5.2 The proposed stable barn facility would be situated adjacent to the southern boundary of the site and would comprise 12 loose box / stables, two equine rehabilitation treatment rooms, and two facilities rooms. The hay store is to be located just beyond the stable barn.
- 5.3 A horse walker exercise facility is to be situated towards the northern boundary of the site and a covered sand school located at the western site boundary. There is an existing bund at the far end of the site, to the western boundary, that will be retained and enhanced to provide an integrated screening design feature.
- 5.4 Onsite, a temporary, worker rural accommodation is provided to the front (east) of the site and located behind the existing bund. The existing bund is approximately 4m high.
- 5.5 Twelve car parking spaces and two horse box parking spaces are proposed along the northern boundary, with turning space between the parking area and stable barn.
- 5.6 The proposed development details comprises of the following elements -

Stable Building

- 5.7 The stable barn will be of a standard monarch barn design with open gable roof. It is to be a timber clad in a palette of green or natural. The steel frame construction will feature corrugated green sheet roof covering and polycarbonate roof windows. The scale of the barn is similar to that of the approved barn under the extant permission (LW/08/0165 implemented but not constructed); being of the same height to the ridge line at 4.8m, and very slightly longer at 32m long and wider at 12m than the currently permitted under the existing planning permission. The proposed stable barn would accommodate 12 stables, two treatment rooms, a central tack area and two facilities rooms (for office space and WC).
- 5.8 Each loose box stable will measure 4m x 3.5m and will have insulation to improve energy efficiency of the structure. There will be a security system installed in the proposed accommodation, with CCTV and infrared sensors to ensure an effective security system is insitu.

Horse walker

- 5.9 The horse walker is a round metal framed structure with corrugated sheet roof covering to facilitate protection from the elements. The ridge height would be 4.5m with the diameter to measure approximately 11.6m.

Hay Barn

- 5.10 The hay store is proposed at 10.9m in length, 3.5m in width and 3.4m to the ridge. The construction materials to be utilised will include treated timber cladding and a felt roof.

Sand School

- 5.11 The covered sand school is constructed with blockwork to 1.8m height, then open treated timber slats to the eaves with a corrugated sheet roof covering at a ridge height of 8.5m. The building footprint is 20m width x 40m in length.

Staff Accommodation onsite Mobile Home

- 5.12 A mobile home accommodation for staff is to be sited behind the existing 4m high bund in front of the parking area. The mobile home is to be of a standard single storey rectangular design of an acceptable scale(10ftx40ft) for the purposes of the equine business. The temporary accommodation mobile caravan is to be finished in a white.

6. Consultations

Plumpton Parish Council

- 6.1 Parish Council resolved to support the application and commenting as follows:-

'If LW/21/0503 were to be regarded in isolation, then Plumpton Parish Council would support on the basis that this is commercial development adjacent to existing commercial usage, and outside the developed village of Plumpton Green. It is regarded as especially complementary to the existing equestrian activities at Plumpton race course and Plumpton College that are clearly supported in the Neighbourhood Plan.

One query relates to the proposed building under LW/08/0165 which appears not to have been erected, so is that permission still valid?

However, Plumpton Parish Council wishes to comment that this application makes clear that the site is adjacent to that allocated to LDC plan policy GT01. PPC regarded GT01 as inappropriate and not fit for purpose, a point partially acknowledged by LDC and ESCC at inspection (but ignored by the inspector) in admitting the site 'was the least bad option, being the only potential site' rather than meeting minimum requirements and complying with equality law. The residents deserve clarity on the intentions regarding the site in respect of this aspect'.

Officer Comment

- 6.2 Whilst the existing allocation under Policy GT01 is considered in the assessment of the proposed equine facility as it lies adjacent to the application site it is the only merits of the proposed development LW/21/0503 which are to be assessed and given that the development is not associated with any proposals linked to Policy GT01.
- 6.3 The permission under LW/08/0165 has been implemented but the permitted barn has not been constructed, and the proposed development is to be built over where the permitted barn would have been constructed.

Neighbour Representations

- 6.4 One representation was received from an immediate neighbour which was a neutral comment citing the following matters:
- Insufficient Information
 - LW/21/0503 is very close proximity to my property and is development of a greenfield site I would like LDC to clarify that, if approved, on what the status of the site would be and that this will be a commercial site for the purposes applied for only and would not be subject to permitted development rights that could change its use materially.

Officer Comment

- 6.5 The site is located within an agricultural field and an equine use is proposed. Part of the field which is outside of the application site is also allocated site under Policy GT01 for Gypsy and Traveller pitches. The proposal will not impact on the allocated site under Policy GT01. Planning conditions will be attached to any permission granted.
- 6.6 A Representation in OBJECTION to the application was received from a Plumpton Resident. The reasons cited for the objection to the application included:
- Most of the site is proposed to be concrete hard standing and this will also be subject to rapid rainwater runoff. The drainage ditch eventually joins the Bevern Stream which is subject to periodic flooding when the soil is saturated following heavy rain. It might appear to be a long way away but this excess runoff will have an impact downstream.
 - Item 4.23 states: 'The rainwater runoff from buildings will be channelled into the drainage ditch.'
 - The application does not include a SUDS system to mitigate the risk of off site flooding.
- 6.7 A Representation was made by a Plumpton Resident providing comments neither objecting to or supporting the Planning Application. Reasons for comment included:
- Drainage

- Flooding
- Insufficient Information
- I note the proposed building under LW/08/0165 appears not to have been erected, can you confirm if planning permission is still valid?
- Item 4.23 of the application states: 'The rainwater runoff from buildings will be channelled into the drainage ditch.' I understand some hard surfacing is planned for car parking, meaning further water run-off.
- The application does not include a SUDS system to mitigate the risk of off site flooding and that should be considered.
- I would like clarity on what the status of the site would be and clarity that this will be a commercial site for the purposes applied for only - an equestrian facility for the treatment and recuperation of race/sports horses - and would not be subject to permitted development rights that could change its use materially

Officer Comment

- 6.8 The drainage ditch is in place to manage run off from the site and the site is considered to be at low risk of flooding as such it is considered that the scale of the proposal means there is a low risk of inducing off site flooding. A buffer pond exists for period of usually high inundation and car parking surfaces are to include permeable materials to reduce surface run off. The requirement for an effective drainage management to be implemented on the site will be secured by means of a planning condition.
- 6.9 The permission granted for planning application LW/08/0165 has been implemented but the scheme has not been built out.
- 6.10 The scheme is located within an agricultural field and an equine proposal is promoted. Part of the field which is outside of the application site is also allocated site under Policy GT01 for Gypsy and Traveller pitches. Equestrian development is supported by the Local Plan subject to specific criteria being met. The area allocated under Policy GT01 will be unaffected by the proposal. Planning conditions would be attached to any permission granted.

Lewes District Council Planning Policy Officer

- 6.11 No Objection to the application

East Sussex County Council (Ecology) Comments

- 6.12 No objection subject to conditions.

Designated sites and habitats

- 6.13 The site is not designated for its nature conservation interest. Plumpton Wood (North) Local Wildlife Site (LWS) lies c. 363m north and Great Home Farm, Hattons Wood LWS lies c. 661m east. Given the nature, scale and location of the proposed development, there are unlikely to be any impacts on the LWS.

- 6.14 The site currently improved grassland, with scrub, tall ruderal vegetation, bare ground and scattered trees. The habitats of greatest significance are the boundary habitats which should be retained and protected. It is understood that no works are proposed to any of the trees on site.

Badgers

- 6.15 No setts were recorded on site, but multiple mammal paths and latrines were recorded within the grassland. Best practice working methods should be employed to ensure protection of badgers during construction. The measures set out in the Preliminary Ecological Appraisal (PEA) report (Greenspace Ecological Solutions, December 2020) are appropriate and should be implemented.

Bats

- 6.16 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. There are no buildings on site and none of the trees support potential roost features. Whilst the site and surrounds offer suitable foraging and commuting habitat, the proposed development will not result in any significant loss or severance of suitable habitat. As such, no additional surveys are required, but sensitive lighting is required as recommended in the PEA report.

Breeding birds

- 6.17 Under Section 1 of the Wildlife and Countryside Act 1981, as amended, wild birds are protected from being killed, injured or captured. The scrub, trees and tall ruderal on site offer potential for nesting birds. To avoid disturbance to nesting birds, any 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 made in the PEA report are appropriate and should be implemented.

Hazel Dormouse

- 6.18 The hazel dormouse is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. Scrub on site offers suitable habitat, but given the limited area of habitat to be impacted, the precautionary measures recommended in the PEA report are considered appropriate in this case.

Great Crested Newts

- 6.19 The great crested newt (GCN) is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). There is suitably terrestrial habitat on site, and 12 waterbodies within 250m. Of these, the closest two were assessed as offering poor potential for GCN. eDNA surveys of the two waterbodies with average/good potential were negative. The precautionary measures to be taken during site clearance recommended in the PEA report are therefore considered appropriate and should be implemented.

Reptiles

- 6.20 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 were carried broadly in line with best practice, although the last survey visit was conducted above the maximum recommended temperature. However, this is not considered a significant constraint to the survey. No reptiles were recorded on site, but given the extent of suitable habitat on site, the precautionary approach recommended in the PEA report is appropriate and should be implemented.

Other species

- 6.21 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. 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.
- 6.22 Six common toads were found during the reptile surveys. The precautionary measures for GCN and reptiles are appropriate for common toad.

Mitigation Measures and Biodiversity Net Gain

- 6.23 In addition to any mitigation and compensation measures that may be required for notable/protected species and habitats, 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 recommended enhancements in the PEA report and the Protected Species Survey Report (Greenspace Ecological Surveys, June 2021) are appropriate and should be implemented.
- 6.24 In light of the above, and in line with BS42020: 2013 Biodiversity – code of practice for planning and development, if the Council is minded to approve the application, it is recommended that the following condition is applied:
- Compliance with existing detailed method statement, strategies, plans and schemes. All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (Greenspace Ecological Solutions, June 2021) and the Protected Species Surveys report (Greenspace Ecological Solutions, June 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.
- 6.25 In summary, provided the recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective.

Landscape Officer

6.26 Specialist Tree Landscape Officer offered no objection to the proposal

Southern Water

6.27 Southern Water recommend that The Environment Agency should be consulted directly by the applicant regarding the use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation.

6.28 The planning application form refers to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance. Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

6.29 Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

ESCC Highways Authority

6.30 No objection subject to planning conditions.

6.31 The Highway Authority comments relates to adequate access width where the internal road meets the adopted highway and that the gate is to be set back sufficiently. This matter has been confirmed as acceptable in its current construction and the application can be supported by ESCC Highways Team.

6.32 Driver sightlines would need to be secured by condition and require some hedge maintenance in perpetuity.

7. Planning Appraisal

Key Considerations

7.1 The key considerations are: principle of development, design, effect on the setting of the rural area and the adjacent buildings, the adjacent land

allocation under policy GT01, effect on residential amenity of nearby occupants, parking, biodiversity, transport and sustainability.

Principle of Development

- 7.2 The submitted scheme involves development on land that is not within the built-up area boundary, as defined within the Lewes District Local Plan. Whilst planning policies including Policy DM1 are generally resistant to development of rural sites, there are exceptional circumstances in which development could be allowed. Policies DM3 Accommodation for Agricultural and Other Rural Workers, Policy DM9 Farm Diversification and Policy DM6 Equestrian Development are therefore of particular relevance in the consideration of this application.
- 7.3 Para. 84 of the Revised National Planning Policy Framework states that ‘the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.’ It also states that ‘the development and diversification of agricultural and other land based rural businesses. In para. 85, it is recognised that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. Equestrian related development is recognised as an appropriate rural use, subject to the satisfaction of relevant local and national planning policies.
- 7.4 Paragraph 81 of the National Planning Policy Framework encourages planning decisions to help create the conditions in which businesses can invest, expand, and adapt. It states that significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development.
- 7.5 The Lewes Local Plan seeks to prevent isolated and incongruous development within rural areas and also to ensure that the existing landscape character is not harmed. The site however is not considered to be isolated given the existing buildings in the immediately adjacent industrial park and residential dwellings set to the opposite side of the highway on Station Road.
- 7.6 It is also noted that the proposal is set within the broader locality of Plumpton Racecourse and Plumpton Agricultural College thus located within the wider local context of well-established equestrian community.
- 7.7 Hence there are no principle objections to the proposal subject to the proposals being appropriate in their scale, massing and materials and not significantly affecting biodiversity, highway safety or the amenities of the adjacent residential properties, and is in accordance local and national planning policies.

