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# Planning Applications Committee 27 April 2022

South Downs National Park Authority

Working in Partnership



# Time and venue:

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

**Note:** At **4:00pm**, planning application LW/22/0104 (*Land South of Lewes Road and Laughton Road, Chamberlaines Lane, Ringmer, East Sussex*) will be considered and determined, after which there will be a short recess.

All other applications on the agenda, including those within the South Downs National Park, will be considered from **5:30pm** onward. If you wish to attend the meeting for one of the later items, please arrive at the meeting just before **5:30pm**.

Parking at the building is somewhat limited, so if you are arriving by personal vehicle, we would request all attending to use on-street and public car parking nearby.

Please note that the meeting will not 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, 13 April 2022

# Agenda

# 1 Minutes (Pages 5 - 8)

To confirm and sign the minutes of the previous meeting held on 6 April 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).

# The following applications will be considered beginning at 4:00pm:

Planning applications outside the South Downs National Park

7 LW/22/0104 - Land South of Lewes Road and Laughton Road, Chamberlaines Lane, Ringmer, East Sussex (Pages 9 - 70)

#### <u>The following applications, including those within the South Downs National</u> <u>Park, will be considered beginning at 5:30pm</u>:

Planning applications outside the South Downs National Park

- 8 LW/21/0422 Land at Eastside, The Drove, Newhaven (Pages 71 102)
- 9 LW/21/0754 Land Opposite South Cottage, South Road, Wivelsfield Green, East Sussex (Pages 103 - 144)
- 10 LW/21/0622 Retained land at Antler Homes Old Hamsey Brickworks Development & AVID Commercial Building (Pages 145 - 168)

Planning applications within the South Downs National Park

11 SDNP/21/02062/FUL - Reed Court, 38 Boughey Place, Lewes (Pages 169 - 176)

# Non-planning application related items

#### 12 Date of next meeting

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 8 June 2022, in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE, commencing at 5:00pm.

# **General information**

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

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

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

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

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

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

# Information for the public

#### Accessibility:

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

#### Filming/Recording:

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

# **Public participation:**

There will be an opportunity for members of the public to speak on an application on this agenda where they have registered their interest with the Democratic Services team **by 12:00pm two working days before the meeting**. More information regarding speaking at a meeting of the Planning Applications Committee can be found on the Council's website under <u>Speaking at Planning Committee</u>.

# **Information for Councillors**

# Disclosure of interests:

Members should declare their interest in a matter at the beginning of the meeting, and must advise if the interest is personal, personal and prejudicial, or is a disclosable pecuniary interest (DPI) and advise the nature of the interest.

If a member has a DPI or other prejudicial interest the Councillor must leave the room when the matter is being considered (unless he/she has obtained a dispensation from the Council's monitoring officer).

In the case of a 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.

# Councillor right of address:

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

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

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

# **Democratic Services**

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

#### Email: <u>committees@lewes-eastbourne.gov.uk</u> Telephone: 01273 471600 Also see the Council website.



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# Agenda Item 1



Working in Partnership



# **Planning Applications Committee**

Minutes of the meeting held in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE on 6 April 2022 at 5:00pm

#### Present:

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

#### Officers in attendance:

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

#### 94 Minutes

The minutes of the meeting held on the 6 April 2022 were submitted and approved and the Chair authorised to sign them as a correct record.

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

Apologies had been received from Councillors Manley, Jones and Papanicolaou. Councillor Roy Clay advised that he was substituting for Councillor Manley and Councillor Jim Lord advised that he was substituting for Councillor Papanicolaou.

#### 96 Declarations of interest

Councillor Turner declared he was a member of the Ringmer Parish Council, but that he had made no comment in relation to Application LW/20/0011 when considered by the Parish Council to ensure there was no predetermination.

Councillor Saunders declared a personal interest in relation to Application LW/20/0885 as his employer had previously owned the office building located next to the site.

#### 97 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.

# 98 Petitions

There were none.

# 99 Written questions from councillors

There were none.

# 100 LW/20/0011 - Averys Nurseries, Uckfield Road, Ringmer, East Sussex, BN8 5RU

Phillip Mitchell (Representative of Ringmer Against Greenfield Exploitation – R.A.G.E), Eleanor Robins (Neighbour) and Linda Grange (Neighbour) spoke against the proposal. Ross Barber (Applicant), Martin Gray (Architect) and Paul Burgess (Agent) spoke for the proposal. Councillor Johnny Denis spoke as a Ward Councillor.

#### **Resolved:**

That planning application LW/20/0011 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 be refused due to the following reasons:

- 1) Unsustainable location and isolated from facilities and reliance of car usage.
- 2) Contrary to the Ringmer Neighbourhood Plan in terms of the loss of a commercial and employment site.

# 101 LW/21/0503 - Land adjacent to The Old Brickworks, Finns Farm - Station Road, Station Road, Plumpton Green, East Sussex

Tondra Thom (Planning Consultant) spoke for the proposal. Councillor Rob Banks spoke as a Ward Councillor. Councillor Nick Beaumont spoke on behalf of Plumpton Parish Council.

# Resolved:

That planning application LW/21/0503 for Equestrian facility for the treatment and recuperation of race/sports horses, including temporary mobile home staff accommodation be approved subject to:

 The conditions set out in the report and supplementary report and additional conditions relating to foul drainage and provision of an EV charging point and requirement for the applicant to provide details regarding the storage and disposal of manure.

# 102 LW/20/0885 - Land adjacent to Norton Road Business Park, Norton Road, Newhaven, East Sussex, BN9 0JF

Nathan Chilvers (Agent) spoke for the proposal.

#### Resolved:

That planning application LW/20/0885 Erection of 10 x affordable dwellings be approved subject to:

 The conditions set out in the report and an additional condition requested by the environment agency (set out on page 98 of the Officer's report) as follows:

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.

- Completion of a S106 agreement to secure 40% affordable housing, local labour and training obligations, and a S278 agreement relation to the highway works.
- 3) An informative to request that the applicant investigate and consider raising of the ground floor level by 0.6m.

#### 103 SDNP/21/05039/LIS - 32 High Street, Lewes, BN7 2LX

#### **Resolved:**

That planning application SDNP/21/05039/LIS, 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 be approved subject to the conditions set out in the report.

4

#### 104 Date of next meeting

It was noted that the next scheduled meeting of the Committee was 27 April 2022 at 5:00pm.

The meeting ended at 7:30pm.

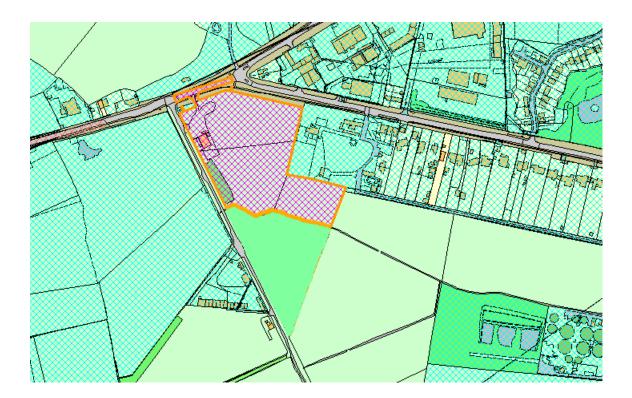
Councillor Sharon Davy (Chair)

# Agenda Item 7

Report to:	Planning Applications Committee
Date:	27 April 2022
Application No:	LW/22/0104
Location:	Land South of Lewes Road and Laughton Road, Chamberlaines Lane, Ringmer, East Sussex
Proposal:	Outline planning application with all matters reserved for up to 68 residential units.
Ward:	Ouse Valley and Ringmer
Applicant:	Bedford Park Developments
<b>Recommendation:</b>	1. Refer to the application to the Secretary of state and
	<ol> <li>If no call in is received from the Secretary of State within 21 days following the referral, then Delegate authority to the Head of Planning to approve subject to conditions and an s106 agreement to secure affordable housing, Highways provisions and the Community Woodland Area.</li> </ol>
Contact Officer:	Name: Tom Bagshaw E-mail: <u>tom.bagshaw@lewes-eastbourne.gov.uk</u>

# IMPORTANT NOTE: This scheme is CIL liable.

# Site Location Plan



#### 1. **Executive Summary**

- 1.1 Planning application LW/21/0302 was refused in October for two reasons centred on the lack of the information.
- 1.2 The lack of information related to the potential impact upon the landscape character of the area and the capacity of the Earwig Corner Junction
- 1.3 This application seeks to address these two areas of concern.
- 1.4 County Landscape Officer and County Highways Department have commented that given the updated information with this application that they do now raise no objections to the proposal
- 1.5 The submitted scheme is for all matters reserved.
- 1.6 The proposal is an application for up to 68 residential units development. This is a reduction from 97 units in the refused scheme.
- 1.7 The site could comfortably accommodate up to 68 units whilst also providing a good standard of living space, including residential gardens and communal green spaces. Furthermore, the size of the site and the indicative layout provided with the application, show that the proposal would not have any unacceptable impacts upon the living standards of any nearby properties.
- 1.8 The proposed development is located outside the defined planning boundaries. However, it is considered to represent sustainable development in accordance with the Interim Policy Statement for Housing Delivery on many of the criteria set out within. The only criterion which the scheme would not strictly conform with are Criteria 5 and 7, which stipulate that the scheme should result in no harm to either the South Downs National Park, or the openness of the Countryside.
- 1.9 The proposal complies with all elements of the 'Interim Policy Statement for Housing Delivery' except criteria relating to harm on the surrounding visual environment and landscape. Due to its degree of separation and the context of the development being located amongst existing built areas, the development would result in less than significant harm upon the setting of the SDNP. However, there are significant gains to be made in terms of a net increase in planting and the mitigation offered would significantly soften the impact of the development.
- 1.10 The proposal would result in a number of benefits such as, the social gains of facilitating the provision of up to 68 residential units (including 40% affordable housing units) that would be of good quality and in an accessible and sustainable location. The scheme would provide economic benefits by generating additional custom for nearby shops and services within Ringmer. It would provide environmental gains in terms of a high biodiversity value internal layout; the provision of a high biodiversity value Woodland Community Area; preserving the existing watercourse; and the reinforcement of existing hedgerows. Overall,

Officers consider that the benefits of the scheme outweigh the harms of the proposal and therefore, the scheme is acceptable in principle.

- 1.11 In respect to highways safety and capacity, the proposal would be able to reach a satisfactory internal layout with parking provision and an acceptable access. However, ESCC Highways have concerns with regards to the junction at Earwig Corner and whether the junction has the capacity to deal with the number of trips generated by the development. The applicant has provided junction modelling showing details of proposed trips from this development and in addition has included the trips which would result from nearby extant and proposed planning applications, including at total of 410 dwellings. ESCC are content with the methodology of this modelling and therefore the modelling demonstrates that the junction at Earwig Corner would have ample capacity to accommodate this proposal.
- 1.12 The proposal would be located adjacent to the nearby Huntsman's House (grade II) and The Magazine & Hospital and the former Ringmer Royal Horse Artillery Barracks, now Southdown Hunt Kennels. Officers consider that this would have a less than significant harm to the setting of the heritage assets. LEBC's Conservation Officer has suggested that the reserved matters could lessen this harm by sympathetically designing the scheme. Nonetheless, the fullest extent of the harms would be less than substantial, and in accordance with paragraph 202 of the NPPF this less than substantial harm should be weighed against the public benefits of the scheme (See planning balance).
- 1.13 ESCC Lead Local Flood Authority and the Environment Agency (EA) have reviewed the proposal and have recommended approval subject to conditions. All SUDS matters are resolved and therefore, the SUDS and Drainage layout is acceptable subject to further information.
- 1.14 LEBC Contaminated Land and Air Quality Officers have confirmed that subject to surveys and any required mitigations being submitted prior to development of the site, the proposal would be acceptable.
- 1.15 The proposal seeks to provide, a Community Woodland Area and a 40% affordable housing contribution. All of these benefits will be secured via legal agreement.
- 1.16 The site is located nearby to previously found archaeological remains. As such, a condition requiring further surveys will be required prior to any development at the site.
- 1.17 There are a number of species to note that could be affected by the scheme, including great Crested Newts, Badgers, Bats, Dormice, Reptiles and Hedgehogs. The applicant has supplied an Ecological Appraisal which accompanies the submission. ESCC Ecologist has reviewed the report and has confirmed that the scheme would be acceptable subject to the recommended mitigations within the report.
- 1.18 Overall, subject to all the details and mitigations, the proposed benefits of the scheme would outweigh the harms (see conclusion for more detail regarding planning balance). Therefore, the proposal is considered to be acceptable and is recommended for approval.

# 2. Relevant Planning Policies

# 2.1 National Planning Policy Framework

- 2. Achieving sustainable development
- 4. Decision making
- 8. Promoting healthy and safe communities
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

# 2.2 Lewes District Local Plan

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

LDLP1: - CP10 - Natural Environment and Landscape;

LDLP1: - CP11 - Built and Historic Environment & Design

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

LDLP1: - CP13 - Sustainable Travel

LDLP1: - CP14 - Renewable and Low Carbon Energy

- LDLP2: DM1 Planning Boundary
- LDLP2: DM14 Multi-functional Green Infrastructure
- LDLP2: DM15 Provision for Outdoor Playing Space
- LDLP2: DM16 Children's Play Space in New Housing Development
- LDLP2: DM20 Pollution Management
- LDLP2: DM22 Water Resources and Water Quality
- LDLP2: DM23 Noise
- LDLP2: DM24 Protection of Biodiversity and Geodiversity
- LDLP2: DM25 Design
- LDLP2: DM27 Landscape Design
- LDLP2: DM33 Heritage Assets

Affordable Housing SPD July 2018

Interim Policy Statement for Housing Delivery March 2020

Five Year Housing Land Supply Position Statement March 2021

# 2.3 Ringmer Neighbourhood Plan 2010-2030

- 4.1 The countryside in Ringmer
- 4.2 The South Downs National Park
- 4.6 Accessible countryside and natural or semi-natural greenspace
- 4.10 Maintaining and enhancing biodiversity

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

# 3. Site Description

- 3.1 The application site lies to the south of Lewes Road and Laughton Road. It is within close proximity to a number of local services in Ringmer, including the Primary and Nursery school, Community College, Local Sports and recreation facilities. It is served well by public transport links.
- 3.2 The site would form an extension to the already built area of Broyleside. It directly adjoins the defined development boundary as identified in both the Lewes Local Plan and the Ringmer Neighbourhood Plan. The site has been identified through successive LAA's and SHELAA's as having potential to be suitable for development, specifically residential development.
- 3.3 The development boundary of Broyleside adjoins the site to the east and north east. South Downs and Eridge Hunt Kennels and the Grade II Listed Huntsman's House directly adjoin the site to the north east.

The western boundary is defined by Chamberlaines Lane. Ringmer Business Park is located to the south west and the Lower Broyleside Commercial Area to the north east.

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

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

- 4.1 The application seeks outline planning permission for the erection of up to 68 new dwellings on the site. All matters are reserved. A new access would function as the main access to the site and would be provided by way of a new crossover formed on the northern boundary and would likely be taken from Lewes Road.
- 4.2 The application is accompanied by indicative layout plans used to demonstrate the capacity of the site and how dwellings could be arranged to allow for access by servicing and emergency vehicles. The accompanying Design & Access Statement also sets out design principles and parameters. It is stated that maximum building height would be two-storey and describes how dwellings could be designed to be sympathetic to the local vernacular through the identification of characteristic architectural features and locally used materials.
- 4.3 The application is accompanied by an Affordable Housing Statement that confirms that 40% of the dwellings would be provided as affordable housing and where necessary a commuted sum will be paid where the 40% split does not equate to a whole dwelling. The split of tenures within the affordable housing would be 25% shared ownership and 75% affordable rent.
- 4.4 The proposal includes the provision of an offsite Community Woodland Area and will include the planting of upto 2000 new trees. This will be maintained by the current landowner and its provision along with a maintenance plan, will be secured via an S106 agreement.

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

- 5.1 /55/0573 Outline Planning Application for six detached dwellings. [Refused] 29.08.1955
- 5.2 LW/87/1842 Barn. Restrictive Planning Condition. Temporary Permission Expires 31/01/1989. – [Approved] 19.01.1988
- 5.3 LW/90/0833 Construction of boarding kennels. [Refused] 01.05.1990
- 5.4 LW/06/0324 Outline application for residential development (including minimum of 24 affordable dwellings) & including access [Refused] 05.05.2006
- 5.5 LW/21/0302 outline application with all matters reserved for a mixed use scheme comprising up to 97 residential units and community/commercial space [Refused] 13.10.2021

Reasons for Refusal

- By reason of the lack of sufficient information in the form of a Landscape Visual Impact Assessment, it is unclear to what extent the development will harm the setting of the South Downs National Park, and the character, setting and appearance of the surrounding countryside. The development would therefore represent an unacceptable risk of unforeseen impacts that would be to the detriment of the character and appearance of the countryside and the setting to the South Downs National Park. The development would therefore be contrary to Policy 4.1 of the Ringmer Neighbourhood Plan, Policies CP11 and DM1 of the Lewes District Local Plan Parts 1 & 2 and Paragraphs 174 and 176 of the National Planning Policy Framework.
- By reason of the lack of sufficient information and up to date highways modelling, it is unclear whether the highway and specifically the junction at Earwig Corner has the capacity to accommodate a development of this scale. The development would therefore represent an unacceptable risk of unforeseen impacts that would cumulatively be to the detriment of road users and highways capacity. The development would therefore be contrary to Policy 8.5 of the Ringmer Neighbourhood Plan, Policy CP13 of the Lewes District Local Plan Part 1 and Paragraph 111 of the National Planning Policy Framework.
- 5.6 OFFICER COMMENT: It is worth noting that a major difference between this proposal and LW/21/0302 is the removal of the Community Hub. This comes following responses stating that there is no demand for such a facility. Furthermore, the Ringmer Neighbourhood Plan states that, an assessment of demand has not demonstrated that such a facility located in the Broyleside would prove sustainable. As such, this facility has been removed and replaced with flats. The applicant has suggested that these replacement units will contribute towards the affordable housing contribution.

# 6. Consultations

# 6.1 ESCC Archaeology.

6.1.1No objection - 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):

# 6.2 Conservation officer

6.2.1LEBC Conservation Officer has reviewed the scheme and recognises that the proposal could have an impact upon heritage assets, namely the Huntsman's House and the locally listed buildings within its curtilage. However, their response states that with suitable landscaping and layout the harms can be mitigated to within Less than substantial or no harm.

- 6.2.2See Council website for full comments.
- 6.2.3OFFICER COMMENT: It is important to note that in the 2013 case of Bedford BC v SSCLG38, the High Court held that for substantial harm to be attributed to the impacts upon a heritage asset, the loss of the significance of the heritage asset should be very much, if not total loss of significance. As such, categorising it as a high test. Similarly, the PPG for Historic Environment also categorises this as a high test. Therefore, Officers would not attribute substantial harm to the impact upon heritage assets given the relationship of the proposal site with the heritage assets, and the fact that the assets would still retain a high degree of historical significance should the application be approved.

# 6.3 LEBC Noise Officer

6.3.1No objections

# 6.4 ESCC Landscape Officer

- 6.4.1Full response is available on the Councils website . In summary it is recommended that the proposed development can be supported as it would have an acceptable impact on local landscape character and views. It is further recommended that any permission should be subject to the imposition of landscape conditions as follows:
  - The full implementation of the proposed landscape mitigation measures as outlined in the masterplan.
  - A detailed specification for the proposed planting.
  - A long-term management plan to ensure the successful establishment of the planting.
  - Trees and hedges are protected during construction and reinstated if removed or damaged.

# 6.5 Sussex Police

6.5.1Sussex Police would have no objection to the proposed development as submitted from a crime prevention perspective subject to at the detailed design stage address all Secured by Design standards. Their full response is available on the Councils website.

# 6.6 Waste Services

6.6.1Waste Services would like to see vehicle tracking data for the proposed development. The tracking should be for a 12m long vehicle. We would also like to see the proposal for waste storage facilities at each property

# 6.7 ESCC Ecology

6.7.15. The current proposal is a revised application following refusal of LW/21/0302 on the grounds of insufficient information with respect to impacts on landscape and highways. The application is for a reduced quantum of development within a smaller red line boundary. However, the proposed development lies within the same area that was subject to ecological survey and assessment in 2021, and as such, the same

ecological information has been submitted in relation to the current application (Ecological Appraisal (EA), Aspect Ecology, April 2021). It is noted that the current proposals incorporate the range of ecological measures that accompanied the previous application, and include provision of a dedicated ecology area, the size of which remains unchanged from the previous application.

- 6.7.2Designated Sites and Habitats
- 6.7.36. The site is not designated for its nature conservation interest. Given the nature, scale and location of the proposed development, there are unlikely to be any impacts on any designated sites.
- 6.7.47. The site currently comprises semi-improved grassland, hedgerows, tree cover, trees/treelines, dense scrub and ruderal vegetation, a watercourse, buildings and hard standing. The habitats of greatest significance are the boundary habitats, hedgerows and tree lines, and the watercourse, the majority of which are to be retained and protected. The recommendations for protection of retained habitats and pollution prevention set out in the EA are supported and should be implemented.
- 6.7.58. The proposal to enhance the hedgerows is supported; native species-rich hedgerows are recommended. The semi-improved grassland, which forms the majority of the site, and the majority of which would be lost, is assessed as being of relatively low importance on the grounds that it is of relatively low diversity and has been regularly managed for hay/silage in the past. A reduction in management has improved the structure of the grassland such that it now offers greater potential for protected species, most notably amphibians and reptiles. Given the proposal to create and maintain a dedicated ecology area, and to create SuDS features around the central watercourse, the loss of grassland is acceptable.
- 6.7.6At the reserved matter stage detailed ecological surveys are required to prove absence/presence of protected species with appropriate mitigation proposed.

#### 6.8 Southern Water

6.8.1Scheme requires an application to Southern Water for connection purposes.

# 6.9 ESCC SUDS

6.9.1The drainage strategy relies predominantly on underground storage to provide the required attenuation to restrict runoff rates to greenfield rates. However, a storage pond has been incorporated into the outline site layout. Given that the application site is currently greenfield, we would prefer to see greener sustainable drainage systems to mimic the current conditions. Nevertheless, the applicant has indicated a willingness to incorporate close to the ground source control SuDS features at the detailed design stage. A reserved matters application which seeks to fix the development layout should demonstrate that source control SuDS features that store surface water runoff close to the ground have been incorporated into the layout.

# 6.10 ESCC Highways

- 6.10.1The applicant's submitted traffic surveys suggests that the Earwig Corner junction would operate within capacity with this development. Thus on balance, given the current traffic flow situation this current proposed development is acceptable in principle.
- 6.10.2However, it should be noted that traffic flows have not yet returned to pre pandemic levels and ESCC will continue to monitor traffic flows at this junction, any future applications [including live applications] will be assessed on a case by case basis and will be required to undertake their own impact assessment of the Earwig Corner junction.
- 6.10.3I do not object to this application subject to the following s106 obligations and conditions. It is considered that the development is acceptable in principle, subject to conditions and planning obligations.
- 6.10.4As this application is for outline planning permission with all matters reserved, this response only considers the development in principle, with commentary provided for other submitted information. A detailed summary of the highway comments are below.
- 6.10.5Ringmer offers both Primary and Secondary schools, employment, local shops and leisure and community services.
- 6.10.6The site is therefore considered to be in a relatively sustainable location with means of reaching facilities without the need for a private car for all trips.
- 6.10.7Access
- 6.10.8Vehicular and Road Safety Audit:
- 6.10.9The site currently has an existing vehicular access from Lewes Road. While access is a reserved matters the plans show and the TA states that this is to be widened to 7m as part of the proposed development and a Right Turn Lane provided with Lewes Road widened and bus stops relocated to accommodate the new access layout. Two new pedestrian accesses from Lewes Road will be created.
- 6.10.10A Stage 1 Road Safety Audit has been carried out on the access proposals. Two issues were raised.
- 6.10.11I note that the designer will include a review of streetlighting as part of the detailed design of the Right Turn Lane but has not agreed in full, with comments made by the auditor in relation to the bus laybys. I have consulted the ESCC Road Safety team who share the auditor's concerns regarding the bus stops and risk of collisions due to vehicles overtaking stationary buses. They comment that the degree of risk will depend on the location of the bus stops and length of Right Turn Lane and hatching. While I accept that this this may not have been raised at the time of the previous application, I feel it necessary to do so now. Careful design of the access at Reserved Matters application/detailed design stage will be required along with a Stage 2 Road Safety Audit.
- 6.10.12Concern is also raised at the overhanging thick tree line east of the access that will cast a shadow over the access and make it difficult for drivers approaching from the mini roundabout to adequately see

vehicles emerging from the access. This may lead to side impact type collisions. The tree line may need to be cut back/removed.

- 6.10.13The TA states that visibility requirements for Manual for Streets 1 and 2 can be met from the access, which is likely, but forward visibility will need to be checked in relation to the overhanging trees
- 6.10.14Public Transport and Active Travel:
- 6.10.15The site is located within 50m of existing bus stops on Lewes Road. There are regular and frequent bus services to Lewes and Brighton. Footways along Lewes Road connect the site to the village centre, albeit that they are narrow for sections. There are no dedicated cycleways at this end of the village, but a cycleway is available from New Road to Lewes that residents would be able to connect to on lighter traffic/residential routes or the B2192 Lewes Road.
- 6.10.16The applicant proposes to improve the footway on Lewes Road. I agree that the footway at the site access and for the length of the Right Turn Lane should be widened to 2m and the pedestrian crossing enhanced. I also welcome the proposed bus stop improvements (poles, flags, raised kerbs) but Real Time Information should also be provided at the Lewes bound stop (on the southern side of Lewes Road). As noted above the provision of laybys or stops is to be agreed.
- 6.10.17The Masterplan shows a pedestrian connection from the site to the roundabout (near Unit 1). The route however doesn't appear to connect to an internal footway. This needs to be addressed at Reserved Matters application/detailed design stage. I recommend also that a pedestrian connection onto Laughton Road be provided to the south-east of the site (near Unit 2) to ensure a convenient and direct route to the pedestrian network for residents at this end of the development.
- 6.10.18The design for the footway, connections, crossing and bus stop works will need to be agreed at Reserved Matters and detailed design stage and secured by a s278 with ESCC as Highway Authority.
- 6.10.19Trip rates and traffic impact
- 6.10.20Residential trips rates have been separated out from the TA associated with the previous application which were based on those used at the application for residential development at the football club site. It is acceptable to repeat use of the trip rates.
- 6.10.21Earwig Corner:
- 6.10.22Further to the submission of the Transport Assessment, the applicant has completed an assessment of the Earwig Corner junction. At the time of application LW/21/0302 the current signalised junction had not been installed and travel patterns were not known or understood, because of the travel restrictions imposed during the pandemic.
- 6.10.23The junction is now operational and Covid travel restrictions have been lifted. The signalised junction currently appears to be operating with much more capacity. The applicant has sought to demonstrate

that the development trips can be accommodated at the junction using data which is currently available.

- 6.10.24The applicant carried out traffic counts in February 2022 and developed a LINSIG model which demonstrates that the trips from 68 dwellings can be accommodated at the junction up to 2032 without a severe impact as required by the NPPF. Also, sensitivity tests were completed showing that trips from a greater number of dwellings (up to 410) and including up to 40 windfall dwellings) would also not have a severe impact on the junction in 2032.
- 6.10.25It should however be noted that it is based on traffic data collected in February 2022 which is not usually considered to be a representative month and was not long after travel restrictions were lifted. <u>However,</u> <u>on-balance this proposal and associated assessment is</u> <u>acceptable</u>.
- 6.10.26As part of the current application, junction assessments have also been undertaken for other key junctions in the local area. These junction assessments suggest that the operation of the proposed access, and the mini-roundabout junction between Lewes Road, B2192 and Laughton Road would operate within capacity, and are therefore acceptable. ESCC accepts this conclusion.
- 6.10.27Car Parking
- 6.10.28In accordance with the County Council's parking guidance, 132 car parking spaces are required to serve the residential development, including 23 unallocated spaces for residents and visitors. The Ringmer Neighbourhood Development Plan seeks slightly more parking per unit. The submitted plans indicate142 parking spaces are proposed which includes 33 spaces for visitors. This provision is similar to the ESCC requirements and is therefore acceptable in principle, to be reviewed and agreed at Reserved Matters application(s).
- 6.10.29EV charging points should be provided for each dwelling.
- 6.10.30Cycle Parking
- 6.10.31In terms of cycle parking provision, two spaces would need to be provided per house.
- 6.10.32Further details of the development's cycle parking provision should be provided as part of reserved matters applications/detailed design.
- 6.10.33Construction
- 6.10.34A Construction Traffic Management Plan would need to be provided with details to be agreed.
- 6.10.35Travel Plan
- 6.10.36A Travel Plan has been submitted as part of the proposal and it is noted that the applicant is prepared to implement measures, set targets and monitor the TP annually over 5 years. If targets are not met further mitigation measures may be required. I consider the operation of a robust site wide Travel Plan to be important to reduce trips on the highway network including at Earwig Corner

- 6.10.37Please note that ESCC only require monitoring (to include trip counts) at occupation, (baseline) and at years 1 3 and 5. The results of the monitoring must be shared with ESCC. The Travel Plan and a £6,000 travel plan fee should be secured by s106 agreement.
- 6.10.38Delivery & Servicing Statement
- 6.10.39Although a delivery and servicing statement has not been submitted, swept path drawings have been submitted that show refuse vehicles can access and service the site without blocking the highway. Further drawings should be provided as part of reserved matters showing vehicles can turn around within the site.

# 6.11 SDNP

- 6.11.1Having assessed the LVIA by Aspect Ecology solely in the context of the special qualities of the National Park, many of the findings are agreed with. It is disappointing that there is remains no lighting assessment and accompanying strategy to demonstrate that the development would not adversely affect the South Downs International Dark Skies Reserve. If approved it is strongly suggested that Dark Skies are considered in any future reserved matters applications.
- 6.11.2In summary, the SDNPA retains many of its previous concerns regarding the uncertainties of impacts of the proposals upon the SDNP, but welcomes the reduction of the development area to exclude the triangular parcel of land to the south. Since commenting on the earlier application the SDNPA has additional concerns in terms of the potential the coalescence of Ringmer with Broyleside as a result of the submission of two other applications currently under consideration by the LPA. The concerns identified by the SDNPA might be addressed in part if landscaping, biodiversity enhancements, and dark night skies considerations were all adequately covered though through future reserved matters applications, upon which the SDNPA would welcome the opportunity to comment. We would also urge the LPA to ensure the offer of a community woodland on a separate parcel to the south west is delivered via a legal agreement.

# 6.12 Air Quality

6.12.1Support Subject to Conditions

# 6.13 LDC Contamination

6.13.1 support subject to conditions

#### 6.14 Environment Agency

6.14.1Support subject to conditions.

# 6.15 Ringmer Parish Council

- 6.15.1 Outline planning application with all matters reserved for up to 68 residential units. During detailed discussion of the application Cllr John Kay declared that were this application approved he would take it to judicial review.
- 6.15.2RESOLVED: object Parish Council Decision Objects

6.15.3On the same grounds as before and that the community asset has been removed.

LW/21/0302 Response

- 6.15.4Ringmer Parish Council strongly objects to this application as (1) it is contrary to the adopted Ringmer Neighbourhood Plan which forms part of the existing Lewes Local Plan and (2) it proposes the development of new commuter housing at a car-dependent countryside location, contrary to the Lewes DC declaration of a Climate Change Emergency. The proposed scheme would be the wrong development at the wrong place, contributing unnecessarily to climate change, and would have, in combination with other development already approved, an unacceptable impact on infrastructure including primary and nursery schools and healthcare facilities. The additional commuter traffic generated would put unacceptable pressure on Earwig Corner.
- 6.15.5The Ringmer Neighbourhood Plan is focused on four key principles (Policies 3.1-3.4 of the Ringmer Neighbourhood Plan). These seek to retain Ringmer's 'village feel'; to improve its sustainability by providing more local employment and thus reduce the need for the excessive existing out-commuting for employment, almost all of which is by private car; to improve the balance, health and inclusivity of the community and to respect the South Downs National Park. This application flies directly in the face of all four key principles.
- 6.15.6This application envisages yet another large new commuter housing estate unsustainably located in the countryside, unaccompanied by any provision for additional local employment. Out-commuting from Ringmer by private car is already, according to East Sussex in Figures, higher than in any other town or parish in the District, and there is absolutely no reason to imagine that the new commuters that would be attracted by this development would behave any differently. The location of the proposed development, not contiguous with existing housing and forming a new finger of development pushing out from the edge of the Broyleside settlement into the surrounding countryside, and a long and unpleasant walk along a busy main road to Ringmer's shops and services, means that that new residents here would be even less likely to use sustainable means of transport than other Ringmer residents.
- 6.15.7The location of the proposed development expands out from the Broyleside towards the edge of the South Downs National Park, so the new development would be very visible from higher ground within the SDNP. In recommending the dismissal of an appeal for an immediately adjacent site [Broyle Gate Farm, application LW/14/0947, appeal number 3133436] the inspector gave weight to its negative landscape impact, including both its impact on the setting of the SDNP and its erosion of the present sense of clear separation between Ringmer village and the Broyleside, an important contributor to Ringmer's 'village feel', or sense of place. The inspector's view was endorsed by the Secretary of State, who dismissed the called-in

appeal. Both these considerations apply with equal force to the present application.