8. Design

- 8.1 Chapter 12 of the NPPF refers to design. Paragraph 130 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.

- 8.2 Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- 8.3 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 certain criteria are met
- 8.4 It is considered that the design and siting of the proposed development given its positioning away from the frontage to Station Road is acceptable in this rural location. The proposed equestrian buildings dwellings would be considered to be low density and of relatively low rise reducing their visual prominence and preventing the character of the existing rural environment from being overwhelmed. The proposal is to fall within two existing bunds which effectively adds to the visual screening of the development. In addition, given the topography of the Site the scheme is to be positioned on the low lying area of land again reducing the visibility of the development from the surrounding areas.
- 8.5 It is considered that the design of development is in keeping with the character of the local area and adjacent business estate and minimises visual impact through sensitive siting and design.
- 8.6 The proposed scheme is of an appropriate scale and is not considered to compromise the land allocation under Policy GT01 covering the land to the east for the potential future development of Gypsy and Traveller Accommodation.
- 8.7 The site is situated outside of the planning boundary however it is not considered to be within an isolated setting as the development would be seen against the existing units at the neighbouring industrial park. The development would therefore be adjacent to an established cluster of buildings, which would help reduce the possibility of it appearing as isolated or incongruous within the wider rural landscape.
- 8.8 Although the site is currently undeveloped the proposed new structure would not be of an unacceptable bulk or mass or to a scale that it would be out of character with its surroundings and the industrial estate immediately adjacent.
- 8.9 The development would be positioned on the lowest part of the site, positioned between two existing earth bunds, which would help reduce visual impact of the scheme.

- 8.10 Development within rural locations should include improvements to existing landscaping as well as new hard and soft landscaping where appropriate. It is noted that field boundaries are marked by hedgerow and, on the southern boundary particularly, there is hedgerow and a treeline providing an element of natural visual screening. It is further noted that existing earth bunds would be retained and further enhanced to provide visual screening of the development. This would to be implemented responsibly, avoiding the use of imported materials.
- 8.11 It is therefore considered that, in addition to being sympathetic to the context of the surrounding and wider environment, the proposed development would not compromise or overwhelm the prevailing character of the surrounding rural area.
- 8.12 A planning condition will be imposed to any permission in order to limit external lighting to minimize potential harm to the night skies and lighting spill within the rural setting.
- 8.13 Appropriate materials and finishes are to be used, including timber and matt finish painting to prevent glare from any metalwork and a suitable colour scheme that would blend in with the rural surroundings offering a greater degree of visual integration would be appropriate. It is considered that the proposal is acceptable in design and materials utilised. The materials and palette finish will be secured by means of a planning condition.
- 8.14 It is considered that the cumulative footprint and plot coverage of the proposed equine rehabilitation facilities is acceptable and the proposed buildings height is sympathetic to the scale of surrounding area. As such, it is considered that the proposed scheme would integrate well within the existing setting and not appear disruptive or overly dominant.
- 8.15 It is considered that the proposed equine facility is acceptable in terms of design and character in accordance with Policy DM25 and the Plumpton Neighbourhood Plan.

9. Residential Amenity

- 9.1 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.
- 9.2 Due to the rural location, there is not a dense concentration of residential dwellings nearby. There are dwellings to the east on the opposite side of Station Road but a good distance (approximately 100m) would be maintained between these properties and the proposed scheme. It is noted that the land to the immediate east of the site has been allocated in the emerging Lewes Local Plan (Part 2) for the provision of 5 permanent gypsy and traveller pitches. However, it is not considered that the proposed

development would prejudice the future development of the gypsy and traveller site as it is not considered that it would generate a level of noise that would lead to unacceptable living conditions for future residents on the site.

- 9.3 The proposed development is not considered to be of a bulk, massing or in location that results in any unacceptable impacts upon neighbouring residential amenity. There is a significant degree of separation from the application site to the nearest neighbouring properties to the east on the opposite side of Station Road, in addition the existing insitu bunds would serve to contribute to visually screening the development.
- 9.4 It is noted that no representations relating to concerns regarding impacts upon residential amenity have been received from the neighbouring properties consulted. The proposal is considered to be acceptable in terms of amenity and satisfies this element of Policy DM25 of the Lewes Local Plan Part 2.

10. Landscape and Ecology

- 10.1 The site is currently improved grassland and there are individual areas of green space in the form of hedgerows and an established tree line to the southern boundary with the Old Brickworks.
- 10.2 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.
- 10.3 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.
- 10.4 The site is located in a rural environment and features agricultural grassland. It is considered that there are unlikely to be any significant ecological impacts of the proposed development and the consultation comments from the ESCC Ecologist are noted. There are no potential risks arising from the proposal which would warrant a refusal.
- 10.5 The application is accompanied by a Preliminary Ecological Assessment (PEA). The County Council's ecologist has reviewed the PEA and is in general agreement with the conclusions drawn on protected species and the need for the recommended precautionary measures to be adopted. The report sets out a requirement for precautionary working methods to be adopted during construction in order to minimise potential risk of harm or disturbance to protected species. The recommendations proposed within the submitted PEA are considered appropriate and will be secured by means of a planning condition.

- 10.6 Major developments within the District are expected to deliver 10% biodiversity net gain. For smaller developments, such as the scheme under consideration, there is an expectation that some biodiversity net gain will be delivered. There is clearly an opportunity for biodiversity net gain resulting from the proposal and as such, conditions will be attached to any planning permission requiring details of ecological enhancement features such as bird and bat boxes, to be submitted to the LPA prior to the development being brought into use and/or the first occupation of the development.
- 10.7 The Arboricultural Survey Impact Assessment that accompanies the application identifies tree plates root zones will not be impacted by the application and no trees will be removed as a result of the proposal.
- 10.8 Planting and landscaping measures will include planting of native flowering species, trees and hedgerows which will contribute to improving the biodiversity apparent at the application site in line with the NPPF and Policy DM24 of the Lewes Local Plan Part 2.
- 10.9 Overall, it is considered that the proposal accords with both local policy DM25 and national planning policy objectives in relation to biodiversity.

11. Highways and Access

- 11.1 The trip generation for the proposal is identified in the Transport Statement to be a maximum of 11 trips per day. This considered to be acceptable.
- 11.2 The proposed development would utilise an existing field access taken from Station Road. This access was constructed to accord ESCC Highways standards for a field access. The access dimensions are considered to be in accordance with current Highways Standards for shared access and suitable visibility splays are provided either side of the access. The proposed scheme offers 5m access at 11.5m from the main highway to a 4m wide gate and there after the access road is maintained at 4.5m. This is considered acceptable and to satisfy the requirement to ensure highway safety is not compromised.
- 11.3 Parking would be provided on site, although the location of this parking is not shown on the submitted plans. ESCC Highways Guidance for Parking at Non-Residential Development suggests a minimum car parking quantum of two spaces per loose box for equestrian uses. It is noted that, due to the specific nature of the proposed use, the applicant anticipates that parking demand would be well below this figure and as such proposed development would result in 12 parking spaces. It is considered that the parking provision at the site would be adequate to accommodate the equine proposal.
- 11.4 The increase of a maximum of 12 new vehicles and 2 horseboxes on site when fully operational is not considered to detrimentally harm highways capacity or safety, nor would it result in an unacceptable parking layout.
- 11.5 Any car parking areas are to be constructed using permeable surfacing, with all surface water to be managed within the site in order as to prevent any increased risk of surface water flooding.
- 11.6 Storage for bicycles should also be provided to encourage staff and visitors to use this mode of transport where feasible in line with para 104 of the NPPF.

- 11.7 It is therefore considered that the car parking and access arrangements that form part of the submitted scheme would prevent any unacceptable impact upon highway capacity or safety.
- 11.8 The cumulative transport aspects of the scheme are deemed to be acceptable and do not present planning concerns. It is noted that the Highways Authority have not objected to the proposal.

12. Rural Worker Accommodation

- 12.1 The site is located outside of the settlement boundary. Policy DM1 of the Lewes District Local Plan (part 2) adopt a strict approach to development within the countryside, stating that 'outside the planning boundaries, the distinctive character and quality of the countryside will be protected and new development will only be permitted where it is consistent with a specific development plan policy or where the need for a countryside location can be demonstrated.'
- 12.2 Para 80 of the National Planning Policy Framework (NPPF) identifies exceptional circumstances in which permission for a dwelling in an undeveloped location may be allowed including where 'there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside'.
- 12.3 Policy DM3 of the Lewes District Local Plan Part 2 states that, outside of the planning boundary, new permanent dwellings for agricultural workers would only be permitted where it can be demonstrated that:-
- there is a clearly established existing functional need;
 - the functional need relates to a full-time worker;
 - the unit and the rural enterprise concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound and have a clear prospect of remaining so;
 - the functional need cannot be met by another existing dwelling on the unit or other existing accommodation in the area which is suitable and available for occupation by the workers concerned;
 - the proposed dwelling, and any subsequent extension, is of a size commensurate with the established functional need of the enterprise. Dwellings and any subsequent extensions which are unusually large in relation to the needs of the unit or unusually expensive to construct in relation to the income it can sustain in the long term will not be permitted;
 - the dwelling is suitably located to meet the identified functional need of the enterprise, is well related to existing buildings wherever possible, and its siting and design is appropriate to the rural character of the locality.
- 12.4 Policy DM3 requires that, outside of the planning boundary, new permanent dwellings for rural workers would only be permitted subject to specific criteria. Where the criteria are not met a temporary permission may be granted for a caravan, mobile home or other temporary accommodation where it can be demonstrated that there is a firm intention to develop the enterprise and that the enterprise has been planned on a sound financial basis.

- 12.5 For monitoring the health and well-being of horses staying at the facility, as well as site security, it is accepted that a functional need for both on site accommodation a full-time staff member will need to reside on the site for care for the recuperating horses. A rural worker accommodation would be in the form of a caravan/mobile home on site and will serve as the rural workers' primary residence. Whilst the functional need is proven it is considered that overall, the proposal for rural worker accommodation does meet the requirements laid down in Policy DM3 with the exception of Criterion 3. Whilst a business plan has been submitted with the application nonetheless the business has yet to be established for a period 3 years. However, the proposal is considered to broadly satisfy Policy DM3 i)-iii) and any planning approval awarded would therefore offer a temporary permission and include the imposition of occupancy conditions for rural worker accommodation at the site.
- 12.6 It is considered that the proposed caravan temporary accommodation is not excessive to the scale and nature of the business. The proposed siting of the mobile home is close to the stable barn is considered to have a low level the visual impacts as it is effectively screened behind the existing eastern landscaping bund. A condition will therefore be attached to any approval to prohibit the use of the dwelling by any person other than a rural worker employed on the site.

13. Flooding and Drainage

- 13.1 The site is within Flood Zone 1 and, therefore, not identified as being at significant risk from flooding. Due to the size of the application site (less than 1ha) a Flood Risk Assessment is not required. A buffer pond exists for period of usually high inundation. The parking areas are proposed to feature permeable surfaces to soakaway surface water at the site mitigating any excess run off. Any surface drainage scheme submitted would need to be based on sustainable drainage system principles and would be secure by the imposition of a planning condition.
- 13.2 It is recommended the applicant seek advice directly from Southern Water relating to potential connection to the existing sewer network and the proposed management and design of a foul water disposal system.
- 13.3 However the proposal does detail that foul water will be managed by the installation of a small-scale sewerage treatment plan to the south east corner of the site.
- 13.4 A foul sewerage plan has been submitted and the matters of wastewater and surface water drainage discussed in the Design and Access Statement. The submitted details of proposed drainage systems with the application are considered to be adequate although minimal. To ensure effective drainage and waste water management is effectively applied planning conditions would need to be attached to any permission granted requiring details of surface water drainage systems and foul water management to be submitted to the LPA and discharged in writing prior to the commencement of construction works.

14. Sustainability

- 14.1 It is noted that the proposal identifies the incorporation of a rainwater collection tank to the southern boundary of the site and will utilise a grey water system meaning no external water supply is required to the site.
- 14.2 The use of energy efficient materials in construction of the scheme are considered to improve the thermal performance of the application given its purpose and function. The proposal includes the installation of a photo voltaic cell bank and solar PV panels are proposed to be installed to the south facing barn roof slope as a renewable energy source. The proposal is considered to include design features which contribute to the overall aims and objectives of Core Policy 14 of the Lewes District Joint Core Strategy and the Lewes Local Plan Part 2 line with the sustainability objectives of the Lewes Local Plan and with the need for the reduction of the carbon footprint of future development within the District.
- 14.3 The proposal will be required by the imposition of planning conditions to provide both the proposed bicycle storage facilities on site and to also provide an Electric Vehicle Charging point for the use of the agricultural workers at the site and the visitors directly related to the equine facility.

15. Conclusion

- 15.1 The application would not result in unacceptable harm to the character of the rural setting and the surrounding landscape. It is considered that the proposed development would provide a sympathetic design in its scale and massing, respecting the context of both the existing built environment and the natural environment within the immediate surroundings. The development would be adjacent to an established cluster of buildings meaning it would not appear as isolated or incongruous within the wider rural landscape. The proposals would not unacceptably harm the amenity of any neighbouring properties in line with Policy DM25 nor compromise the site allocated laid down under Policy GT01. It is considered that the site would be served by a safe access point and is not considered to have a significant adverse impact on local traffic levels. The scheme will not adversely impact on trees, biodiversity or protected species in in accordance with Policy DM24 and is not considered to result in any unacceptable increase in flood risk. The proposal is considered to be in accordance with both national and local planning policies.

16. Recommendation

- 16.1 The proposal is considered to be acceptable and it is recommended that planning permission is granted subject to conditions.

17. Human Rights Implications

- 17.1 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.

18. Recommended Planning Conditions

18.1 The application is subject to the following conditions:

1. This decision relates solely to the following plan(s):

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Other Plan(s)	17 November 2021	SP-0204.02 - Proposed Block Plan
Other Plan(s)	17 November 2021	SP-0204.01 - Existing and Proposed Site Location Plan
Additional Documents	23 June 2021	Business Plan
Additional Documents	23 June 2021	Arboricultural Report
Additional Documents	23 June 2021	Renewable Energy Checklist
Additional Documents	23 June 2021	Biodiversity Checklist
Additional Documents	23 June 2021	Foul Sewerage Statement
Additional Documents	23 June 2021	Construction Management Plan
Additional Documents	23 June 2021	Design and Access Statement
Additional Documents	23 June 2021	Sustainability Checklist
Other Plan(s)	23 June 2021	SP-0204.04 Proposed Elevations and Floor Plans
Other Plan(s)	23 June 2021	SP-0204.03 Proposed Section Plan and Existing Site showing Contours
Other Plan(s)	23 June 2021	SP-0204.02 Proposed Block Plan
Other Plan(s)	23 June 2021	SP-0204.01 Existing and Proposed Site Location Plan
Additional Documents	23 June 2021	Protected Species Surveys
Additional Documents	23 June 2021	Preliminary Ecological Survey
General	23 June 2021	Transport Statement
Additional Documents	23 June 2021	SP-0204.05 Proposed Elevation and Floor Plans of Sand School

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

Biodiversity Net Gain

2 - Prior to the first occupation/use of any of the buildings hereby approved, the biodiversity measures for bat and barn owls shall be installed. Bat boxes should be

fixed on suitable trees and/or structures at a height of 3 metres or more or at eaves height on sunny, sheltered aspects, away from direct illumination by artificial lighting and in a location which ensures connectivity to foraging habitats within the wider landscape. Installation of bird boxes on trees or structures should be within sheltered north, north-east or north-west facing aspects close to vegetation and at a height of 2 - 3 metres.

Reason: In order to enhance biodiversity in accordance with Policy DM24 of the Lewes District Local Plan (Part 2).

PEA and Protected Species

3 - Compliance with existing detailed method statement, strategies, plans and schemes. All ecological measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (Greenspace Ecological Solutions, June 2021) and the Protected Species Surveys report (Greenspace Ecological Solutions, June 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 Part 1 and Lewes Local Plan Part 2.

External Materials

4 - The external materials and finishes of the buildings hereby approved shall be in accordance with those listed on the approved plans. No alternative materials shall be used unless agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and preserving the character of the surrounding rural environment in accordance with policy DM25 of the Lewes District Local Plan (part two) and policy CP10 of the Lewes District Joint Core Strategy.

Hard surfaces

5 - The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Policy CP12 of the Lewes Local Plan Part 1 and the National Planning Policy Framework.

Hard and Soft Landscaping

6 - No development shall take place until full details of both hard and soft landscape (including bunding) works have been submitted to and approved in writing by the

Local Planning Authority and these works shall be carried out as approved. 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 having regard to policies CP10 and CP11 of the Lewes District Local Plan and to comply the National Planning Policy Framework.

Cycle Parking

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

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

Parking

8 - Prior to the first occupation/operation of the development hereby permitted, the 12 car bays and 2 horsebox parking areas shall be provided in accordance with the approved plans and to the required parking standards. The parking areas shall be retained as such thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety, amenity and to provide sufficient off-street car parking for the approved development, in accordance Core Policy 13 of Lewes District Local Plan Part One: Joint Core Strategy, Policy DM25 of the Lewes Local Plan Part 2 and to comply with National Policy Guidance contained in the National Planning Policy Framework paragraph 104.

Turning Circle

9 - No part of the development shall be occupied until the vehicle turning space has been constructed within the site in accordance with the approved plans. This space shall thereafter be retained at all times for this use.

Reason: In the interests of road safety, to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and in accordance with Core Policy 13 of Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework.

Drainage Management Plan

10 - No above ground works shall commence until a surface water drainage scheme and maintenance and management plan, together with a timetable for implementation, have been submitted to and agreed in writing by the local planning authority. Prior to submission of the scheme, the applicant shall first make contact with ESCC SuDS Team and Southern Water to ensure their agreement with the scheme. The surface water drainage scheme should be supported by an assessment of the site's potential for disposing of surface water by means of a sustainable drainage system. Thereafter, the approved scheme shall be carried out or supervised by an accredited person. An accredited person shall be someone who is an Incorporated (IEng) or Chartered (CEng) Civil Engineer with the Institute of Civil Engineers (ICE) or Chartered Institute of Water and Environmental Management (CIWEM). The implementation of the surface water drainage scheme shall thereafter be carried out in accordance with the approved details prior to the occupation of the dwelling hereby approved.

Reason: To reduce the risk of flooding, both on and off site and to protect the water quality.

Drainage Details

11 - No development shall take place until the information listed below has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with these approved details unless otherwise agreed in writing by the local planning authority:

- o A maintenance and management plan for the entire drainage system to include:
 - o Details of who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
 - o Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development.
 - o Details of the measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a stand-alone document or be incorporated into the Construction Management Plan for the development.
 - o Prior to occupation of the development/first use of the development, evidence (including photographs) shall be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: In the interests of amenity and to manage flood risk in accordance with Core Policies 11 and 12 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.

CEMP

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

- the anticipated number, frequency and types of vehicles used during construction,
- means of reusing any existing materials present on site for construction works,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- address noise impacts arising out of the construction;
- demonstrate that best practicable means have been adopted to mitigate the impact of noise and vibration from construction activities;
- details of any temporary 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 Policies DM20 and DM25 and para. 174 of the NPPF.

Landscaping

13 - Prior to first occupation/operation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- Details of all hard surfacing;
- Details of all boundary treatments (including provision of mammal gates to allow for foraging animals to cross the site);
- Details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees;
- Ecological enhancements and Biodiversity Net Gain;

Landscaping Planting & Maintenance

14 - All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation/use of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation

of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 30 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the development incorporates sympathetic landscaping that amalgamates with surrounding landscaping, is appropriately and sympathetically screened and provides a secure and safe environment for future users in accordance with para. 174 of the NPPF.

Rural Worker Accommodation

15 - The Rural Worker Accommodation here by approved shall be removed from the site and the wider land holding and the land restored to its former condition on or before 31st April 2025.

Reason: To enable the Local Planning Authority to review the situation in the light of the circumstances then pertaining having regard to Policies DM1 and DM3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

Occupation of the Temporary Accommodation

16 - The mobile home hereby approved shall be occupied by an essential full time employee from the site, their spouse or partner as a spouse, or a widow or widower of such a person, and any resident dependants and no other person, for the period of THREE years from the date of this decision notice after which the mobile home shall be removed, and the land upon which the mobile homes sits shall be restored to its former condition.

Reason: To enable the Local Planning Authority to review the viability of the enterprise and the need for the accommodation and to ensure that temporary accommodation on the site does not detract from the character of the countryside, having regard to Policies DM1 and DM3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2021.

Visibility Splays:

17 - Visibility splays measuring 2.4m x 120m shall be provided either side of the approved site access and shall be maintained free from obstruction at all times.

Reason: In the interest of highway safety in accordance with the Lewes Local Plan 2 para. 110 of the National Planning Policy Framework 2021.

Electric Vehicle Charging Point

18 - Prior to the first occupation of any part of the development hereby permitted, a minimum of 1 x electric vehicle charging point shall be provided for the sole use of the staff associated with development and which shall be maintained in an operable condition thereafter for the lifetime of the development.

Reason: To encourage alternative, more sustainable modes of transport and to reduce local contributing causes of climate change in accordance with the CP 14 of the Lewes Local Plan Part 1 and para. 112 of the National Planning Policy Framework 2021.

Sustainability Measures:

19 - The proposed development shall not be occupied until full details of all renewable/carbon saving/energy and water efficiency measures to be incorporated into the scheme have been submitted to and approved by the Local Planning Authority. All measures approved shall thereafter be provided prior to the occupation of any building and maintained in place thereafter throughout the lifetime of the development.

Reason: In order to ensure suitable sustainability measures are incorporated into the development and maintained in accordance with Policy CP14 of the Lewes Local Plan and in line with para. 152 of the National Planning Policy Framework 2021.

Refuse and Recycling Storage

20 - No part of the development shall be occupied until the refuse and recycling storage facilities have been submitted to and approved in writing by the LPA. These details shall be installed and made permanently available for that use prior to occupation of the development.

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.

Unidentified sewer protocol

21 - 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 and to prevent the potential for pollution in line with policies DM20, DM21 and DM22 of the Lewes Local Plan Part 2.

External Lighting Details

22 - Prior to the occupation of the development hereby approved, details of all external lighting shall be submitted to and approved in writing by the Council. External lighting will be limited to lights used only for security and safety purposes.

Reason: To protect the amenity and character of the surrounding environment as well as habitat in accordance with the Lewes Local Plan policy DM25 and para. 185 of the National Planning Policy Framework.

Contamination protocols

23 - 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, Policy DM21 of the Lewes Local Plan Part 2 and the National Planning Policy Framework 2021.

Hours of Construction Works

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

Reason: In the interests of the amenities of the area in lined with Policy DM25 of the Lewes Local Plan Part 2, having regard to guidance within the National Planning Policy Framework.

Equestrian Barn Operations

25 - The equestrian barn hereby approved shall be used for operations associated with equestrian rehabilitation activities and the storage of agricultural materials only and for no other purpose.

Reason: In order to ensure the building remains in sustainable equestrian use and is not occupied by a use that has the potential to be detrimental to the character, amenity and tranquillity of the surrounding rural environment, in accordance with policies DM6 and DM25 of the Lewes District Local Plan (Part 2).