- 6.15.8The application is also quite excessive in scale, and thus contrary to policy 6.3 of the Ringmer Neighbourhood Plan, which requires new development to be on a village scale of 10-30 new homes. This policy was also given weight by the inspector in appeal 3133436. There was clear evidence that residents strongly preferred multiple smaller developments of this scale (such as the successful new developments at Clarks Croft and Round House Road) than urban-scale developments as proposed here. The site now proposed is substantially larger than even that submitted to last autumn's "Call for Sites" [04RG] and the number of new homes proposed is almost twice as large. Nevertheless, even with the enlarged site, it is far from evident that the excessive number of homes proposed could actually be accommodated on the site. A stream that qualifies as a 'main river' flows through the site, and the surrounding land lies in Flood Zones 2/3, but the indicative outline for the development shows this land at risk of flooding as the small rear gardens of the new houses.
- 6.15.9Ringmer Primary School was recently extended from 1 class to 1.5 class entry to accommodate the increasing numbers of children now living in Ringmer. The Primary School and the Nursery School are both full. Currently more than 200 new houses are under construction (but not yet occupied) in Ringmer, at the Bovis Homes site on Bishops Lane; the Riverdale Development site at Caburn Fields; the Optivo site at Lower Lodge; and the Diplocks site on Bishops Lane. Previous experience in Ringmer is that such new housing attracts a disproportionate share of children nursery and primary school age, and assessment by the Neighbourhood Plan suggested that it would be very likely to be necessary to expand the Primary School to 2-class entry to accommodate them. However, no such expansion is currently envisaged, and it remains to be seen how well the new children will be accommodated as they arrive over the next 12-18 months. There is no evidence at all how the children from the large additional development proposed in this application could be accommodated, without travel (inevitably by private car) to village schools elsewhere in the county. There are no spare school places available in Lewes.
- 6.15.10Other related infrastructure questions not addressed in the application are whether the Ringmer Health Centre can accommodate the extra patients or whether the Ringer WWTW can accommodate the extra sewage to be created within the time scale proposed.
- 6.15.11The site lies immediately adjacent to the Southdown Hunt Kennels. The hunt is an important contribution to Ringmer's role as a rural service centre and includes the Historic England-listed Huntsman's House and additional locally-listed buildings within the curtilage [Ringmer Neighbourhood Plan policy 4.7, heritage assets H11]. The site is currently not screened from the Kennels, and forms part of its setting. The application proposes to mitigate the nuisance of the noise produced on regular occasions by the baying hounds by the erection of an acoustic barrier fence along the site boundary. As can be seen

elsewhere in Ringmer, such barrier fences are extremely unattractive. This would have a strongly negative impact on the setting of this listed building and its associated heritage assets. The hounds' kennel is just a few yards from the joint boundary. The proposed development would also have a strongly negative impact on the experience of users of Ringmer public footpath no.20, which runs immediately adjacent to the site.

6.15.12The Lewes Local Plan allocated 385 new homes to Ringmer, the number being fixed by the inspector at examination after a careful and detailed review of the potential capacity of Earwig Corner, through which almost all commuter traffic from Ringmer must pass. He concluded that this was the maximum number that could reasonably be accommodated, once improvements that were then envisaged and are now under construction had been completed. After hearing detailed evidence, he concluded that no further housing allocation could be made to Ringmer, as no alternative scheme was available that could further increase the capacity of this junction and the subsequent A26 junctions connecting Ringmer to Lewes and the A27 at Southerham. The inspector's statement to this effect is included in the Lewes Local Plan. To date 384 new homes in Ringmer have been built, are currently under construction, or have full planning permission. In addition sites for about 60 further homes are allocated in the Ringmer Neighbourhood Plan, and are still expected to come forward within the plan period (6 are on this week's list). In addition there has been additional unforeseen development at Barcombe and Isfield, and a very large new Uckfield development near the A26/A22 junction, that will put yet more pressure on Earwig Corner. There is no credible evidence accompanying the application to suggest that all the additional commuter traffic created by this development can be accommodated by Earwig Corner and the other critical junctions between there and the A27, without causing further congestion and the consequent unacceptably low air quality in the town of Lewes.

# 7. Other Representations

# 7.1 <u>Neighbour Representations</u>

7.1.1A total of 135 letters of objection had been received at the time of writing this report. A summary of material planning matters raised is provided below. Content of any additional letter received will be summarised in the supplementary report:-

Letters of Objection

Principle

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

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

Highway Impact:

- Cumulative increase in traffic with other developments
- Local road infrastructure in capable of coping
- Construction disruption
- Impact upon earwig corner
- Traffic at roundabout
- Proximity to roundabout causes safety issues
- Damage to bridge at Chamberlaines Lane resulting in residents not being able to access their properties
- Parking should meet set standards
- Poor access to Lewes
- Disruption during construction

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

Ecological Impact:

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

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

Visual Impact:

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

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

Flooding & Drainage:

- Area known to flood
- Existing sewers at capacity

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

Sustainability:

• Doesn't reduce carbon emissions

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

Amenity

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

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

# 7.2 Other Representations

#### Maria Caulfield MP -

• I wish to register my objection to the above planning application. I believe that all of the objections raised by myself and the local Ringmer residents in the earlier application for this site still apply. The fact that this is a slightly smaller application, does not fundamentally change the many negative aspects about this application.

• The proposed development is outside of existing planning boundaries.

• It will have a negative impact on the landscape adjacent to South Downs National Park

• The development closes a significant portion of the settlement gap between Ringmer Village and Broyleside

• There will be a negative impact on the listed Kennels builds, located adjacent to the development – whose site will be surrounded on two sides

• The existing infrastructure in Ringmer simply cannot support this number of additional residents on top of the number from previous application that have been approved

• The Development is larger than the scale required by Ringmer Neighbourhood plan (policy 6.3)

• I hope that you will seriously consider this objection along with those of my constituents in Ringer and will reject this application as with the previous application on this site.

#### Councillor O'Brien –

• As a ward councillor I strongly object to this development, and all reasons for my objection to the previous development at this location still

stands as they have not been addressed. The development is contradictory to local plan and neighbourhood plan.

• It is unsustainable as it will be car dependent, and the loss of this greenfield site will have deeply negative impact on landscape including the setting of the South Downs National Park. It will affect the green gap between Ringmer and Broyleside which is an important feature upheld previously by inspectors looking at appeals for related development. The access is unsafe.

• I am especially concerned that a development on this scale can only realistically be considered via a local plan process so that the substantial infrastructure constraints can be looked at in the round alongside the cumulative impact of other development. As a ward councillor I know there is inadequate infrastructure to take this scale of development - including roads, public transport, schools and GPs.

• At inspection of the current local plan it was clarified by the inspector that the Earwig corner improvements set out in 6.42 of the local plan would only cover the development already set out via that plan, and they would not provide road capacity for additional development (the residential development would generate greater traffic than the employment use). Further major development would therefore require substantial upgrading of infrastructure. Therefore, on that basis alone this development is unacceptable.

• Additionally the council is legally obliged by the National Planning Policy Framework to consider in planning decisions all forms of pollution including to rivers and seas. As clarified by legal advice (attached) the council is required not only to look on pollution a case-by-case basis but to consider cumulative impact of pollutants. Southern Water discharged sewage into local rivers & seas in Lewes District over 800 times in 2020 totalling over 11,000 hours of sewage discharge in just one year. It is clear that releasing sewage into rivers is no longer an emergency-only situation occurring as a result of severe storms, but an everyday occurrence even in 'normal' rainfall, and that we are in a situation of cumulative overload on the sewage and wastewater system.

• There is no information available to assess the impact of this development on the sewage system i.e. whether or not it will increase the number or duration of sewage discharges into local rivers or seas. I therefore urge that this application is refused or at least delayed whilst this information is sought, or the council will be failing to meet our legal obligations under the NPPF set out above.

7.2.1OFFICER COMMENT: Connection to the sewers and the sewage processes are not a planning material consideration and would be a matter primarily for Building Control.

#### CPRE

• These comments are submitted on behalf of the Lewes District Branch, CPRE

• This application is generally very similar to application LW/21/0302, which was refused by the Planning Applications Committee at its December 2021 meeting.

• The current application should also be refused, both for the reasons given and also for additional reasons that were presented to and considered by the committee, but not included in the decision letter.

• A particular concern is that the Officers Report on LW/21/0302 presented to the Planning Applications Committee:

• failed to consider the strongly negative impact of the proposed development on the adjacent listed and unlisted heritage assets at The Kennels, Laughton Road, Ringmer, and did not seek an expert report on this impact from the District's Conservation Officer or other appropriate expert.

• failed to take adequately into account Ringmer Neighbourhood Plan policies 4.1 and 6.3 and the impact on the Ringmer-Broyleside settlement gap, all factors that were given weight by the appeal inspector dismissing an appeal for residential development on an adjacent site (Broyle Gate Farm; planning appeal no.3313436) and apply with equal force to this application.

• This application should be refused because

• The site lies outside the planning boundary for Ringmer, contrary to Lewes Local Plan (LLP) policy DM1 [see note 1]

• The site lies outside the development boundary for Ringmer, and has an adverse landscape impact, without consideration of whether an alternative site would result in less harm, contrary to Ringmer Neighbourhood Plan (RNP) policy 4.1 [see note 2]

• Development here would compromise the development gap between Ringmer village and the Broyleside [see note 3]

• The proposed development is not on a 'village scale' contrary to RNP key policy 3.1 and policy 6.3 [see note 4]

• The site would be car-dependent, promoting climate change, and inadequate parking is provided, contrary to RNP policy 8.3 [see note 5]

- The negative landscape impact of the proposal [see note 6]
- The negative impact on the setting of the SDNP [see note 7]

• The negative impact on the setting of the adjacent listed building and locally listed heritage assets at Ringmer Kennels [see note 8]

• The negative impact on the living conditions for existing neighbours [see note 9].

• The poor living conditions for some residents on the new site [see note 10]

- The absence of a credible access to the B2192 [see note 11]
- Notes re above

• Note 1: This application is contrary to LLP policy DM1 in that it proposes new residential development outside any Ringmer planning boundary. The starting point for the consideration of the application must be that it is contrary to LLP policy DM1, and that factor must be included in any legitimate planning balance (albeit with lesser weight than if the balance were untilted). It was established by the 3 Feb 2021 Court of Appeal ruling that even where development plan policies are rendered 'out of date', they remain relevant and decision-makers may still give weight to policies of the development plan when applying the 'tilted balance' under NPPF paragraph 11d) [Citation Number: [2021] EWCA Civ 104. Case No: C1/2020/0542/QBACF)]

• Note 2: This application is also contrary to RNP Policy 4.1 which requires that development outside planning boundaries that would have an adverse effect on the countryside or the rural landscape be refused unless (inter alia) it is shown that they could not be located at an alternative site that would cause less harm. The inspector considering appeal no.3313436 included this as a separate item in the planning balance from then-policy CT1 (now replaced by DM1), and the Secretary of State, in dismissing the appeal, concurred.

• Note 3: Housing applications should not result in the actual or perceived coalescence of settlements. This application would reduce the Ringmer village- Broyleside settlement gap by one third (and the other two thirds of the gap would be lost if application LW/21/0937 were also to be approved). The inspector considering appeal no.3313436 for the adjacent site, which occupies the remainder of this same settlement gap, included this impact on the settlement gap as a negative item in the planning balance, and the Secretary of State, in dismissing the appeal, concurred.

• Note 4: RNP policy 6.3 requires new Ringmer development to be on a village scale, preferably of 30 or fewer new homes. This is a key policy for the delivery of RNP Key Principle 3.1, the retention of Ringmer's 'Village Feel', or sense of place. The proposed development far exceeds the village scale. The inspector considering appeal no.3313436, for a development of a similar size at an adjacent site, included the contravention of this RNP policy as a negative item in the planning balance, and the Secretary of State, in dismissing the appeal, concurred.

• Note 5: Ringmer currently offers far too few employment opportunities and thus has far too many residents who need to commute out of the village for employment, causing serious peak-hour congestion at Earwig Corner, Southerham roundabout and the other A26 junctions east of Lewes. This development would provide new residents but no new local jobs, and so would add to that congestion in proportion to the number of new residents of working age. The travel study for application LW/21/0694 (which, unlike the travel study submitted with this application, uses data relevant to Ringmer) correctly identifies that 83% of current commuters leave Ringmer by private motor transport (this number includes those who drive to Lewes to catch the train there), adding to this congestion. The remainder are mainly the minority who do have local employment. All Ringmer new housing development not accompanied by new local employment generation adds to this problem, and contributes to causing climate change. In recognition of the cardependence of life in Ringmer RNP policy 8.3 requires adequate off-road parking provision for the vehicles residents will actually bring with them, and applies with equal force to market and affordable housing. In this application the increased number of units crammed into the two fields (here 68, compared to 58 in the same space in application LW/21/0302) is achieved at the expense of the necessary parking provision for the two blocks of flats (presumably intended as affordable units).

• Note 6: The proposed development extends the developed area in an entirely new direction into the countryside from the existing Broyleside settlement, and thus has an adverse landscape impact. While the north-eastern boundary of the site abuts the southwestern corner of the Broyleside settlement (as stated in OR para 7.20), the joint boundary is with employment sites within that boundary. The Broyleside is an Lshaped settlement, with its two arms made up of (1) largely residential development up Broyle Lane and (2) predominantly commercial development between The Broyle and Laughton Road, meeting at Fingerpost Corner. This application would extend the Broyleside in a third, completely different, direction, from Fingerpost Corner, heading deep into the countryside towards the SDNP. Spokes radiating from a hub is an uncommon settlement plan, as it maximises landscape impact for the minimum development.

• Note 7: The SDNP Authority were concerned about the visual impact of LW/21/0302 on the setting of the SDNP. This factor was given significant negative weight by the appeal inspector considering appeal no.3313436 for the immediately adjacent site, and the Secretary of State, in dismissing the appeal, concurred. The significance of such an impact on the setting of a National Park has been strengthened by NPPF changes introduced in 2021 (subsequent to the appeal above), and that this is a factor that retains full weight in a tilted planning balance. The section of the development immediately south of the listed and unlisted heritage assets at The Kennels will have a particular impact.

Note 8: The officer's report for LW/21/0302 failed to consider the impact of the proposed development on the Historic England-listed grade II Huntsman's House, immediately-adjacent to the application site and appeared unaware that RNP policy 4.7 identifies two additional buildings within the Hunt Kennels curtilage as locally-listed heritage assets. One of these heritage assets (the former Napoleonic barracks armoury) is no more than 10 metres from the application site boundary. The proposal would have a dramatic impact on the setting of these heritage assets, as it proposes to surround their joint boundary with 3metre-high commercial acoustic fencing. This is stark and ugly, designed for industrial premises, and would have a dramatic impact on the setting of these heritage assets. This fencing is shown in the application as directly on the boundary of the Kennels, but fencing of this height is virtually impossible to screen effectively even if space for such screening had been allowed. Note that this is a factor that retains full weight in a tilted planning balance.

• Note 9: The application claims that it would not have any unacceptable impacts on the living standards of nearby properties. To protect residents at this location from the noise nuisance created by baying hounds at the immediately adjacent Southdown Hunt Kennels the application proposes that acoustic fencing will be installed along the boundary. Nearby residential properties already suffer from this noise. As the acoustic fencing works by reflecting back such noise, the protection of new residents will be at the expense of enhancing the nuisance for the existing residents.

• Note 10: The Lewes Local Plan rightly requires acceptable living conditions for all residents on new developments, and also that the affordable units should be of the same quality and nature as the market units. To cram as many as 68 units into the space available, once the section of the site in flood zones 2 & 3 is excluded, there are two blocks, in total 16 units, of 4-person flats, apparently without private garden space and certainly without adequate parking provision. There are also some tightly packed terraces of very small houses. The great majority of these units are located in the section of the site where it is admitted that even 3 metre acoustic fencing will be inadequate to protect the future occupants against the noise nuisance of the barking pack of hounds 10 metres the other side of the fence. CPRE's apologies to the applicants if it should turn out that these units of a type and in a location in which none of us would like to live turn out to be the units selected as the market element of the site.

• Note 11: The application refers repeatedly to an "existing access" to the B2192 close to the Kennel Corner roundabout. There was once a field gate at this location, but it has not been in use as vehicle access for several decades – it was definitively closed on safety grounds about the time when the commercial unit on the site was built as too close to the roundabout. The existing access is exclusively to Chamberlains Lane. When a previous application was made for development of this site (refused and dismissed at appeal) ESCC Highways required the access to be from a new arm to the Kennel Corner roundabout.

#### Railfuture

• Railfuture is Britain's leading, longest-established, national independent voluntary organisation campaigning exclusively for a better railway across a bigger network for passenger and freight users, to support economic (housing and productivity) growth, environmental improvement and better-connected communities.

• We seek to influence decision makers at local, regional and national levels to implement

- pro-rail policies in development and transport planning.
- Railfuture wishes to register its objection to the application. The reasons for our objection are two-fold:
- ~ the proposed development is contrary to policy
- ~ the proposed development is not sustainable

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

#### Sussex Ramblers -

• On behalf of the Sussex Rambler, I object to the above Application for the following reasons:

• A greenfield site, outside the main village development area with no exceptional circumstances for the proposed number of dwelling here

• Only 500m from the South Downs National Park boundary; therefore, in the setting of this protected landscape

• Site is in the gap between existing Ringmer village and Broyle Side; Thus extending the village further eastwards.

• Employment and shopping opportunities for most new residents would be in Lewes, resulting in more car journeys along B2192 through the village causing more congestion and pollution, particularly at the already busy Earwig Corner.

• It is not clear if access during construction and after the completion would be along Chamberlaines lane which is a public footpath 9Ringmer 20); this would not be acceptable for reason of safety.

#### 8. Appraisal

- 8.1.1The main considerations relate to the principle of the development; the impact upon the character and appearance of the area and the openness of the countryside; Impacts upon heritage assets; Impact upon the national park; neighbouring amenities; impacts upon highway/pedestrian safety; flood risk; quality of accommodation; archaeology; sustainability; ecology/biodiversity; affordable housing/planning obligations and environmental health and the overall merits of the scheme in terms of the balance of economic, environmental and social objectives that comprise sustainable development.
- 8.1.2It is important to note that the application is for outline approval for up to 68 units only. Indicative plans have been provided to demonstrate the capacity of the site as well as to indicate how the scheme can respond to specific requirements of the Lewes Local Plan Parts 1 and 2. Full details of the layout, design, scale and landscaping of the development would be afforded full scrutiny as part of an application for approval of reserved matters, should outline permission be granted.
- 8.1.3All planning obligations need to be agreed at the outline stage, as this represents the overall planning permission for any such development. As such, a Section 106 legal agreement has been drafted to secure affordable housing contributions, and the provision of a community woodland.

# 8.2 Principle

### 8.2.1Residential

- 8.2.2National Planning Policy Framework Paragraphs 7 and 8 state that there are three dimensions to sustainable development: economic, social and environmental. The social role of the planning system should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural wellbeing.
- 8.2.3The Economic objective helping to build a strong, responsive economy and ensuring that the right types of sufficient land are available in the right places, and the environmental objective making efficient and effective use of land to improve the environment.
- 8.2.4Development proposals that accord with an up-to-date Development Plan should be approved and where a planning application conflicts with an up-to-date Development Plan, permission should not usually be granted (Paragraph 12).
- 8.2.5Section 5 of the Framework sets out policies aimed at delivering a sufficient supply of houses and maintaining the supply to a minimum of five years' worth (Paragraph 73).
- 8.2.6Spatial Policy 1 (Provision of housing and employment land) states that in the period between 2010 and 2030, a minimum of 6,900 net additional dwellings will be provided in the plan area (this is the equivalent of approximately 345 net additional dwellings per annum).
- 8.2.7Since its introduction through the NPPF in 2018, local housing need is calculated using a standard method contained within Planning Practice Guidance1. As such this is a Government initiative that sets the framework within which local housing need is assessed. The standard method uses a formula to identify the minimum number of homes expected to be planned for, in a way which addresses projected household growth and historic under-supply. Under the Government's standard method, the local housing need for the whole of Lewes District at 11th May 2021 is 782 homes per year.
- 8.2.8However, approximately half of the area of Lewes District is in the South Downs National Park, which is not under the planning jurisdiction of Lewes District Council. Planning Practice Guidance states that where strategic policy-making authorities do not align with local authority boundaries, an alternative approach to identifying local housing need will have to be used, and such authorities may identify a housing need figure using a method determined locally. In these situations, Planning Practice Guidance also confirms that this locally derived housing requirement figure may be used for the purposes of the five-year housing land supply calculation where the local plan is more than 5 years old.
- 8.2.9The 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.

- 8.2.10The Joint Core Strategy pre-dates the NPPF and in accordance with para 13 of the Framework, the policies of the core strategy should be given due weight according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). In the case of the old housing targets within SP1 and SP2 limited weight should be given, and housing targets which will be given substantial weight in the decision making process are those targets set out in the 'locally derived method for calculating local housing need' (602 dwelling per year).
- 8.2.11 Given the use of the Governments standard method for calculating housing need has derived a figure significantly greater than the previous position then this will have a direct impact upon the land available to meet this inflated need. The Council currently has a supply of deliverable housing land equivalent to 2.9 years outside the South Downs National Park (SDNP). This means that the local plan policies that are most important for determining an application carry less weight, and the NPPF's presumption in favour of sustainable development will apply to decision making.
- 8.2.12In terms of housing delivery, the Council was found to be delivering 86% of the figure required by the Housing Delivery Test (HDT). The NPPF sets out certain 'actions' that must be implemented depending on the HDT result with less than 95% delivery triggering the requirement of the LPA to produce an Action Plan. The Action Plan produced in 2019 sets out a number of positive actions for the Council to implement in order to increase housing supply, one of the measures being the imminent adoption of the Lewes District Local Plan (part two) 2020.
- 8.2.13Given the Council's position on housing delivery, in March 2021 the Council published the 'Interim Policy Statement for Housing Delivery'(IPSHD). This sets out a number of criteria which the Council considers developments need to achieve in order to be considered sustainable development. This policy statement simply directs the decision maker to the pertinent parts of Development Plan which should be used to inform and decide the application against.
- 8.2.14Officers have (for ease of reference) later in this report outlined how the scheme compares against the Interim Policy Statement and goes further to outline how the scheme engages with the Development Plan
- 8.2.15Listed immediately below are the criteria of the interim Policy Statement:

- 1. The site boundary is contiguous with an adopted settlement planning boundary, as defined on the Local Plan Policies Map
- 2. The scale of development is appropriate to the size, character and role of the adjacent settlement, having regard to the settlement hierarchy set out in LPP1 Table 2 (attached as an Appendix). In deciding whether the scale is appropriate, the Council will take account of the cumulative impact of extant unimplemented permissions in the relevant settlement.
- 3. The proposed development will provide safe and convenient pedestrian and cycle access to key community facilities and services within the adjacent settlement.
- 4. The proposed development, individually or cumulatively, will not result in the actual or perceived coalescence of settlements. Where appropriate, this should be demonstrated through the submission of a visual and landscape character impact assessment.
- 5. Within the setting of the South Downs National Park, an assessment is undertaken to demonstrate that the proposed development will conserve the special qualities of the National Park. This assessment should be informed by the SDNP View Characterisation & Analysis Study 2015, the SDNP Tranquillity Study 2017, and the SDNP Dark Skies Technical Advice Note 2018.
- 6. An ecological impact assessment is undertaken and appropriate measures identified and implemented accordingly to mitigate any potential adverse impacts of the development on biodiversity and secure biodiversity net gain in accordance with the Council's Biodiversity Net Gain Technical Advice Note (February 2021).
- 7. The proposed development will make the best and most efficient use of the land, whilst responding sympathetically to the existing character and distinctiveness of the adjoining settlement and surrounding rural area. Arbitrarily low density or piecemeal development, including the artificial subdivision of larger land parcels, will not be acceptable.
- 8. It can be demonstrated that the proposed development is deliverable and viable, having regard to the provision of necessary on-site infrastructure, including affordable housing, green infrastructure and other requirements. Where the proposed development would create the need to provide additional or improved off-site infrastructure, a programme of delivery should be agreed with the relevant infrastructure providers to ensure that these improvements are provided at the time they are needed.
- 8.2.16Criteria 1 of the IPSHD
- 8.2.17The site is contiguous with the Ringmer settlement boundary at the sub settlement of Broyleside. The north east corner of the site is contiguous with the boundary, albeit separated by Laughton Road. Therefore, the site is considered to be contiguous with the Ringmer

settlement boundary and Officer's consider that the site complies with criteria 1 of the IPSHD in this regard.

- 8.2.18Criteria 2 of the IPSHD
- 8.2.19The site extends south beyond existing settlement boundary. Criteria 2 of the IPSHD requires that the scale of the development should be an appropriate size to the existing settlement. This is supported by Ringmer Neighbourhood Plan Policy 6.3 which states that all new proposals within or extending the planning boundary should respect the village scale.
- 8.2.20The site would be located immediately adjacent to residential properties on the south of Laughton's Lane. It is noted that the residential properties to the south of Laughton's Lane do not fall within the development boundary, however they do represent developed land in the form of residential properties and gardens.
- 8.2.21The scheme is also situated in close proximity to the planning boundary at Ringmer Business Park. Therefore, the countryside in this location ahs been previously developed and the proposal would not be a singular development in the countryside in this regard.
- 8.2.22Therefore, the proposal would slot into a plot of land that is situated between the Ringmer Business Park, the properties to the south of Laughton Lane and the Development Plan Boundary at Broyleside. As such, the site would be situated amongst by three separate existing areas of developed land and would sit amongst the built form of the Ringmer settlement rather than be separate from it.
- 8.2.23The site would undoubtedly be an addition to the Broyleside settlement however, it is not considered to be an excessive or dominant addition to the settlement. The proposal would be subordinate to the village scale and would be considered to act as an infill development rather than an additional limb in the footprint of the settlement. It is worth noting that this application is a resubmission of a previously refused planning application and has reduced the scheme by rightly one third. The proposed scheme would sit comfortably within the village and would respect its scale. The proposal would therefore comply with criteria 2 of the IPSHD and Ringmer Neighbourhood Plan Policy 6.3.
- 8.2.24Criteria 2 states that the Council will take account of the cumulative impact of extant unimplemented permissions in the relevant settlement. Up until March 31st, 2022 Ringmer had the following consents/commitments:

Dwellings approved up until 31st March 2022 = 229 units

Development plan allocations not yet with consent = 48 units

8.2.25Ringmer Neighbourhood Plan Adopted in 2015 set out that 240 new dwellings would be provided by 2030. Should this application be approved that would result in an approximate maximum figure of 345 new dwellings being committed to since the adoption of the Ringmer Neighbourhood Plan, which would exceed the figure in the Neighbourhood Plan by 105 units (43.75% Increase).

- 8.2.26Notwithstanding this however, since the adoption of the Ringmer Neighbourhood Plan, new Government legislation in the form of a revised NPPF has been released that supersedes the previously set housing targets for the district. Given the scale of the housing targets for the area, there is undoubtedly increased potential of Ringmer to accommodate additional dwellings over and above the previously set targets. The provision of approximately 345 new dwellings, would represent 43.75% increase in the housing target set out in the Neighbourhood Plan. This increase in housing delivery given the scale of the housing target would not have a cumulative unacceptable impact upon the village in terms of density or its setting and would offer a valuable contribution to housing land supply.
- 8.2.27Criteria 3 of the IPSHD
- 8.2.28The application is outline and all matters are reserved. However, the layout shows a connection to the existing footpath on Lewes Road is possible, which would provide pedestrian access to both Ringmer and Broyleside.
- 8.2.29The site would be easily accessible via a range of transport options including walking, motor vehicle, cycle and bus stops (Kennel Corner and Roundhouse Road). Therefore, Criteria 3 has been met in this regard.
- 8.2.30Criteria 4 of the IPSHD
- 8.2.31Criteria 4 states that Officer's should assess whether the site would result in actual or perceived coalescence of settlements. Whilst both demarcated within the Ringmer Neighbourhood Plan Boundary, Broyleside and Ringmer are clearly separate settlements with different histories and circumstances regarding their foundation. Therefore, although argued by the applicant within the planning statement that they are the same settlement, Officer's will consider them as separate entities for purposes of Criteria 4.
- 8.2.32The location of the site although reducing separation between Broyleside and Ringmer Village, is located in between Broyleside and Chamberlaines Lane. Officers consider than Chamberlaines Lane forms a defensible development boundary to stop development further progressing from Broyleside towards Ringmer Village.
- 8.2.33The current separation between Broyleside and Ringmer is approximately 350 metres, the reduction in separation distance between the two settlements would be approximately 115 metres. Therefore, the proposal would retain of a minimum 235 metres of open countryside between the two settlements.
- 8.2.34Given that the reduction in separation distance between the two settlements is less than a third of the existing separation distance, the proposal would retain a clear separation between Ringmer and Broyleside. Due to the retained separation distance, in unison with the presence of a defensible boundary at Chamberlaines Lane, there would not be any unacceptable coalescence of settlements in this case.

- 8.2.35Criteria 5 of the IPSHD
- 8.2.36The site is located approximately 600 metres from the South Downs National Park. Due to the Proximity of the National Park to the site, it is considered that the proposal will have some impacts upon its setting.
- 8.2.37Paragraph 176 of the NPPF sets out that development within the setting of national parks should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
- 8.2.38Therefore, the impact upon the setting of the SDNP will be given significant weight when determining this application. Given that the impact upon the SDNP is intrinsically linked to the landscape and visual impact of the scheme, this will be assessed along with Criteria 7, in the 'Design, Character and Impact Upon Landscape' section below.
- 8.2.39Criteria 6 of the IPSHD
- 8.2.40Criteria 6 relates to the ecological impact of the development. This is assessed in more detail in the 'Ecology and Biodiversity' section of this report. However, no objections were raised from East Sussex County Council's Ecology Officer and conditions have been recommended in order to ensure biodiversity net gain.
- 8.2.41Furthermore, the applicant has included the provision of a Community Woodland Area (CWA), which would deliver approximately 2000 new trees and shrubs. This would undoubtedly have a significant benefit in terms of its ecological impact.
- 8.2.42Therefore, subject to the successful discharge of the recommended ecology conditions and the provision of a CWA, Criteria 6 of the IPSHD is considered to be satisfied.
- 8.2.43Criteria 7 of the IPSHD
- 8.2.44Criteria 7 requires that developments should make the most efficient use of land, whilst responding sympathetically to the surrounding rural environment.
- 8.2.45The assessment in regard to whether or not the proposal would be sympathetic to the surrounding environment and its impact upon the SDNP is set out below in section 'Design, Character and Impact Upon Landscape'.
- 8.2.46Policy CP2 of the Local Plan Part 1 sets out that within village scales density should range between 20-30 units per hectare in order to respect the village context. This proposal seeks a maximum density of 24.28 dwellings per hectare, which would be in accordance with Policy CP2. The proposed density would be considered to respect the village scale whilst realising the potential of the site.
- 8.2.47The proposal would be considered to fall within the density expected in this location and would make appropriate and efficient use of the land in accordance with adopted policies. The proposal therefore satisfies Criteria 7 in this regard.
- 8.2.48Criteria 8 of the IPSHD

- 8.2.49Criteria 8 sets out that it should be demonstrated that the scheme is deliverable with regard to elements such as, infrastructure and affordable housing.
- 8.2.50The proposal seeks to deliver a 40% affordable housing contribution and it will be Liable for Community Infrastructure Levy Contributions. There is no evidence which suggests that the scheme would not be delivered with these benefits. However, Officers do note that the application is for outline consent and therefore, all reserved matters are required to be discharged, with this in mind it may be sometime before housing completions take place at this site. Nonetheless, this would not be sufficient to demonstrate that the site is not deliverable and Officers consider that the proposal would not be contrary to Criteria 8 of the IPSHD purely on the basis that it is an application for outline planning consent.
- 8.2.51As an additional note, comments from the public have raised similarities with regards to the adjacent site (Broyle Gate Farm; planning appeal no.3313436). Whilst the site is located nearby, Officers will note that the two schemes and their impacts differ significantly. Furthermore, since the appeal at Broyle Gate Farm, policy has changed in that the council can no longer demonstrate a 5 year housing land supply and are now applying the tilted balance to housing decisions. As such, applications at this site are considered on their own merits.