Restrictions on Change of Use

26 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the equestrian barn hereby approved shall not benefit from any rights for a change of use under Prior Notification or Prior Approval regulations.

Reason: In order to ensure the building remains in sustainable equestrian use and is not occupied by a use that has the potential to be detrimental to the character and tranquillity of the surrounding rural environment, in accordance with Policy DM6, and to enable the Local Planning Authority to regulate and control the development of land in the interest of visual and residential amenity in line with DM25 of the Lewes District Local Plan (Part 2).

19. Background Papers

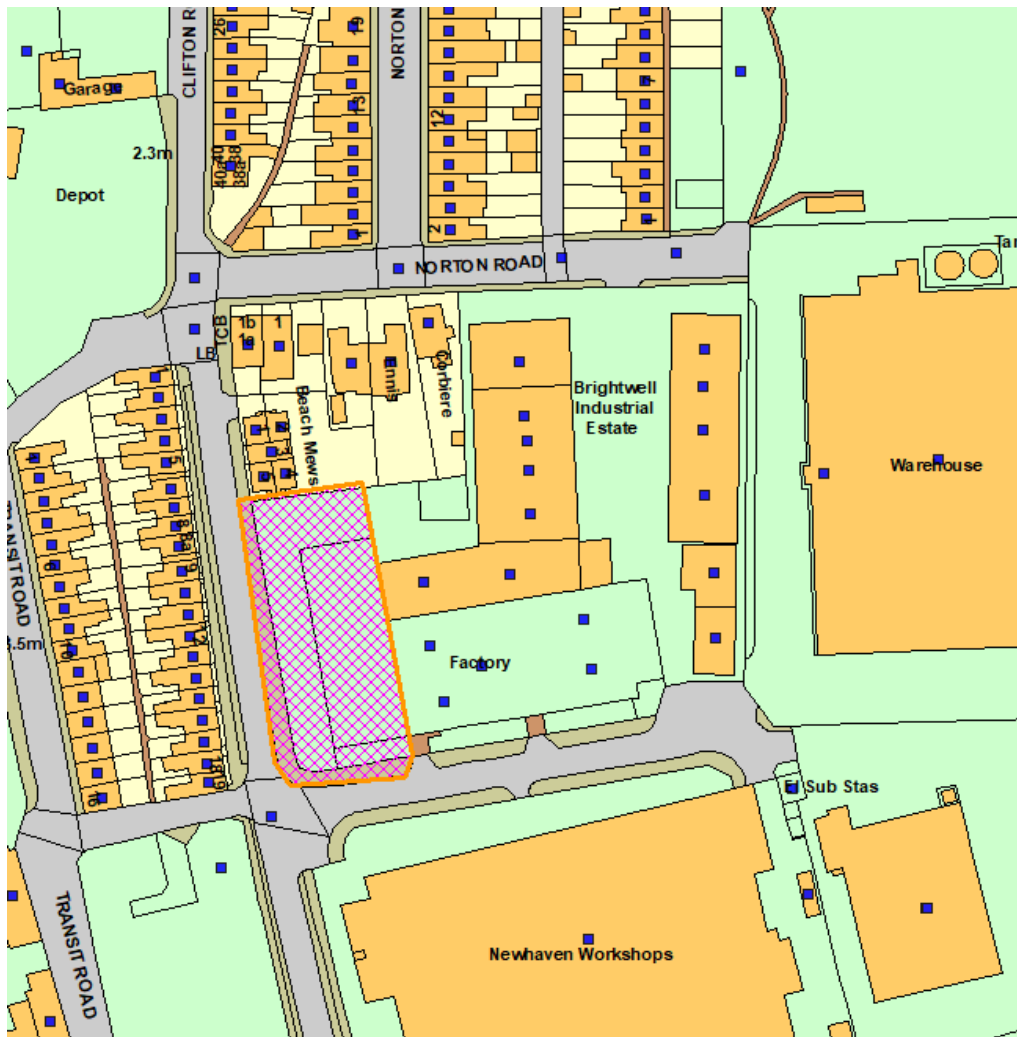
19.1 None.

Agenda Item 9

Report to: Planning Applications Committee
Date: 6 April 2022
Application No: LW/20/0885
Location: Land adjacent to Norton Road Business Park, Norton Road, Newhaven, East Sussex, BN9 0JF
Proposal: Erection of 10 x affordable dwellings.
Applicant: J. Pybus
Ward: Newhaven South
Recommendation: Grant planning permission subject to S106 Agreement.
Contact Officer: **Name:** Julie Cattell
E-mail: julie.cattell@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liable.

Map Location:



1. **Executive Summary**

- 1.1 The proposal to provide 10 affordable homes on what is currently an open parking area, ancillary to the Norton Road Business Park, is considered to outweigh the loss of employment land and to justify a departure from LP policies that seek to protect it.
- 1.2 Approval is recommended, subject to a s106 agreement to secure affordable homes, entry into a Local Training Scheme, a contribution to recycling, off-site highways works, and appropriate 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

2.2 Lewes District Local Plan

- LDLP: – SP2 – Distribution of Housing
- LDLP: – CP1 – Affordable Housing
- LDLP: – CP2 – Housing Type, Mix and Density
- LDLP: – CP9 – Air Quality
- 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: - DM21 - Land Contamination
- LDLP: - DM24 - Protection of Biodiversity and Geodiversity
- LDLP:- DM25 – Design
- LDLP:- DM27 - Landscape Design
- Planning Technical Advice Note – Sustainable Development
- Planning Technical Advice Note – Newhaven Local Employment and Training
- Planning Technical Advice Note – Biodiversity Net Gain

2.3 Newhaven Neighbourhood Plan

- ES1: - The Regeneration of Eastside

ES2: - New Development for Eastside

T1: - Congestion Mitigation and Sustainable Movement

D1: - Promoting Good Design

D2: - Design for Climate Change

H1: - Spatial Strategy for Newhaven

H3: - Housing Sites on Eastside

3. Site Description

- 3.1 The application site is located on the east side of Beach Road, Newhaven and was formerly part of the Norton Road Business Park. This extends to the east of the site and to the north, fronting Norton Road. The site is currently vacant, enclosed by a metal fence, and is laid out as parking ancillary to the Business Park. There are gated access points at the north-west corner (onto Beach Road) and at the southern end (onto Beach Close). Rectangular in shape, the site measures 58m wide and x 24.5m deep, with a site area of 1433m²/0.14ha.
- 3.2 Although this area of Newhaven is predominately industrial, there are significant pockets of housing to the north and west. Opposite the application site is a terrace of 2 storey houses dating from the early 20th century, to the north is Beach Mews, a small development of 2 storey houses from the 1980s, and to the north of Norton Road, several streets of terraced houses. Eastside Park is located to the north east of the site, accessed from Norton Road.
- 3.3 The site falls within the planning boundary and the Eastside are of Newhaven, although not in an Enterprise Zone. There are two EZ's in close proximity to the site to the south and east.

4. Proposed Development

- 4.1 The application seeks full planning permission to build a terrace of 10 x 3 bedroom/4 person houses. The houses are laid out over ground floor, with downstairs W.C., open plan kitchen, dining room and lounge with folding doors opening onto a rear garden, first floor with 1 x double and 1 x single bedrooms and bathroom, and attic room with 1 x single bedroom and storage. The attic room is lit by a flat roof dormer window. The overall floor area of each unit is 96m². The density of the development would be 70dph.
- 4.2 The terrace is set back from the back edge of pavement by 1 metre, with space for a bin store. Each house has a rear garden of approximately 8.5m length.
- 4.3 The houses will be finished with facing brick slips to the ground floor and horizontal fibre cement cladding system on the upper floor. The roof covering will be zinc standing seam, as will the dormer windows.
- 4.4 Eleven car parking spaces are proposed – nine of which are already laid out along the northern boundary of the site – and two new spaces at the southern end of the site, parallel to Beach Close. Ten of the spaces will be provided with electric car charge points and allocated to a specific dwelling.

4.5 The application under consideration has been amended to incorporate amendments requested by the planning officer and other consultees.

5. **Relevant Planning History**

Wider site to the east, including application site

- 5.1 LW/18/0467 - Construction of a B1, B2 & B8 extension, amendment to working hours to 24 working, change of estate building colours to units A,B,C & E – Under consideration.
- 5.2 LW/18/0818 - Construction of B2/B8 extension to unit construction of new replacement B2/B8 Unit D, amendment to working hours to provide 24 hour working, change of estate building cladding colour to units A, B, C, D & E. – Approved 14 February 2019 – expired and no pre-commencement conditions applied for.
- 5.3 LW/19/0689 - Development of the existing industrial estate to include the demolition of existing Unit D and erection of seven industrial/storage and distribution units (Class B2/B8) to provide 24 hour working – approved 21 April 2020.
- 5.4 LW/21/0291 - Formation of a new access (off Norton Road) – approved 17 November 202.

Other relevant applications – EZ site to the east

- 5.5 LW/16/0831 - Mixed use development of 80 new dwellings (consisting of 1, 2 and 3 bedroom flats, a proportion of which will be affordable) and 600m² of B1 floor space, associated vehicle parking and hard/soft landscaping – approved in principle 26th April 2017, subject to s106, which is awaiting final engrossment.

6. **Consultations**

- 6.1 The application was initially advertised for consultations in February 2021. The comments below are in response to the initial consultations and follow-up amendments as requested.
- 6.2 As the proposal is a departure from the Local Plan in that it would result in partial loss of an existing employment site, it was re-advertised in October 2021 under the Departure Procedure. No objections were received in relation to this specific issue, however Newhaven Town Council did respond but regarding other matters.

6.3 Environmental Health

Air Quality

Initial comments

- 6.3.1 Cannot approve the AQA report for the following reasons:
- 6.3.2 The AQA references 2020 as the baseline year against which modelled data is verified. Due to the impact of Covid, 2020 is not an appropriate year to use Sussex-air guidance (attached) has not been consulted; this guidance details requirements for AQAs including the

requirement for an emissions mitigation assessment which has not been included in the submitted document.

- 6.3.3 At 4.2.4, for example, reference is made to the LAEI; surely transport data from the NAEI would be more appropriate for a non-London location?
- 6.3.4 A 4.4, the surface roughness has been detailed as 1.5; Newhaven, by any stretch of the imagination cannot be described as a large urban area.
- 6.3.5 A waste water treatment works is situated some 400m to the south east of the proposed development; an odour assessment is required to be submitted in writing and approved by the LPA prior to determining the planning application. This has not been referred to in any form within the submitted AQA.
- 6.3.6 I would advise for reference, that the transport assessment on which some of the AQA data may be based, also does not refer to the cumulative development in Newhaven and has not taken the expected increase in traffic movements both of HDV and LDV into account.
- 6.3.7 Whilst the transport assessment at 3.11 refers to EV charge points for each dwelling in the proposed scheme; I would strongly recommend that this is conditioned into the decision notice should the application be approved to ensure these are not costed out of the proposals.

Updated comments following revised AQA submitted in November 2021

- 6.3.8 I am still not confident in the methodology used in this air quality assessment however as the air quality objectives are not likely to be breached at the proposed site due to the development, I can accept this aspect of the assessment .
- 6.3.9 Unfortunately, the emissions mitigation statement is incorrect. I have clearly asked the consultants to follow the methodology as stated in the Sussex Air guidance (i.e. using the Defra Emission Factor Toolkit) but this has not been done (I acknowledge the link in the guidance document was incorrect but any AQ consultant should be aware of the requirements for an EMS in any case).
- 6.3.10 There are no tables showing the calculations and the total sum required for emissions mitigation (Note: this is over and above the recommendations for EV infrastructure in the ESCC policy documents). Without this, I am concerned that any mitigation may effectively be costed out by the developer whereas an EMS can be conditioned into the decision notice if the development is approved.

Updated comments following revised AQAs submitted in February and March 2022

- 6.3.11 Following review of the odour assessment referenced 11095A.S submitted by Phlorum Consultants (February 2022) in support of the above planning application, I would recommend approval of the

application for site suitability in respect of odour. I accept the conclusions that the proposed development is not likely to suffer nuisance from odour from the nearby Waste Water Treatment Works but note that Southern Water as the lead consultee for water will need to agree with my determination and recommend that discharge for this document is held back until a response is received from SW.