Community Woodland Area (CWA)

- 8.2.52Core Policy 8 'Green Infrastructure' seeks to conserve and enhance the natural beauty, wildlife, and the high quality and character of the district's towns, villages, and rural environment. The policy sets out that it would achieve this by resisting development that would result in the loss of existing green spaces, unless either mitigation measures are incorporated within the development or alternative and suitable provision is made elsewhere in the locality.
- 8.2.53Policy 4.6 of the Ringmer Neighbourhood plan states that the development of accessible natural or semi-natural greenspace, including a community-managed woodland, in Ringmer parish will be supported.
- 8.2.54The proposal includes the provision of an offsite CWA, which the applicant submits would result in the planting of approximately 2000 additional trees. Whilst the proposal as a whole would result in the loss of what is currently greenfield land, a CWA would significantly offset some of the harms of the development and provide a public benefit of the scheme. The full extent of the harm to the landscape caused by the development is assessed in section 'Design, Character and Impact Upon Landscape' below and it is clear that the inclusion of the woodland would not completely mitigate the harm resulting from the proposal. However, in principle the provision of the offsite Woodland would undoubtedly be a positive outcome of the proposal and is supported by Policy CP8.

- 8.2.55The proposed woodland would be secured via S106 agreement, which will include a requirement to produce a long-term maintenance plan for the area in order to secure its long-term benefits.
- 8.2.56In conclusion, the proposal seeks to deliver up to 68 new dwellings at the site. Given the Council's housing requirement and the lack of a 5year housing land supply, the Council are applying the presumption in favour of sustainable development. Given the scale of the Council's housing deficit the delivery of up to 68 units would be considered a significant benefit of the scheme.
- 8.2.57However, the site falls outside of the defined development boundaries. The IPSHD produced by the Council sets out the criteria which it considers to define sustainable development. This document sets out eight criteria which are to be used as a guide to determine what is sustainable development. As set out above, the proposed scheme would satisfy the majority of the criteria set out in the 'IPSHD on an in-principle basis. However, this is subject to the separate assessment of the impacts upon the setting of the South Downs National Park and the wider policies of the development plan that include the visual impact upon the countryside, which is set out in section 'Design and Character and Impact Upon Landscape' below and is required by Criteria 5 and 7 of the IPSHD.
- 8.2.58The proposal seeks to provide a CWA, with approximately 2000 new trees to be planted. This would provide community amenity facilities and would undoubtedly have ecological benefits for the surrounding area. The CWA would be a significant benefit of the scheme.
- 8.2.59On balance, the principle of the application is generally acceptable. The proposal would have benefits in the form of 68 new dwellings contributing to housing supply; and, a CWA for the use and enjoyment of the local population. However, Officers recognise that this is to be weighed against the impact upon the surrounding landscape and the impact upon the setting of the SDNP (section 'Design, Character and Impact Upon Landscape' below) in accordance with the IPSHD and the NPPF. Subject to any potential harm of the development not outweighing the benefits, the principle of the development is considered to be acceptable.

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

- 8.3.1The proposed development site is comprised of one large and one smaller open agricultural fields, which are divided by hedgerows and a tree belt associated with the stream which bounds the site. These tree belts, hedgerows and the stream are distinctive landscape features of the site. The open character of much of the site makes it visually sensitive, as there are potentially long views across the area towards the site and particularly from the SDNP.
- 8.3.2Paragraph 131 of the NPPF stresses the importance of trees to the placemaking process. The indicative layout plan shows that green spaces and planting will be integrated throughout the site. However, a detailed landscaping plan will be required as part of the reserved matters. The landscaping plan will be required to retain as much

existing vegetation as possible whilst providing a net gain of high biodiversity value trees and shrubs throughout the site.

- 8.3.3In terms of design, the indicative plans and Design & Access Statement confirm that dwellings would not exceed two-storeys in height. An appraisal of surrounding development will be required to identify key architectural features and materials within the surrounding area to inform the design of the buildings within the development.
- 8.3.4The proposed development seeks a maximum density of 24.28 dwellings per hectare and would be in accordance with Policy CP2, which sets out that within village settings the maximum density should be between 20-30 dwellings per hectare.
- 8.3.5The details of access will form part of the reserved matters submission. The formation of the site access would be via an existing access from Lewes Road. The access would be required to be upgraded as a part of this application. The works may lead to the removal/cutting back of some of the existing tree line/hedgerow flanking Lewes Road, to allow for a wider opening and visibility splays. The loss of hedgerow would likely be minor and this loss can be effectively mitigated by the planting of new native hedgerow to reinforce the existing hedgerows. This new planting could connect with the existing hedgerows. Therefore, Officers consider that the proposal would only result in a minor degree of harm to the surrounding landscape and streetscene due to the presence of the existing access and potential for mitigation.
- 8.3.6The indicative masterplan proposes to retain the majority of the boundary trees. However, the mature hedge bounding the two fields would likely be lost to the development. It is recommended that the applicant is required to provide an arboriculture survey and impact assessment which outlines proposed tree and hedgerow protection measures where possible.
- 8.3.7The indicative layout plan shows that the site has capacity for buildings and infrastructure to be set back from the road. This would allow for space for mitigation hedge and tree planting, as well as the creation of open green space that would interact with the wider street scene.
- 8.3.8It is considered that there is ample opportunity for mitigation in the form of planting that would maintain the verdant nature of this section of Lewes Road passing the site. Any planting would also provide a visually sympathetic screen to the proposed development that would amalgamate effectively with surrounding landscaping from street level. The indicative layout plans show that planting could provide an integral part of the development through additional screening and creation of mixed habitats that could enrich the visual quality of the site margins and soften the visual impact of the development.
- 8.3.9Notwithstanding site boundary landscaping, the rising topography of the surrounding area means the proposed development would be visible from a significant distance away. In particular, the proposed development lies approximately 600 metres from the SDNP boundary

at its closest point and there is the potential for longer-distance views to and from higher ground within the National Park, such as Mill Plain. The proposal therefore has the potential to have an impact upon the setting of the South Downs National Park (such considerations have recently been strengthened in para 177 of the NPPF).

- 8.3.10It is noted that existing views on this approach include dwellings and other development at Ringmer Business Park, Laughton's Lane and the Broyleside settlement. It is considered that the proposed development would somewhat integrate with these neighbouring developed areas, marking the edge of the settlement and the transition from the rural environment to the village.
- 8.3.11Although full details of design, scale, layout and landscaping are reserved matters, it is clear that the proposed development will involve building over a site that has not previously been developed and is currently unmaintained greenfield land. Notwithstanding this, the site is not isolated, being directly adjacent to the established settlement boundary of Broyleside and nearby to Ringmer Business Park.
- 8.3.12The site has been identified in the most recent LAA as being available and deliverable for housing development. The development site would appear as a more natural extension to the west of the Broyleside settlement and fits comfortably within the confines of Chamberlaines Lane and Broyleside. Notwithstanding this, it is important to note that all development outside of the planning boundary would by definition cause some level of harm to the surrounding landscape. In this case, given its location and context, the level of harm upon the surrounding landscape and the setting of the SDNP attributed to the northern half of the site would be less than significant harm.
- 8.3.13It is worth noting that in their comments, the South Downs National Park Authority welcomed the reduced scheme size and referenced that in the previous submission LW/21/0302 it was the bottom field (now removed) which represented most significant harm.
- 8.3.14The SDNP is 600 metres removed from the site but would still be affected by the proposal in terms of its setting. However, these reaching views from the park are set against a backdrop of existing development in the form of the Broyleside settlement which would lessen the impact. The SDNP Authority response does not recommend refusal but reiterates concerns regarding the developments impact upon the setting of the park, with particular mention of a lack of a Lighting Assessment. Officers consider that a development solution could be reached which would not attract an objection from the SDNPA, subject to a Lighting Assessment informing the final design, in accordance with the SDNP Dark Skies TAN. Therefore, Officer's consider that the level of harm arising from the proposal upon the SDNP would be minor harm.
- 8.3.15ESCC Landscape Officer has reviewed the proposal and although references the sensitivity of the site, with regards to outreaching views, has voiced support stating that the scheme would have an 'acceptable impact on local landscape character and views'. As such,

Officers consider the harm to the countryside to be less than signfciant harm, subject to conditions outlined by the Landscape Officer.

- 8.3.16The proposal would offer a mitigation in the form of the large CWA to the South West of the site, which would result in the planting of up to 2000 new trees. Whilst this would not be proposed as a mitigation for the impact of the development, it would go some way to improving the visual appearance of this part of the borough in accordance with Ringmer Neighbourhood Plan Policy 4.1. The CWA would be visible from the SDNP and with proper maintenance and management would undoubtedly improve outward views from the national park and local landscape.
- 8.3.17In conclusion, the proposed site itself would comfortably accommodate a development of 68 units whilst staying within the housing density required by Policy CP2. The reserved matters will require the submission of elevations and layout plans and this will be informed by a character assessment of the surrounding area in order to achieve a vernacular that matches the areas character. The maximum building height will be two stories
- 8.3.18Trees, shrubs and hedgerows will play a key role in the successful delivery of this proposal. Hedgerows and landscaping have the potential to significantly soften the visual impact of the development. Additional planting as well as reinforcing existing vegetation and planting where possible, will be a key requirement of any detailed plans submission.
- 8.3.19The site access would be formed by enhancing an existing access. The enhancements will be required to create an opening large enough for two vehicles to pass each other and create sufficient visibility splays. This may lead to a minor loss of hedgerows. However, with mitigation in the form of additional planting, this would only be considered to result in minor harm to the street scene and wider area.
- 8.3.20The proposal will undoubtedly have visual ramifications for the surrounding landscape. This site sits amongst existing development and as such, the proposal does not represent wholly new development in the countryside.
- 8.3.21The proposal would include a large CWA to the south west of the site, resulting in the planting of approximately 2000 new trees. This would give a more verdant appearance to the area, especially from southern and western aspects.
- 8.3.22The appearance of site would have a significantly lesser impact on the surrounding Area than the previous submission (LW/21/0302) by reason of the removal of the southern triangular field. Both ESCC Landscaping Officers and the SDNPA have commented on the proposal however neither have recommended refusal and it is considered that many concerns can be dealt with by way of conditions and at reserved matters stage. Officers consider that the scheme represents a minor harm to the countryside and the SDNP.

8.3.23Overall, the development would result in a lesser extent of harm to the countryside and to the SDNP than the previous application (LW/21/0302). However, there are significant gains to be made in terms of a net increase in planting. Mitigation offered would significantly soften the impact of the development. Notwithstanding this, the harm to the countryside would still be considered to be less than significant harm.

# 8.4 Impact Upon Heritage Assets

- 8.4.1Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a general duty on the Council with respects to Conservation Areas in exercising its planning functions. In considering whether to grant planning permission for development within a Conservation Area, the LPA shall have special regard to the desirability of preserving or enhancing the character or appearance of that area. As such, officers have to give considerable importance and weight to the desirability to preserve the setting of heritage assets, including taking account of archaeological heritage.
- 8.4.2Paragraph 185 states that in determining planning applications, local planning authorities should take account of:
  - The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - The wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring.
  - The desirability of new development making a positive contribution to local character and distinctiveness.
  - Opportunities to draw on the contribution made by the historic environment to the character of a place.
- 8.4.3Paragraph 195 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 8.4.4Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 8.4.5Paragraph 201 further states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is

necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- The nature of the heritage asset prevents all reasonable uses of the site;
- No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use.
- 8.4.6Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.4.7Core Policy 11 Built and Historic Environment and High Quality Design
- 8.4.8The local planning authority will seek to secure high quality design in all new development in order to assist in creating sustainable places and communities. This will be achieved by ensuring that the design of development:
  - Respects and, where appropriate, positively contributes to the character and distinctiveness of the district's unique built and natural heritage;
  - Within the South Downs National Park is in accordance with the National Park purposes and outside the SDNP has regard to the setting of the National Park and its purposes;
  - Adequately addresses the need to reduce resource and energy consumption;
  - Responds sympathetically to the site and its local context and is well-integrated in terms of access and functionality with the surrounding area;
  - Is adaptable, safe and accessible to all and, in relation to housing development, is capable of adapting to changing lifestyles and needs;
  - Incorporates measures to reduce opportunities for crime or antisocial behaviour, including the provision of active ground floor frontages in town, district and local centres to assist with the informal surveillance of the public realm;
  - Makes efficient and effective use of land, avoiding the creation of public space which has no identified use or function;
  - Provides a satisfactory environment for existing and future occupants including, in relation to housing development, adequate

provision for daylight, sunlight, privacy, private outdoor space and/or communal amenity areas;

- Minimises flood risk in accordance with Core Policy 12.
- 8.4.9There are heritage assets near to the site. NPPF paragraph 194 sets out that heritage assets should be preserved in a manner appropriate with their significance. The assets in question are located at Huntsman's House (grade II) and The Magazine & Hospital, former Ringmer Royal Horse Artillery Barracks (now Southdown Hunt Kennels) which are located in the curtilage of Huntsman's House and set out in Ringmer Neighbourhood Plan Policy 4.7 (non-statutory locally listed). The three buildings are located in the same site curtilage and officers will assess the heritage impacts upon these buildings from a cumulative perspective.
- 8.4.10LEBC's Conservation Officer has reviewed the proposal and has confirmed that the collective harm would be limited to less than substantial harm, or at the lesser end of the scale no harm, subject to the details provided at the detailed plans stage.
- 8.4.11Therefore, the impact upon the significance of the heritage assets is considered to be less than substantial harm, (taking account of the fact that landscaping and layout have not yet been agreed) and in accordance with paragraph 202 of the NPPF this will be considered against the public benefits arising from the proposal.

#### 8.5 Transport and parking

- 8.5.1The site would be accessed on the northern boundary, directly from Lewes Road. The access includes a footway on both sides, ensuring the needs of cyclists and pedestrians, as well as motorists, are met. It is noted that the application is all matters reserved which includes access and therefore, specific details of the access would be dealt with at the detailed plans stage. However, ESCC highways have reviewed the site of the proposed access and have not objected to its location or potential impacts upon highways safety. Therefore, the siting and location of the access would be acceptable in terms of highways capacity and safety.
- 8.5.2The site is located within 50 metres of existing bus stops on Lewes Road. There are regular bus services to Lewes, Uckfield and Brighton. The site is therefore considered to be in a relatively sustainable location with regards to public transport.
- 8.5.3The final layout plan would need to be able to demonstrate that adequate turning space for service vehicles would be provided within the site, in order to ensure that they can enter and leave in forward gear. This will specifically include details of how a refuse vehicle could navigate the site, as requested by LDC Waste Services.
- 8.5.4The applicant has agreed that the quantum of parking spaces will be informed by ESCC Highways parking standards and the standards set out within the Ringmer Neighbourhood Plan Policy 8.3. ESCC Highways have reviewed the indicative layout and parking arrangement and have agreed the quantum of parking spaces which

exceeds the minimum thresholds within the ESCC Guidance would be acceptable. However, the proposed provision falls short of the Ringmer Neighbourhood Plan standards by 2 spaces (Required 144 spaces, proposed 142 spaces). Given the number of shared spaces proposed a shortfall of 2 spaces is considered acceptable as this would allow for a degree of resilience in the parking allocation. Subject to compliance with parking standards, it is considered that the proposal would result in an acceptable parking arrangement.

- 8.5.5ESCC parking guidance requires the minimum dimensions of parking bays to be 5 metres in depth by 2.5 metres in width, with an additional 0.5 metres in either/both dimensions if the space is adjacent to a wall or fence. This will be a requirement at the discharge of the reserved matters.
- 8.5.6In terms of cycle parking provision, two spaces would need to be provided per house. The submitted details propose secure cycle stores to be provided in each garden, which is in line with ESCC parking guidance. The Highways Authority requires cycle stores to be located in a secure, convenient and covered location. Further details should be provided as part of reserved matters.
- 8.5.7A Construction Traffic Management Plan would need to be provided with details to be agreed. This would need to include management of contractor parking to ensure no on-street parking occurs during the whole of the construction phases. This would be secured via condition to be discharged.
- 8.5.8A Travel Plan has been submitted as part of the proposal. It is recommended that if the application comes forward, that the applicant provides a Travel Plan Pack for every first occupier of each dwelling, in order to encourage the uptake of sustainable modes of transport.
- 8.5.9A Transport Assessment has been submitted as part of this application. This illustrates that the proposed upper limit of the development of 68 dwellings has the potential to generate approximately 39 two-way vehicular weekday AM peak trips and 41 two-way vehicular weekday PM peak trips. ESCC Highways have reviewed the assessment and has confirmed that the methodology is acceptable.
- 8.5.10The transport assessment includes junction assessments of key junctions in the local area. The junction assessments suggest that the operation of the proposed access, and the mini-roundabout junction between Lewes Road, B2192 and Laughton Road would operate within capacity at the expected number of additional trips.
- 8.5.11A main point of contention in the initial planning application (LW/21/0302) was the impact upon the junction at Earwig Corner. ESCC as Highway Authority, although ultimately accepting of the development, required that any consent be on the condition that traffic counts be undertaken, and an assessment of the junction be carried out prior to commencement of development to determine likely impacts of adding development traffic from this site. The junction is now operational and Covid travel restrictions have been lifted. The

signalised junction currently appears to be operating with much more capacity. The applicant has sought to demonstrate that the development trips can be accommodated at the junction using data which is currently available.

- 8.5.12The applicant has provided modelling that shows that the proposed development would contribute an expected trip rate towards Earwig Corner of 7 trips in the AM and 8 trips in the PM. The initial issue with the proposal was the resulting impact of these trips upon the capacity of Earwig Corner. The applicant has provided a junction model specific to Earwig Corner, which includes nearby extant permissions, sites allocated for development and also includes traffic flows from live applications that do not have permissions. Overall, this stress testing included up to 410 dwellings, including up to 40 windfall dwellings. This assessment therefore robustly takes account of all trips that may affect the junction. It is important to not at this juncture that this application is not held accountable for these additional trips, these tests are purely as a demonstration of the junctions capacity to cope with increased development.
- 8.5.13The conclusions find that in the eventuality that all live, extant and allocated sites were to come forward, the junction at Earwig Corner could operate without a severe impact on the junction up until at least the year 2032. ESCC has reviewed this assessment and agrees with its conclusions and has therefore recommended approval of the application on this basis.
- 8.5.14Comments have been received regarding the impact upon the footpath at Chamberlaines Lane. The proposal would not access directly to Chamberlaines Lane, nor would it have any impact upon the provision of the existing public right of way. Therefore, this is not considered as a material harm of the scheme.
- 8.5.15In summary, the site would be accessed from the northern boundary, directly from Lewes Road. The site is located in close proximity to bus stops and walking routes and is considered to be a sustainable location in close proximity to nearby amenities and transport links.
- 8.5.16The proposal would seek parking provision in compliance with ESCC parking standards and the Ringmer Neighbourhood Plan. Concerns were raised relating to the proposed tandem parking spaces and their layout. However, the application is all matters reserved and it is considered that the parking layout can be resolved in a way to make the arrangement acceptable at reserved matters stage. The site layout will be resolved in consultation with ESCC Highways Officers.
- 8.5.17The issues relating to Earwig Corner are addressed by testing all surrounding development and including this in the junction model of Earwig Corner. The conclusions of the stress testing are agreed by ESCC highways and therefore the proposal is considered to be acceptable.
- 8.5.18Overall, the proposal is considered to be acceptable subject to conditions and contributions required via S106 agreement. It is on this basis that Officers consider the highways impacts acceptable..

# 8.6 <u>Residential Amenity</u>

- 8.6.1This is an outline application where, if permission is granted, the details of the layout will be reserved for further consideration under a subsequent planning application. However, the indicative drawings inform the layout and heights of the proposed development and provide an expectation of what would be delivered. For the most part, the indicative drawings show that the development maintains separation distances between proposed and adjoining existing properties and would not be in close proximity to any existing properties at Laughton's Lane or Chamberlaines Farm.
- 8.6.2Although the new houses would be clearly visible from surrounding properties and may obstruct existing views across open parts of the site, there is no material right to a view. The separation distances shown in indicative drawings would preclude what would be regarded, in planning terms, significant overlooking, loss of outlook or obtrusiveness that would be considered to materially harm the living conditions for the occupants of existing nearby properties. Nonetheless, the detailed reserved matters will include boundary planting and landscaped buffers, which would help to mitigate noise disturbance and harm to views for the neighbouring properties.
- 8.6.3The indicative layout submitted with the proposal, in unison with the two storey heights of the proposed structures would not be considered to result in any unacceptable impacts upon any existing neighbouring properties in terms of overbearing, overshadowing, overlooking or daylighting/sunlighting. It is considered that the proposal could accommodate the upper development limit of 68 units within the site, whilst not resulting in any unacceptable internal or external residential amenity issues.
- 8.6.4The application is considered to be acceptable in terms residential amenity subject to conditions and further details.

# 8.7 Living Conditions for Future Occupants

- 8.7.1It is considered that the indicative layout plans demonstrate that the site could accommodate a development of up to 68 dwellings, that would also provide a good sense of place and community. The indicative layout shows that there would be sufficient space to provide soft landscaping and greenery as well as communal open areas. The site would be located adjacent to the existing settlement of Broyleside and would not be isolated and would have good connections to the existing community and services. It is therefore considered that occupants of the proposed dwellings would not feel a sense of detachment from their wider surroundings and would have a good standard of environment within the site itself.
- 8.7.2It is stated that all housing units would meet the Nationally Described Space Standards and based on measurements of the footprint of each dwelling; it is considered there is ample room for all dwellings to be delivered as meeting or exceeding the space standards.
  Furthermore, each dwelling would be able to accommodate a goodsized garden, whilst communal green space would also be available.

- 8.7.3The proposed development would include safe pedestrian links to Lewes Road in the form of raised kerb footways. There is a pedestrian link connecting the site to both Ringmer and Broyleside meaning that residents of the existing settlements and residents of the site can easily access the existing and proposed community facilities and local amenities.
- 8.7.4An noise survey and report accompany the submission. The survey was undertaken over a number of days and nights to specifically assess levels of noise emanating from the South Downs and Eridge Hunt Kennels to the north of the site. The wider general conclusions are that no other relevant noise sources will detrimentally affect the proposal.
- 8.7.5The results of the analysis conducted within the report show that for the most exposed facades facing towards the kennels, an acceptable noise level could not be achieved with windows open. The report details that for the remaining dwellings good acoustic design principles that could be used in the detailed plans submission would offer appropriate mitigation. The report concludes that subject to mitigations within the report being implemented, the noise from dogs barking at the kennel should not provide reason for withholding of planning consent. LEBC's Noise Officer has reviewed the document and agrees with its conclusions. Therefore, any submission of reserved matters will be required to be informed by the noise assessment.
- 8.7.6The site would be a sufficient size and scale to sustain a development of 'up to' 68 units comfortably, whilst providing adequate living standards in terms of local environment and internal and external quality of private accommodation.
- 8.7.7The site is well connected with existing public services meaning that the residents of the existing settlements can easily access the public realm improvements and the CWA adjacent to the site. The pedestrian and vehicular links to Broyleside and Ringmer would allow residents of the site to easily access the amenities at the existing settlements.
- 8.7.8It is therefore considered that the proposed development complies with Policy CP2 of LPP1, policy DM15, DM16 and DM25 of LPP2 and Section 8 of the NPPF.

# 8.8 Flooding and Drainage

- 8.8.1The proposed development would involve the introduction of buildings and impermeable surfaces (equating to a total area of approx. 2.80 hectares) on what is currently an undeveloped greenfield site. This application is all matters reserved and as such, a drainage strategy will be required at reserved matters stage.
- 8.8.2The site is bonded by a major stream/river. According to the Environment Agency's Flood Map For Planning, the areas immediately surrounding this river are located within Flood Zones 2 and 3a which puts these areas at risk of fluvial flooding. The remainder of the site falls within Flood Zone 1.

- 8.8.3It is worth noting that the proposal is an all matters reserved application, so therefore final details of the layout of the site are unconfirmed. However, the applicants indicative site layout has demonstrated that the dwellings would only be located within Flood Zone 1. Only the less sensitive uses such as, roads and footpaths would be permitted to be located within Flood Zones 2 and 3a. Flood Zones 2 and 3a will also feature green spaces, which adds amenity and biodiversity value to the site.
- 8.8.4The NPPF requires that developments in areas at risk of flooding (Flood Zones 2 and 3) carry out the sequential test. The indicative layout plan sets out that all of the proposed dwellings would be located within Flood Zone 1 and therefore, the proposal is in accordance with the sequential test and the exception test is not a requirement of the proposal.
- 8.8.5The Flood Risk Assessment (FRA) includes details of how flood risk would be managed. The proposal would include flood protection measures such as, raising the floor levels of the properties by 150mm above finished ground level where practicable.
- 8.8.6However, ultimately surface water would be managed by runoff being directed via a piped drainage network into either geo-cellular storage ponds or feature SUDS ponds. As the layout has not been agreed at this point the specifics of the storage ponds are to be agreed by condition and reserved matters. However ESCC LLFA have indicated that their preference, given that the application site is currently greenfield, would be to see greener sustainable drainage systems to mimic the current conditions. The applicant has indicated a willingness to incorporate close to the ground source control SuDS features at the detailed design stage.
- 8.8.7Sensitivity testing undertaken as part of the hydraulic modelling found some the gardens of the proposed properties to be within the 1 in 100 (plus 105%) flood extent (Figure 5.2 of the FRA). The LLFA recommend that any sensitivity testing undertaken at the reserved matters stage ensures that the proposed houses are not at risk of flooding during such an event. This will be a requirement for the discharge of the reserved matters.
- 8.8.8The applicant is seeking to discharge surface water runoff from the developed site at staged greenfield runoff rates. The LLFA have indicated a preference that runoff is discharged at the mean annual runoff rate, to reduce the impact on receiving watercourses. Therefore, the LLFA has recommended that the long-term storage volume provision should be assessed at the detailed design stage if the applicant still wishes to use a staged discharge rate as part of the drainage strategy.
- 8.8.9Pollution control measures could be integrated into the drainage scheme to prevent discharge of pollutants into surrounding watercourses or onto surrounding land.

- 8.8.10The FRA includes details of other sustainable SUDS mechanisms to be incorporated into the scheme such as, swales, permeable paving, rain gardens, tree pits and water butts.
- 8.8.11In conclusion, the site is bounded by a major stream/river and falls partly in Flood Zones 2 and 3a. Residential properties are only proposed within the Flood Zone 1 areas of the site to minimise the risk to the health and well-being of the future occupants. Surface water would be managed by surface water runoff being directed into geocellular storage ponds, which would then be released back into the watercourse at a controlled rate. However, the LLFA have suggested a preference for natural SuDs ponds at detailed design stage. As such, drainage strategy will be required at details plans stage and the applicant has shown a willingness to incorporate natural SuDs systems in accordance with the LLFA's suggestions.
- 8.8.12It is considered that the proposed drainage scheme would meet the criteria of sustainable drainage as set out in para. 051 of the Planning Policy Guidance on Flood Risk and Coastal Change in that it would manage run-off, control water quality and maintain amenity space and wildlife areas. Details of the reserved matters will be carried out in consultation with both the EA and ESCC SUDS, who are both content an effective SUDS solution can be achieved.
- 8.8.13It is therefore considered that surface water run-off generated by the development can be adequately managed without unacceptable risk of flooding. The development is therefore considered to comply with policy CP12 of LPP1 and paras. 161 and 162 of the NPPF.

# 8.9 Ecology & Biodiversity

- 8.9.1The application is accompanied by an Ecological Appraisal Report, which sets out the impact of the proposal on a number of protected species. The Ecological Appraisal Report identifies the primary ecological hotspots of the proposed development as being the river, the hedgerows and the trees at the site. Most of which are to be retained in the indicative layout plan. The majority of the grassland is categorised as being of low ecological value, but it is noted that there are areas of priority habitats supporting the potential presence of Great Crested Newt, nesting birds, foraging bats, hazel dormouse and reptiles.
- 8.9.2The report sets out a range of mitigation measures to minimise the impact upon wildlife during site clearance and construction works. This includes the translocation of reptiles from the construction zone to a suitable receptor site, prior to the site preparation and the commencement of works, to avoid the risk of killing/injuring reptiles. The report also suggests the timing of all vegetation clearance works to avoid hibernating, maternity and nesting seasons for bats, birds, mammals, and reptiles.
- 8.9.3Further measures will be taken to ensure all retained trees and hedgerow are protected during site clearance and construction works; that external lighting is avoided or minimised where possible; that

excavations and open pipework is covered overnight; and that new boundary fencing includes mammal gates.

- 8.9.4A number of opportunities for ecological enhancements/biodiversity net gain are identified within the report. These include the creation of a generously sized Community Woodland Area, which will be secured via legal agreement and will provide up to 2000 new trees. Further enhancement measures and recommendations for the site and the Community Woodland Area include: the use of native wildflower and grass seed mix in areas of green space; the creation of roosting opportunities: the installation of bat and bird roost/nest boxes: and the creation of a barn owl box.
- 8.9.5ESCC Ecology Officer has assessed the appraisal and the details of this response are set out in the consultation section of the report.
- 8.9.6ESCC Ecology Officer has confirmed that the safeguarding measures set out in the Ecological Appraisal report are supported.

Mitigation Measures and Biodiversity Net Gain

- 8.9.7In addition to the mitigation and compensation measures, the development should seek to enhance biodiversity and to provide biodiversity net gain, as required by the NERC Act, and national and local planning policy.
- 8.9.8ESCC Ecology Officer confirms that the recommendations made in the Ecological Appraisal report are broadly acceptable, and it is noted that some of these recommendations have been incorporated into the Design and Access Statement and the site layout.
- 8.9.9In addition to the recommendations in the Ecology Appraisal, it is recommended that new buildings should incorporate integral features for birds and bats such as, integral bird/bat boxes and bat tiles, and a barn owl box could be provided in the Woodland Community Area.
- 8.9.10Consideration should also be given to the provision of green (biodiverse rather than sedum) roofs where possible, and to the use of hardy wildflower mixes for amenity grassland areas. The SuDS features should be designed to maximise opportunities for biodiversity. A full application should also be supported by a Landscape and Ecological Management Plan, setting out the longterm management of the new and retained semi-natural habitats.
- 8.9.11In summary, there are several different species which may be affected by the proposal, but there is also potential for ecological benefits. The proposal includes a Community Woodland Area, which will result in significant biodiversity net gain for the area and will be secured via legal agreement. The Community Woodland Area's longevity will be insured by a requirement within the legal agreement to provide an ongoing management and maintenance plan.
- 8.9.12ESCC Ecology Officer has confirmed that if the recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective with regard to protected species. Further mitigation is recommended by ESCC Ecology Officer which can be

secured at the reserved matters stage and detailed in an updated Ecological Impact Assessment.

8.9.13Overall, the proposal seeks adequate mitigation and would result in significant biodiversity enhancement measures. ESCC Ecology Officer has confirmed that they have no objection to the proposal and therefore, the ecological impact of the proposal is acceptable.

#### 8.10 Environmental Health

Air quality

- 8.10.1LEBC's Air Quality Officer has reviewed the proposal and the submitted air quality assessment. The response sets out that the air quality assessment and any required mitigation can be achieved via conditions and at the reserved matters stage. As such, it is considered that a successful resolution in terms of air quality can be achieved for this scheme.
- 8.10.2Therefore, Officers have no air quality concerns subject to conditions.

Contamination

- 8.10.3The proposal does not include any Ground Contamination Assessment. However, LDC's Contamination Officer has provided a response which sets out that a Ground Contamination Assessment and any required remediation can be submitted at the reserved matters stage, as it is considered that a successful resolution can be achieved for this scheme.
- 8.10.4Environmental Health Conclusion
- 8.10.5The proposal is all matters reserved and both assessments can be effectively dealt with at reserved matters stage. Any recommended reports and subsequent mitigation will be required prior to any development commencing at this site. Therefore, there are no environmental health concerns resulting from the proposal subject to additional details.

#### 8.11 Sustainability

- 8.11.1The application is in outline form and, as such, it is not possible for all sustainability measures to be detailed at this stage. It is, however, noted that the development would utilise sustainable drainage systems. This includes restricting development surrounding existing watercourses to provide an amenity and habitat asset. This, as well as other open green space within the overall site area is considered to support the delivery of multi-functional green infrastructure as required by LPP2 Policy DM14.
- 8.11.2The 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.

8.11.3A Site Waste Management Plan (SWMP) should be submitted at the reserved matters stage in full accordance with the Site Waste Management Plan Regulations 2008.

#### 8.12 Archaeology

- 8.12.1An Archaeological Desk Based Assessment (DBA) of the site has been carried out and a report submitted as part of the suite of documents supporting the application.
- 8.12.2The DBA places the proposed development site within an archaeological and historic context and confirms that the application site lies in an area of known prehistoric, Romano-British, medieval and post-medieval exploitation and settlement.
- 8.12.3ESCC Archaeological Officer has reviewed the report and generally agrees with its conclusions. In light of the potential for impacts to heritage assets with archaeological interest, it is recommended that the area affected by the proposals should be the subject of a programme of archaeological works, in order to determine the impact of the proposal.
- 8.12.4This programme of works would enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. This schedule of works will be required at the reserved matters stage.
- 8.12.5Due to the archaeological potential of the site, a schedule of archaeological works will be required to be carried out at the reserved matters stage at the advice of ESCC Archaeological Officer.
- 8.12.6Therefore, subject to additional details being received at reserved matters stage, the proposed development complies with Policy CP11 of LPP1, DM33 of LPP2 and section 16 of the NPPF.

# 8.13 Planning Obligations

- 8.13.1The proposed scheme represents major development and, as such, there is a requirement for affordable housing to be provided. At a rate of 40% of the total number of units being provided as affordable housing, the proposal is in accordance with Policy CP1 of the Lewes District Core Strategy. With an upper limit of 68 units, the maximum number of affordable housing units would be 27.2 units.
- 8.13.2In order to fully comply with the standards set out in the Lewes District Council SPD for affordable housing, all the whole units would need to be incorporated into the development with any remaining decimal points being secured as a pro-rata commuted sum. This approach is compliant with the appropriate use of commuted sum as set out in para. 5.2 of the LDC Affordable Housing SPD. Any commuted sum will be calculated using the Affordable Housing Commuted Sum Table provided in the Affordable Housing SPD.

- 8.13.3The applicant has confirmed that affordable housing would be provided in compliance with the requirements of CP1 and a Section 106 legal agreement has been drafted to secure this. A provisional dwelling mix with a tenure split of 75% affordable rent and 25% intermediate has been agreed.
- 8.13.4The applicant has agreed to provide a Community Woodland Area to the south west of the site which is demarcated in plan 2103-F-022. The applicant has indicated that the landowner will be responsible for the ongoing maintenance of the woodland area. The provision of the Community Woodland Area will be secured by S106 Agreement. A planting plan along with a woodland maintenance plan will be required by the S106.
- 8.13.5Officers seek to resolve Highways issues where appropriate by S106 agreement. The highways S106 requirements are as follows:
  - A Travel Plan and Travel Plan Audit Fee of £6,000 to include targets for reduced car use and a monitoring programme to ensure these targets are met.
  - S278 agreement for the highway related off-site works for access provision, bus stops and lay-bys, footway enhancements and crossing points.
  - A £5,000 contribution for alterations to the existing Traffic Regulation Order and/or bus consultations for the alterations to the existing bus stop markings and/ or bus stop clearways.
- 8.13.6Subject to the above provisions, the application is considered to be acceptable.

# 8.14 Human Rights Implications

8.14.1The 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.

# 8.15 Conclusions

- 8.15.1The provision of up to 68 units given the scale of the Councils housing requirement would play a role in reaching the target of 602 homes per year. Therefore, Officers consider that the provision up to 68 homes would carry significant positive weight in the planning balance.
- 8.15.2At a rate of 40% of the total number of units being provided as affordable housing, the proposal is in accordance with Policy CP1 of the Lewes District Core Strategy. With an upper limit of 68 units, the maximum number of affordable housing units would be 27.2. The policy compliant affordable housing would be a significant benefit of the scheme and would carry significant positive weight in the planning balance.
- 8.15.3Overall, due to its degree of separation and the context of the development being located amongst existing built areas, the

development would result in less than significant harm upon the setting of the SDNP and the surrounding rural landscape. Mitigations are offered which would go some way to softening the visual appearance of the development. However, notwithstanding this, the harm to the openness of the site and the SDNP, which is an asset of significant importance, would still be noticeable. Therefore, it is attributed minor negative weight in the planning balance.

- 8.15.4The proposal includes the provision of a Community Woodland Area to the south west of the site (demarcated in plan 2103-F-022) which would provide approximately 2000 new trees. The proposed CWA would be accessible to the public and would provide a host of benefits including, improving the visual aesthetic of the area; providing outdoor amenity space; and contributing to biodiversity net gain. The provision of the CWA is supported by neighbourhood, local and national planning policy and it would undoubtedly result in benefits. Due to the range of benefits resulting from the provision of the CWA this would carry significant positive weight in the planning balance.
- 8.15.5The proposal seeks adequate mitigation and would result in significant biodiversity enhancement measures. ESCC Ecology Officer has confirmed that they have no objection to the proposal subject to conditions. Overall, the proposal would result in the loss of a low biodiversity value greenfield and some established hedgerows. However, it would offer enhancements in the form of an internal landscaping scheme, the CWA, and retention of the remaining hedgerows. On balance, the proposed biodiversity enhancements would be positive but limited to some degree by the residential nature of the site. On this basis the biodiversity enhancements would carry minor positive weight in the planning balance.
- 8.15.6The highways issues can be resolved by S106 and Conditions. Subject to the successful resolution of impacts upon the highway and the signing of an S106 Agreement, this would carry neutral weight in the planning balance.
- 8.15.7The proposed development is located in close proximity to the Grade II Listed Huntsman's House and the locally listed Magazine & Hospital, former Ringmer Royal Horse Artillery Barracks, now Southdown Hunt Kennels. Paragraph 202 of the NPPF sets out that where less than substantial harm is caused upon a heritage asset this should be weighed against the public benefits of the scheme. The proposed development by reason of its location in proximity to these buildings would result in a less than substantial harm to their setting.
- 8.15.8The site is situated within an area with archaeological interest. Due to the archaeological potential of the site, a schedule of archaeological works will be required to be carried out at the reserved matters stage at the advice of ESCC Archaeological Officer. Subject to conditions, the archaeological impacts can be acceptably resolved, and this therefore bears neutral weight in the planning balance.
- 8.15.9It is considered that surface water run-off generated by the development can be adequately managed without unacceptable risk of flooding, subject to the reserved matters submission limiting the

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

- 8.15.10The proposal is all matters reserved and both air quality and contaminated land, and noise can be effectively dealt with by condition at reserved matters stage. Subject to conditions, the environmental health impacts can be acceptably resolved, and this therefore bears neutral weight in the planning balance.
- 8.15.11The site would be a sufficient size and scale to sustain a development of up to 68 units comfortably, providing adequate living standards in terms of local environment and internal and external quality of private accommodation, whilst not harming the amenity of existing properties nearby. Subject to details at reserved matter stage the living standards and residential amenity impacts can be acceptably resolved, and this therefore bears neutral weight in the planning balance.
- 8.15.12Overall, Officers consider that the significant public benefits in terms of the provision of up to 68 Units and a policy compliant affordable housing provision, and the provision of a Community Woodland Area, would outweigh the minor harms resulting upon the setting of the Visual Landscape and SDNP respectively and the less than substantial harm to the Grade II Listed Huntsman's House and The locally listed Magazine & Hospital, former Ringmer Royal Horse Artillery Barracks, now Southdown Hunt Kennels. Therefore, Officers consider that the scheme would be acceptable and is therefore recommended for approval.

#### 9. **Recommendation**

- 1. Referral to the Secretary of State (SoS)for a minimum of 21 days following the resolution to approve planning permission
- In the circumstances that the that the SoS does not wish to exercise call in powers and subject to the successful completion of an S106 agreement under the following Heads of Terms:
- Provision of 40% of the residential units as Affordable Housing
- Provision of Community Woodland
  - Tree Planting and Hard and Soft Landscaping Plan
  - Woodland Maintenance Plan
- A Travel Plan and Travel Plan Audit Fee of £6,000 to include targets for reduced car use and a monitoring programme to ensure these targets are met.
- S278 agreement for the highway related off-site works for access provision, bus stops and lay-bys, footway enhancements and crossing points.

• A £5,000 contribution for alterations to the existing Traffic Regulation Order and/or bus consultations for the alterations to the existing bus stop markings and/ or bus stop clearways.

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

**Part B)** Subject to the LPA and the applicant failing to successfully complete an S106 agreement to secure necessary legal requirements (referred to in Part A) by the 27<sup>th</sup> of July 2022 or a time frame agreed with the LPA, the Planning Applications Committee grant the Head of Planning delegated authority to **REFUSE** the application for the following reason(s):

- The application fails to provide the necessary Affordable Housing for the proposed development, contrary to policy CP1 of LPP1, DM25 of LPP2, 7.1 of the Ringmer Neighbourhood Plan and the National Planning Policy Framework.
- The application fails to provide the necessary highways mitigations by reason of failure to successfully complete a Section 106 Agreement, which would be to the detriment of road users and highways capacity. The development would therefore be contrary to Policy 8.5 of the Ringmer Neighbourhood Plan, Policy CP13 of the Lewes District Local Plan Part 1 and Paragraph 111 of the National Planning Policy Framework..

#### **Conditions**

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

<u>PLAN TYPE</u>	DATE RECEIVED	<u>REFERENCE</u>
Other Plan(s)	15 February 2022	2013-P-099 Site Location
Plan		

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

2. **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 LPA to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

3. **Reserved Matters** No development shall commence until details of the:

- a) Layout (including site levels)
- b) scale
- c) design
- d) landscaping
- e) access

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

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

4. **Main Access Delivery** No development shall commence, including any ground works or works of demolition, until details of the layout of the new and the specification for the construction of the access, which shall include details of drainage and visibility splays have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the use hereby permitted shall not commence until the construction of the access has been completed in accordance with the approved details. Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LPP2 policy DM25 and para 110, 111 and 112 of the NPPF.

5. **Lighting Design Strategy** No development shall commence until, a "lighting design strategy" has been submitted to and approved in writing by the local planning authority. The strategy shall:

(a) identify those areas/features on site that are particularly sensitive for badgers, bats and hazel dormice and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

(b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

(c) The lighting strategy shall minimise light spill from the site affecting the setting or openness of the countryside

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the planning authority. Reason 1: Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation.

Reason 2 : to ensure a satisfactory design and appearance of the proposal and to minimise the impact upon the openness of the countryside in accordance with DM25 and para 177 of the NPPF.

6. **Provision of Sustainability Statement** No development shall commence, including any works of demolition, until a Sustainability Statement has been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of amenity and landscape character in accordance with LPP1 policies CP10 and CP08, CP09, CP14 and LPP2 policy DM24 and Section 15 of the NPPF

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

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

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

# 8. Implications of recommendation for Road Safety Audit No

development shall take place, including any ground works or works of demolition, until such time as a technically accepted highway scheme [layout of the new access, pedestrian facilities, bus stop relocation, details incorporating the recommendations given in a Stage 2 Road Safety Audit and accepted in the Designers Response] has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved highway scheme shall be completed prior to first occupation of the development hereby permitted.

Reason: In the interests of road safety.

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

o Compliance with Air Quality Management guidance documents and BS 5228 Parts 1 & 2

o the anticipated number, frequency and types of vehicles used during construction,

o means of reusing any existing materials present on site for construction works,

o the method of access, egress and routing of vehicles during construction,

o the parking of vehicles by site operatives and visitors,

o the loading and unloading of plant, materials and waste,

o the storage of plant and materials used in construction of the development,

o detail measures to manage flood risk during construction (both on and off the site)

o the erection and maintenance of security hoarding,

o 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),

o details of public engagement both prior to and during construction works.

o address noise impacts arising out of the construction;

o address vibration impacts arising out of the construction;

o dust mitigation measures,

o demonstrate that best practicable means have been adopted to mitigate the impact of noise and vibration from construction activities;

o include details of the use of protective fences, exclusion barriers and warning signs;

o 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;

o details of any external lighting.

Reason: In order to safeguard environmental and residential amenity and in the interests of highway safety and the wider amenities of the area having regard to Policy CP11 of the LPP1, policies DM20 and DM23 of the LPP2 and the Circular Economy Technical Advice Note.

10. **SuDs** No development shall commence, including any works of demolition, until a detailed surface water drainage system has been submitted in support to and approved in writing by the LPA. The proposed drainage strategy should incorporate source control sustainable drainage systems which manage surface water runoff close to the ground as much as possible. The surface water drainage system shall incorporate the following:

a) Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to the greenfield runoff rates for all rainfall events including those with a 1 in 100 (plus 40% for climate change). The calculation should incorporate a 10% allowance for urban creep.

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

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

d) The detailed design of the surface water drainage features (attenuation tank and pond) shall be informed by findings of groundwater monitoring between autumn and spring at the location of the proposed drainage structures as minimum. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system should be provided Reason: In order to ensure surface water is managed effectively in accordance with LPP1 policy CP12, LPP2 policy DM22 and para 166 and 168 of the NPPF.

11. **Maintenance of Drainage System** No development shall commence, including any works of demolition, until a maintenance and management plan for the entire drainage system has been submitted to the planning authority, to

ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following: a) This plan should clearly state who will be responsible for managing all

aspects of the surface water drainage system, including piped drains.

b) Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development

These details shall be submitted to and approved in writing by the LPA and shall thereafter remain in place for the lifetime of the development. Reason: In order to ensure surface water is managed effectively in accordance with LPP1 policy CP12, LPP2 policy DM22 and para 166 and 168 of the NPPF.

12. **Tree Protection** No development shall commence, including any works of demolition or site clearance, until details of the protection of the trees to be retained has been submitted to and approved in writing by the LPA. The measures of protection should be in accordance with BS5837:2012 and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the Root Protection zones. Reason: In the interests of the amenity and the landscape character of the area in accordance with LPP1 policy CP10, LPP2 policy DM27 and section 15 of the NPPF.

13. **Details of grading of land** No development shall commence, including any works of demolition, until details of earthworks have been submitted to and approved in writing by the LPA. These details shall include the proposed grading of land area including the levels and contours to be formed and showing the relationship to existing vegetation and neighbouring development. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of amenity and landscape character in accordance with LPP1 policies CP10 and CP11, LPP2 policies DM25 and DM27 and section 15 of the NPPF.

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

o risk assessment of potentially damaging construction activities;

o identification of "biodiversity protection zones";

o 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);

o the location and timing of sensitive works to avoid harm to biodiversity features;

o the times during construction when specialist ecologists need to be present on site to oversee works;

o responsible persons and lines of communication;

o the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;

o use of protective fences, exclusion barriers and warning signs.

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

Reason: To ensure that any adverse environmental impacts of development activities are mitigated, to avoid an offence under the Wildlife and Countryside Act 1981, as amended, The Conservation of Habitats and Species

Regulations 2017, as amended, and the Protection of Badgers Act, 1992, and to address Core Policy CP10 of LPP1.

15. **Reptile collection details** No development shall commence, including any demolition, ground works, site clearance, until a method statement for the rescue and translocation of reptiles has been submitted to and approved in writing by the LPA. The content of the method statement shall include the:

o purpose and objectives for the proposed works;

o detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);

o extent and location of proposed works shown on appropriate scale maps and plans;

o timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;

o persons responsible for implementing the works;

o initial aftercare and long-term maintenance (where relevant);

o disposal of any wastes arising from the works.

o 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.

16. **Ecological Enhancement Details** No development shall commence, including any ground works or works of demolition, until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity, in line with the recommendations in the Ecological Addendum Report, Aspect Ecology, dated June 2021, has been submitted to and approved in writing by the LPA. The EDS shall include the following:

o purpose and conservation objectives for the proposed works;

o review of site potential and constraints;

o detailed design(s) and/or working method(s) to achieve stated objectives;

o extent and location /area of proposed works on appropriate scale maps and plans;

o type and source of materials to be used where appropriate, e.g. native species of local provenance;

o timetable for implementation demonstrating that works are aligned with the proposed phasing of development;

- o persons responsible for implementing the works;
- o details of initial aftercare and long-term maintenance;
- o details for monitoring and remedial measures;
- o details for disposal of any wastes arising from works.
- o The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, para 170 and 175 of the NPPF, and CP10 of LPP1.

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

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

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

a. A preliminary risk assessment which has identified:

i) all previous uses

ii) potential contaminants associated with those uses

iii) a conceptual model of the site indicating contaminants, pathways and receptors

iv) potentially unacceptable risks arising from contamination at the site.

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

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

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

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

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

19. **Children's Play Space** No development shall take place, including any demolition, ground works, site clearance, until details have been submitted showing that development shall incorporate an appropriately sized children's play area that is integral to the overall design and layout of the development, is sited in a safe, open and welcoming location which are overlooked by

dwellings and well used pedestrian routes, is provided with seating for accompanying adults, is additional to any incidental amenity space; and is properly drained, laid out, landscaped and equipped for use at an agreed stage or stages no later than the occupation of the 5th unit of the development.

The details shall thereafter remain in place for the lifetime of the development unless otherwise agreed by the LPA.

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

Reason: To provide a healthy living environment in accordance with policies DM15 and DM16 of LPP2 and section 8 of the NPPF.

20. **Archaeology** No development shall take place, including any demolition, ground works, site clearance, until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the LPA.

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

21. **Archaeological findings report** No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the LPA. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition 21.

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

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

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

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

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

24. **Turning Areas** Prior to occupation of the development hereby approved, turning area/s for vehicles will have been provided and constructed

in accordance with the details which have been submitted to and approved in writing by the Planning Authority and the turning space shall thereafter be retained for that use and shall not be obstructed Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

25. **Car Parking** Prior to occupation of the development hereby approved, car parking areas shall have been provided in accordance with details which have been submitted to and approved in writing by the LPA in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LPP2 policy DM25 and para 108, 109 and 110 of the NPPF.

26. **Cycle Parking** Prior to occupation of the development hereby approved, cycle parking areas shall have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development in accordance with policy CP13 of LPP1 and para 104 of the NPPF.

27. **Evidence of drainage installation** Prior to occupation of the development hereby approved, evidence (including photographs and as built drawings) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs. Reason: In order to ensure surface water is managed effectively in accordance with LPP1 policy CP12, LPP2 policy DM22 and para 166 and 168 of the NPPF.

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

Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with NPPF, para 174, 183 and 184]. 29. **Flood Risk** The development shall be carried out in accordance with the submitted Flood Risk Assessment (Flood Risk and Drainage Strategy, ref: 3042, dated July 2021, by Herrrington Consulting Ltd) and the following mitigation measures it details:

o All buildings shall be located within Flood Zone 1 and outside of the flood extents for the Upper End climate change scenario (105%) (Section 6.1).

o No land raising or gardens of the proposed properties shall be located within the design flood extents (for the 1:100 45%cc event) (Section 6.2). These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

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

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

30. **Buffer Zone to drainage areas** On each side of the watercourse (i.e. the designated main river called 'the Bulldog Sewer and Green Man Spur') there shall be a minimum 8 metre wide buffer zone (ref: see indicative plan 2103-P-100) (measured from the top of the riverbank). The buffer zone shall be kept free from any built development including lighting, domestic gardens and formal landscaping.

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

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

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

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

32. **Estate Road details** The new estate roads shall be designed and constructed to a standard approved by the Planning Authority in accordance with Highway Authority's standards with a view to its subsequent adoption as a publicly maintained highway

Reason: In the interest of highway safety and for this benefit and convenience of the public at large in accordance with LPP2 policy DM25 and para 110, 111 and 112 of the NPPF.

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

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

34. **Size of Parking Spaces** The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls). Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with policy DM25 and para 108, 109 and 110 of the NPPF.

35. **Height of new building restrictions** No buildings or structures within the development shall exceed two storeys in height.

Reason: In order to control the scale of the development in the interest of visual amenity and landscape impact in accordance with LPP1 policies CP10 and CP11, LPP2 policies DM25, DM27 and DM33 and sections 15 and 16 of the NPPF.

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

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

37. **Construction Times** Construction work shall be restricted to the hours of 0800 to 1800 Monday to Fridays and 0900 to 1300 on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays. Reason: In the interest of residential amenities of the neighbours having regard to Policy DM25 of LPP2.

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

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

- 10. All waste material arising from any site clearance, demolition, preparation and construction activities should be stored and removed from the site and disposed of in an appropriate manner. It is offence to burn trade waste. So, there should be no bonfire onsite
- 11. The proposed detailed plans stage should be informed by the following recommendations:
  - development should be designed in accordance with the National Design Code.
  - Natural materials and traditional details such as subdivided sashes or casements that reinforce local character will be encouraged (unless an entirely contemporary scheme is proposed where different design issues are considered). Side opening and top hung windows will be discouraged.
  - The development should have access from more than one road in order to avoid a cul-de-sac development.
  - Bricks shall ideally be handmade or machine made to look hand made.
  - Rooftiles should be clay tiles
  - It is very difficult to replicate the red brick of the existing buildings as such other colours may be suggested as long as the brick quality is high.
  - The use of sustainable materials such as Cross Laminated Timber, in the construction of the building is encouraged
  - The use of uPVC is heavily discouraged
  - If traditional buildings are replicated, the design should not alter the wall to window proportions as this is a characteristic that reinforces local character.
  - Charettes with local residents associations, heritage societies and the Local Planning Authority are encouraged prior to the submission of the final layout/building mix/home design.
  - 1The planting of street trees should be in keeping

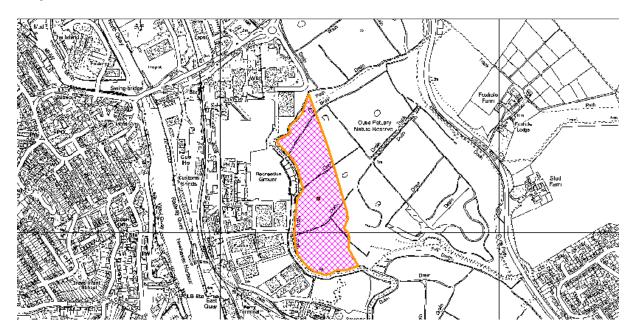
#### 10. Background Papers

10.1 None.

# Agenda Item 8

Report to: Date:	Planning Applications Committee 27 April 2022
Application No:	LW/21/0422
Location:	Land at Eastside, The Drove, Newhaven
Proposal:	Hybrid planning application seeking (1) full planning permission for the erection of a warehouse (Use Class B8) with ancillary office, van storage, vehicle parking, ancillary structures, infrastructure, landscaping and associated works and (2) outline planning permission with all matters reserved except for access for the development of employment units (Use Classes B2, B8 and $E(g)(iii)$ ).
Ward:	Newhaven South
Applicant:	Lysander
Recommendation:	Delegate to The Head of Planning to approve subject to confirmation that National Highways and the County Ecologist do not object, and subject to conditions listed in this report and a s106 agreement to secure highway works, ecology/biodiversity contributions and a local employment and training plan.
Contact Officer:	Name: James Smith E-mail: james.smith@lewes-eastbourne.gov.uk

# Map Location:



# 1. Executive Summary

- 1.1 The proposed scheme involves the delivery of employment uses (including outline approval for the development of the Eastside north Enterprise Zone) that would provide local jobs and support the regeneration of Eastside..
- 1.2 The proposed development has been designed to have minimal impact upon visual, residential and environmental amenity, informed by a comprehensive suite of reports and assessments that accompany the planning submission.
- 1.3 The operation of the B8 element of the development would generate a significant level of vehicle movements due to the nature of the use (distribution). Traffic would access the wider highway network from the recently completed port access road. Comments from ESCC Highways and National Highways are awaited and no approval would be issued unless and until both parties confirm they are satisfied with the development and associated highway mitigation/improvement measures.
- 1.4 Due to the size of the scheme and the undeveloped nature of the site it would not be possible to deliver on-site biodiversity net gain. However, there are ongoing discussions with the County ecologist to deliver biodiversity enhancements in the immediate area to offset this loss and to ensure there are mitigation measures to prevent adverse impact upon the neighbouring Ouse Estuary wildlife site.
- 1.5 There are extant permissions in place for the development of the site for residential and retail purposes. These permissions were granted over 8 years ago and are only extant due to minor access works, representing a technical start, being undertaken. There is not indication that these schemes would come forward and the application must be determined in its own merits, with the economic and social benefits of new jobs and the environmental benefit of site decontamination, off site biodiversity enhancement and introduction of sympathetic screening to the site and surrounding commercial uses being central to the determination.

# 2. Relevant Planning Policies

- 2.1 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
- 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 Local Plan Part 1
- CP4 Encouraging Economic Development and Regeneration;
- CP10 Natural Environment and Landscape;
- CP11 Built and Historic Environment & Design
- CP12 Flood Risk, Coastal Erosion and Drainage
- CP13 Sustainable Travel
- CP14 Renewable and Low Carbon Energy
- 2.3 Lewes Local Plan Part 2
- DM20 Pollution Management
- DM21 Land Contamination
- DM22 Water Resources and Water Quality
- DM23 Noise
- DM24 Protection of Biodiversity and Geodiversity
- DM25 Design
- DM27 Landscape Design
- DM33 Heritage Assets
- 2.3 Newhaven Neighbourhood Plan
- ES1 The Regeneration of Eastside
- ES2 New development for Eastside and the Enterprise Zones
- ES3 Eastside's Natural Environment
- T1 Congestion mitigation and sustainable movement
- NE1 Biodiversity protection and enhancement
- D1 Promoting Good Design
- D2 Design and Climate Change
- H1 A Spatial Strategy for Newhaven

# 3. Site Description

3.1 The site is a broadly flat swathe of grass and scrubland that currently forms a buffer between predominantly commercial development on Eastside (to the west) and the recently completed port access road (McKinley Way). Part of the western site boundary flanks the Eastside recreation ground and allotments, both of which are bordered by a belt of mature trees and hedgerow. There are overgrown mounds of earth associated with access groundworks towards the southern end of the site. The site forms a plateau with a drainage ditch flanking the northern, western and southern boundaries and the eastern boundary marked by a vegetated bank that slopes down to the level of McKinley

Way. The site is a designated local wildlife site but is subject to extant planning permission for part residential part retail development.

- 3.2 Access onto McKinley way is present in the form of a fully surfaced and marked out twin carriageway junction which is positioned roughly halfway down the site. The works include tactile paving where the junction crosses the footway and a dedicated right hand turning bay formed on McKinley Way. Further access is provided by an exit formed on the roundabout positioned towards the southern end of the site. McKinely Way provided connectivity between the port to the south and the A259 to the north. The A259 in turn provides connectivity with the A27 trunk road to the north via the A26..
- 3.3 The opposite side of McKinley Way is flanked by the Ouse Estuary Nature Reserve and connectivity with the reserve is provided by a public footpath that traverses the site, loosely following the western site boundary, before crossing McKinley Way and continuing into the reserve. The reserve falls within the South Downs National Park.
- 3.4 Longer distance views to the north and east take in the escarpment of the South Downs, the hillside settlement at Denton and the low lying land at Ouse Estuary. The green space to the east provides a buffer between the settlements of Newhaven and Seaford. The harbour entrance, cliff tops and Fort Hill can be viewed to the west.
- 3.5 The majority of the site falls within Flood Zone 1, owing to its elevation, although the northern edge of the site and a small pocket of the central section fall within Flood Zones 2/3. However, the lower lying land immediately surrounding the site all falls within Flood Zones 2 and 3 and is therefore identified as being vulnerable to tidal/fluvial flooding. The majority of the site is identified as being at low risk of surface water flooding, save for some patches towards the centre and an overland flow towards the northern edge. Parts of Eastside Recreation Ground to the east are, however, identified as being at medium to high risk of surface water flooding. There is a sewage treatment works approx. 115 metres to the south of the site.
- 3.6 The southern end of the site falls within the Eastside (north) enterprise zone, the area of which is currently undeveloped. There is commercial development to the south within the adjacent Eastside (south) enterprise zone in the form of Eastside Business Park. There is a ESCC safeguarded waste and minerals site to the west of the application site on Beach Road and ESCC have been consulted for comments on any potential impact as per policy SP7 of the Waste and Minerals Sites Plan. The site and the wider surrounding developed area fall within the Eastside Regeneration Area identified within the Newhaven Neighbourhood Plan.
- 3.7 The site forms an area of archaeological interest due to the presence of complex geo-archaeological and palaeoenvironmental sediments (including former land surfaces at depth) dating back approximately 18,000 years.
- 3.8 There are no other specific planning designations or constraints attached to the site.

# 4. **Proposed Development**

- 4.1 The application has been submitted in hybrid form, with full permission being sought for the erection of a distribution centre on the northern part of the site and outline permission (access details only) sought for the creation of a business park on the southern part of the site (which falls within an Enterprise Zone).
- 4.2 The distribution centre would be based around a warehouse structure measuring approx. 91 metres in length by 63 metres in width. The warehouse would have a gently pitched gable roof, with eaves height at 11.1 metres and the ridge line at 13.9 metres. The walls and roof of the building would be clad in a mix of light and dark grey composite panels. Office space would be served by first floor level windows and the main entrance to the building would incorporate full height glazing. Other openings would be restricted to solid secondary and fire exit doors as well as loading bays.
- 4.3 The overall ground floor area would be 5,784 m<sup>2</sup> and, other than clusters of welfare rooms in each corner, the entire space would be used for storage/distribution purposes. First floor level offices would be situated on a mezzanine which would provide an additional 2,162 m<sup>2</sup> floor area. A plant deck of 1,183 m<sup>2</sup> would be provided within the roof space.
- 4.4 A canopy structure would be provided over the van loading area, adjacent to the western elevation of the warehouse. The structure would be open sided and the roof would be in the form of two tensile fabric domes. The canopy would measure approx. 91 metres in length by 23 metres in width, with a roof top height of approx. 5.3 metres and a height clearance of approx. 3 metres.
- 4.5 A staff parking area with a capacity of 124 car parking spaces including 6 disabled bays and a further 12 motorcycle bays, would be formed to north of the warehouse building. A covered cycle store for up to 20 bikes would also be installed within the parking area. An HGV service yard would be provided immediately to the south of the warehouse building, where a total of 6 x HGV delivery bays and 2 x van delivery bays would be provided. Further to the south of the building there would be a van parking/storage area providing 393 parking bays. To the west of the warehouse building, 40 van loading spaces would be provided for van waiting to access the loading area.
- 4.6 The two existing site entrances would be utilised. The junction access would lead directly to the HGV service yard whilst the roundabout access would lead to the van storage and loading areas, which would be connected by an internal road. A new access towards the northern end of the site would serve the staff car park.
- 4.7 A number of small ancillary buildings would be distributed across the site. A 21 m<sup>2</sup> welfare building and separate 28 m<sup>2</sup> covered store would be provided in the south-western corner of the site, in the van storage yard. Guard cabins of 2.25 m<sup>2</sup> would be positioned at the access to the

HGV yard and the van storage area, along with associated barriers and gates.

- 4.8 The HGV service yard would be enclosed by a 2.4 metre high green welded metal mesh fence (other than the barrier controlled access). A similar fence would be positioned on the eastern and southern edge of the van loading and storage area, with the enclosure completed through the use of a 3.5 metre high acoustic fence which would run along the western edge of the area and wrap around to the north. Access to this area would be controlled by gates and barriers which would be set back approx. 95 metres from the roundabout, beyond a bend in the road.
- 4.9 Other infrastructure includes 3 x electricity substations that would be housed within GRP cabinets measuring 3 metres square and 2.8 metres in height and 1 x GRP cabinet housing gas related equipment and measuring 2.4 metres in length by 1.8 metres in depth and height. All cabinets would be positioned towards the eastern site boundary, flanking McKinley Way.
- 4.10 A landscaped buffer would be provided on all site boundaries. The width of the buffer on the western boundary, which flanks the Eastside allotments and recreation ground, would vary between a minimum of approx. 20 metres and a maximum of approx. 30 metres in width.
- 4.11 The outline part of the scheme, which relates to land on the southern part of the site that falls within the Enterprise Zone, seeks approval of access arrangements only.
- 4.12 The proposal involves the use of a junction on the internal road serving the distribution centre to access the southern part of the site. This access would serve a business park incorporating 8,500 m<sup>2</sup> of B2 (general industrial), B8 (storage and distribution) and E(g)(iii) (industrial processes) uses. Although design and scale are reserved matters, the applicant has stated that maximum building height would be 12 metres.
- 4.13 An indicative layout of the development has been provided. The overall area of the southern site is 2.35 hectares and the indicative plans assume a developable area of 1.75 hectares.

# 5. **Relevant Planning History**

- 5.1 **LW/99/1471** Outline application for redevelopment for B1 and B8 uses – Approved Conditionally 9<sup>th</sup> November 1999
- 5.2 LW/2061/CC (ESCC application) Construction of a new road between A259 Drove Road roundabout and port area, south of Newhaven to Seaford Railway and creek, including environmental buffer and landscaping – Approved Conditionally 19<sup>th</sup> September 2002
- 5.3 LW/11/0634 Outline application for up to 190 dwellings, 1860 sqm of class B1 employment floorspace, supported by car parking and open space, with all matters reserved except access Approved Conditionally 26<sup>th</sup> March 2013
- 5.4 **LW/11/0635** Full application for port access road (first stage), other access roads, 6780 sqm retail foodstore, petrol filling station, parking

spaces, service area and associated landscaping – Approved Conditionally 26th March 2013

5.5 LW/13/0630 - Approval of Reserved Matter LW/11/0634 for 190 dwellings (2, 2.5 & 3 storey) with associated roads and landscaping – Approved Conditionally 19<sup>th</sup> December 2013

#### 6. **Consultations**

6.1 Consultations:

#### Newhaven Town Council

Objection. This application whilst providing much aspirational detail regarding modes of transport to the site under application, it fails to acknowledge;

1. the additional numbers of HGV and HGV journeys in and out of the Town delivering parcels to the proposed depot across an already capacity saturated road transport network,

the additional 393 vans and their journeys at least twice each day into and out of this depot across the same network and during both daily traffic 'rush hour' periods, and

the additional 124 (minimum) private car journeys to the proposed depot by its 240 employees at least twice each day in the same circumstances as above.

This proposed development will significantly add to an already 'overcapacity' road transport network which will exacerbate the daily issue of traffic congestion, particularly when the Swing Bridge is in operation, and notwithstanding the serious additional impacts surrounding air quality for the Town and its residents.