6.3.12 Further to receipt and review of the latest version of the air quality assessment (February 2022) submitted by NRG Consulting, in respect of air quality only I would recommend this application for approval. I must record the fact that this remains a very poorly written 'detailed' air quality assessment containing very many errors. The only reason I can overlook these is due to the fact that the air quality in the vicinity of the proposed development is not close to the national AQ standards and consequently, the development itself (based on currently available information) is not likely to bring future occupiers into an area of poor air quality. I would recommend that the following conditions are applied to the decision notice should the application be approved:

6.3.13 1. Prior to the commencement of development, a Construction Environmental Management Plan shall be submitted to and approved in writing, by the local planning authority. The CEMP shall be written in accordance with the latest Institute of Air Quality Management guidance documents, BS 5228 Parts 1 & 2 and shall include mitigation measures as detailed at Section Six of the air quality assessment (February 2022) submitted by NRG Consultants. The development shall be undertaken in accordance with the approved plan

Reason: In the interests of the living conditions of occupiers of nearby properties and to manage air quality and noise in accordance with NPPF 181 and 211.

2. In addition to the requirement for eV infrastructure provision as detailed at Condition (4), the development shall include air quality mitigation to the sum of £2,309.00 as costed at Appendix One of the Air Quality Assessment submitted by NRG Consultants (February 2022). These measures shall be agreed in writing with the LPA prior to commencement of building works and once agreed, no further air quality damage costs shall be required.

Reason: In the interests of the living conditions of future occupiers of the site and to manage air quality in accordance with NPPF 181.

3. 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 NO_x boilers with maximum NO_x emissions less than 40 mg/kWh (*or a zero emission energy source*). The details as approved shall be implemented prior to the first occupation of the development and shall thereafter be permanently retained.

Reason: In the interests of the living conditions of occupiers of nearby properties and future occupiers of the site and to manage air quality in accordance with NPPF 181

4. Electric vehicle charge points shall be supplied at each property and must comply with the latest BS7671. Each charge point shall be 'active' and capable of charging electric vehicles without the need for further works.

Reason: To protect and exploit opportunities for the use of sustainable transport modes and to manage air quality in accordance with NPPF 35 and 181.

Contamination

6.3.14 The applicant has submitted a phase 1 geo environmental assessment report prepared by Land Science (dated 22 Dec 2020, report ref: LS 5435). The report para 8.2 has highlighted the need for further intrusive investigation at the site. So, if LPA is minded to grant a planning permission, then following land contamination conditions and other general planning conditions are pertinent:

6.3.15 1. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing by the local planning authority:

a. Additional site investigation scheme, based on preliminary investigations already undertaken to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

The results of the site investigation and the detailed risk assessment referred to in (a) 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;

A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

6.3.16 2. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of 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 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. The long term monitoring and maintenance plan shall be implemented as approved.

- 6.3.17 3. 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
- 6.3.18 4. Hours of work at the site shall be restricted to 08:00 to 18:00 hours Monday to Friday and 09:00 to 13:00 hours on Saturday. No working is permitted at any time on Sunday or Bank Holidays.
- 6.3.19 5. No development shall take place until a Construction Environment Management Plan has been submitted to and approved in writing by the Planning Authority. The approved plan shall set out the arrangements for managing all environmental effects of the development during the construction period, including traffic (including a workers' travel plan), temporary site security fencing, artificial illumination, noise, vibration, dust, air pollution and odour, site illumination and shall be implemented in full throughout the duration of the construction works, unless a variation is agreed in writing by the Planning Authority.

6.4 ESCC SuDS

Initial comments

- 6.4.1 The development site and nearby adjacent sites are currently drained via a number of private lateral connections to the public sewer, one of which will be diverted into an existing lateral connection to the south of the site. It is not clear whether this private sewer has capacity to receive runoff from the entire development and surrounding areas.
- 6.4.2 We require that the entire system is modelled to demonstrate that directing all rainfall from the site to the lateral connection in the south of the site will not result in an increase in flood risk to the surrounding area and to the proposed units. The system should be modelled and include flows from the adjacent sites which drain through the site.
- 6.4.3 We require this to be carried out at outline stage as it may impact on the proposed layout of the development if the surface water sewers cannot be diverted without increasing flood risk. If further attenuation is required, then this may impact on the proposed layout of the development.
- 6.4.4 A capacity check should be carried out by Southern Water to demonstrate that there is capacity within the system to receive runoff from the development and the adjacent units at the proposed location.
- 6.4.5 We note the Environment Agency objection to the proposals dated the 26 February 2021. We require that the comments made by the EA are dealt with before we are able to remove our objection.

Consideration should also be given to how land raising will affect the drainage proposals and exceedance flows from the site.

Updated comments following receipt of additional information

- 6.4.6 The applicant is proposing to redevelop the existing brownfield site to provide ten affordable dwellings. It is proposed to attenuate surface water runoff from the development in an attenuation tank and permeable paving to limit runoff rates to 10 L/s for all rainfall events up to and including the 1 in 100 year plus climate change event. This provides a betterment on existing runoff rates from the site.
- 6.4.7 The applicant is proposing to discharge surface water runoff to the nearby combined sewer and Southern Water has confirmed that this is acceptable. It is proposed to reuse the existing connection to the combined sewer and a CCTV survey has been undertaken to confirm that this is in an acceptable condition.
- 6.4.8 The applicant is proposing to discharge surface water runoff to the nearby combined sewer and Southern Water has confirmed that this is acceptable. It is proposed to reuse the existing connection to the combined sewer and a CCTV survey has been undertaken to confirm that this is in an acceptable condition.
- 6.4.9 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:

Prior to the commencement of development, a detailed surface water drainage system shall be submitted in support to and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate the following:

- a. Detailed drawings and hydraulic calculations. The detailed design of the drainage system should be based on the details set out in the outline design by Ryall Structural Engineers (Dwg No: RS-024-T-100 Rev 4, April 2021). 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 10 l/s for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence.
- 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 (underground tank) shall be informed by findings of groundwater monitoring between autumn and spring at the location of the proposed tank. 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.

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

- a. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
- b. Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development

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

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.

4. 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.

6.5 Planning Policy

- 6.5.1 From 11 May 2021 (five years after the adoption of the LPP1), the district's housing land supply will be assessed against a provisional local housing need figure of 782 dwellings per annum, rather than the 345 dwellings per annum currently set out in the adopted Local Plan. The district's housing land supply and delivery position will be reviewed at that time, but it is unlikely that Council will be able to demonstrate a five year supply of deliverable housing sites sufficient to meet the need for 782 dwellings per annum, as required by the Government. 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. This means that planning 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.
- 6.5.2 The presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision making. Due weight should be given to policies of the adopted Lewes District Local Part 1: Joint Core Strategy (LPP1) 2016, Local Plan Part 2: Site Allocations and Development Management Policies (LPP2) 2020 and the adopted Newhaven

Neighbourhood Plan (NNP) 'made' 2019 according to their degree of consistency with the policies of the Framework.

- 6.5.3 The proposal is to provide 10 residential dwellings on land at Ferryfield Industrial Estate. Policy CP4 of LPP1 states that in order to stimulate and maintain a buoyant and balanced local economy through, amongst others, regeneration of the coastal towns, the LPA will safeguard existing employment sites from other competing uses unless there are demonstrable economic viability or environmental amenity reasons for not doing so.
- 6.5.4 The location of the dwellings would result in the loss of part of an employment site contrary to Core Policy 4. It does not appear that any evidence has been submitted to justify that loss as set out in CP4.
- 6.5.5 The site is situated within the planning boundary of Newhaven, and is a sustainable location given its close proximity of the amenities of Newhaven Town Centre and the public transport benefits.
- 6.5.6 Eastside has been the focus of a number of strategies, policies and growth plans over a number of years and includes 4 Enterprise Zones. The site does not fall within the EZ but is immediately adjacent the site at Bevan Funnell. The NNP strongly supports the overall regeneration of Eastside to provide a sustainable mix of uses that complement each other and for employment and residential to be at the heart of any scheme.
- 6.5.7 Policy ES2 of the NNP supports schemes which would provide a variety of new and improved employment floorspace, and residential development as part of mixed use schemes outside the Enterprise Zones.
- 6.5.8 The neighbourhood plan seeks to improve the local environment of Eastside and Policy ES1 sets out a list of considerations for planning applications which should be considered by the case officer.
- 6.5.9 The application does not address LPP1 Core Policy 9, Air Quality. The Newhaven Air quality Management Area covers the town centre and ring road, and the proposal has the potential through traffic generation/movements to impact on the AQMA and the application should address the requirements of Core Policy 9.
- 6.5.10 Therefore the proposal is in conflict with Core Policy 4 in that it involves the loss of part of an employment site, however weight should be given to the fact the site is a brownfield site in a sustainable location. The proposal also fails to address Core Policy 9.
- 6.5.11 It is noted that the application is for 'affordable' units, but no indication of how this will be secured is given. In accordance with LPP1 CP1, a policy compliant scheme of 40% on site affordable units should be secured through a S106 Agreement.

6.6 Regeneration Team

- 6.6.1 The Lewes District Corporate Plan (2020-2024) sets out our priorities and key projects over the next few years. The Plan has been informed and developed in consultation with our residents, partners and other stakeholders. A particular focus for the Plan is on 'building community wealth' – ensuring a sustainable economy that creates a fairer place to live and work. This includes maximising the local job opportunities from development and developing local skills in partnership with education providers, such as the East Sussex College Group. The district is an outstanding location for business and enterprise with a diverse community of over 4,800 businesses employing more than 35,000 people.
- 6.6.2 The Newhaven Enterprise Zone covers eight key sites, with the aim of increasing investment and regeneration to create new employment floorspace, jobs and homes. Over a 25-year lifespan from April 2017, the Enterprise Zone is forecast to create and sustain around 2,000 jobs, create 55,000m² of new commercial floorspace and refurbish a further 15,000m² of commercial floorspace.
- 6.6.3 The intensification of higher value economic uses on the eight designated sites is a key ambition for the Enterprise Zone and vital in creating new opportunities for local residents. Working closely with partners, including local land-owners, we plan to redevelop the sites beyond their current uses, as has already happened at Eastside South with plans rapidly progressing on Railway Quay, Avis Way and the Town Centre.
- 6.6.4 This application site does not lie within the Enterprise Zone but sits adjacent to the Bevan Funnell site. This would be a small scale build enabling sub-contracting to local SMEs, particularly micro-contractors as well as trade sales to local suppliers.
- 6.6.5 In July 2020, Lewes District Council adopted a Technical Guidance Note to maximise the local employment and training benefits arising from development in Newhaven. This applies to all qualifying developments in both wards in Newhaven. The TGN is focused on helping to achieve the Council's objective to build community wealth and ensure more employment opportunities are made available to local residents. Equally, Newhaven has a lower than average skills profile and training opportunities on site will help to address this issue.
- 6.6.6 The site has previously been used for commercial purposes, but it is acknowledged that the site has been unused for some time. We recognise that the commercial viability of different uses has been impacted by ground conditions and that the residential permission sought will enable the retention of adjacent employment space.
- 6.6.7 In accordance with page 8 of the Newhaven Local Employment and Training TGN, the proposed development qualifies for a local labour agreement as it meets the threshold for a residential development.

6.7 ESCC Highways

Initial comments

- 6.7.1 It is unclear what parking will be retained for the commercial unit and if there will be adequate turning provided for the size of vehicles that require access. The planning statement indicates unit E is B2/B8. Using the parking standards and depending on any office provision with the site then between 5 and 10 spaces are required including an area for loading unloading. It will need to be demonstrated that adequate parking is retained.

It would be preferable to provide 1 allocated space per unit given the parking restrictions along Beach Road.