Under Policy T1 of the Newhaven Neighbourhood Plan, this planning application fails to improve sustainable movement throughout the plan area to reduce traffic impacts and improve air quality. As a new development, its intended mode of operation will not minimise traffic impacts. As such, additional expert opinion should be sought from East Sussex County Council Highways Officers.

2. Policy ES2 – of the Newhaven Neighbourhood Plan states that planning applications for development in Eastside will be supported where they provide:

- a variety of new and improved employment floorspace (Use Classes B1-B8), including the provision of small and medium sized, flexible floorspace, move-on space for growing businesses and start up business space.
- upgraded and refurbished office accommodation which is more resource efficient and safeguards or improves the environment and townscape.
- hotel facilities.
- leisure and recreation facilities where they do not negatively impact the operational uses of the Enterprise Zones.

- residential development in accordance with Policy H3; and/or
- residential development as part of mixed-used schemes outside the Enterprise Zones.

This planning application proposes a development contrary to the previously stated points of Policy ES2 of the Newhaven Neighbourhood Plan, and notably is for a location outside of the stated and agreed 'Enterprise Zone' for Eastside utilising land previously identified in the Neighbourhood Plan for 190 dwellings, and at a time when there is increasing pressure within the district for housing.

#### **Environment Agency**

No objection subject to conditions.

This application is for the redevelopment of a site on superficial Alluvium deposits overlying the Newhaven Chalk bedrock which is designated a Principal Aquifer. Past use of the site comprised infilling and stockpiling of materials which presents the potential for historical contamination to be present.

The previous infilling and stockpiling of materials on this site presents a medium risk of contamination that could be mobilised 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 Preliminary Geo-Environmental Risk Assessment (dated April 2021) 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. This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework ('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.

This site is located on a Principal Aquifer and in a location where groundwater is very shallow with drains mapped along its northern, western and southern boundaries and a number of ponds in close proximity. The previous use of the proposed development site for the infilling and stockpiling of materials on this site presents a medium risk of contamination that could be mobilised by surface water infiltration from the proposed sustainable drainage system (SuDS). This could pollute controlled waters. As indicated previously, controlled waters are particularly sensitive in this location. 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.

#### Lead Local Flood Authority (summarised)

No objection subject to conditions.

The drainage strategy for the full planning application relies on the use of underground cellular storage to provide the entire surface water attenuation for the site. British Geological Survey data that we hold indicates that groundwater levels are likely to be less than 3m below ground level beneath the site. BGS data also indicates that there is potential for groundwater flooding to occur to structures beneath the surface such as underground attenuation crates. The hydraulic capacity of the attenuation crates may be reduced as a result of elevated groundwater and floatation of the crates could occur.

Should underground attenuation be taken forward to the detailed design stage, we would require that groundwater monitoring is carried out between November and April using dataloggers to understand groundwater levels beneath the site. Mitigation measures should be implemented to prevent ingress of groundwater into the crates and to prevent floatation.

Consideration has been given to the potential for tide locking within the drainage system by using a 6-hour rainfall event and the outfall is located above the 1 in 5-year tidal flood level.

With regards to the outline planning application, there are no details relating to the management of surface water runoff from this area and a proving layout of this part of the site has not been submitted. We are therefore not able to comment on whether surface water runoff can be managed at this part of the site. We request that we are reconsulted on the drainage proposals at the reserved matters stage for this part of the development however, at this stage, we have no objection to the principle of development at this part of the site.

#### Southern Water

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.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

The drainage layout shows a direct connection of foul rising main into public sewer which is not acceptable to Southern Water. A manhole and short

length of gravity pipe work will normally be required between the rising main and the public sewer.

# ESCC Ecology

Formal comments awaited. There are ongoing discussions between the applicant and the County Ecologist regarding protection of existing wildlife and means to achieve a suitable level of biodiversity net gain.

## **ESCC Highways**

Formal comments awaited. The applicant is in discussions with ESCC Highways and National Highways to establish a detailed understanding of potential highway impact and to identify suitable mitigation works.

#### **Regeneration (summarised)**

The southern Site falls within the Newhaven Enterprise Zone (NEZ) specifically, in the area identified as Eastside North. As part of the NEZ's investment programme, this site has been identified as an opportunity for further employment-generating development as it is served by the new Port Access Road. As such, we are supportive of this element of the application in particular.

LDC Regeneration recognises that, from an economic development perspective, the proposed development has the potential to create significant employment and opportunities for our community. However, whilst we offer our cautious support for these proposals, it is contingent on further information being provided on the number and type of jobs being created as well as a commitment from the applicant towards local skills and training initiatives.

In line with the Local Employment and Training TGN, Regeneration requests that any grant of planning permission be subject to a Section 106 local labour agreement covering the construction and operational phases of development.

# Secured by Design

Sussex Police have no objection from a crime prevention perspective to the proposed development as submitted from a crime prevention perspective subject to my observations being given due consideration.

A strong secure perimeter is essential for protection of the building and the assets within the external boundary, especially where there is more than one access point. There was an incident of arson attack in the near vicinity within the last 12 months that resulted in the Fire & Rescue Service being summoned.

I was very pleased to note the security measures mentioned within the planning statement submitted in support of this application, that are to be incorporated into the development. These include but not all; 2.4 m Paladin Security fencing, 3.5 metre high acoustic barrier sited adjacent to the van loading area, height restrictor to entrance, security gates to vulnerable areas, CCTV, detailed lighting proposal, all these have been considered and included in the design and layout.

# 7. **Neighbour Representations**

- 7.1 A total of 5 letters of objection have been received. A summary of their content is provided below:-
  - Not comparable with low impact residential/retail schemes previously approved;
  - Would have a negative impact upon the surrounding landscape;
  - Would cause traffic congestion and pollution including detrimental impact upon the Newhaven Air Quality Management Area;
  - No guarantee that employment created would be for local people;
  - Electric vehicle charging facilities would only provide benefit if the entire fleet of delivery vehicles is electric;
  - Air pollution would impact a local school and nursery. A recent legal case in London factored in air pollution as a main cause of a child's death;
  - Noise and light emissions would harm residential amenity and compromise the surrounding rural landscape;
  - Increased flood risk on neighbouring sites;
  - Little detail provided as to how wildlife would be impacted/protected;
  - Insufficient infrastructure in place;

# 8. Appraisal

- 8.1 Key Considerations
- 8.1.1 The main considerations relate to the principle of the development; the impact upon the character and appearance of the area and neighbour amenities, impacts upon highway/pedestrian safety and flood risk and the overall merits of the scheme in terms of the balance of economic, environmental and social objectives that comprise sustainable development.
- 8.1.2 It is important to note that the application is for outline approval only, with full details of the main site access the only matter to be agreed at this stage. Indicative plans have been provided to demonstrate the capacity of the site as well as to indicate how the scheme can respond to specific requirements set out in policy BA02 of the Lewes District Local Plan Part 2. Full details of the layout, design, scale and landscaping of the development would be afforded full scrutiny as part of an application for approval of reserved matters, should the outline scheme be awarded permission.
- 8.1.3 All planning obligations need to be agreed at the outline stage as this represents the overall planning permission for any such development. As such, a Section 106 legal agreement has been drafted to secure affordable housing.

- 8.2 Principle
- 8.2.1 The site falls within the planning boundary where the general principle of residential development is acceptable as per policy DM1 of the Lewes Local Plan Part 2 (LLP2). The entire site falls within the Eastside Regeneration Area, as identified within the Newhaven Neighbourhood Plan, whilst the southern portion falls within the Eastside (north) Enterprise Zone.
- 8.2.2 The National Planning Policy Framework (NPPF) supports the approval of sustainable forms of development. The NPPF defines sustainable development as a 'three-legged stool' comprising economic, environmental and social objectives. (para. 8).
- 8.2.3 Para. 81 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt, with significant weight placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 8.2.4 Policy SP1 of the Lewes Local Plan Part 1 (LLP1) sets out an objective to deliver 74,000 square metres of employment floorspace (B1, B2 and B8) within the district (including areas within the South Downs National Park), with 60,000 square metres of this floorspace provided as industrial space (B1c, B2 and B8). Since LLP1 was adopted, the use class order has been revised, with class E (g) (iii) being the equivalent of extinguished class B1c (an industrial use which can be carried out in any residential area without detriment to the amenity of that area).
- 8.2.5 One of the key strategic objectives set out in policy CP4 of LLP1 is to stimulate and maintain a buoyant and balanced local economy through regeneration of the coastal towns. Para. 7.41 of LLP1 refers to the Employment Land Review carried out in 2012 and states that 'future economic potential of the district is likely to be characterised by the continued movement away from traditional manufacturing to more service based activities, with some rationalisation of manufacturing accompanied by movement into higher value sectors.. This will be reliant on successfully encouraging local start-ups and the expansion of small indigenous firms by providing a range of suitable, small, flexibly managed units, which includes supplying move-on space for small businesses that wish to expand.'
- 8.2.6 Para. 7.40 notes that the relatively low quality of many existing employment sites in the district is a limiting factor to economic growth, whilst para. 2.5.1 of the Newhaven Employment Land Review observes 'much of the town's industrial stock is dated and of relatively poor quality. This partly reflects the legacy of former large-scale manufacturing firms which is often unsuited to modern needs. Due to unstable ground conditions in the area, new development typically involves abnormal costs associated with piling which negatively affects viability. Coupled with resolving flood risk and contamination issues, and uncertain demand, this has deterred new industrial development in the town over recent years, despite a

number of potential development / relocation opportunities that have failed to overcome the viability hurdle.

- 8.2.7 Para. 2.5.9 of the Newhaven Employment Land Review specifically mentions that viability issues have restricted realisable investment on the Eastside North Enterprise Zone site despite occupier interest.
- 8.2.8 Land at Eastside is identified in the Newhaven Neighbourhood Plan as being suitable for regeneration, with schemes that deliver a variety of new and improved employment floorspace (Use Classes B1-B8), including the provision of small and medium sized, flexible floorspace, move-on space for growing businesses and start up business space supported as per policy ES2.
- 8.2.9 It is therefore considered that the principle of the development is acceptable where it can be demonstrated that it accords with sustainable development objectives and satisfies relevant national and local planning criteria, particularly those relating to environmental, amenity and highway impact.
- 8.3 Planning Obligations
- 8.3.1 A Local Employment and Training Plan would be secured by way of a legal agreement as per the Local Employment and Training Technical Advice Note (2020). This would secure contributions that would support and benefit the local labour market and economy, enabling employment growth, raising skills and giving local people opportunities generated by the development. The plan would apply to the construction phase of the development as well as the operational phase and would include provisions to fund the monitoring of the plan by the Council in order to ensure that it is being adhered to and is effective.
- 8.3.2 Contributions towards highway infrastructure improvements, public right of way improvements and ecological enhancements will be secured based on the request of the County Council. The contributions have not been established at this point but will need to be agreed before any decision can be issued.
- 8.3.3 A green travel plan will also be secured as well as a mechanism for monitoring its performance and ensuring that it is implemented in full.
- 8.4 Planning History
- 8.4.1 Planning permission for 190 new dwellings was awarded for the northern part of the site under LW/11/0634 (outline) and LW/13/0630 (reserved matters) whilst full planning permission was granted for a new retail store on the southern part of the site under LW/11/0635. Although issued some time ago, these permissions are considered extant as a technical start was made on both developments in the form of groundworks for access.
- 8.4.2 Notwithstanding the above, there have been no further works carried out on the site and there are no indications that either development will be brought forward. It is possible for a site to benefit from multiple planning permissions, although only one can be implemented. As such, there is no issue with the validity of the current application.

- 8.4.3 Whilst the proposed scheme would remove the possibility of residential development of the site it is important to note that the site is not subject to any allocation for residential development and that there are allocated sites in Newhaven that will deliver a significant amount of housing, mitigating the loss of the 190 units committed. Furthermore, the section 106 agreement for the housing was modified by deed of variation under application LW/16/0574 to substantially reduce affordable housing provision to 10% and to reduce or omit various infrastructure contributions, indicating viability issues with the residential development.
- 8.4.4 Ultimately, the current planning application will be considered on its own merits and a recommendation made accordingly.
- 8.5 Employment Provision/Economic Impact
- 8.5.1 The proposed scheme incorporates a large distribution centre that would create employment in the form of warehouse operatives and associate office support as well as delivery drivers. Additional supply chain jobs would also likely to be created as well as additional footfall at local businesses, including those within the town centre. As such, whilst it is acknowledged that a distribution centre would be unlikely to provide as many jobs per m<sup>2</sup> as other forms of industrial/commercial development, it is considered that a good number of jobs would be created and supported and that the development is consistent with the trends identified in the Employment Land Review and LLP1, namely a movement away from traditional manufacturing to more service based activities.
- 8.5.2 Coupled to the advantages set out above, any permission would include outline approval for the development of the Eastside (north) enterprise zone, where modern, adaptable units would be provided to support smaller and specialist businesses. It is noted that the southern part of the site has been identified as an enterprise zone for a considerable time but that no development has come forward. The Newhaven Employment Land Review identifies viability issues as a potential reason for this situation. By providing shared access infrastructure as well as introducing drainage and utility infrastructure on the neighbouring site it is considered that the distribution centre development would facilitate the development of the enterprise zone by reducing costs and uncertainties that currently impact on the viability of the site.
- 8.5.3 As stated in section 8.3, any approval will include a legal agreement requiring a Local Employment and Training Plan to be implemented and monitored. The plan would include provisions for work experience placements for those unemployed, work experience for those aged 14-18 and in education, apprentice schemes, recruitment plans and curriculum, careers/employment support proposals. The plan would need to be agreed with and monitored by the Council's Regeneration Department.
- 8.5.4 It is therefore considered that the proposed development accords with LLP1 policy CP4, NNP policy ES2 (1) and para. 81 of the NPPF.

- 8.6 Design and Appearance
- 8.6.1 The proposed development would be positioned on land which is flanked by commercial development to the north, south and the majority of the western elevation. The entire eastern boundary is flanked by the recently completed port access road. As such, the land is considered to be contained by development and distinct from the more open countryside that extends to the east. It is noted that the site is omitted from the Ouse Valley Estuary area identified in the 2012 Landscape Capacity Study as being visually sensitive. It is also noted that the Landscape Capacity Study supports the provision of enhanced screening to commercial development on Eastside as a means to soften impact of development on the wider landscaping and it is considered that the proposed development presents an opportunity for the provision of sympathetic green screening that would have wider benefits.
- 8.6.2 The structure housing the proposed distribution centre and adjacent canopy would be comparable in design and scale to neighbouring commercial buildings such as Unit D McKinley Way (adjoining site to north), the retail park further to the north and on Norton Road and Beach Close to the west. It is therefore considered that the proposed building would effectively assimilate with these existing features when viewed from the both the immediate and wider surrounding area, including from within the South Downs National Park from Ouse Estuary Nature Reserve and the hills around Denton and from the cliffs to the west of the harbour.
- 8.6.3 The presence of existing mature landscaping (primarily willow trees), combined with the retention of a landscaped green buffer to the west of the proposed development would soften the visual impact of the building when viewed from Eastside recreation ground and houses on Eastbridge Road.
- 8.6.4 More immediate views of the site would be available from the public right of way network, principally from footpaths NW/4/1, NW/3/1, NW/3/2 and NW/3/3. These footpaths form part of the Bishopstone Walk, a circular route between Newhaven and Bishopstone that is promoted by East Sussex County Council.
- 8.6.5 The footpaths pass along the northern and western fringes of the site where additional landscaping would be planted to help screen the development, along with an acoustic fence, Whilst views of the development would be readily available there is an established context of commercial development around the identified footpaths given the established large scale commercial development to the north, east and south. It is also noted that a large proportion of the site would be allocated to vehicle parking and would not include any significant development above ground level, ensuring wider open views to the east remain possible from the footpaths.
- 8.6.6 The proposed hard surfaced parking areas would occupy a sizeable proportion of the site and result in the removal of a significant amount of grassland. Due to the presence of screening in the form of surrounding buildings, the tree belt on the western boundary and the

vegetated bank on the eastern boundary, the grassland is currently not visually prominent within the wider landscape and is largely unseen other than from the public footpath that crosses the site. Furthermore, the existing site topography is relatively flat, allowing the parking areas to be provided without the need for any significant reprofiling that may result in the site appearing discordant with the generally flat nature of the surrounding landscape.

- 8.6.7 The proposed ancillary buildings are modestly sized and are distributed around the site. All would be clearly contained within the site curtilage and none would occupy prominent or exposed positions where they may appear visually incongruous.
- The site needs to be kept secure in order to function and as such, it 8.6.8 would be fully enclosed, other than the staff car park at the northern end of the site. The means of enclosure would be primarily in the form of a 2.4 metre high green wire mesh fence although the western boundary would incorporate more robust treatment in the form of a 3.5 metre high timber acoustic fence. It is considered that the mesh fence would provide an effective security measure but its visual impact would be softened by its green finish, which would help it amalgamate with surrounding landscaping, and its mesh structure that would allow views to permeate through it. As such, it is not considered that the presence of the mesh fence would disrupt the generally open character of the site. Whilst more visually prominent, the proposed acoustic fence would be positioned close to the tree belt on the western boundary and run broadly parallel to it. It would therefore be largely screened by landscaping to the west and, when viewed from the east, would be seen in context with the backdrop of the tree line and would therefore not appear disruptive.
- 8.6.9 The development includes features such as guard cabins and barriers that have the potential to create a utilitarian and unwelcoming appearance within the wider landscape. To mitigate this, these security measures are set back within the site rather than immediately adjacent to the port access road and would be well screened by landscaping and not visually prominent.
- 8.6.10 With regards to the southern portion of the site, this part of the scheme is submitted in outline form only and details of landscaping, scale and appearance are not included with the application, although some indicative drawing have been provided.
- 8.6.11 It is considered that the indicative drawing demonstrate that the southern part of the site has the capacity to support the amount of development proposed whilst also retaining a suitable landscaped buffer to provide screening. There are small and medium sized commercial units directly to the south of the site that fall within the Eastside South Enterprise Zone and the general characteristics of the proposed development is considered to be consistent with the appearance of this established feature.
- 8.6.12 The applicant has suggested parameters for the scale of buildings to be provided in terms of height, with a 12 metre threshold being considered suitable to allow for required amounts of floorspace and

functionality. This building height would be consistent with that of buildings on the neighbouring site and, as such, it is considered that any development built in accordance with the suggested parameter would not appear overly prominent.

- 8.6.13 It is therefore considered that the proposed development would comply with LLP1 policies CP10 and CP11, LLP2 policies DM25 and DM27, NNP policies ES1 (1) and (3) and D1 and para 130 and 174 of the NPPF.
  - 8.7 Impact Upon the Amenities of Neighbouring Residents
  - 8.7.1 Eastside is a mixed use area where there is an established precedent of dwellings within relatively close proximity to commercial/industrial uses. The dwellings closest to the proposed development are those on the eastern side of Eastbridge Road, the rear elevations of which face towards the site. A distance of some 200 metres would be maintained between the rear elevations of these dwellings and the developed part of the site.
  - 8.7.2 The former Parker Pen site, which is close by to the north-west of the application site, is currently being developed. The development taking place is a residential scheme and a row of houses towards the eastern edge of the site would be within approx. 100 metres of the de developed part of the application site. It is noted that the majority of these dwellings would back onto the existing distribution centre site at Unit D McKinley Way.
  - 8.7.3 It is considered that the proposed development would be a sufficient distance from neighbouring dwellings to prevent it from appearing overbearing, causing undue levels of overshadowing and to prevent invasive views from office windows. As well as the separation distance, sympathetic screening of the development would be provided by existing mature landscaping, which is to be retained, as well as additional planting within the green buffer maintained around the development.
  - 8.7.4 An acoustic fence would be installed on the western boundary of the site as a means to minimise noise transmission.
  - 8.7.5 The application is accompanied by a noise assessment which addresses potential for noise disturbance generated by operations on the site, principally the loading and unloading of vans which would involve moving vehicles, idling engines, reverse warning beepers, movements of loading trolleys and opening and closing of doors. The anticipated noise generation levels are based on monitoring carried out at similar facilities and adopt a worst case scenario in terms of levels generated.
  - 8.7.6 Noise impacts of HGV movements have also been modelled, again with a worst case scenario adopted in terms of frequency of movements (4 per hour during daytime and 10 per hour overnight).
  - 8.7.7 Noise generated by the staff car park is modelled based on levels generated during a shift change, when movements would be most frequent.

- 8.7.8 Noise generated by roof mounted plant is also taken account of. The exact specifications of the plant to be installed are not known at this stage so estimations were use. A planning condition can be used to secure details of the full specification of any plant prior to it being installed in order to ensure it does not generate unacceptable noise levels and that affective mitigation would be in place.
- 8.7.9 The noise assessment examines the impact of activities on the dwellings identified in para. 8.6.1 and 8.6.2 as well as properties to the east on Seaford Road, approx. 600 metres from the site. Existing noise levels were monitored to establish baseline levels throughout the day and night for weekdays and weekends. The presence of noise generated by traffic on surrounding roads, dock activity, trains and commercial/industrial activity was noted. The assessment of noise levels experienced by from nearby dwellings is based on windows being open, partially open and closed (with an assumption that windows are single glazed).
- 8.7.10 The report concludes that maximum noise levels have been assessed for proposed building services plant which are predicted to result in a noise rating level which is at least 10 dB below the existing background noise level during the worst-case night-time period at the closest sensitive receptor locations. Accordingly, building services plant is expected to have no adverse impact at the closest sensitive receptors. Cumulative operational noise levels during the daytime and night-time periods are predicted to be below the guideline noise intrusion criteria at nearby properties assuming both a windows-open and a windows-closed scenario. Therefore, operational noise levels are considered to be below the No Observed Adverse Effect Level (BS4142).
- 8.7.11 The potential impact as a result of air and light emissions will be explored in the environmental impact section of this report.
- 8.7.12 The Sussex Police Secured by Design officer has praised the security measures incorporated into the development and it is therefore considered that the development would be unlikely to attract antisocial or criminal behaviour that would negatively impact upon the environment within the surrounding residential areas.
- 8.7.13 The outline site is further away from residential dwellings and would be surrounded by commercial uses. It is therefore considered that a wide range of operations could be carried out on site without resulting in conflict with residential amenities.
- 8.7.14 It is therefore considered that the proposed development complies with LLP1 policy CP11, LLP2 policies DM20 and DM23, NNP policies ES1 (2) and (7) and D1 and NPPF para. 130.
  - 8.8 Highways Impact
  - 8.8.1 The activity carried out at the proposed distribution centre would be based around 'last mile' distribution, which is the receipt of parcels transported by HGV and their distribution to local destinations by delivery van.

- 8.8.2 HGV deliveries would predominantly take place overnight, outside of peak traffic hours on the local road network. They would access the site via the existing junction and right-hand turning bay on McKinley Way.
- 8.8.3 Parcels would be loaded onto delivery vans each day and would then be distributed throughout the local area, with a focus on destinations within one hours drive of the site. Parking would be provided on-site for a fleet of 393 delivery vans. The vans would remain on site when not in use and drivers would therefore access the site by an alternative mode of transport.
- 8.8.4 Each van would carry out one delivery run per day. They would leave the site between 7am and noon and return between 4pm and 9pm. Vans would enter and leave the site via a barrier controlled service road that would be accessed via the existing roundabout towards the southern end of the site.
- 8.8.5 It is anticipated that the operation of the site would generate an additional 441 vehicle movements during the AM peak period (8am 9pm) and additional 48 movements within the PM peak period (5pm 6pm). The accompanying transport assessment predicts that additional traffic would be primarily on routes to the north on the A26 and B2109 (76% of total trips), followed by 20% of trips heading eastbound on the A259 and the remaining 4% of trips heading westbound on the A259 through Newhaven Town Centre.
- 8.8.6 The transport assessment models potential impact upon surrounding junction and roundabouts. These being the B2109 Drove Road / A26 New Road Roundabout, the B2109 Drove Road / A259 / The Drove/ Retail Park Roundabout, the B2109 Priority junction with the A26 New Road, the B2238 / A259 Avis Road Roundabout and the A259 North Way / The Drove junction. Minimal impact is expected on the capacity and functionality of all modelled features other than the B2109 priority junction with the A26. Queuing at this junction is already an issue and the proposed development has the potential to significantly exacerbate this.
- 8.8.7 In response, the applicant has put forward a scheme to mitigate the traffic impact through the delivery of a signalised junction with dedicated left and right turn lanes out from the B2109 onto the A26.Pedestrian crossing points would also be provided. It is anticipated this junction arrangement would result in average queue length being limited to 7-9 vehicles during peak hours. Such works would need to be approved by ESCC Highways and secured as part of the section 106 legal agreement.
- 8.8.8 Staff parking would be provided in the form of 124 car parking spaces including 6 disabled bays and 12 motorcycle bays. A covered cycle store for up to 20 bikes would be provided on the car parking area. Delivery vans would be stored on-site when not in use and drivers would access the site using alternative means of transport. The quantum of car parking provided is based on ESCC parking guidance for development of this kind. The staff car park would have dedicated access and the operation of deliveries and collections would not

interfere with access and egress to and from the car park. Goods traffic would also be kept away from the pedestrian areas around the car park.

- 8.8.9 There are a number of public transport connections nearby in the form of bus stops and the railway station. Pedestrian linkage is provided by a footway that flanks McKinley Way and would connect with an internal footway. The McKinley Way footway also acts as a cycle path which continues to the east and provides connectivity with Seaford.
- 8.8.10 Passive infrastructure will be provided to support the provision of electric vehicle charging points for 100% of the car and van parking pays provided by the development. 2% of existing car parking bays would be required to have operational electric vehicle charging apparatus as per the electric vehicle charging points technical advice note. The applicant anticipates an expansion of an electric van fleet in the near future.
- 8.8.11 A travel plan would be secured as part of the section 106 legal agreement. The aim of the travel plan would be to encourage travel to and from the site by sustainable modes, with the primary objective being the development of a long-term strategy to facilitate and encourage modes of travel to the site other than by private car.
- 8.8.12 The applicant states that the travel plan would include a number of initiatives and measures including the provision of facilities such as safe and secure cycle parking, initiatives such as providing information on public transport services and promotion of car sharing.
- 8.8.13 It is recommended that shower facilities are provided within the building as a means to encourage people to cycle to work.
  - 8.9 Environmental Impact
  - 8.9.1 The potential for noise disturbance has been examined in section 8.7 of this report. The nature and scale of the proposed use also introduces potential for environmental impact as a result of noise and light pollution.
  - 8.9.2 Due to the nature of the operation, external lighting would be required for security and safety purposes. There would also be light emissions from the headlights of vehicles moving around the site. An External Lighting Strategy report has been submitted as part of the application. The strategy demonstrates that the impact of lighting has been considered at the design level and that there has been an emphasis on providing an efficient lighting scheme that focusses only on areas where lighting is required and is uniform in terms of types of light sources and colour temperature.
  - 8.9.3 The external lighting design embodies guidance and standards set out in a number of documents, including various guidance notes produced by the Institute of Lighting Professionals (ILP), the Building Research Establishment's Environmental Assessment Method (BREEAM) and British Standards. Measures to reduce glare and light spill include controlling the intensity and distribution of external

illumination, angle of illumination to ensure no upward light is emitted, use of backscreens on perimeter lighting to control spill onto neighbouring sites, lighting being mounted at a maximum height of 8 metres above ground level and no more than one light source to be installed on any individual mounting device.

- 8.9.4 Simulation shows that the intensity of lighting within the site would be within the parameters suggested for Environmental Zone E3 Medium District Brightness (Well inhabited rural & urban settlements, small town centres of suburban locations) as defined by the Institute of Lighting Professionals. This is considered to be consistent with the commercial/residential landscape immediately to the north, east and south of the site. The simulation for the lighting is represented in a drawing submitted as part of the application, which shows any light spill dissipating suitably before it reaches neighbouring residential properties or the nature reserve and open countryside to the west.
- 8.9.5 The proposed development would generate air emissions, primarily in the form of traffic associated with the use. Land within and around the gyratory in Newhaven Town Centre has been identified as an Air Quality Management Area (AQMA). The site is approx. 550 metres from the eastern edge of the AQMA as the crow flies.
- 8.9.6 The Air Quality Assessment establishes a baseline for current air quality based on data provided by LDC operated passive diffusion tubes positioned around the development, including within the AQMA. The assessment provides a baseline for Annual Average Daily Traffic (AADT) and models anticipated increase in two scenarios, one based on projected impact as a result of 2022 cumulative development flows and one with the additional impact of the proposed development factored in. Modelling shows that the biggest increases in AADT would be on the A26 and B2109 rather than passing through the AQMA, with only 4% of traffic heading west on the A259.
- 8.9.7 The Air Quality Assessment identifies sensitive receptors on all immediate primary traffic routes out of the site these being heading west along the A259 towards Brighton, north along the A26 and B2109 towards Lewes and the A27 and south-east along the A259 towards Seaford. It then models predicted changes in nitrogen dioxide emissions and particulate matter in these locations.
- 8.9.8 The report, which is authored by associate members of the Institute of Environmental Management and Assessment (AIEMA) the Institute of Air Quality Management (AMIAQM) and the Institute of Environmental Science (AMIEnvSc) concludes that 'the impact description of the effects of changes in traffic flow as a result of the proposed development, with respect to NO2 (nitrogen dioxide), is determined to be 'negligible' at all modelled receptors. The impact description of the effects of changes in traffic flow as a result of the proposed development, with respect to PM10 and PM2.5 (particulate matter) exposure, is determined to be 'negligible' at all existing receptors. The overall significance is determined by professional

judgment, it is considered that the overall scheme is still considered negligible.

- 8.9.9 The Air Quality Assessment also considers potential impacts of air and dust emissions during the construction phase and identifies a number of mitigation measures which can be incorporated into a Construction and Environmental Management Plan (CEMP) which would be secured by planning condition.
- 8.9.10 A similar air quality assessment would need to accompany any application for reserved matters relating to the southern part of the site.
- 8.9.11 The southern part of the site within approx. 115 metres of the Newhaven Main Wastewater Treatment Works. An odour assessment was requested by Southern Water to provide assurances that future users would not be exposed to unacceptable odour emissions from the works. A report has been proved that notes recent development closer to the wastewater site as well as the extant permission for a retail use on the site and concludes that potential of exposure of sensitive parts of the site to unacceptable odour levels is negligible due to distance, prevailing wind directions and the fact that the layout of the southern part of the site is not yet established and that, when reserved matters are provided, parts of the development least sensitive to odour such as parking and access can be concentrated towards the southern end of the site.
- 8.9.12 The Environment Agency have not objected to the development, subject to appropriate mitigation measures being in place to deal with any expected contaminants as well as unexpected contaminants.
- 8.9.13 It is therefore considered that the proposed development complies with LLP1 policy CP10, LLP2 policies DM20, DM21, DM22 and DM23, NNP policies ES1 (5) and (7) and para. 183 of the NPPF.
  - 8.10 Flooding and Drainage
- 8.10.1 The proposed development would introduce a significant amount of hard surfacing on what is currently undeveloped grassland. The northern and western fringes of the site fall within Flood Zone 3 whilst there is a broadly central area that falls within Flood Zone 2. Most surrounding land, including access routes, falls within Flood Zone 2 or 3. A Flood Risk Assessment has been provided with the application, with potential for increased risk of fluvial, tidal, groundwater and surface water flooding within its scope.
- 8.10.2 The FRA notes that the site and surrounding area are protected by existing flood defences. Mitigation measures identified include ensuring the finished floor levels of all buildings are at a suitable level and that flood resilient materials and measures are incorporated into the buildings. The buildings would also be sited away from identified overland flows within the site.
- 8.10.3 The provision of effective surface water drainage, taking into account anticipated rainfall increase as a result of climate change, is of critical importance both in terms of addressing flood risk within the site but

also to prevent an exacerbation of surface water flood risk on neighbouring land which includes key transport links, homes, businesses and recreation facilities. The submitted surface water drainage strategy involves the use of attenuation tanks to store surface water and allow for discharge at an agreed rate into the existing watercourse running along the northern and western site boundary.

- 8.10.4 The Lead Local Flood Authority (LLFA) agree that such a drainage scheme would work in principle subject to further details being provided as a requirement of a planning condition. A maintenance and management plan for the drainage infrastructure would be required as a means to ensure that it would continue to function effectively throughout the lifetime of the development.
- 8.10.5 Drainage details for the southern part of the site which, for which outline approval only is being sought, are not included but the LLFA are satisfied that a suitable drainage scheme could be provided for the development as described. It is also possible that the southern part of the site may be able to utilise some of the drainage infrastructure that would serve the development on the northern part of the site.
- 8.10.6 The drainage scheme would utilise the existing watercourse to the west of the site and this would require its maintenance throughout the lifetime of the development. Development which supports the maintenance and improvement of existing drainage ditches is supported by NNP policy ES1 (6).
- 8.10.7 It is therefore considered that surface water run-off generated by the development can be adequately managed without unacceptable risk of flooding within the development or on neighbouring land. The development is therefore considered the comply with LLP1 policy CP12, NNP policies ES1 (6) and D2 and para. 163 And 165 of the NPPF.
  - 8.11 Landscape, Ecology & Biodiversity
- 8.11.1 TBC.
  - 8.12 Sustainability
- 8.12.1 The application is accompanied by an Energy and Sustainability Statement which provides details of measures to be incorporated into the design to improve energy efficiency, reduce carbon emissions and generate renewable energy.
- 8.12.2 The cladding used for the external surfaces of the building would be insulated and would help prevent heat loss. Offices are distributed around the edge of the building, allowing for good access to natural light and, as a result, less reliance on artificial lighting. Placement of the windows has considered the impacts of solar gain, ensuring that the potential for rooms overheating, and therefore potentially requiring mechanical ventilation, is reduced. Low energy lighting would be used throughout the building. Lighting in the warehouse

space would be PIR operated and lights would therefore only be on when the part of the warehouse that they serve is in use.

- 8.12.3 Air source heat pumps would be used to heat and cool the office space within the building. A 120kWP photovoltaic system would be installed on the large roof area of the building. 2% of the car parking bays would need to be provided with an operational fast EV charging unit as per the Electric Vehicle Charging Points Technical Guidance. The applicant has also stated that passive charging facilities (the infrastructure required to install a charging point but not the charging point itself) would be provided throughout the staff car park and the van parking area (100% of spaces). This would allow for easy installation of charging apparatus, supporting the modal shift from fossil fuel vehicles to electric vehicles over the coming years.
- 8.12.4 Para. 4.11 of the Circular Economy Technical Advice Note notes that non-residential developments are likely to have a shorter lifespan then residential, and therefore it is especially important that nonresidential developments are designed to be adaptable and flexible. Developers may consider how they will ensure the functional adaptability of their building. It is considered that the large internal space within the building, that would be predominantly open plan but would include ancillary office space, the provision of infrastructure such as loading bays and service yards, and the amount of space available within the site would allow for functional and flexible use and the capacity for adaptability to changing trends and requirements in the future.
- 8.12.5 The site is sustainably located, close to residential areas that would provide a potential source of employment and also close to local businesses that may benefit from increased footfall/custom as a result of the proposed development. Public transport access is available within close proximity with regular bus services providing connectivity throughout Newhaven as well as neighbouring towns and rail services provide connectivity with the wider region.
- 8.12.6 The use of a Local and Employment and Training Plan will help secure jobs and training for local people which would benefit the local economy in terms of providing employment as well as increased skills in the local workforce.
- 8.12.7 It is therefore considered that the proposed development complies with LLP1 policies CP13 and CP14, NNP policies ES1 (1) and D2 and para. 112 and 152 of the NPPF.
  - 8.13 Archaeology
- 8.13.1 The site is within an area of archaeological interest principally associated with a complex landscape formed by a combination of climatic and natural process over many millennia. The landscape of the Ouse Estuary has been utilised from the Palaeolithic period through to modern day. Evidence for medieval utilisation of this area of the Ouse estuary for salt working in the 12th and 13th centuries is evident within the site and is also recorded in the 1086 Domesday Book.

- 8.13.2 In light of the potential for impacts to heritage assets with archaeological interest, the County Archaeologist has requested that the area affected by the proposals be the subject of a programme of geo-archaeological works that would enable any archaeological/geo-archaeological deposits and features that would be disturbed by the proposed works, to be adequately investigated, recorded and reported on.
- 8.13.3 These works would be secured by condition, with final details to be approved by the County Archaeologist.
- 8.13.4 It is therefore considered the proposed development complies with policy LLP1 policy CP11, LLP2 policy DM33 and section 16 of the NPPF.

# 9. Human Rights Implications

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

#### 10. **Recommendation**

- 10.1 It is recommended that the decision is delegated to The Head of Planning to approve subject to confirmation that National Highways and the County Ecologist do not object, subject to the conditions listed below and a Section 106 Agreement securing highway works, ecology/biodiversity contributions and a local employment and training plan.
- 10.2 Further conditions will be attached relating to Highways and Ecology as advised by statutory consultees when their comments are received.
- 10.3 Please note, conditons 2 and 3 are subject to revision as the the details requested have already been submitted to the Environment Agency for comment. The majority of conditions apply to the full planning permission only (unless identified otherwise).
- 10.4 Further conditions will be attached to any reserved matters approval for the southern part of the site based on the final details of the scheme submitted.
- 10.5 Conditions

FULL PLANNING PERMISSION:

1. The part of this development for which full planning has been granted shall be begun within a period of three years commencing on the date of this notice.

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

- 2. No development approved by this planning permission 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:
  - I. 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.
  - II. A site investigation scheme, based on (I) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
  - III. The results of the site investigation and the detailed risk assessment referred to in (II) 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.
  - IV. 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 (III) 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 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 in accordance with LLP2 policies DM20, DM21 and DM22 and para. 170, 184 and 185 of the NPPF.

3. Prior to any part of the permitted development being occupied, 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 in accordance with LLP2 policies DM20, DM21 and DM22 and para. 170, 184 and 185 of the NPPF.

4. 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: In order to ensure that the proposed redevelopment does not harm groundwater resources in accordance with LLP2 policy DM22 and para. 170 of the NPPF

5. 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: In order to ensure that the proposed redevelopment does not harm groundwater resources in accordance with LLP2 policy DM22 and para. 170 of the NPPF

6. Piling and using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

Reason: In order to ensure that the proposed redevelopment does not harm groundwater resources in accordance with LLP2 policy DM22 and para. 170 of the NPPF

7. 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:

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 Eireng Consulting Engineers (Dwg No: 212037-C004-P5). Hydraulic calculations shall take into account the connectivity of the different surface water drainage features and consider a surcharged outfall.

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.

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

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 provide.

Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22, NNP policy ES2 and para. 163 and 165 of the NPPF.

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

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

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, NNP policy ES2 and para. 163 and 165 of the NPPF.

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

Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22, NNP policy ES2 and para. 163 and 165 of the NPPF.

10. The construction and operational phases of the development hereby awarded full planning permission shall be carried out in complete adherence with the mitigation measures as set out within the Air Quality Assessment by Tetra Tech (report ref: 784-B027475 – dated 28<sup>th</sup> April 2021).

Reason: In order to ensure air pollution is strictly managed in accordance with LLP1 policy CP11, LLP2 policy DM20, NNP policy ES2 and para. 186 of the NPPF.

11. Prior to the installation of any plant apparatus or machinery within the site that does not allowed under Schedule 2 Part 7 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), full specifications shall be provided for approval by the Local Planning Authority and the plant/apparatus shall thereafter be installed and maintained in accordance with those approved details throughout the lifetime of the development.

Reason: In the interest of environmental and residential amenity in accordance with LLP2 policy DM23, NNP policies ES2 and D1 and para. 174 and 185 of the NPPF.

12. Prior to first occupation of the development hereby permitted, full details of all external lighting shall have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall incorporate the mitigation measures and thresholds set out in the submitted External Lighting Strategy (ref: PH/10376/ELR-02, dated March 2021). The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual, environmental and residential amenity in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM20, DM24 and DM27, NNP policies ES2 and D1 and para. 130 and 185 of the NPPF.

13. The development shall not be occupied until the acoustic fence has been installed in the location shown on the approved plans in accordance with a full specification which is to be submitted to and approved by the Local Planning Authority. The fencing shall thereafter be maintained in accordance with the approved details throughout the lifetime of the development.

Reason: In order to ensure noise transmission is controlled in accordance with LLP2 policy DM23, NNP policies ES2 and D1 and para. 174 and 185 of the NPPF.

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

Reason: To enable the recording of any items of historical or archaeological interest in accordance with Core Policy 11 in the Lewes District Local Plan Part 1; Joint Core Strategy 2010 – 2030; coupled with the requirements of paragraphs 194-205 of the National Planning Policy Framework 2021.

15. 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 194-205 of the National Planning Policy Framework 2021

16. 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: In the interest of visual amenity in accordance with LLP1 policies CP10 and CP11, LLP2 policy DM25, NNP policies ES2 and D1 and para. 130 of the NPPF.

17.No materials, goods, plant, equipment or any waste materials shall be stored externally within the yard areas adjacent to the building.

Reason: In the interest of visual and environmental amenity in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM20, DM23 and DM25, NNP policies ES2 and D1 and para. 130 of the NPPF.

18. The development shall be carried out in accordance with the approved energy and sustainability report. Full details and specifications for the air source heat pumps, roof mounted solar array and passive infrastructure for electric vehicle charging points shall be submitted to and approved by the local planning authority and all elements shall thereafter be installed and maintained in accordance with the approved details.

Reason: In order to ensure suitable sustainability measures are incorporated into the development and maintained in accordance with section 14 of the NPPF, policies CP13 and CP14 of LLP1 and NNP policies ES1 and D2.

19. The offices and staff areas hereby approved shall be used as ancillary to the approved storage and distribution use only and shall not be used as a separate independent use at any time

Reason: In order to control the future use of the site in the interest of economic and environmental impact in accordance with LLP1 policy CP4 and NNP policies ES1 and ES2.

OUTLINE PERMISSION:

20. No development, apart from enabling works, earthworks and access works, shall commence on the outline element of the approval (edged in orange on the Proposed Site Plan) until detailed plans showing the layout, scale, design, and landscaping to be implemented (hereinafter referred to as "the Reserved Matters") have been submitted to an approved by the Local Planning Authority under an application for approval of reserved matters. The development shall thereafter only be carried out as per the approved details.

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

21. The application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than three years from the date of this permission and the development shall be begun before the expiration of two years from the date of the final approval of the last of the Reserved Matters.

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).

22. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987) (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification, the floor space provided by the development shall be solely occupied by operations falling within use Classes B2, B8 and E(g)(iii)) only and for no other purpose.

Reason: To ensure that the floor space provided is consistent with the sites status as an enterprise zone and supports the local economy and regeneration of Eastside as per policy CP4 of LLP1, ES1 and ES2 of the NNP and para. 81 of the NPPF.

23. The height of the buildings within the development shall not exceed 12 metres.

Reason: to ensure that the scale of the buildings is sympathetic towards neighbouring development and the surrounding countryside in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM25 and DM27, NNP policies D1 and ES2 and para. 130 of the NPPF.

#### 11. Background Papers

11.1 None.

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

PLAN TYPE	DATE RECEIVE	D <u>REFERENCE</u>
Flood Risk Assessment	24 May 2021	SHF.393.008.HY.R.001.A - Flood Risk Assessment
Tree Statement/Survey	24 May 2021	19-2082.05 - Arboricultural Survey
Air Quality Assessment	24 May 2021	784-B027475 Rev 4 - Air Quality Assessment
Noise Detail	24 May 2021	784-B027475 Rev 2 - Noise Assessment
Lighting Detail	24 May 2021	PH/10376/ELR-02 - External Lighting Strategy Report
Technical Report	24 May 2021	GAW/10376/ENE-01 ISS 02 - Energy and Sustainability Statement
Lighting Detail	24 May 2021	10376-PL-100 Rev C - External Lighting Lux Level Plot
Design & Access Statement	24 May 2021	21016/REV.03 29.04.21 - Design and Access Statement
Other Plan(s)	24 May 2021	21016-ASA-VS-SI-DR-A-P09 S4 - P4 - Proposed Boundary Detail
Other Plan(s)	24 May 2021	21016-ASA-VS-SI-DR-A-PL10 S4 - P0 - Proposed Ancillary Structures (Sheet 1)
Other Plan(s)	24 May 2021	21016-ASA-VS-SI-DR-A-PL12 S4 - P0 - Proposed Ancillary Structures (Sheet 2)
Location Plan	24 May 2021	21016 - ASA - ZZ - SI - DR - A - PL01 (S4 - P2) - Location Plan

Proposed Block Plan	24 May 2021	21016-ASA-VS-SI-DR-A-PL03 S4 - P7 - Proposed Site Plan
Proposed Section(s)	24 May 2021	21016 - ASA - ZZ - SI - DR - A - PL20 (S4 - P3) - Proposed Site Sections
Proposed Floor Plan(s)	24 May 2021	21016 - ASA - ZZ - ZZ - DR - A - PL04 (S4 - P0) - Proposed Ground Floor Plan
Proposed Floor Plan(s)	24 May 2021	21016 - ASA - ZZ - ZZ - DR - A - PL05 (S4 - P0) - Proposed First Floor Plan
Proposed Roof Plan	24 May 2021	21016 - ASA - ZZ - ZZ - DR - A - PL06 (S4 - P0) - Proposed Roof Plan
Proposed Elevation(s)	24 May 2021	21016 - ASA - ZZ - ZZ - DR - A - PL07 - (S4 - P2) - Proposed Elevations
Planning Statement/Brief	24 May 2021	14411 - Planning Statement
Proposed Levels Plan	24 May 2021	212037 C002 Rev P4 - Proposed Levels
Technical Report	24 May 2021	212037 Rev PL05 - Sustainable Drainage Strategy
Technical Report	24 May 2021	19-2082.06 Issue No. 3 - Preliminary Geo- Environmental Risk Assessment
Landscaping	24 May 2021	KGA-016-02-Revision C - Soft Landscape Proposals
Technical Report	24 May 2021	KGA-016-04 - Soling Specification
Tree Statement/Survey	24 May 2021	KGA-016-07 - Treepit Detail
Other Plan(s)	24 May 2021	KGA-016-09 - Easements and Root Barrier Plan
Technical Report	25 June 2021	19-2082.07 Issue 3 - Foundation Works Risk Assessment
Land Contamination	25 June 2021	19-2082.07 Issue 2 - Remediation and Verification Strategy
Technical Report	25 June 2021	19-2082.07 Issue 3 - Geotechnical Assessment
Technical Report	25 June 2021	19-2082.07 Issue 3 - Geo-Environmental Assessment
Technical Report	25 October 2021	19-2082.12 Issue 1 - Qualitative Odour Assessment

# Agenda Item 9

Report to:	Planning Applications Committee		
Date:	27 April 2022		
Application No:	LW/21/0754		
Location:	Land Opposite South Cottage, South Road, Wivelsfield Green, East Sussex		
Proposal:	Outline planning application with all matters reserved except for means of access, for the erection of up to 45 homes (including 40% affordable) and formal and informal open space including new woodland planting and play areas.		
Ward:	Wivelsfield		
Applicant:	Wates Developments		
Recommendation:	1. Refer to the application to the Secretary of state and		
	<ol> <li>If no call in is received from the Secretary of State within 21 days from the referral then delegate authority to the Head of Planning to approve subject to a s106 agreement to secure affordable housing and Landscaped Area and the conditions as listed in this report.</li> </ol>		
Contact Officer:	Name: Tom Bagshaw E-mail: <u>tom.bagshaw@lewes-eastbourne.gov.uk</u>		

# IMPORTANT NOTE: This scheme is CIL liable.

# **Site Location Plan**



#### 1. **Executive Summary**

#### Referral to Government Office

1.1 As the proposal represents a departure from the adopted Local Plan there is a requirement to refer the matter under section 77 Town and Country Planning Act 1990 In accordance with the normal procedure for dealing with these matters , the Department for Levelling Up, Housing and Communities (DLUHC) has 21 days to enable the Secretary of State to consider the 'call-in' request. The Secretary of State will, in general, only exercise his call-in powers if planning issues of more than local importance are involved.

Scheme proposal

- 1.2 The proposal is an outline planning application for 45 units with all matters reserved except for access.
- 1.3 The site could comfortably accommodate 45 units whilst also providing a good standard of living space, including residential gardens and communal green spaces. Furthermore, the size of the site and the indicative layout provided with the application, show that the proposal would not have any unacceptable impacts upon the living standards of any nearby properties.
- 1.4 The proposed development is located outside the defined planning boundaries. However, it is considered to represent sustainable development in accordance with the Interim Policy Statement for Housing Delivery subject to conditions.
- 1.5 The proposal would result in a number of benefits such as, the social gains of facilitating the provision of '45 residential units (including 40% affordable housing units) that would be of good quality and in an accessible and sustainable location. It would provide economic benefits by generating additional custom for nearby shops and services within Wivelsfield. It would provide environmental gains in terms of a high biodiversity value internal layout including the provision of a high biodiversity value landscaped area; and would preserve and reinforcement the existing hedgerows. Overall, Officers consider that the benefits of the scheme outweigh the harms of the proposal and therefore, the scheme is acceptable in principle.
- 1.6 In respect of highways safety and capacity, the proposal would be able to reach a satisfactory internal and external layout with parking provision and an acceptable access. The proposal will include sustainable transport options and improvements that would offset the impacts of the development at detailed plans stage, via conditions and S106 agreements. The proposal would be subject to the implementation of these conditions, S106 and therefore transport impacts of the development would be acceptable.
- 1.7 The application attracted initial objection from ESCC SUDS. The objection related to the proposed indicative layout and surface water flow paths through the site. ESCC SUDS requested that the applicant demonstrate that the development would not displace surface water and increase flood risk elsewhere. However, the applicant has subsequently provided these details and ESCC SUDS have withdrawn their objections and have recommended approval subject to conditions.

- 1.8 Contaminated Land and Air Quality Officers have confirmed that subject to surveys and any required mitigations being submitted prior to development of the site, the proposal would be acceptable.
- 1.9 County Landscape officer supports the proposal subject to the landscape masterplan being implemented. The proposal seeks to provide, the communal landscaped area and a 40% affordable housing contribution. All of these benefits will be secured via legal agreement.
- 1.10 The site is located nearby to previously found archaeological remains. As such, a condition requiring further surveys prior to any development at the site has been attached to the proposal.
- 1.11 There are a number of species to note that could be affected by the scheme, including great Crested Newts, Badgers, Bats, Dormice, Reptiles and Hedgehogs. The applicant has supplied an Ecological Appraisal which accompanies the submission. ESCC Ecologist has reviewed the report and has confirmed that the scheme would be acceptable subject to the recommended mitigations within the report.
- 1.12 Overall, subject to all the details and mitigations, the proposed benefits of the scheme would outweigh the harms (see conclusion for more detail regarding planning balance). Therefore, the proposal is considered to be acceptable and is recommended for approval.

#### 2. Relevant Planning Policies

#### 2.1 National Planning Policy Framework

- 2. Achieving sustainable development
- 4. Decision making
- 8. Promoting healthy and safe communities
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding, and coastal change
- 15. Conserving and enhancing the natural environment

# 2.2 Lewes District Local Plan

- LDLP1: CP2 Housing Type, Mix and Density.
- LDLP1: CP10 Natural Environment and Landscape.
- LDLP1: CP11 Built and Historic Environment & Design
- LDLP1: CP12 Flood Risk, Coastal Erosion and Drainage
- LDLP1: CP13 Sustainable Travel
- LDLP1: CP14 Renewable and Low Carbon Energy
- LDLP2: DM1 Planning Boundary
- LDLP2: DM14 Multi-functional Green Infrastructure
- LDLP2: DM15 Provision for Outdoor Playing Space
- LDLP2: DM16 Children's Play Space in New Housing Development

LDLP2: - DM20 - Pollution Management

LDLP2: – DM22 – Water Resources and Water Quality

LDLP2: - DM23 - Noise

LDLP2: - DM24 - Protection of Biodiversity and Geodiversity

LDLP2: – DM25 – Design

LDLP2: - DM27 - Landscape Design

Affordable Housing SPD July 2018

Interim Policy Statement for Housing Delivery March 2020

Five Year Housing Land Supply Position Statement March 2021

# 2.3 Wivelsfield Neighbourhood Plan 2015-2030

Policy 1 - A Spatial Plan for the Parish

Policy 2 - Housing Site Allocations

Policy 4 - Community Facilities

Policy 5 - Design

Policy 6 - Green Infrastructure & Biodiversity

Policy 7 - Local Green Spaces

# 3. Site Description

- 3.1 The application site lies to the south of South Road in Wivelsfield Green and measures approximately 3.68 hectares in a triangular shape. It is within close proximity to a number of local services, including the Primary school, post office facilities and a local shop. It is served well by public transport links.
- 3.2 The site comprises an agricultural field, with pedestrian access achieved via a track adjacent to Shepherds Close. It is largely open, and existing mature vegetation and trees is situated along its boundaries.
- 3.3 The site would form an extension to the already built area of Wivelsfield Green. It directly adjoins the defined development boundary as identified in both the Lewes Local Plan and the Wivelsfield Neighbourhood Plan.
- 3.4 The site has been identified through successive SHELAA's as not suitable for residential development.
- 3.5 The development boundary of Wivelsfield Green adjoins the site to the north on the opposite side of South Road and the west at the properties at Coldharbour Farm.
- 3.6 An important consideration is that the access would be directly onto South Road, the main road running adjacent the site rather than a secondary residential street.

# 4. **Proposed Development**

4.1 The application seeks outline planning permission for the erection of 45 new dwellings on the site. All matters are reserved except for access which would be located to the north of the site onto South Road.

- 4.2 The application is accompanied by indicative layout plans used to demonstrate the capacity of the site and how dwellings could be arranged to allow for access by servicing and emergency vehicles. The accompanying Design & Access Statement also sets out design principles and parameters. It is stated that maximum building height would be two-storey and describes how dwellings could be designed to be sympathetic to the local vernacular through the identification of characteristic architectural features and locally used materials.
- 4.3 The application is accompanied by an Affordable Housing Statement that confirms that 40% of the dwellings would be provided as affordable housing and where necessary a commuted sum will be paid where the 40% split does not equate to a whole dwelling. The split of tenures within the affordable housing would be 25% shared ownership and 75% affordable rent.
- 4.4 The proposal includes the provision of a communal landscaped area. This will be maintained by the current landowner and its provision along with a maintenance plan, will be secured via an S106 agreement.

# 5. Relevant Planning History

5.1 LW/15/0466 - Outline planning application for residential development for up to 55 new dwellings and new access off South Road, with all other matters reserved – Refused.

Reasons for Refusal

- The site lies outside of any defined settlement boundary where Policy CT1 of the Local Plan, which is to be retained and carried forward in the emerging Joint Core Strategy, seeks to control unplanned development proposals except in certain circumstances, none of which are met by these proposals. The Council is able to show within its most recent housing land supply figures, dated 1st April 2015, that Lewes District has a five year supply for housing, which includes an additional buffer of 5%, as required by paragraph 47 of the NPPF. The application is considered contrary to current development plan Policy CT1 of the Lewes District Local Plan, and the National Planning Policy Framework, particularly paragraphs 11, and 196.
- The proposed development, outside of the defined settlement boundary, would have an unacceptable and detrimental impact on the visual amenity and character of this area of countryside, contrary to Policies CT1 and ST3 of the Lewes District Local Plan, and Core Policy 10 of the Joint Core Strategy Submission Document.
- Had the overriding planning objections set out in Reasons 1 and 2 not applied, the Local Planning Authority would have sought the completion of a Section 106 Obligation to secure financial contributions towards education, rights of way, recreation, recycling and school transport along with affordable housing, and highway provisions as set out in the delegated report. In the absence of such an agreement the application conflicts with Policy ST1 of the Lewes District Local Plan.

## 6. **Consultations**

# 6.1 LDC Air Quality

6.1.1 No objection subject to conditions

# 6.2 LDC Contaminated Land

6.2.1 No objection subject to conditions

# 6.3 Natural England

6.3.1 No Comments

# 6.4 Environment Agency

6.4.1 No Comments

# 6.5 ESCC Archaeology.

- 6.5.1 This application is accompanied by a thorough desk based archaeological assessment that considers the results of a geophysical survey of the site and sets the project within an archaeological and historic context.
- 6.5.2 In light of the clear 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.

# 6.6 ESCC Landscape Officer

- 6.6.1 REVISED RESPONSE 22.12.2021 (Full response is available on the Councils website
- 6.6.2 It is recommended that the proposed development can be supported subject to the full implementation of the most recent landscape masterplan and satisfactory detailed designs for hard and soft landscape materials. Other mitigation measures in relation to the proposed building heights and the use of vernacular materials would need to be secured through reserved matters.

# 6.7 <u>Waste Services</u>

6.7.1 Waste Services require a swept path analysis to be carried out for a 12m long/ 2.6m wide collection vehicle to confirm sufficient vehicle access to the proposed properties. The need for waste collection vehicles to reverse should be kept to an absolute minimum and the sweep path analysis should demonstrate consideration of this.

# 6.8 ESCC Ecology

- 6.8.1 Full response is available on the Councils website
- 6.8.2 Summary
- 6.8.3 In summary, provided the recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective.

Conditions for a sensitive lighting strategy, biodiversity method statements for the protection of habitats, badgers and reptiles, an ecological design strategy setting out mitigation and compensation measures as well as measures to achieve measurable biodiversity net gain, and a landscape and ecological management plan for the long term management of the site are recommended.

#### 6.9 ESCC SUDS

- 6.9.1 REVISED RESPONSE 27.01.2022 (Recommended Approval subject to conditions)
- 6.9.2 Detailed Comments:
- 6.9.3 We previously objected to the proposed development due to the presence of a surface water flow paths through the site. The applicant has undertaken direct rainfall hydraulic modelling to demonstrate that development at the site will not increase flood risk elsewhere.
- 6.9.4 The modelling includes a preliminary layout however access roads and proposed ground levels have not been included in the model. This is acceptable at this stage given that the planning application is outline with all matters reserved and given that the application is for up to 45 residential units, rather than a fixed number of units. There are also significant areas of open space within the preliminary layout which will allow for flexibility when fixing the layout at reserved matters stage, should there be a need to avoid areas of higher flood risk.
- 6.9.5 We will require that further detailed modelling is carried out at the reserved matters stage when the applicant seeks to fix the scale and layout of the proposed development. This modelling should include the proposed ground levels and location of access roads as they will have a significant impact on post-development surface water flow paths.
- 6.9.6 The applicant has previously submitted a drainage strategy demonstrating how surface water runoff arising from the increased impermeable area at the site will be managed. This is acceptable however we will require further information at the detailed design stage.
- 6.9.7 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.

#### 6.10 ESCC Highways

6.10.1 The highway issues have been resolved and the application proposal is now acceptable subject to off-site Highway Works, Travel Plan, Travel Plan Audit Fee, and contributions secured through a s106 agreement, and highway conditions attached to any approval as detailed at the end of this report. The full response is available on the Council's website

# 6.11 <u>Wivelsfield Parish Council</u>

- 6.11.1 Objected to the proposal for numerous reasons as summarised below:
  - Outside development boundary
  - Visual Impact
  - Impact upon Highway
  - Loss of greenspace
  - Fail to Meet Criteria 2 of the Interim Statement
  - Would Not Constitute Sustainable Development
  - Lack of infrastructure
  - Flood Risk
  - Doesn't Overcome Previous Reasons for refusal

. Full response is available on the Councils website.

### 7. Other Representations

### 7.1 <u>Neighbour Representations</u>

7.1.1 A total of 199 letters of objection have been received at the time of writing this report. A summary of material planning matters raised is provided below. Any further representations will be summarised and included within the Supplemental Report.

Letter(s) of Objection

Principle

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

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

Highway Impact:

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

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

**Ecological Impact:** 

- Unknown impact on biodiversity
- Impact on protected species

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

Visual Impact:

- Loss of open space
- Out of character with rural setting
- Loss of countryside
- Impact upon the character of the village
- Light pollution affecting countryside

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

Flooding & Drainage:

• Existing sewers at capacity

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

Sustainability:

• Drainage

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

#### Amenity

- Generate noise and disturbance
- Loss of open spaces
- Current inability to use existing social infrastructure

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

#### 7.2 Other Representations

Maria Caulfield MP -

• I wish to join many local residents in Wivelsfield Green to object to the above planning application.

• The proposed site is outside the planning boundary, it is not included in the Wivelsfield Neighbourhood Plan and it is not in the Lewes District local Plan. The developments we've already had in recent years in Wivelsfield Green have pushed the area over the figure Lewes District Council had stated they felt Wivelsfield Green able to accommodate in the Lewes Local Plan.

• This significant development in the village will pose huge problems for residents, both current and future. The local school and nearby GP surgeries will be severely impacted by such a large number of people. The local country road will be made incredibly busy with so many additional vehicles traveling in and out of the village. • This application is completely inappropriate for the village. This planning application should be rejected, and I hope that the Planning Committee will be able to agree with this.

## 8. Appraisal

8.1.1 The main considerations relate to

- the principle of the development.
- the impact upon the character and appearance of the area
- the openness of the countryside.
- neighbouring amenities.
- impacts upon highway/pedestrian safety.
- flood risk.
- quality of accommodation.
- archaeology.
- sustainability.
- ecology/biodiversity.
- affordable housing/planning obligations
- environmental health and
- the overall merits of the scheme in terms of the balance of economic, environmental, and social objectives that comprise sustainable development.
- 8.1.2 It is important to note that the application is for outline approval for 45 units only. Indicative plans have been provided to demonstrate the capacity of the site as well as to indicate how the scheme can respond to specific requirements of the Lewes Local Plan Parts 1 and 2. Full details of the layout, design, scale and landscaping of the development would be afforded full scrutiny as part of an application for approval of reserved matters, should outline permission be granted.
- 8.1.3 All planning obligations need to be agreed at the outline stage, as this represents the overall planning permission for any such development. As such, a Section 106 legal agreement has been drafted to secure affordable housing contributions, and the provision of a community woodland.

#### 8.2 Principle

#### <u>Residential</u>

8.2.1 National Planning Policy Framework Paragraphs 7 and 8 state that there are three dimensions to sustainable development: economic, social, and environmental. The social role of the planning system should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment,

with accessible local services that reflect the community's needs and support its health, social and cultural wellbeing.

- 8.2.2 The Economic objective helping to build a strong, responsive economy and ensuring that the right types of sufficient land are available in the right places, and the environmental objective making efficient and effective use of land to improve the environment.
- 8.2.3 Development proposals that accord with an up-to-date Development Plan should be approved and where a planning application conflicts with an up-to-date Development Plan, permission should not usually be granted (Paragraph 12).
- 8.2.4 Section 5 of the Framework sets out policies aimed at delivering a sufficient supply of houses and maintaining the supply to a minimum of five years' worth (Paragraph 73).
- 8.2.5 Spatial Policy 1 (Provision of housing and employment land) states that in the period between 2010 and 2030, a minimum of 6,900 net additional dwellings will be provided in the plan area (this is the equivalent of approximately 345 net additional dwellings per annum).
- 8.2.6 Since its introduction through the NPPF in 2018, local housing need is calculated using a standard method contained within Planning Practice Guidance1. As such this is a Government initiative that sets the framework within which local housing need is assessed. The standard method uses a formula to identify the minimum number of homes expected to be planned for, in a way which addresses projected household growth and historic under-supply. Under the Government's standard method, the local housing need for the whole of Lewes District as of 11th May 2021 is 782 homes per year.
- 8.2.7 However, approximately half of the area of Lewes District is in the South Downs National Park, which is not under the planning jurisdiction of Lewes District Council. Planning Practice Guidance states that where strategic policy-making authorities do not align with local authority boundaries, an alternative approach to identifying local housing need will have to be used, and such authorities may identify a housing need figure using a method determined locally. In these situations, Planning Practice Guidance also confirms that this locally derived housing requirement figure may be used for the purposes of the five-year housing land supply calculation where the local plan is more than 5 years old.
- 8.2.8 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.

- 8.2.9 The Joint Core Strategy pre-dates the NPPF and in accordance with para 13 of the Framework, the policies of the core strategy should be given due weight according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). In the case of the old housing targets within SP1 and SP2 limited weight should be given, and housing targets which will be given substantial weight in the decision making process are those targets set out in the 'locally derived method for calculating local housing need' (602 dwelling per year).
- 8.2.10 Given the use of the Governments standard method for calculating housing need has derived a figure significantly greater than the previous position then this will have a direct impact upon the land available to meet this inflated need. The Council currently has a supply of deliverable housing land equivalent to 2.9 years outside the South Downs National Park (SDNP). This means that the local plan policies that are most important for determining an application for housing carry less weight, and the NPPF's presumption in favour of sustainable development will apply to decision making.
- 8.2.11 In terms of housing delivery, the Council was found to be delivering 86% of the figure required by the Housing Delivery Test (HDT). The NPPF sets out certain 'actions' that must be implemented depending on the HDT result with less than 95% delivery triggering the requirement of the LPA to produce an Action Plan. The Action Plan produced in 2019 sets out a number of positive actions for the Council to implement in order to increase housing supply, one of the measures being the imminent adoption of the Lewes District Local Plan (part two) 2020.
- 8.2.12 Given the Council's position on housing delivery, in March 2021 the Council published the 'Interim Policy Statement for Housing Delivery' (IPSHD). This sets out a number of criteria which the Council considers developments need to achieve in order to be considered sustainable development. This policy statement simply directs the decision maker to the pertinent parts of Development Plan which should be used to inform and decide the application against.
- 8.2.13 Officers have (for ease of reference) outlined below how the scheme compares against the Interim Policy Statement and goes further to outline how the scheme engages with the Development Plan.
- 8.2.14 Listed immediately below are the criteria of the interim Policy Statement:
  - 1. The site boundary is contiguous with an adopted settlement planning boundary, as defined on the Local Plan Policies Map
  - 2. The scale of development is appropriate to the size, character, and role of the adjacent settlement, having regard to the settlement hierarchy set out in LPP1 Table 2 (attached as an Appendix). In deciding whether the scale is appropriate, the

Council will take account of the cumulative impact of extant unimplemented permissions in the relevant settlement.