Updated comments following revisions to layout

- 6.7.2 Vehicular and pedestrian access to the site is achieved via the existing access off Beach Road and a revised access off Beach Close. Both of these accesses are suitable in terms of width to accommodate two-way flows. There is an existing one-way arrangement through the site, with access from Beach Road and egress onto Beach Close. Although two access points will be retained it has been suggested that the internal route will be gated to encourage residents to use the northern access to enter and exit. As these changes will be located off the highway this is not a significant concern; however, the gates will need to be placed to maintain adequate space to the rear of each parking space and also allow suitable turning for vehicles using the adjacent commercial unit. The southern access off Beach Close will be moved to further east, as this is further from the junction this is considered a safety improvement. Any signage to inform drivers of this change will need to be positioned within the site boundary with details provided to ensure signage is adequate. The existing Beach Road access is substandard in terms of construction and as such requires reconstruction.
- 6.7.3 As part of a committed redevelopment at Reprodex House (planning reference: LW/16/0831), enhancements to the footway along Beach Close have been secured. Due to the proposed access alterations for this site these footway enhancements will need to be revised. It is recommended to encourage occupiers of this development to use public transport that dropped kerbs and tactile paving be provided across Beach Road fronting the site.
- 6.7.4 All the off site highway works would need to be secured through a s106 and detailed design agreed through a S171/S278 Agreement with ESCC.
- 6.7.5 It should be noted that all works within the highway required to connect the new estate road with the existing carriageway will need to be carried out in accordance with ESCC specification, under the appropriate license and by an approved contractor.
- 6.7.6 The site is currently vacant as such in order to estimate the level of traffic likely to be generated by the proposed development in

comparison to approved schemes for the site the TRICS database has been interrogated. The TRICS land use category, light industrial unit has been used to suggest the number of movements that could be associated with the site; however, these could vary significantly. Although the potential trip rate should be assessed, considering the existing consents associated with the site it is accepted that the site is likely to generate a similar level of vehicle movements. The data suggests that the existing use had the potential to generate approximately 43 two way daily vehicle movements. The proposed development is likely to generate approximately 46 vehicle movements with 5 movements in the AM peak, 6 in the PM peak. These figures are similar to those obtained from my own interrogation and given the previous and potential use of the site the proposals are unlikely to result in a significant increase in vehicle movements and as such is considered acceptable.

- 6.7.7 The application states that a total of 21 car parking spaces will be provided to serve the 10 residential units, this figure has since been altered with the removal of the flexible parking spaces within the gardens. The parking provided now comprises of 9 spaces alongside the northern boundary and 2 adjacent to unit 10. Using the East Sussex Parking Calculator, a development consisting of 10 No.3 bed affordable houses should be provided with 16 spaces if 1 space is allocated per unit. Although the Transport Report indicates that 10 spaces are acceptable, this is on the basis that all spaces remain unallocated. Electric charging points are proposed but shown within the garden spaces which have now been removed. Although charging points are welcomed, these would need to be provided at each space and the spaces would need to remain unallocated with a shared charging system. Each space would need to be 2.5m x 5m with an additional 0.5m where the space abuts a wall or fence. It is therefore recommended that the accessible space be removed to allow greater flexibility.
- 6.7.8 Cycle parking has also been provided within the rear gardens, although this is conveniently located a gate to the rear should be provided to ensure that access to the cycle storage is available.
- 6.7.9 The closest bus stops to the site are located on Drove Road (A259). This bus stop is approximately 600m to the north of the site and provides a frequent service to Brighton and Eastbourne. The nearest train station to the site is Newhaven Harbour railway station, which is located within 250m of the site via Transit Road. Newhaven Town station is located 700m of the centre of the site to the north-west. These stations link the site to Seaford, Lewes and Brighton.
- 6.7.10 Taking the above observations into account I have no major concerns regarding the development from an accessibility perspective; however, in the interest of encouraging the use of public transport it is recommended that dropped kerbs/ tactile paving be provided across Beach Road to link to the footway improvements secured with planning application LW/17/0205. This will enhance connectivity from the site to Newhaven Harbour Railway Station.

Conditions

- 6.7.11 The development shall not be occupied until details of the new and existing access and the specification for the construction of the access 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 be occupied until the construction of the access has been completed in accordance with the specification set out on Form HT407 which is attached to and forms part of this permission.

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

- 6.7.12 The development shall not be occupied until the existing access off Beach Close shown on the submitted plan (Drawing No 0373 P010) have been stopped up and the kerb and footway reinstated in accordance with details submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority.

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

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

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

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

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

- 6.7.15 The development shall not be occupied until a turning space for vehicles has been provided and constructed 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 for any other purpose.

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

Informatives

- 6.7.16 The applicant will be required to enter into a Section 278 legal agreement with East Sussex County Council, as Highway Authority, for the off-site highway works. This includes the construction of the

new access, reconstruction of the existing Beach Road access, closure of the existing and dropped kerbs and tactile paving across Beach close. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

- 6.7.17 The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway. The applicant should contact the Transport Development Control Team (01273 482254).

6.8 Sussex Police

- 6.8.1 I have concerns regarding the proposed mixed use flexible commercial residential application.
- 6.8.2 Access and Movement- Large delivery lorries moving around and through the development.
- 6.8.3 Structure- The business park's daily business impacting upon the development through noise and movements.
- 6.8.4 Surveillance – Unobserved parking court to the north of development, inadequate observation over rear garden gates.
- 6.8.5 Physical Security – Vulnerable front windows & inadequate rear garden vehicle gates making rear of property vulnerable to unobserved attack.
- 6.8.6 Activity - Continual presence of large delivery vehicles accessing development off Beach Road and vehicle movements from Beach Close. Constant activity in and around the immediate business park.
- 6.8.7 I have concerns that the above will impact upon the amenity of the residents within the proposed development between the proposed usage and any existing usage already present in the area. The presence of the adjacent industrial estate creates conflict due to the fact that the residential main vehicle access is the same as that of the Business Industrial Estate, which is used by large delivery vehicles. I have concerns for the resident's safety when accessing their vehicles parked here or when accessing their gardens from the rear. The shared access also raises concerns for the amenity of the residents due to the noise, smells and pollution created by the adjacent Business Park delivery vehicles. The extent of the impact will be determined by the rate of vehicles per hour, per day and whether they occur in the early morning or late in the evening.

- 6.8.8 The DAS mentions that the houses will be set back by one metre from both street so as to provide defensible space. I recommend low bow topped railings are incorporated into the fronts of the terraced block. This will clearly define the difference between public and private space and will provide further protection to the vulnerable ground floor windows here.
- 6.8.9 The development's parking court to the north of the site off Beach Road, shares its access with the adjacent business park. It has no observation over it from any active rooms of the development. Where communal parking occurs it is important that they must be within view of an active room within the property. An active room is where there is direct and visual connection between the room and the street or the car parking area. Such visual connections can be expected from rooms such as kitchens and living rooms, but not from bedrooms and bathrooms.
- 6.8.10 From a crime prevention perspective, the rear gardens are shown as having double gates so as to accommodate an electric vehicle. In order to maintain security of the rear garden and remove unobserved access to the rear of the dwelling I highly recommend these gates are adequate and fit for purpose. SBD Homes 2019 V2 para 13.1 states; Research studying the distribution of burglary in terraced housing with open rear access footpaths has shown that up to 85% of entries occurred at the back of the house. Therefore I recommend the proposed vehicle gates to the gardens conform to the recommendations within para 10.6.8. -10.6.10 of SBD Homes 2019 V2. It is extremely important these rear vehicle gates are adequate and fit for purposes as all the rear gardens can be accessed unobserved from both of the development's two vehicle access points, Beach Road and Beach Close.
- 6.8.11 There is no mention of secure cycle storage within the DAS. Should this become a reality, I direct the applicant to SBD Homes 2019 V2 para 56 where cycle security advice can be found.
- 6.8.12 Finally, I see no mention of lighting within the application. In the interests of safety and security, 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.
- 6.8.13 At present from a crime prevention perspective Sussex Police would not support this application, however Sussex Police would support the application from a crime prevention perspective subject to my above concerns and recommendations being satisfactorily addressed.
- 6.9 Southern Water
- 6.9.1 In determining the application, we ask that the Planning Authority take into account the provisions of Paragraphs 180, 182 and 183 of

the National Planning Policy Framework (NPPF) regarding the proposed location of development in relation to existing uses that may be a source of pollution (in terms of odour). We apply a precautionary buffer zone for any development located within 500 metres of the boundary of a WWTW. The proposed development is located approximately 350metres from the Newhaven Main Wastewater Treatment Works, and as such we have applied this requirement to our planning consultation response.

- 6.9.2 Due to the potential odour nuisance from a Wastewater Treatment Works, no sensitive development should be located within the 1.5 OdU odour contour of the WWTW. An Odour Assessment will need to be carried out by a specialist consultant employed by the developer to a specification that will need to be agreed in advance with Southern Water to identify and agree the 1.5 OdU contour. Please contact Southern Water to discuss and agree the Scope of the odour assessment.
- 6.9.3 Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

6.10 Environment Agency

Initial comments

- 6.10.1 Object on the following grounds.
- 6.10.2 The submitted FRA states that the current flood alleviation scheme provides a 1 in 200 year standard of protection to 2055, which is less than the expected lifetime of the development. In addition, the FRA states that proposed floor levels should be set accordingly, and consideration be given to raising levels. The submitted plans and cross sections of the proposed development indicate that floor levels have been set at existing ground levels. Therefore, there is a risk to life to the future occupants of the development.
- 6.10.3 The objection can be overcome by raising the finished ground floor level 600mm above existing ground level and this should be reflected in a revised FRA and plans.

Updated comments following receipt of additional information

- 6.10.4 Having received further information regarding the ground floor levels, EA is satisfied that the previous objection can be removed, provided that the following condition can be attached to any planning application granted and that the details in relation to the condition be submitted and approved by the LPA:

1. The development shall be carried out in accordance with the submitted Flood Risk Assessment (Beach Road, Newhaven. Flood Risk and Drainage Assessment, dated January 2021, ref: 15192/06/HOP/RPT/01, by HOP Consulting Limited) and the following mitigation measures it details:

All sleeping accommodation to be located on the first floor and above

Flood resilience and resistance measures are to be incorporated as described in section 6

Owners/occupants are to sign up to the Environment Agency's Flood Warning Service, and a flood action evacuation plan is to be developed for the site (to be agreed by Local Authority Emergency Planners). Owners/occupants are also to be made aware of this plan and its contents

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, to maximise the safety of occupants of the building by providing safe refuge and providing arrangements for evacuation in an extreme event and to maximise the building's safety and resilience to floodwater.

6.11 Newhaven Town Council

Initial comments

- 6.11.1 The committee broadly supported this application and its density, but had the following concerns:
- 6.11.2 It seems there was little or no publicity and/or consultation regarding the application.
- 6.11.3 Flooding remains a concern, it is suggested that the housing would benefit from being raised above existing ground level.
- 6.11.4 The development makes good provision for parking; however, this will result in higher traffic volumes in this area, and which will be exacerbated by the incomplete Port Access Road.
- 6.11.5 The continued development of this and other brownfield sites for residential use will reduce the number of business premises available in this area and the Town generally.

Comments following re-advertisement of departure

- 6.11.6 Object for following reasons:
- 6.11.7 Parking layout did not appear to provide sufficient access for vehicles and for EV charging.
- 6.11.8 The issue of drainage and flooding remains.

7. **Neighbour Representations**

7.1 Two representations objecting:

Inadequate parking

Too much development in the area

Too many commercial lorries using and damaging road

Insufficient infrastructure

- 7.2 Two representations of support:
Newhaven needs more affordable housing.

8. Appraisal

8.1 Principle

- 8.1.1 The site is within the development boundary so the proposal would not conflict with policy DM1. The proposed density, 70dph, is higher than the suggested range of 47-57 set out in policy CP2. However, the surrounding residential development displays densities of between 88 and 135 dph. The proposed density is considered to be appropriate in this location.
- 8.1.2 As noted above, the application site is laid out for parking ancillary to the Norton Road Business Park, despite being currently underused. As such, the site is considered to be employment land and benefits from two extant planning permissions for new commercial floorspace. However, it should be noted that neither of the approved applications has been progressed and one has lapsed.
- 8.1.3 An alternative use for the site would be in conflict with policies CP4 and the potential to provide employment opportunities for local people is a key consideration in the determination of this application.
- 8.1.4 On the other hand, the site is located within the planning boundary and the application would deliver 10 new, 3 bed/5 person affordable homes on a brownfield site, supported by policies DM1, CP1 and CP2.
- 8.1.5 The proposal is also supported by the Regeneration Team, stating that the application site has *"..previously been used for commercial purposes, but it is acknowledged that the site has been unused for some time. We recognise that the commercial viability of the different uses has been impacted by ground conditions and that the residential permission sought will enable the retention of adjacent employment space"*.
- 8.1.6 At present, the council is unable to demonstrate a five year supply of deliverable housing sites sufficient to meet the need for 782 dwellings per annum, as required by the Government. As a consequence, decisions on planning applications involving the provision of housing will be tilted in favour of sustainable development, in accordance with para.11 of the NPPF. This means that planning 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.
- 8.1.7 As well as being in a highly sustainable urban location, a major benefit of the scheme is that it will deliver 100% affordable housing.
- 8.1.8 Therefore, on balance it is considered that the disbenefit of loss of potential employment floorspace, currently used for parking, is outweighed by the proposal to build ten affordable homes for local people.

8.2 Design

- 8.2.1 The design of the new houses is attractive and the palette of materials, particularly the metal roof, reflects the industrial buildings in the Business Park.
- 8.2.2 The overall layout and appearance of the houses is similar to the terrace on the opposite side of the road and in roads in the wider area. It is considered that the proposal meets the design criteria of policies CP11, DM25 and D1.

8.3 Boundary treatment and biodiversity enhancement

- 8.3.1 The applicant has agreed that the access road to the rear will have security gates at both ends and secured by an electronic system that can only be utilised by operatives carrying out occasional maintenance work to the adjacent site in the applicant's ownership. Details of the gates and security system will be secured by condition.
- 8.3.2 Details of the front and rear boundary treatment to the dwellings will also be requested.
- 8.3.3 The site has little if any biodiversity value. The introduction of domestic gardens and planting will bring about immediate enhancement. Bat and bird boxes will be secured by condition to add further enhancements.
- 8.3.4 Policies DM24 and DM27 are considered to be addressed relation to the proposal.

8.4 Amenity and Security

- 8.4.1 The overall floor area of the houses (96m²) exceeds the Nationally Described Space Standards for 3 bedroom/4 person houses. The bedrooms are shown as 1 x double at 13m², 1 x single at 8m² and 1 x single in the attic at 13m². Although this room meets the standard for a double bedroom, the space available, being within the roof space, only lends itself to a single bedroom.
- 8.4.2 The houses will have direct access to a private rear garden of approximately 8.5m in depth and a small area to the front.
- 8.4.3 The nearest residential properties, on the opposite side of the road, are 16m away in a standard front-to-front urban layout. Therefore it is considered that the proposal will not result in any loss of amenity for nearby residents by way of overlooking or overshadowing.
- 8.4.4 In terms of security, most of the concerns raised by Sussex Police have been addressed. The proposal is not for a mixed commercial and residential use, so there will be no conflict with large vehicle movements. The access road to the rear will now have restricted use, reducing security risks to the rear of the properties. Direct surveillance of the car park is not possible from every dwelling, although indirect views of the car park can be achieved from the first floor rear windows of plots 1 and 2. Details of lighting is to be secured by condition.
- 8.4.5 The proposal meets the amenity aspects of policies CP11 and DM25.

8.5 Transport and parking

- 8.5.1 The site is in a very sustainable location, within 600m of bus and train links and 700m to the town centre.
- 8.5.2 The application as originally submitted indicated off-street parking spaces within the rear gardens, as well as on the northern part of the site, which would be accessed via a road at the rear. This would have resulted in limited garden area, noise and disturbance and security issues. The width of this road has been reduced and will be restricted by condition for occasional use only for maintenance of the building to the immediate east of the application site and will have secure gates at each end for this use only.
- 8.5.3 The number of parking spaces has been reduced from 21 to 11, which would be acceptable to ESCC Highways if the spaces were unallocated. This would conflict with the applicant's preference to allocate the spaces so that the future occupants can have a dedicated EV charge point. Although, it is possible to have 'on-demand' EV points, with the power provided by a third party company, it is understood that the cost per kwh is 50p, whereas domestic suppliers can offer deals of 5p per kwh.
- 8.5.4 If the spaces were unallocated, 16 off-street spaces would be required. The choice therefore is between encouraging the use of electric vehicles against a shortfall of 5 on-street parking spaces.
- 8.5.5 There are some parking restrictions along Beach Road, but not in streets to the north of the site, where there does appear to be some capacity for on-street parking.
- 8.5.6 On balance, it is considered that the opportunity for residents to have access to cheaper electric car charging outweighs any harm arising from the shortfall in off-street parking.
- 8.5.7 The Highways comments about the access road to the rear of the site are noted. However, this road is not intended for general use by future residents or for operational purposes connected to the adjacent industrial estate. As stated above, the applicant requires occasional use only for maintenance of the buildings adjoining the site boundary to the east and access will be strictly controlled.
- 8.5.8 Planning permission for a new access to the industrial estate was approved in 2021 (see paragraph 5.4 above), which will accommodate all large operational traffic away from the application site. The access off Beach Road will be for residents of the proposed housing as well as staff working at the industrial estate.
- 8.5.9 Cycle parking will be provided in the rear gardens. Although rear access as suggested by Highways would be ideal, this would be in conflict with the restricted use of the road. The ground floor of the houses is open plan with a relatively straightforward route through to the gardens, which are accessed via sliding doors. This is considered to be an acceptable arrangement given the site restrictions.
- 8.5.10 It is considered that the proposal complies with policy CP13.

8.6 Air Quality and contamination

- 8.6.1 The revised Air Quality Assessment, received in February 2022, covers in some detail the issue of potential odours from the Waste Water Treatment Works. The AQA concludes that the '*..overall odour exposure across the site was judged to be Negligible with reference to the IAQM guidance.*'
- 8.6.2 The AQ Officer comment regarding re-consultation with SW are noted. However, in this case, the report provided by the applicant is considered to be sufficiently robust in its own right to cover the issue raised.
- 8.6.3 The application was accompanied by a phase 1 geo environmental assessment report, which EH found to be satisfactory, subject to conditions.
- 8.6.4 It is considered that the proposal complies with policies CP9 and DM21.

8.7 Sustainability

- 8.7.1 The plans indicate photovoltaic panels on the rear roof slopes and space in the attic floor for the necessary plant. Taken together with the EV charging points, these measures, to be secured by condition, indicate compliance with policy CP14.

8.8 Comments on objections

- 8.8.1 Newhaven Town Council's recent objections are noted. However, the EA objection has been addressed and ESCC SuDS Team is now content with the proposal, subject to conditions. EV charging points are to be provided and will be secured by condition.

8.9 Conclusion

- 8.9.1 The development of this site for residential use would result in the loss of approximately 620m² of potential B2/B8 floorspace (as proposed in LW/19/0689).
- 8.9.2 Taking into consideration the council's lack of a five year housing supply, a shortfall in the provision of affordable housing, taken together with the Regeneration Team's support for the proposal, it is considered, on balance that the development of this site to provide 10 affordable homes on this brownfield site is considered to outweigh the harm of the loss of B2/B8 floorspace.
- 8.9.3 Approval is recommended, subject to s106 and 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

10.1 In view of the above the proposed development is considered to be acceptable and approval is recommended subject to conditions, and the completion of a S106 agreement to secure 40% affordable housing, local labour and training obligations, and a S268 agreement relation to the highway works.

10.2 Conditions

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

PLAN TYPE	DATE RECEIVED	REFERENCE
Location Plan	18 November 2021	0373-S001 Location plan
Proposed Layout Plan	18 November 2021	0373- P010C Proposed block plan
Street Scene	18 December 2020	0373-P011A Proposed street scene elevations
Proposed Floor Plan(s)	18 December 2020	0373 - P012 - Proposed ground and 1st floor plans
Proposed Floor Plan(s)	18 December 2020	0372-P013 Proposed attic and roof plan
Proposed Elevation(s)	18 November 2021	P011A Proposed elevations
Proposed Elevation(s)	18 December 2020	0373-P014 Proposed front and rear elevations
Proposed Elevation(s)	7 June 2021	0373-P018A Proposed end elevations and sections
Technical Report	16 June 2021	Foul & Surface Water Drainage Report
Technical Report	1 February 2021	Geotechnical and Geo-environmental Assessment
Technical Report	1 February 2021	Flood Risk and Drainage Assessment
Technical Report	1 February 2021	Noise Impact Statement
Technical Report	11 February 2022	Odour Report
Technical Report	25 February 2022	Air Quality Assessment

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

2. No development shall commence, including any ground works or works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to 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 anticipated number frequency and types of vehicles used during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste;
- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoarding
- details of the precautions and facilities put in place to guard against the deposit of mud and substances from the application site on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed in order to be free of mud and similar substances prior to entering the public highway and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders;
- public engagement both prior to and during construction works to include details of engagement with the occupiers of all properties (residential and commercial) within 50m of the boundary of the site, and to include details of points of contact with site manager (phone and email) and to include details of how regular updates on progress and key activities in the implementation will be communicated;
- temporary lighting for construction and security;
- means of safeguarding public rights of way or providing temporary diversions;
- details outlining the proposed range of dust and dirt control measures and noise mitigation measures during the course of construction of the development, having regard to Section 61 consent under the Control of Pollution Act 1974
- details of off-site monitoring of the CEMP; and
- assurance that the construction will be undertaken in accordance with the Considerate Constructor's Scheme.

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

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

3. No development shall commence, including any ground works until a detailed surface water drainage system shall be submitted in support to and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate the following:

a) Detailed drawings and hydraulic calculations. The detailed design of the drainage system should be based on the details set out in the outline design by Ryall Structural Engineers (Dwg No: RS-024-T-100 Rev 4, April 2021). 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 10 l/s for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence.

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 (underground tank) shall be informed by findings of groundwater monitoring between autumn and spring at the location of the proposed tank. 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 drain surface run-off water naturally in the interests of sustainability and reducing the risk of flooding regard to policy CP12 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

4. No development shall commence until 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 Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

Reason: In order to drain surface run-off water naturally in the interests of sustainability and reducing the risk of flooding having regard to policy CP12 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

5. No development shall take commencement until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing by the local planning authority:

a. Additional site investigation scheme, based on preliminary investigations already undertaken to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

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

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

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

Reason: In order 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 having regard to policy DM21 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

6. No development shall commence above ground floor slab level of any part of the development hereby permitted until details/samples of all external materials 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 comply with National Policy Guidance contained in the National Planning Policy Framework.

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

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

Reason: To secure a proper standard of development having regard to policy CP14 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

8. No part of the development shall be occupied/brought into use until a verification report demonstrating completion of 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 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. The long term monitoring and maintenance plan shall be implemented as approved.

Reason: In order 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 having regard to policy DM21 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

9. No part of the development shall be occupied into use 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 and to comply with National Policy Guidance contained in the National Planning Policy Framework.

10. No part of the development shall be occupied into use until details of the new and existing access and the specification for the construction of the access 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 be occupied until the construction of the access has been completed in accordance with the specification set out on Form HT407 which is attached to and forms part of this permission.

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

11. No part of the development shall be occupied until the existing access off Beach Close shown on the submitted plan (Drawing No 0373 P010) have been stopped up and the kerb and footway reinstated in accordance with details submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority.

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

12. No part of the development shall be occupied until parking areas have been provided in accordance with the details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

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

13. No part of the development shall be occupied until a turning space for vehicles has been provided and constructed 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 for any other purpose.