- 3. The proposed development will provide safe and convenient pedestrian and cycle access to key community facilities and services within the adjacent settlement.
- The proposed development, individually or cumulatively, will not result in the actual or perceived coalescence of settlements. Where appropriate, this should be demonstrated through the submission of a visual and landscape character impact assessment.
- 5. Within the setting of the South Downs National Park, an assessment is undertaken to demonstrate that the proposed development will conserve the special qualities of the National Park. This assessment should be informed by the SDNP View Characterisation & Analysis Study 2015, the SDNP Tranquillity Study 2017, and the SDNP Dark Skies Technical Advice Note 2018.
- 6. An ecological impact assessment is undertaken and appropriate measures identified and implemented accordingly to mitigate any potential adverse impacts of the development on biodiversity and secure biodiversity net gain in accordance with the Council's Biodiversity Net Gain Technical Advice Note (February 2021).
- 7. The proposed development will make the best and most efficient use of the land, whilst responding sympathetically to the existing character and distinctiveness of the adjoining settlement and surrounding rural area. Arbitrarily low density or piecemeal development, including the artificial subdivision of larger land parcels, will not be acceptable.
- 8. It can be demonstrated that the proposed development is deliverable and viable, having regard to the provision of necessary on-site infrastructure, including affordable housing, green infrastructure, and other requirements. Where the proposed development would create the need to provide additional or improved off-site infrastructure, a programme of delivery should be agreed with the relevant infrastructure providers to ensure that these improvements are provided at the time they are needed.

Criteria 1 of the IPSHD

8.2.15 The site is contiguous with the Wivelsfield settlement boundary at the at Wivelsfield Green. The north of the site is contiguous with the boundary, albeit separated by South Road. The western end of the site is contiguous with the settlement boundary at on Hundred Acre Lane. Therefore, the site is considered to be contiguous with the Wivelsfield settlement boundary and Officer's consider that the site complies with criteria 1 of the IPSHD in this regard.

Criteria 2 of the IPSHD

8.2.16 The site extends south beyond existing settlement boundary at Wivelsfield Green. Criteria 2 of the IPSHD requires that the scale of

the development should be an appropriate size to the existing settlement. This is supported by Wivelsfield Neighbourhood Plan Policy 1 which states that all new proposals within or extending the planning boundary will only be granted if they are consistent with the countryside policies of the development plan.

- 8.2.17 Although the scheme falls outside of the planning boundary, it also abuts the planning boundary at Coldharbour Farm. Therefore, the proposal would be considered to be contiguous with two separate settlement boundaries.
- 8.2.18 The site would be located immediately adjacent to residential properties on Shepherds Close. It is noted that the residential properties at Shepherds Close do does not fall within the Development boundary, however they do represent developed land in the form of residential properties and gardens.
- 8.2.19 Therefore, the proposal would slot into a plot of land that is situated between the Cold Harbour Farm, the properties on Shepherds Close and the Development Plan Boundary at Wivelsfield Green. As such, the site would be bounded by three separate existing areas of developed land and would sit amongst the built form of the Wivelsfield settlement rather than be separate from it.
- 8.2.20 The site would undoubtedly be an addition to the Wivelsfield Green settlement however, it is not considered to be an excessive or dominant addition to the settlement. The proposal would be subordinate to the village scale and would be considered to act as an infill development rather than an additional limb in the footprint of the settlement. The proposal would therefore comply with criteria 2 of the IPSHD.
- 8.2.21 Criteria 2 states that the Council will take account of the cumulative impact of extant unimplemented permissions in the relevant settlement. Until March 31st 2022 LEBC Planning Policy Officers stated that Wivelsfield had the following consents/commitments:

Dwellings approved until 31st March 2022= 258 units

- 8.2.22 Major sites still delivering housing include the site at nuggets.
- 8.2.23 Wivelsfield Neighbourhood Plan Adopted in 2016 set out that 30 new dwellings would be provided by 2030. However, this is superseded buy the Local Plan Part 1 Spatial Policy 2 which sets out that within the parish of Wivelsfield near Burgess Hill, a 'minimum' of 100 new dwellings should be provided but sets no upper limit. Should this application be approved that would result in an approximate maximum figure of 303 new dwellings being committed to within the Wivelsfield neighbourhood Area, which would exceed the figure set out in the Local Plan by 203 units (203% Increase).
- 8.2.24 Notwithstanding this however, since the adoption of the Wivelsfield Neighbourhood Plan, new Government legislation in the form of a revised NPPF has been released that outlines how growth should be accommodated in terms of housing delivery. Given the scale of the housing targets for the area, there is undoubtedly increased potential

of Wivelsfield to accommodate additional dwellings over and above the previously set targets. The provision of approximately304 new dwellings, would represent a significant increase in the housing target set out in the Local Plan. However, it is worth noting that this is a minimum target. Nonetheless given the scale of Wivelsfield Parish this increase in housing delivery given, the scale of the housing need, would not have a cumulative unacceptable impact upon the village in terms of density or its setting and would offer a valuable contribution to housing land supply.

Criteria 3 of the IPSHD

- 8.2.25 The application is outline and all matters are reserved. However, the layout shows a connection to the existing footpath on Hundred Acre Lane via a footpath to the south of Shepherds Close is possible, which would provide pedestrian access to Wivelsfield Green.
- 8.2.26 The site would be easily accessible via a range of transport options including walking, motor vehicle, cycle, and bus stops (Primary School and Downsview Drive). Therefore, Criteria 3 has been met in this regard.

Criteria 4 of the IPSHD

- 8.2.27 Criteria 4 states that Officer's should assess whether the site would result in actual or perceived coalescence of settlements. The site is located at the southern edge of Wivelsfield Green and is set in amongst existing development land to the west and north of the site. There are no nearby settlements within a proximity which would result in any significant risk of coalescence.
- 8.2.28 Officers consider that this criterion has been met in this regard. Criteria 5 of the IPSHD
- 8.2.29 Paragraph 176 of the NPPF sets out that development within the setting of national parks should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas
- 8.2.30 The site is located approximately 2 miles from the South Downs National Park. Due to the distance from the national park the proposal is not considered to result in any noticeable impacts upon its setting.
- 8.2.31 Therefore, the impact upon the setting of the SDNP is negligible and would not be given any weight in the planning balance. The proposal is considered to comply with criteria 5 of the IPSHD

Criteria 6 of the IPSHD

- 8.2.32 Criteria 6 relates to the ecological impact of the development. This is assessed in more detail in the 'Ecology and Biodiversity' section of this report. However, no objections were raised from East Sussex County Council's Ecology Officer and conditions have been recommended in order to ensure biodiversity net gain.
- 8.2.33 Furthermore, the applicant has included the provision of a large, landscaped area to the east of the site, which would deliver new trees and shrubs in an area that is presently of relatively low

biodiversity value. This would undoubtedly have a significant benefit in terms of its ecological impact.

8.2.34 Therefore, subject to the successful discharge of the recommended ecology conditions and the provision of a landscaped area, Criteria 6 of the IPSHD is considered to be satisfied.

Criteria 7 of the IPSHD

- 8.2.35 Criteria 7 requires that developments should make the most efficient use of land, whilst responding sympathetically to the surrounding rural environment.
- 8.2.36 The assessment in regard to whether or not the proposal would be sympathetic to the surrounding environment and is set out below in section 'Design, Character and Impact Upon Landscape'.
- 8.2.37 Policy CP2 of the Local Plan Part 1 sets out that within village scales density should range between 20-30 units per hectare in order to respect the village context. This proposal seeks a maximum density of 12.22 dwellings per hectare. Whilst this is below the recommended density for making most efficient use of the land, a large portion of the site is dedicated to landscape enhancements. As such, the proposed density would be considered to respect the village scale whilst realising the potential of the site in a manner sympathetic to its rural location.
- 8.2.38 The proposal would be considered to fall within the density expected in this location and would make appropriate and efficient use of the land in accordance with adopted policies. The proposal therefore satisfies Criteria 7 in this regard.

Criteria 8 of the IPSHD

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

#### Landscaped and Woodland Area

8.2.41 Core Policy 8 – 'Green Infrastructure' seeks to conserve and enhance the natural beauty, wildlife, and the high quality and character of the district's towns, villages, and rural environment. The policy sets out that it would achieve this by resisting development that would result in the loss of existing green spaces, unless either mitigation measures are incorporated within the development or alternative and suitable provision is made elsewhere in the locality.

- 8.2.42 Policy 6 of the Wivelsfield Neighbourhood plan states the aim of this policy is to protect, conserve and where possible enhance the parish's green infrastructure and wildlife habitats.
- 8.2.43 The proposal includes the provision of a large onsite landscaped area. Whilst the proposal as a whole would result in the loss of what is currently greenfield land, a landscaped would significantly offset some of the harms of the development and provide a public benefit of the scheme. The full extent of the harm to the landscape caused by the development is assessed in section 'Design, Character and Impact Upon Landscape' below. In principle the provision of the large ecology landscaped area would undoubtedly be a positive outcome of the proposal and is supported by Policy CP8.
- 8.2.44 The proposed landscaped area would be secured via S106 agreement, which will include a requirement to produce a long-term maintenance plan for the area in order to secure its long-term benefits.
- 8.2.45 In conclusion, the proposal seeks to deliver 45 new dwellings at the site. Given the Council's housing requirement and the lack of a 5-year housing land supply, the Council are applying the presumption in favour of sustainable development. Given the scale of the Council's housing deficit the delivery of 45 units would be considered a significant benefit of the scheme.
- 8.2.46 However, the site falls outside of the defined development boundaries. The IPSHD produced by the Council sets out the criteria which it considers defining sustainable development. This document sets out eight criteria which are to be used as a guide to determine what is sustainable development. As set out above, the proposed scheme would satisfy the majority of the criteria set out in the 'IPSHD on an in-principle basis. However, this is subject to the separate assessment to the visual impact upon the countryside, which is set out in section 'Design and Character and Impact Upon Landscape' below and is required by criteria 7 of the IPSHD.
- 8.2.47 The proposal seeks to provide a large, landscaped area. This would provide community amenity facilities and would undoubtedly have ecological benefits for the surrounding area. This would be a significant benefit of the scheme.
- 8.2.48 On balance, the principle of the application is generally acceptable. The proposal would have benefits in the form of 45 new dwellings contributing to housing supply: the provision of ecology and amenity facilities for the use and enjoyment of the local population in the form of the landscaped area. However, Officers recognise that this is to be weighed against the impact upon the surrounding landscape in accordance with the IPSHD and the NPPF. Subject to any potential harm of the development not outweighing the benefits, the principle of the development is considered to be acceptable.

# 8.3 Design, Character and Impact Upon Landscape

- 8.3.1 The proposed development site is comprised of one large open agricultural field, which is enclosed by hedgerows and a woodland along the western side of the southern boundary. The open character of much of the site makes it visually sensitive from a northern aspect and particularly from South Road and Downsview Road in the Wivelsfield Green Settlement Boundary,
- 8.3.2 Paragraph 131 of the NPPF stresses the importance of trees to the placemaking process. The indicative layout plan shows that green spaces and planting will be integrated throughout the site. However, a detailed landscaping plan will be required as part of the reserved matters. The landscaping plan will be required to retain as much existing vegetation as possible whilst providing a net gain of high biodiversity value trees and shrubs throughout the site.
- 8.3.3 The proposal includes a large Community Landscape Area to the east of the site and a Woodland which would adjoin and extend the existing woodland along the southern boundary.
- 8.3.4 In terms of design, the indicative plans and Design & Access Statement confirm that dwellings would not exceed two-storeys in height. An appraisal of surrounding development will be required to identify key architectural features and materials within the surrounding area to inform the design of the buildings within the development at detailed plans stage.
- 8.3.5 The proposed development seeks a maximum density of 12.22 dwellings per hectare and would be in accordance with Policy CP2, which sets out that within village settings the maximum density should be between 20-30 dwellings per hectare. Given the semirural nature of the site and the fact that large parts of this development are dedicated to landscaping, the density is considered to be in keeping with the rural nature of the site whilst maximising its housing potential.
- 8.3.6 The details of access will form part of the reserved matters submission. The formation of the vehicular site access would be via the north eastern side of the site at South Road. A pedestrian access will be formed on the north western side of the site also at South Road. A final pedestrian access will be created at the south western side of the site connecting to Shepherds Close. The works will lead to the removal/cutting back of some of the existing tree line/hedgerows at these accesses, to allow for an opening and visibility splays. The loss of hedgerow would be unfortunate but can be somewhat mitigated by the planting of new native hedgerow to reinforce the existing hedgerows and other onsite landscaping enhancements. Therefore. Officers consider that the loss of hedgerow would only result in a minor degree of harm to the surrounding landscape and streetscene due to the potential for mitigation.
- 8.3.7 The indicative layout plan shows that the site has capacity for buildings and infrastructure to be set back from the road. This would allow space for planting, as well as the creation of open green space that would interact with the wider street scene.

- 8.3.8 It is considered that there is ample opportunity for mitigation in the form of planting that would maintain the verdant nature of this section of South Road abutting the site. Any planting would also provide a visually sympathetic screen to the proposed development that would soften the impact from street level. The indicative layout plans show that planting could provide an integral part of the development through additional screening and creation of mixed habitats that could enrich the visual quality of the site margins and soften the visual impact of the development.
- 8.3.9 Although full details of design, scale, layout, and landscaping are reserved matters, it is clear that the proposed development will involve building over a site that has not previously been developed and is currently greenfield land. Notwithstanding this, the site is not isolated, being directly adjacent to the established settlement boundaries of at Wivelsfield Green and Hundred Acre Lane.
- 8.3.10 Notwithstanding site boundary landscaping, the rising topography of the site means the proposed development would be particularly visible from South Road and Downsview Road. The scheme would undoubtedly harm rural views from this aspect which would be given due weight in the planning balance.
- 8.3.11 Notwithstanding the above, the rising topography of the site would result in the impacts upon the countryside being contained to south Road and Downsview Road. The woodland and landscape planting in unison with the rising topography of the site would result in the development being screened from far reaching views. The result is that the proposal would have a very localised impact on the countryside and would therefore not be particularly sensitive to wider landscape impacts. ESCC's Landscape Officer has reviewed the proposal and has stated that subject to design details such as certain properties in sensitive locations being erected as bungalows and a well-designed landscape basis.
- 8.3.12 Further mitigation will be required in the form of a lighting assessment with any reserved matters, which would soften the impacts of the development by informing a design with limited light spill from the site.
- 8.3.13 In conclusion the proposed site itself would comfortably accommodate a development of 45 units whilst not exceeding the housing density required by Policy CP2. The reserved matters will require the submission of elevations and layout plans and this will be informed by a character assessment of the surrounding area in order to achieve a vernacular that matches the areas character. The maximum building height will be two stories.
- 8.3.14 Trees, shrubs, and hedgerows will play a key role in the successful delivery of this proposal. Hedgerows and landscaping have the potential to significantly soften the visual impact of the development. Additional planting as well as reinforcing existing vegetation and planting where possible, will be a key requirement of any detailed plans submission.

- 8.3.15 The site accesses would be formed by removing existing hedgerows and planting. The main vehicular access will be required to create openings large enough for two vehicles to pass each other and create sufficient visibility splays. This may lead to a loss of hedgerows. However, with mitigation in the form of additional planting, this would only be considered to result in minor harm to the street scene from South Road and Downsview Road and the wider area.
- 8.3.16 The proposal will undoubtedly have visual ramifications for the outward views from South Road and Downsview Road. This coupled with the loss of the vegetation to form the site accesses would be considered to result in a moderate harm to the landscape.
- 8.3.17 However, the sites topography coupled with significant landscaping and planting would limit the impacts of the development to the northern aspects of South Road and Downsview Road. The resulting scheme would only have a particularly local sensitivity to wider landscape impacts and would not result in harms to the wider rural landscape.
- 8.3.18 Overall, the development would result in moderate harm to the setting and openness of the countryside from the view of South Road and Downsview Road. However, there are significant gains to be made in terms of a net increase in planting. Mitigation offered would significantly soften the impact of the development. Notwithstanding this, the harm to the countryside would still be considered to be moderate, which will be considered in the planning balance.

# 8.4 Transport and parking

- 8.4.1 In summary, the site would be accessed from the northern boundary, directly from South Road. The site is located in close proximity to bus stops and walking routes and is considered to be a sustainable location in close proximity to nearby amenities and transport links subject to various proposed upgrades in public transport services.
- 8.4.2 The proposal would seek parking provision in compliance with ESCC parking standards. Concerns were raised relating to the proposed tandem parking spaces and their layout. However, the application is all matters reserved and it is considered that the parking layout can be resolved in a way to make the arrangement acceptable at reserved matters stage. The site layout will be resolved in consultation with ESCC Highways Officers.
- 8.4.3 The Highway Authority initially objected to the proposal on the basis that the modelling in the applicants Transport Assessment was not accurate. ESCC has since undertaken their own junction assessment and modelling and has concluded that the highway network could accommodate the proposed development. There are no other concerns raised by the Highway Authority.
- 8.4.4 The proposal would include various improvements in public transport provision via S106 agreements, such as bus stop improvements, contribution for increased services and school bus passes and the

provision of a car club. The proposal would also enhance pedestrian access routes through the site in eastern and western directions which would be secured at detailed plans stage, via conditions and S106 Agreement.

8.4.5 Overall, the proposal is considered to be acceptable from a highway's perspective, subject to S106 and Conditions. It is on this basis that Officers consider the highways impacts acceptable.

### 8.5 <u>Residential Amenity</u>

- 8.5.1 This is an outline application where, if permission is granted, the details of the layout will be reserved for further consideration under a subsequent planning application. However, the indicative drawings inform the layout and heights of the proposed development and provide an expectation of what would be delivered. For the most part, the indicative drawings show that the development maintains separation distances between proposed and adjoining existing properties and would not be in close proximity to any existing properties at Shepherds Close.
- 8.5.2 Although the new houses would be clearly visible from surrounding properties and may obstruct existing views across open parts of the site, there is no material right to a view. The separation distances shown in indicative drawings would preclude what would be regarded, in planning terms, significant overlooking, loss of outlook or obtrusiveness that would be considered to materially harm the living conditions for the occupants of existing nearby properties. Nonetheless, the detailed reserved matters will include boundary planting and landscaped buffers, which would help to mitigate noise disturbance and harm to views for the neighbouring properties.
- 8.5.3 The indicative layout submitted with the proposal, in unison with the two storey heights of the proposed structures would not be considered to result in any unacceptable impacts upon any existing neighbouring properties in terms of overbearing, overshadowing, overlooking or daylighting/sunlighting. It is considered that the proposal could accommodate the development limit of 45 units within the site, whilst not resulting in any unacceptable internal or external residential amenity issues.
- 8.5.4 The application is considered to be acceptable in terms residential amenity subject to conditions and further details.

#### 8.6 Living Conditions for Future Occupants

8.6.1 It is considered that the indicative layout plans demonstrate that the site could accommodate a development of 45 dwellings, that would also provide a good sense of place and community. The indicative layout shows that there would be sufficient space to provide soft landscaping and greenery as well as communal open areas. The site would be located adjacent to the existing settlement of Wivelsfield Green and would not be isolated and would have good connections to the existing community and services. It is therefore considered that occupants of the proposed dwellings would not feel a sense of

detachment from their wider surroundings and would have a good standard of environment within the site itself.

- 8.6.2 It is stated that all housing units would meet the Nationally Described Space Standards and based on measurements of the footprint of each dwelling; it is considered there is ample room for all dwellings to be delivered as meeting or exceeding the space standards. Furthermore, each dwelling would be able to accommodate a goodsized garden, whilst communal green space would also be available.
- 8.6.3 The proposed development would include safe pedestrian links to South Road in the form of raised kerb footways. There is a pedestrian link connecting the site to Hundred Acre Lane and Wivelsfield green meaning that residents of the existing settlements and residents of the site can easily access the existing and proposed local amenities including the proposed landscaped area.
- 8.6.4 Overall, the site would be a sufficient size and scale to sustain the development proposed comfortably, whilst providing adequate living standards in terms of local environment and internal and external quality of private accommodation. The site is well connected with existing public services meaning that the residents of the existing settlements can easily access the public realm improvements and the landscaped area. The pedestrian and vehicular links to Wivelsfield Green would allow residents of the site to easily access the amenities at the existing settlement.
- 8.6.5 It is therefore considered that the proposed development complies with Policy CP2 of LPP1, policy DM15, DM16 and DM25 of LPP2 and Section 8 of the NPPF.

# 8.7 Flooding and Drainage

- 8.7.1 The proposed development would involve the introduction of buildings and impermeable surfaces (equating to a total area of approx. 3.68 hectares) on what is currently an undeveloped greenfield site.
- 8.7.2 The NPPF sets out a Sequential Test, which states that preference should be given to development located within Flood Zone 1 and at a low risk of flooding from other sources.
- 8.7.3 The proposed development site lies in an area designated by the EA as Flood Zone 1 and is outlined to have a chance of flooding of less than 1 in 1,000 in any year.
- 8.7.4 It is worth noting that the proposal is an all matters reserved application, so therefore final details of the layout of the site are unconfirmed. However, as the residential development would be located within Flood Zone 1 the final layout is not considered to represent any unacceptable risk of flooding.
- 8.7.5 Surface water runoff will be increased by the proposed scheme as the proposal will increase impermeable surface on site. Ultimately surface water would be managed by surface water from the proposed development will be attenuated and discharged to the

ordinary watercourse to the north-east of the site via an existing sewer or a new sewer in South Road/Downsview Drive.

- 8.7.6 In order to prevent flooding, both on and off the site, Sustainable Drainage Systems (SuDS) will be utilised to control surface water flows, via the inclusion of an attenuation basin (north of the site adjacent the access), with the potential for the inclusion of permeable paving which will be required via condition. These features will be designed to store the volume of water associated with a 1 in 100-year rainfall event, plus an additional allowance to account for increased rainfall due to climate change, providing a betterment over the existing scenario
- 8.7.7 The scheme initially attracted an objection from the Lead Local Flood Authority (LLFA). The initial objection related to a lack of hydraulic modelling in relation to the presence of surface water flow paths through the site. The applicant has undertaken direct rainfall hydraulic modelling to demonstrate that development at the site will not increase flood risk elsewhere and as such, the LLFA withdrew their objection to the scheme.
- 8.7.8 In conclusion, the site is situated in a Flood Zone 1, surface water will be attenuated on site via the inclusion of an attenuation basin before being discharged into the ordinary watercourse on South Road/Downsview Road. The initial objections from the LLFA have been resolved and the objection has been withdrawn in favour of a recommendation for approval subject to conditions.
- 8.7.9 It is considered that the proposed drainage scheme would meet the criteria of sustainable drainage as set out in para. 051 of the Planning Policy Guidance on Flood Risk and Coastal Change in that it would manage run-off, control water quality and maintain amenity space and wildlife areas. The LLFA have stated that they are satisfied that the surface water generated by the proposed development can be managed effectively.
- 8.7.10 It is therefore considered that surface water run-off generated by the development can be adequately managed without unacceptable risk of flooding. The development is therefore considered to comply with policy CP12 of LPP1 and paras. 161 and 162 of the NPPF.

# 8.8 Ecology & Biodiversity

- 8.8.1 The application is accompanied by an Ecological Appraisal Report, which sets out the impact of the proposal on a number of protected species. The Ecological Appraisal Report identifies the primary ecological hotspots of the proposed development, most of which are to be retained in the indicative layout plan. The majority of the grassland is categorised as being of low ecological value, but it is noted that there are areas of priority habitats supporting the potential presence of Great Crested Newt, nesting birds, foraging bats, hazel dormouse and reptiles.
- 8.8.2 The report sets out a range of mitigation measures to minimise the impact upon wildlife during site clearance and construction works. This includes: protective fencing to be erected surrounding retained

protected habitats; the supervised clearance of any reptile habitats, to avoid the risk of killing/injuring reptiles and subsequent translocation of reptiles still on site; and, the requirement for a European Protected Species License (Hazel Dormouse) issued by Natural England prior to any works commencing. The report also suggests the timing of all vegetation clearance works to avoid hibernating, maternity and nesting seasons for bats, birds, mammals, and reptiles.

- 8.8.3 Further measures will be taken to ensure all retained trees and hedgerow are protected during site clearance and construction works; that external lighting is avoided or minimised where possible; that excavations and open pipework is covered overnight; and that new boundary fencing includes mammal gates.
- 8.8.4 A number of opportunities for ecological enhancements/biodiversity net gain are identified within the report. These include the creation of a generously sized Community Landscaped Area, which will be secured via legal agreement. Further enhancement measures and recommendations for the site include: the Community Landscaped Area and woodland habitats for a range of species: the creation of a high biodiversity value attenuation pond: and, the installation of bat and bird roost/nest boxes.
- 8.8.5 ESCC Ecology Officer has assessed the application and offered their qualified support for the proposal..
- 8.8.6 In addition to the mitigation and compensation measures required, the site offers opportunities for enhancement which will help the Council address its duties and responsibilities to provide measurable BNG under national and local planning policy and the NERC Act. The Biodiversity Net Gain Assessment submitted with the application (ECOSA, September 2021) concludes that the proposed development, based on the plans set out in the Proposed Site Layout, will result in BNG of 10.97% for habitats and 33.10% for hedgerows. Whilst the assessment was not based on the most up to date version of the Biodiversity Metric, it is accepted that assessments were started before the publication of version 3 and Natural England's advice is that in such cases, the continued use of an earlier version is acceptable.
- 8.8.7 The assessment is based on the creation of 0.16km of native species rich hedgerow. As stated above, this is unclear from the plans provided. It is recommended that a species rich native hedgerow is planted along the west side of the proposed public open space, and that this is managed for wildlife rather than for amenity. As stated above, it is recommended that an Ecological Design Strategy is required by condition which will clearly set out measures for mitigation, compensation and to achieve biodiversity net gain. As BNG should be secured for at least 30 years, a LEMP should set out long term management and how it will be funded.
- 8.8.8 In summary, there are several different species which may be affected by the proposal, but there is also potential for ecological benefits which will be secured via conditions and legal agreements.

The proposal includes a Community Landscaped Area, which will result in significant biodiversity net gain for the area and will be secured via legal agreement. The Community Landscaped Area's longevity will be insured by a requirement within the legal agreement to provide an ongoing management and maintenance plan.

- 8.8.9 ESCC Ecology Officer has confirmed that if the recommended mitigation, compensation, and enhancement measures are implemented, the proposed development can be supported from an ecological perspective with regard to protected species. Further mitigation is recommended by ESCC Ecology Officer which can be secured at the reserved matters stage and detailed in an updated Ecological Impact Assessment.
- 8.8.10 Overall, the proposal seeks adequate mitigation and would result in significant biodiversity enhancement measures. ESCC Ecology Officer has confirmed that they have no objection to the proposal and therefore, the ecological impact of the proposal is acceptable

### 8.9 Environmental Health

Air quality

- 8.9.1 The initial response from LDC's Air Quality Officer's response sets out that an air quality assessment and any required mitigation can be achieved at the reserved matters stage subject to a condition requiring these details to be submitted to and approved by Council Officer's. As such, it is considered that a successful resolution in terms of air quality can be achieved for this scheme.
- 8.9.2 Therefore, Officers have no air quality concerns subject to conditions.

Contamination

- 8.9.3 The proposal does not include any Ground Contamination Assessment. However, LDC's Contamination Officer has provided a response which sets out that a Ground Contamination Assessment and any required remediation can be submitted at the reserved matters stage, as it is considered that a successful resolution can be achieved for this scheme.
- 8.9.4 Overall, neither a Ground Contamination Assessment nor an Air Quality Assessment have been submitted with this proposal. However, the proposal is all matters reserved and both assessments can be effectively dealt with at reserved matters stage. Any recommended reports and subsequent mitigation will be required prior to any development commencing at this site. Therefore, there are no environmental health concerns resulting from the proposal subject to additional details.

# 8.10 Sustainability

8.10.1 The application is in outline form and, as such, it is not possible for all sustainability measures to be detailed at this stage. It is, however, noted that the development would utilise sustainable drainage systems. This, as well as other open green space within the overall site area is considered to support the delivery of multi-functional green infrastructure as required by LPP2 Policy DM14.

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

# 8.11 Archaeology

- 8.11.1 An Archaeological Desk Based Assessment (DBA) of the site has An Archaeological Desk Based Assessment (DBA) of the site has been carried out and a report submitted as part of the suite of documents supporting the application.
- 8.11.2 The DBA places the proposed development site within an archaeological and historic context and confirms that the application site lies in an area with moderate potential for Mesolithic and low to moderate potential is considered for Neolithic, Bronze Age and Roman deposits. The mid-19th century place name for the site suggests possible kiln activity at the site settlement.
- 8.11.3 ESCC Archaeological Officer has reviewed the report and generally agrees with its conclusions. In light of the potential for impacts to heritage assets with archaeological interest, it is recommended that the area affected by the proposals should be the subject of a programme of archaeological works, in order to determine the impact of the proposal.
- 8.11.4 Therefore, subject to additional details being received at reserved matters stage, the proposed development complies with Policy CP11 of LPP1, DM33 of LPP2 and section 16 of the NPPF.

# 8.12 Planning Obligations

- 8.12.1 The proposed scheme represents major development and, as such, there is a requirement for affordable housing to be provided. At a rate of 40% of the total number of units being provided as affordable housing, the proposal is in accordance with Policy CP1 of the Lewes District Core Strategy. units, the maximum number of affordable housing units would be 18 units.
- 8.12.2 The applicant has confirmed that affordable housing would be provided in compliance with the requirements of CP1 and a Section 106 legal agreement has been drafted to secure this. A provisional dwelling mix with a tenure split of 75% affordable rent and 25%

- 8.12.3 The applicant has agreed to provide a Communal Landscaped and Woodland Area to the east of the site. The S106 agreement will include a provision that a maintenance plan is produced for the ongoing maintenance of the Communal Landscaped and Woodland Area and contributions will be received in the form of a commuted sum for its maintenance over. The provision of the Communal Landscaped and Woodland Area will be secured by S106 Agreement. A planting plan along with a woodland maintenance plan will be required by the S106.
- 8.12.4 Officers seek to resolve Highways issues where appropriate by S106 agreement. The highways S106 requirements are as follows:
  - Travel Plan developed in accordance with ESCC Travel Plan Guidance for developers (Feb 2020) including Travel Plan Audit Fee of £6000
  - Access from South Road including road markings etc as shown illustratively on plan Nos. 001-G and PL-01L
  - Improvements to two existing Bus stops on South Road to include shelters [to be agreed with parish council] seating at both stops, together with raised kerbs, bus stop clearway at westbound stop.
  - New 2-metre-wide footway from the site access along South Road to the east as shown illustratively on drawing Nos. 001-G and PL-01L.
  - Appropriate uncontrolled crossing points [dropped kerbs and/or tactile paving] across South Road to connect the site to the Primary School and village to the west and the bus stops to the east on South Road.
  - Appropriate uncontrolled crossing points [dropped kerbs and and/or tactile paving across both ends of Allwood Crescent at its junctions with Downsview Crescent and across Downsview Crescent at its junction with South Road.
  - A £5000 contribution towards the administrative costs of a Traffic Regulation Order for implementation of any possible parking restrictions required on South Road and/or for the extension to the 30mph within the site and/or towards the bus stop clearway consultation.
  - A Permissive route to be provided through the site for public use in order for the existing residents of Wivelsfield to utilise the use of the proposed car club bay [if provided].
  - A contribution of £89,775 towards free school transport [£665 per child per year assuming 1 child per dwelling] for a 3-year period.
  - A contribution of £45,000 [£1000 per dwelling] towards improving the 166 [or its replacement] Bus Services.
- 8.12.5 Subject to the above provisions, the application is considered to be acceptable.

# 8.13 <u>Human Rights Implications</u>

8.13.1 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.

## 8.14 Conclusions

- 8.14.1 The provision of 45 units given the scale of the Councils housing requirement would play a significant role in reaching the target of 602 homes per year. Therefore, Officers consider that the provision 45 homes would carry significant positive weight in the planning balance.
- 8.14.2 At a rate of 40% of the total number of units being provided as affordable housing, the proposal is in accordance with Policy CP1 of the Lewes District Core Strategy. With a development of 45 units, the number of affordable housing units would be 18. The policy compliant affordable housing would be a significant benefit of the scheme and would carry significant positive weight in the planning balance.
- 8.14.3 The proposal complies with all elements of the 'Interim Policy Statement for Housing Delivery' except criteria relating to harm on the surrounding visual environment and landscape. This harm varies at different areas of the site but overall, the impact upon the surrounding landscape are largely limited to South Road and Downsview Road. Mitigations are offered which would go some way to softening the visual appearance of the development. However, the impact upon the landscape resulting from the development, would be moderate harm due to the visuals presence of the site from those roads to the north. The impact upon the character of the landscape would have moderate negative weight in the planning balance.
- 8.14.4 The proposal includes the provision of a communal landscaped area and a woodland area to the east of the site (demarcated in plans 7050 PL-05 & 7050 PL-06:). The proposed community Landscaped and Woodland areas would be accessible to the public and would provide a host of benefits including, softening the visual impact of the development; providing outdoor amenity space; and contributing to biodiversity net gain. The Community Landscaped Area and Woodland would not completely mitigate the harms of the development however, its provision is supported by neighbourhood, local and national planning policy and it would undoubtedly result in benefits. Due to the range of benefits resulting from the provision of the Community Landscape and Woodland Areas, this would carry moderate positive weight in the planning balance.
- 8.14.5 The proposal seeks adequate mitigation and would result in significant biodiversity enhancement measures. ESCC Ecology Officer has confirmed that they have no objection to the proposal subject to conditions. Overall, the proposal would result in the loss of

a low biodiversity value greenfield. However, it would offer enhancements in the form of an internal landscaping scheme, the communal landscaped area and woodland, and the retention of the remaining hedgerows bar areas to be removed for access. On balance, the proposed biodiversity enhancements would be positive but limited to some degree due to the human activity and residential nature of the site. On this basis the biodiversity enhancements would carry minor positive weight in the planning balance.