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

14. No part of the development shall be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority] and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

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

15. No part of the development shall be occupied until details of the security gates at either end of the access road at the rear, and of the electronic system to restrict entry to the road 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 ensure that access is restricted to the road in the interest of security in accordance with policies CP11, DM25 and DM27 of the Lewes District Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework.

16. No part of the development shall be occupied until details of the front and rear boundary treatments to the new dwellings and of security lighting to the car park 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: In the interest of security and visual amenity in accordance with policies CP11, DM25 and DM27 of the Lewes District Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework.

17. No part of the development shall be occupied until details of bat and bird boxes 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: In the interest of enhancing the biodiversity of the site in accordance with policies DM24 of the Lewes District Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework.

18. 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM21 of the Lewes District Local Plan and the National Planning Policy Framework.

19. Any works in connection with this permission shall be restricted to the hours of 0800 to 1800 Mondays to Fridays and 0830 to 1300 on Saturdays, and not at any time on Sundays, Bank or Public Holidays.

Reason: In the interest of the amenities of the adjoining residents 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.

20. 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, DM25 and DM34 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework

10.3 Informatives:

1. The applicant will be required to enter into a Section 278 legal agreement with East Sussex County Council, as Highway Authority, for the off-site highway works. This includes the construction of the new access, reconstruction of the existing Beach Road access, closure of the existing and dropped kerbs and tactile paving across Beach close. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
2. The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway. The applicant should contact the Transport Development Control Team (01273 482254).

11. **Background Papers**

11.1 None.

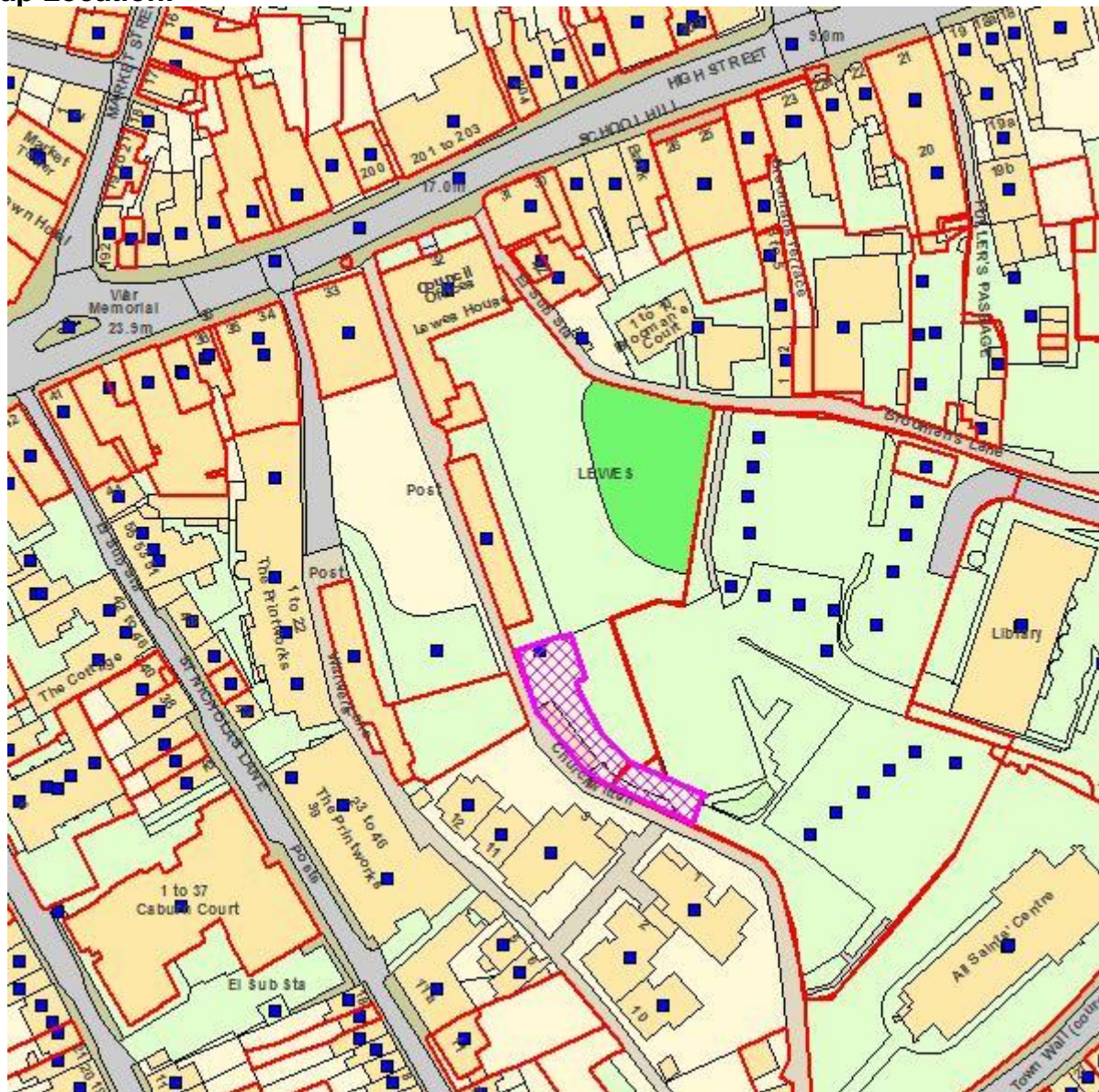
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Agenda Item 10

Report to: Planning Applications Committee
Date: 6 April 2022
Application No: SDNP/21/05039/LIS
Location: 32 High Street, Lewes, BN7 2LX
Proposal: Erection of bow top rail fencing and gates around the rear stable blocks and installation of a new timber gate in the east side wall of Church Twitten.
Applicant: Mr T Popham
Ward: Lewes
Recommendation: Listed Building Consent is granted.
Contact Officer: **Name:** Aysegul Olcar-Chamberlin
E-mail: Aysegul.Olcar-Chamberlin@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is not CIL liable.

Map Location:



1. Executive Summary

- 1.1 The application seeks listed building consent as the proposed timber gate would be installed to the opening in the listed flint boundary wall and the proposed bow top rail fencing and gates would be next to the listed stable blocks.
- 1.2 The proposed gates and fences by reason of their design and the choice of materials would have neutral impact on the settings of the listed buildings. The details submitted with this application also illustrates that they would be fixed without harming the historic fabric.
- 1.3 This is Lewes District Council's own application and therefore needs to be determined at committee level.
- 1.4 Approval is recommended, subject to conditions, and based on the information and details submitted.

2. Relevant Planning Policies

2.1 National Planning Policy Framework

NPPF04 - Decision-making

NPPF12 - Achieving well-designed places

NPPF16 - Conserving and enhancing the historic environment

2.2 South Downs Local Plan

Core Policy SD2 - Ecosystem Services

Strategic Policy SD4 - Landscape Character

Strategic Policy SD5 - Design

Strategic Policy SD12 - Historic Environment

Development Management Policy SD15 - Conservation Areas

2.3 Lewes Neighbourhood Plan

Policy HC3 - Heritage Protection of Landscape and Townscape

Policy HC3B - Planning Application Requirements and Heritage Issues

3. Site Description

- 3.1 The application site is located at the rear of Lewes House which is a grade II* listed building on the south side of High Street in Lewes Town centre. The rear of the site is accessible via Church Twitten and accommodates grade II listed former stable blocks which are currently used as offices. The flint walls with red brick bands on the west and east sides of Church Twitten are also grade II listed.

- 3.2 The site is in the Lewes Conservation Area within the South Downs National Park and subject to an article 4 direction. It also falls within an archaeological notification area.

4. Proposed Development

- 4.1 It is proposed to erect bow top rail metal fencing and gates around the rear stable blocks and install a new timber gate to the opening in the east side wall of Church Twitten to enhance security.
- 4.2 The proposed bow fencing and gates would be black in colour and 1.8m high above the ground level. They would be free standing and fixed to a concrete base.
- 4.3 The proposed new timber gate would be fixed to the existing opening in the listed flint wall and would be approximately 2.12m high. Its appearance and joinery detailing would be similar to that of the existing timber gate on the other side of Church Twitten.

5. Relevant Planning History

- 5.1 SDNP/17/03395/LIS - Replacement of the existing coping stones and refurbishment of the iron railings (in front of Lewes House). Approved on 31.08.2017.
- 5.2 LW/11/0251/NP - Regulation 3 application for replacement stone copings and refurbishment of railings at front of Lewes House. Approved on 19.07.2011.
- 5.3 LW/01/2165 - Listed Building application for the replacement of rear boundary fence. Approved on 25.01.2002.

6. Consultations

6.1 Main Town or Parish Council –Support

Members support this application

6.2 LE Design and Conservation Officer – No Objection

It appears that the gates are not being attached to any original fabric, and are free standing, which makes things much more palatable as there is no fabric loss and complete reversibility. This should allow for consent.

7. Neighbour Representations

- 7.1 None from the other interested parties were received.

8. Appraisal

- 8.1 Sec 38 (6) of the Planning Compulsory Purchase Act 2004 requires that regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 8.2 The NPPF also advises that there is a presumption in favour of sustainable development.
- 8.3 The site is located within the South Downs National Park and therefore determine by the SDNPA who further to the presumption in favour of sustainable development and sec 38 (4) of 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.

Impact on listed buildings and structure and their settings:

- 8.4 SD12 of the South Downs Local Plan states that development proposals will only be permitted where they conserve and enhance the historic environment and safeguard heritage assets and their setting. In addition to that policy SD13 the South Downs Local Plan aims to protect and enhance the significance of the listed building and its setting. This is further reinforced through Policies HC3 and HC3b of the Lewes Neighbourhood Plan.
- 8.5 There are existing gates along the flint walls on either side of Church Twitten. The existing gate opening in the flint wall where the proposed timber gate would be still has timber frames on either side. The timber frames would be retained and used to support the simply designed new timber gate. The new gate would also have traditional hinges and gate catch matching to the existing timber gate on the other side of Church Twitten. The new gate by reason of its simple design would be an appropriate addition to the flint wall and its fixing details would not be likely to cause harm to the historic fabric.
- 8.6 The proposed bow top rail fencing and gates would be free standing and therefore would not harm the historic fabric on the stable blocks. Due to the gaps between the rails, they would not significantly affect the appearance of the Conservation Area and the settings of the listed buildings.

Landscape and Access:

- 8.7 The proposed fencing would not affect the landscape character of the area as it would allow views to the planted areas and would only enclose the path leading from Church Twitten to the rear garden of Lewes House.
- 8.8 The proposal would also not affect the current means of escape.

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 considered 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 The application is recommended for approval subject to the following conditions.

10.2 Conditions

1. The works hereby consented shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

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

3. The materials used in the construction of the development hereby approved shall be as detailed within the permitted application particulars and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation.

Reason: To safeguard the appearance of the building and the character of the area.

4. Upon completion of any element of the works for which Listed Building Consent is hereby granted, any damage caused to the fabric of the building or structure shall be made good to the satisfaction of the Local Planning Authority.

Reason: To safeguard the historic fabric and the architectural character and appearance of the listed building.

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

Plan Type	Reference	Version	Date Received	Status
Application Documents -	Ecosystems Services Statement		22.10.2021	Approved
Plans - Fencing Detail	19121-301		10.01.2022	Approved
Plans - Bow Top Gate Detail	19121-302-A		03.02.2022	Approved
Plans - Fencing Detail	19121-302-A		03.02.2022	Approved
Plans - Wooden Gate Detail	19121-304-A		08.02.2022	Approved
Application Documents -	Photo showing location of proposed fencing and gates		03.02.2022	Approved
Application Documents -	Bow Top Fencing Image		03.02.2022	Approved
Application Documents -	Bow Top Gate Image		03.02.2022	Approved
Application Documents -	Design and Access Statement		05.10.2021	Approved
Application Documents - Site Location Plan	Heritage Statement (revised)		10.01.2022	Approved
Plans - Site Location Plan	19121-002		05.10.2021	Approved
Plans - Fencing / Gate Works	19121-100-A		03.02.2022	Approved

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

11. Background Papers

11.1 None.