- 8.14.6 The site is situated within an area with low archaeological interest. However, due to the low to moderate archaeological potential of the site for specific eras of human activity, a schedule of archaeological works will be required to be carried out at the reserved matters stage at the advice of ESCC Archaeological Officer. Subject to conditions, the archaeological impacts can be acceptably resolved, and this therefore bears neutral weight in the planning balance.
- 8.14.7 The highways impact upon the surrounding area are considered acceptable. The access is considered acceptable subject to conditions and S106 agreements and sustainable transport options such as walking and public transport would be improved at detailed plans stage, via conditions and via S106 agreements. Therefore, the highways impacts are considered to have neutral bearing on the planning balance.
- 8.14.8 It is considered that surface water run-off generated by the development can be adequately managed without unacceptable risk of flooding. Subject to conditions the flooding and SUDS impacts can be acceptably resolved, and this therefore bears neutral weight in the planning balance.
- 8.14.9 Both LDC 's Air Quality and Contamination Officers have reviewed the evidence submitted by the applicant and are content that air quality and contaminated land issues can be effectively dealt with at reserved matters stage.
- 8.14.10 Overall, Officers consider that the significant public benefits in terms of the provision of up to 45 Units and a policy compliant affordable housing provision, and the provision of a Community Landscaped and Woodland Area (including their biodiversity benefits), would outweigh the minor harms resulting upon the setting of the Visual Landscape from South Road and Downsview Road. Therefore, Officers consider that the scheme would be acceptable and is therefore recommended for approval.

#### 9. **Recommendation**

**Part A)** Referral to the Secretary of State (SoS) for a minimum of 21 Days following a resolution to Approve Planning Permission.

In the circumstances that the SoS do not wish to exercise call in powers and subject to the successful completion of an S106 agreement under the following Heads of Terms:

• Provision of 40% of the residential units as Affordable Housing

- Provision of Community Landscape and Woodland.
  - Tree Planting and Hard and Soft Landscaping Plan
  - o Woodland Maintenance Plan
- Travel Plan developed in accordance with ESCC Travel Plan Guidance for developers (Feb 2020) including Travel Plan Audit Fee of £6000
- Access from South Road including road markings etc as shown illustratively on plan Nos. 001-G and PL-01L
- Improvements to two existing Bus stops on South Road to include shelters [to be agreed with parish council] seating at both stops, together with raised kerbs, bus stop clearway at westbound stop.
- New 2-metre-wide footway from the site access along South Road to the east as shown illustratively on drawing Nos. 001-G and PL-01L.
- Appropriate uncontrolled crossing points [dropped kerbs and/or tactile paving] across South Road to connect the site to the Primary School and village to the west and the bus stops to the east on South Road.
- Appropriate uncontrolled crossing points [dropped kerbs and and/or tactile paving across both ends of Allwood Crescent at its junctions with Downsview Crescent and across Downsview Crescent at its junction with South Road.
- A £5000 contribution towards the administrative costs of a Traffic Regulation Order for implementation of any possible parking restrictions required on South Road and/or for the extension to the 30mph within the site and/or towards the bus stop clearway consultation.
- A Permissive route to be provided through the site for public use in order for the existing residents of Wivelsfield to utilise the use of the proposed car club bay [if provided].
- A contribution of £89,775 towards free school transport [£665 per child per year assuming 1 child per dwelling] for a 3-year period.
- A contribution of £45,000 [£1000 per dwelling] towards improving the 166 [or its replacement] Bus Services.

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

**Part B)** Subject to the LPA and the applicant failing to successfully complete an S106 agreement to secure necessary legal requirements (referred to in Part A) by the 27<sup>th</sup> of July 2022 or a time frame agreed with the LPA, the Planning Applications Committee grant the Head of

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

- The application fails to provide the necessary Affordable Housing, for the proposed development, contrary to policy CP1 of LPP1, DM25 of LPP2, Policy 2 of the Wivelsfield Neighbourhood Plan and the National Planning Policy Framework.
- The application fails to provide the necessary highways mitigations by reason of failure to successfully complete a Section 106 Agreement, which would be to the detriment of road users and highways capacity and sustainable travel. The development would therefore be contrary to Policy CP13 of the Lewes District Local Plan Part 1 and Paragraph 111 of the National Planning Policy Framework.

# **Conditions**

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

PLAN TYPE	DATE RECEIVED REFERENCE	
Location Plan	16 November 2021	LOC001 - Rev B - Site Location Plan (Amended)
Other Plan(s)	24 March 2022	ITB10356-GA-001 Rev.G – SITE ACCESS PLAN
Other Plan(s)	28 January 2022	Revised vehicle tracking plan

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

2. **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 LPA to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

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 LPA. Application for the approval of the Reserved Matters shall be made within three years of the date of this permission. The development shall accord with the approved details. Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

4. **Hydraulic Modelling (SuDs)** Detailed hydraulic modelling shall be carried out at the reserved matters stage to demonstrate that the proposed development will not result in an increase flood risk elsewhere. The modelling should include proposed ground levels and site layout and demonstrate that the development will not increase flood risk for all events up to and including the 1 in 100-year plus climate change event. Reason: In order to ensure surface water is managed effectively in accordance with LPP1 policy CP12, LPP2 policy DM22 and para 166 and 168 of the NPPF.

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

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

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

6. **Tree Protection** No development shall commence, including any works of demolition or site clearance, until details of the protection of the trees to be retained has been submitted to and approved in writing by the LPA. The measures of protection should be in accordance with BS5837:2012 and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the Root Protection zones.

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

7. **Sustainability Assessment** No development shall commence, including any works of demolition, until a Sustainability Statement has been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of amenity and landscape character in accordance with LPP1 policies CP10 and CP08, CP09, CP14 and LPP2 policy DM24 and Section 15 of the NPPF

8. Access Gradient The completed access shall have maximum gradients of 2.5% (1 in 40) from the channel line and 11% (1 in 9) thereafter shall be retained.

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

9. **Parking and Turning** The development shall not be occupied until parking and turning areas have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking and turning of motor vehicles. Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

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

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

11. **Highways drainage details** Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road[s], 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

12.**Pre commencement survey of existing highways (Damage)** No development shall take place, including demolition, on the site until an agreed pre-commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense. Reason: In the interests of highway safety and the amenities of the area

13. **Construction Access and Turning** 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.

14. **Protection details for retained habitats** No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of retained habitats, and measures to protect badgers, reptiles and amphibians 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 wildlife legislation.

15. **Lighting design strategy,** no development shall take place until a "lighting design strategy" has been submitted to and approved in writing by the local planning authority. The strategy shall:

(a) identify those areas/features on site that are particularly sensitive for badgers, bats and hazel dormice and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

(b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

(c) The lighting strategy shall minimise light spill from the site affecting the setting or openness of the countryside

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the planning authority.

Reason 1: Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. Reason 2: to ensure a satisfactory design and appearance of the proposal and to minimise the impact upon the openness of the countryside in accordance with DM25 and para 177 of the NPPF.

16. Ecological design statement No development shall take place until an ecological design strategy (EDS) addressing mitigation and compensation for the loss of habitat, most notably hedgerows and grassland, and enhancements to provide a minimum 10% biodiversity net gain 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 ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 174 and 180 of the National Planning Policy Framework, and Policies CP10 and DM24 of Lewes District Local Plan Parts One and two.

17. **Construction Management** No development shall commence, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the LPA. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period.

The 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 Appendix A of the air quality assessment referenced Wivelsfield Green(A).9 (January 2022) submitted by Mayer Brown paying particular regard to the requirement for real time particulate monitoring with locations of monitors and methodology to be approved in writing by the LPA prior to commencement of any works on site

The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

o the anticipated number, frequency and types of vehicles used during construction,

o means of reusing any existing materials present on site for construction works,

o the method of access and egress routing of vehicles during construction,

o the parking of vehicles by site operatives and visitors, including a workers' travel plan

o the loading and unloading of plant, materials, and waste,

o the storage of plant and materials used in construction of the development,

o the erection and maintenance of security hoarding,

o flood management during construction both on and off site [or via separate document]

o 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),

o details of public engagement both prior to and during construction works.

o address noise impacts arising out of the construction.

o address vibration impacts arising out of the construction.

o address odour impacts arising out of the construction.

o dust mitigation measures,

o demonstrate that best practicable means have been adopted to mitigate the impact of noise and vibration from construction activities.

o includes details of the use of protective fences, exclusion barriers and warning signs.

o provides 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.

o details of any external lighting.

Reason: In order to safeguard environmental and residential amenity and in the interests of highway safety and the wider amenities of the area having regard to Policy CP11 of the LPP1, policies DM20 and DM23 of the LPP2 and the Circular Economy Technical Advice Note.

18. **Suds general** Detailed hydraulic modelling shall be carried out at the reserved matters stage to demonstrate that the proposed development will not result in an increase flood risk elsewhere. The modelling should include proposed ground levels and site layout and demonstrate that the development will not increase flood risk for all events up to and including the 1 in 100-year plus climate change event.

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

19.**Suds general** Prior to the commencement of development, a detailed surface water drainage strategy 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 hydraulic calculations shall consider the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to 10.17 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 sewer 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 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 ensure surface water is managed effectively in accordance with LPP1 policy CP12, LPP2 policy DM22 and para 166 and 168 of the NPPF.

20. **Management details for drainage system** 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 LPP1 policy CP12, LPP2 policy DM22 and para 166 and 168 of the NPPF.

21. **Flood risk mitigation** No development shall commence, including any works of demolition, until details of measures to manage flood risk, both on and off the site, during the construction phase have been submitted and approved in writing to the council. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.

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

22. **Grading details of the site** No development shall commence, including any works of demolition, until details of earthworks have been submitted to and approved in writing by the LPA. These details shall include the proposed grading of land area including the levels and contours to be formed and showing the relationship to existing vegetation and neighbouring development. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of amenity and landscape character in accordance with LPP1 policies CP10 and CP11, LPP2 policies DM25 and DM27 and section 15 of the NPPF

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

24. **Contamination** 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.

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

25. **Contamination verification report** 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.

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

26.**Childrens Play Area** No development shall take place, including any demolition, ground works, site clearance, until details have been submitted showing that development shall incorporate an appropriately sized children's play area that is integral to the overall design and layout of the development, is sited in a safe, open and welcoming location which are overlooked by dwellings and well used pedestrian routes, is provided with seating for accompanying adults, is additional to any incidental amenity space; and is properly drained, laid out, landscaped and equipped for use at an agreed stage or stages no later than the occupation of the 5th unit of the development.

The details shall thereafter remain in place for the lifetime of the development unless otherwise agreed by the LPA.

The play equipment shall be designed, manufactured, installed and maintained in accordance with European Standards EN1176 and EN1177 (or any superseding legislation) and the submitted details shall be accompanied by a management and maintenance plan for the play area. Reason: To provide a healthy living environment in accordance with policies DM15 and DM16 of LPP2 and section 8 of the NPPF.

27. **Visibility Splays** No part of the development shall be first occupied until visibility splays of 2.4 metres by 51 metres to the west and 54 metres to the east have been provided/maintained at the junction of the access with South Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 600mm.

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

28.Landcape management plan A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall include the following:

(a) description and evaluation of features to be managed.

(b) ecological trends and constraints on site that might influence management.

(c) aims and objectives of management.

(d) appropriate management options for achieving aims and objectives.

(e) prescriptions for management actions, together with a plan of management compartments.

(f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period.

(g) details of the body or organisation responsible for implementation of the plan.

(h) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The

plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details. Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long-term management of habitats, species, and other biodiversity features.

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

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

30. **Archaeological evidence statement** 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 37.

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

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

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

32. **Sustainability Boilers** Details shall be submitted to and approved by the local planning authority prior to the first occupation of the development for the installation of Ultra-Low NOx boilers with maximum NOX emissions less than 40 mg/kWh (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 186.

33. **Cycle Parking** 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.

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

35. **External Lightning** No external lighting or floodlighting shall be installed on the buildings or the road and parking areas hereby permitted without the prior written approval of the LPA.

Reason: To protect the amenity and character of the surrounding countryside and to prevent disturbance of nocturnal species having regard to Policy CP10 of the LPP1, policies DM20 and DM24 of the LPP2 and para 174, 180 and 185 of the NPPF.

36.**Height of dwelling restriction** No buildings or structures within the development shall exceed two storeys in height.

Reason: In order to control the scale of the development in the interest of visual amenity and landscape impact in accordance with LPP1 policies CP10 and CP11, LPP2 policies DM25, DM27 and DM33 and sections 15 and 16 of the NPPF.

37. **Hours of work** Construction work shall be restricted to the hours of 0800 to 1800 Monday to Fridays and 0900 to 1300 on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

Reason: In the interest of residential amenities of the neighbours having regard to Policy DM25 of LPP2.

38. **Size of Parking Bays** The proposed parking spaces shall measure at least 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 adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway. 39. **Electric Vehicle Charging** 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 186.

Informative(s)

- 1. All waste material arising from any site clearance, demolition, preparation, and construction activities should be stored and removed from the site and disposed of in an appropriate manner. It is offence to burn trade waste. So, there should be no bonfire onsite
- 10. Background Papers
- 10.1 None.

# Agenda Item 10

Report to:	Planning Applications Committee
Date:	27 April 2022
Application No:	LW/21/0622
Location:	Retained land at Antler Homes Old Hamsey Brickworks Development & AVID Commercial Building
Proposal:	Demolition of an existing office building, erection of 13 no. dwellings (mix of 2 and 3 bedrooms), redesign of parking area serving a consented office building, additional garden area for Kiln Cottage and all associated works.
Applicant:	Antler Homes PLC
Ward:	Chailey, Barcombe & Hamsey
<b>Recommendation:</b>	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 proposed development proposes a development of 13 new dwellings, effectively an extension to the existing new development to the south and east. The proposal involves the demolition of existing occupied employment premises on the site. This business will be moving into two of the new B1 units currently under construction on the main site.
- The proposal will result in the net loss of actual and potential employment 1.2 floorspace and as such would be a departure from Local Plan Policy if approved. However, it is considered that on balance, this is acceptable.
- 1.3 Approval is recommended, subject to conditions and a s106 agreement to secure a commuted sum of £369,460 in lieu of affordable housing on site, in accordance with the council's SPD and financial contribution towards recycling.

#### 2. **Relevant Planning Policies**

2.1 National Planning Policy Framework

> Achieving sustainable development Delivering a sufficient supply of homes Building a strong, competitive economy Ensuring the vitality of town centres Promoting healthy and safe communities Promoting sustainable transport Making effective use of land Achieving well designed places Meeting the challenge of climate change, flooding and coastal change Conserving and enhancing the natural environment Conserving and enhancing the historic environment Lewes District Local Plan

- 2.2
  - LDLP: SP2 Distribution of Housing
  - LDLP: CP1 Affordable Housing
  - LDLP: CP2 Housing Type, Mix and Density
  - LDLP: CP4 Encouraging Economic Development and Regeneration
  - LDLP: CP7 Community Facilities
  - 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: DM24 Protection of Biodiversity and Geodiversity
- LDLP: DM25 Design
- LDLP: DM26 Refuse and Recycling
- LDLP: DM27 Landscape Design
- Affordable Housing SPD July 2018
- Interim Policy Statement for Housing Delivery March 2020

Five Year Housing Land Supply Position Statement March 2021

- 2.3 <u>Hamsey Neighbourhood Plan</u>
  - EN5: Renewable and low carbon energy
  - EN6: Reduction of carbon emissions
  - H4: Safe Access
  - H6: Housing for local needs
  - H7: Design quality
  - H8: Design and materials context
  - H9:- Density

## 3. Site Description

- 3.1 The application site is located on the A275 between South Chailey and Cooksbridge. The site forms a combination of land retained by the applicant, Antler Homes, and an existing commercial building, occupied by Avid, a pet microchip business. The wider context of the site is residential development, with a small line of established residential properties fronting the A275 known as Bevernbridge Cottages and a new development of 49 dwellings, still under construction on what was formally a brickworks.
- 3.2 There are a further 6 dwellings recently constructed on a previous scaffold yard adjacent to the development (known as Knights Court), these were also completed by the applicant, Antler Homes. To the south of the site is a large farmhouse and grounds. To the north is a section of Ancient Woodland. The development is set within a former brickworks, and the wider area surrounding the site is in agricultural uses.
- 3.3 The village of South Chailey is 1.5km to the north and can be reached via the 121 bus (4 min ride), where a variety of local services including a post office, secondary school and doctor's surgery can be found. As part of the previously consented development, a footpath is in the process of being installed between the application site and South Chailey to provide safe pedestrian access to the village.
- 3.4 In terms of wider connectivity, the site is situated on the A275, with the larger settlements of Lewes 7km to the south (15 min drive), Burgess Hill 10.5km to the west (15 min drive) and Uckfield 14.5km to the east (22 min drive). There are buses running north and south from the A275 directly outside of the site, with an 8min bus ride south to Cooksbridge Railway Station, for connections to Burgess Hill/Lewes and the wider railway network beyond. Central London can be reached from the site on public transport in 2hrs.

## 4. **Proposed Development**

- 4.1 The application seeks full planning permission for the demolition of an existing commercial building currently occupied by Avid, retained land previously associated with the brickworks and a section of a site that has an extant consent for 5 commercial buildings, all to form 13 market dwellings (4 x 2 bed/4person houses and 9 x 3 bed x 4 person houses ) along with associated access, landscaping and enabling works. The proposal will involve the loss of 2 category C trees (poor quality) and full or partial removal of four groups also category C, of which two are low quality scrub, all located along the northwest boundary of the site.
- 4.2 The dwellings will be the same house types as approved and constructed on the remainder of the development, to provide continuity and a cohesive overall settlement. The houses will be finished in a combination of brick and hanging tile.
- 4.3 In addition to the dwellings, the proposal includes re-configuration of the parking area for three consented commercial units that are outside of the red line boundary. These commercial units are currently under construction, ensuring that a commercial element will remain on the wider site. In total the development will have 36 parking spaces for the residential units and 22 spaces for the retained 3 commercial units in addition to the retention of existing parking spaces for the Knights Court dwellings that are within the red line.
- 4.4 Part of the justification put forward for the development is that it will facilitate the retention of Avid at the site. The company will be taking occupation of two of the new commercial units, providing them with improved workspace and allowing expansion of the business without leaving the District.
- 4.5 Access to the site from the A275 will be through the main spine road for the consented development, no further works are proposed to this junction to facilitate the traffic generation from the proposed development.
- 4.6 The scheme includes a landscaped buffer to the ancient woodland to the north of units 7-10 which will also provide an informal open space for residents to utilise. This will be retained within the management company for the site.
- 4.7 In addition, the approved access road will be re-configured to provide Kiln Cottage with an improved private garden.
- 4.8 Overall, the proposal represents a departure from local plan policy CP4 in that it would result in a net loss of actual and potential employment floorspace over the application site and the site to the east. The application was advertised as a Departure and any comments received as a result will be reported to the committee.

## 5. Relevant Planning History

5.1 None relating to the development site but of relevance is the development of the adjacent Hamsey Brickworks and Knights Court sites, and the Lakes site:

- 5.2 LW/14/0712 Redevelopment of industrial estate with 8 x B1 (business) units and enabling residential development of 37 open market houses and 12 affordable dwellings approved 13 February 2015.
- 5.3 LW/17/0030 Redevelopment of the site with six residential units Approved 05/04/2017.
- 5.4 LW/18/0850 Details of the appearance, landscaping, layout and scale relating to LW/17/0030 approved 18 December 2018.
- 5.5 LW/20/0609 Outline application for up to 12 custom-build homes and supporting infrastructure All matters reserved except access. Undetermined at time of writing this report.

## 6. Consultations

- 6.1 <u>Regeneration Team</u>
  - 6.1.1 The consented scheme for the Knights Court Business Campus would have provided 1,353.6sqm of commercial office space. Based on the nationally-recognised Employment Densities Guide for B1 general office use (professional services), this space would be sufficient to host up to 112.8 full-time equivalent (FTE) jobs.
  - 6.1.2 Regeneration is disappointed to note that marketing has taken place over a period of 5 years, via 2 different commercial agents, with a lack of demand identified. We recognise that the marketing approach appears to have been extensive and appropriate for the scale of development. Nevertheless, I have raised the site with Locate East Sussex (the inward investment agency for East Sussex) who have advised that they have not been directly contacted by agents marketing the scheme.
  - 6.1.3 Regeneration is supportive of the plan to move the neighbouring business into space allocated for office use. This will safeguard the existing business, which we note has been searching for suitable space for several years. It may also lead to additional job creation as the business expands. We would like to see greater clarity from the applicant on the number of jobs being safeguarded, as well as the business's expansion plans over the next five years. This information will help us to understand how this proposal offsets the jobs that would have been created from the original consent.
  - 6.1.4 Based on the level of active property enquiries received by Locate East Sussex, there is a good level of demand for commercial space within the district. The majority of enquiries received are for light industrial/warehousing/logistics use, rather than offices. Nonetheless, it is clear that there is demand for employment space in this and similar locations.
  - 6.1.5 It is our view that there remains a good level of demand for commercial space in rural areas to the north of Lewes Town. This is supported by information provided by key partners, including Locate East Sussex. However, we also recognise the importance of safeguarding existing jobs in a more rural environment. The proposal to relocate an existing business to space that is better suited to their

needs and offers them expansion opportunities is welcomed. We would like to see additional information on the economic benefits of the proposal.

6.1.6 We further recognise that extensive marketing has been undertaken through two well-established and reputable commercial agencies with limited demand identified, albeit this appears to differ from information provided by key partners. As such, Regeneration reluctantly accepts the revised plan submitted by the applicant. It will provide employment space for an established local business and does offer some potential for future employment growth in this location.

## 6.2 Environmental Health – Air Quality

- 6.2.1 The air quality assessment submitted by Enzygo Environmental Consultants, reference number: CRM.1023.037.AQ.R.001 and dated December 2021 is accepted as being an accurate statement of current and future air quality at the proposed development site. I agree that the development itself will not be in an area of exceedance of any of the UK air quality standards or objectives however any development will lead to a worsening of air quality by its very nature and consequently, I would ask that you accept the air quality assessment subject to the following conditions should the development be approved:
- 6.2.2 A Construction Environmental Management Plan shall be written in accordance with Table 15 of the Enzygo Environmental Consultants Air Quality Assessment reference number: CRM.1023.037.AQ.R.001 (December 2021) and shall be approved by the LPA in writing prior to commencement of any works on site.
- 6.2.3 In addition to the requirement for eV infrastructure provision as detailed at Condition (4), the development shall include air quality mitigation as costed at Section 5.4 and Table 14 of the Air Quality Assessment submitted by Enzygo Environmental Consultants reference number: CRM.1023.037.AQ.R.001 (December 2021). (*Please note the total costing should read £5,178.58 not £5,197.57.*) 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.
- 6.2.4 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<sub>x</sub> boilers with maximum NO<sub>x</sub> 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.

An external power point shall be supplied to each property and must comply with the latest BS7671 for the purpose of future proofing the installation of an electric vehicle charging point. At least 20% of these charging points shall be active and capable of charging electric vehicles without the need for further works.

## 6.3 ESCC SuDS

## Initial comments

- 6.3.1 It is understood that an area of the development is located within a site that has previously been granted planning permission, with drainage details previously approved by ESCC. The applicant is proposing to attenuate surface water runoff from the remaining area in geocellular attenuation crates prior to discharge to the nearby watercourse at a restricted rate. This is an acceptable approach in principle however we require further information before we can be satisfied that the development will not increase flood risk elsewhere.
- 6.3.2 The north east of the site is at risk from surface water flooding from the nearby watercourse. We request that the applicant provides details of the measures that will be put in place to ensure the proposed properties will not be at risk from surface water flooding. It is likely that land raising will be required in the area of the site at risk from surface water flooding. We request that the applicant undertakes hydraulic modelling to demonstrate that the proposed development will not result in an increase in flood risk elsewhere.

Updated comments following receipt of additional information

- 6.3.3 The applicant has undertaken further detailed hydraulic modelling to understand the effect the development will have on existing surface water flow paths. The modelling identifies the presence of a significant surface water flow path through the site that will be routed to the north of the site during the post-development scenario. The post-development scenario includes raising of the access track to the west of the development to ensure that surface water flows are routed back to the ditch to the east of the site. We require that this flood mitigation is taken forward to the detailed design stage and that proposed ground levels are submitted to the Local Planning Authority prior to construction.
- 6.3.4 It is proposed to discharge surface water runoff to the watercourse to the east of the development site. Any works affecting the watercourse adjacent to the development site will have to be discussed and agreed to by the County Council. The applicant should approach the LLFA for discussions once the nature of these works is known on watercourse.consenting@eastsussex.gov.uk
- 6.3.5 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:
- 6.3.6 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 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 2.5 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.

6.3.7 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.

- 6.3.8 Prior to occupation of the development evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.
- 6.4 <u>ESCC Highways</u>
  - 6.4.1 Initial concerns raised about cycle parking, level of parking, tracking for waste vehicles. On receipt of amended plans and information, no objection raised.
- 6.5 <u>Sussex Police</u>
  - 6.5.1 Plots 1 10 of the additional 13 residential dwellings on the north / north eastern elevation face outwards onto the street layout, creating a good active frontage with good levels of natural surveillance over the manoeuvring areas. Parking within the application has been provided with on-curtilage and garage parking. This should keep the street layout free and unobstructed. There is a large parking court for visitors with some observation over it. Back to back gardens have eliminated the need for vulnerable rear garden pathways.
  - 6.5.2 The allocated parking for plot's 50 & 51 is located within the unallocated visitors parking court. There will need to be clear and legible signage indicating plots 50 & 51parking bays, otherwise this has the potential to create illegal parking and neighbourly disharmony. A solution would be to create distinctive demarcated individual parking bays for plots 50 & 51 with low planting.
  - 6.5.3 I have concerns over the location for plots 11,12, & 13 at the south east corner of the development. They are close to commercial unit B and my concerns is their amenity will be impacted upon from daily commercial noise, business movements, delivery movements and a pollution perspective. I am not aware of the business hours being proposed for unit B.
  - 6.5.4 A dedicated pedestrian and cycle link is being proposed via the existing track located along the western boundary, connecting through to the existing dwellings located set back from the A275 and Meadow Way. When introducing public footpaths into development caution should be used as the introduction of a footpath into or through a development has the potential to generate crime if not adequately designed.
  - 6.5.5 Chapter 8.3 of SBD Homes 2019 V2 states; Whilst is accepted that through routes will be included within the development layouts, the designer must ensure that the security of the development is not compromised by excessive permeability, for instance by allowing the criminal legitimate access to the rear or side boundaries of dwellings or by providing too many or unnecessary segregated footpaths. Where a segregated footpath is unavoidable, for example a public right of way, an ancient field path or heritage route, designers should

consider making the footpath a focus of the development and ensure that they are as straight as possible, well lit (within BS 5489-1:2013), devoid of potential hiding places, overlooked by surrounding buildings and activities, well maintained so as to enable natural surveillance along the path and its borders.

- 6.5.6 Chapter 8.12. SBD Homes 2019 V; where isolated footpaths are unavoidable, and where space permits, they should be at least 3 metres wide (to allow people to pass without infringing personal space and to accommodate passing wheelchairs, cycles and mobility vehicles). If footpaths are designated as an emergency access route, they must be wide enough to allow the passage of emergency and service vehicles and have lockable barriers. In order to create a safe environment for the users, I recommend that the proposed pathway has anti-vehicle measures implemented into it.
- 6.5.7 For all plots, garages will provide bin and cycle storage within them, with bins to be presented at the front of properties on collection day. A rear garden shed will also be provided for all plots. I would like to direct the applicant to SBD Homes 2019 V2 document chapter 56 for advice on cycle security and chapter 54 for information on how to increase security of the garage vehicle door-set or the garage pedestrian rear garden door-set.
- 6.5.8 Defensive barriers by using walls or fencing to a minimum height of 1.8m. Gates that provide access to the rear gardens must be placed at the entrance to the garden as near to the front building line as possible, so that attempts to climb them will be in full view of the street and be the same height as the adjoining fence so as not to reduce the overall security of the dwelling's boundary. Where possible the street lighting scheme should be designed to ensure that the gates are well illuminated. Gates must be capable of being locked (operable by key from both sides of the gate). The gates must not be easy to climb or remove from their hinges.
- 6.5.9 Finally, 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.
- 6.5.10 Sussex Police would have no objection to the proposed development as submitted from a crime prevention perspective subject to my above observations, concerns and recommendations being satisfactorily addressed.

## 6.6 District Services

6.6.1 Request further information on the accessibility of the development to our waste and recycling vehicles. A swept path analysis is required for a vehicle with dimensions 11.9m long and 2.6m wide.

## 6.7 <u>Southern Water</u>

- 6.7.1 Southern Water records showing the approximate position of our existing foul sewer within the development site. The exact position of the public asset must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.
- 6.7.2 The 150 mm diameter gravity sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access.
- 6.7.3 No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.
- 6.7.4 No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers.
- 6.7.5 All existing infrastructure should be protected during the course of construction works.
- 6.7.6 It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

## 6.8 Natural England

6.8.1 Natural England has no comments to make on this application. Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

## 6.9 Hamsey Parish Council

## Initial comments

- 6.9.1 Hamsey Parish Council Objects to this application on the following grounds:
- 6.9.2 This isolated area has never been allocated as suitable for residential development, and the incremental approach to increasing the number of houses is unacceptable as the area is isolated from community facilities, and not sustainably accessible by foot or bike.
- 6.9.3 This proposal would change the overall development from mixed use to housing, contrary to the original justification for the development.
- 6.9.4 The wider site does not provide adequate communal open space accessible to all as would be expected of a development of 83 houses.
- 6.9.5 The development escapes the policy requirement for affordable housing which would have applied if this had been part of the original proposals this is unacceptable.

- 6.9.6 The design does not meet the requirements of the Hamsey Neighbourhood Plan.
- 6.9.7 The proposal has the potential to harm the adjoining ancient woodland.
- 6.9.8 If approved, the PC requests the following:
- 6.9.9 Wishes to retain the option for the provision of a community building at no cost (other than maintenance and management costs) for operation by HPC and would request a s106 agreement to this effect.
- 6.9.10 Would like consideration to be given to additional open space and allotment provision being provided on site, for use by all residents in the area.
- 6.9.11 Would like firm commitment to be given to the construction of a footpath/cycleway to the south, to link with Cooksbridge.
- 6.9.12 Would like additional support to be given to local bus services to the site.
- 6.9.13 Seeks mitigation for local residents in the form of soft landscaping to the gabions used to retain the widened road outside the site and resurfacing of the road outside existing residents' houses.

Further comments following meeting with developer in December 2021

- 6.9.14 Inadequate communal outdoor space, no communal meeting space, no additional business units (8 planned originally, net increase now reduced to zero), no play park (this was proposed in the outline plans), not enough visitor parking.
- 6.9.15 Other matters drawn to PC by Cllr McKendrick include covenants in place preventing commercial vehicles, but housing tenants placed there with these vehicles and no alternative place to park, design deficiencies, parking problems, failed aspirations for quality in the environment, and a general failure to make good commitments to buyers in the way the development is emerging.
- 6.9.16 Note assurance that the open space shortcomings will be addressed both when the central open space becomes available, and when the woodland area is more readily accessible. However, the central open space, in common with the other parcels of open space throughout the site, is more like a left over bit of land between the housing and the business units. It is surrounded by the rear of houses and the rear of the business units likely to be unwelcoming close-boarded fencing, quickly becoming tatty and degraded, rather than a generous and welcoming recreational space at the heart of the new community.
- 6.9.17 PC understood that applicant was going to address concerns by possibly reducing the number of houses and remodelling the proposals to improve the open space being provide. However, this has not happened and an offer of £10,000 was made on condition that objection was withdrawn.

- 6.9.18 A community building would go some way to addressing community shortcomings of the proposals. Therefore PC position has not changed from that included in representations to LDC, i.e. .that PC wishes to '... retain the option for the provision of a community building at no cost (other than maintenance and management costs) for operation by HPC and would request a s106 agreement to this effect.'
- 6.9.19 PC will withdraw objection to the lack of affordable housing, given your assurance that this will be provided off-site.
- 6.9.20 PC hopes that developer will still make good offer of £10,000 towards the Sustrans study if this application is approved. However, this may not be acceptable as a material planning consideration under the CIL regs,. It does nothing to overcome PC fundamental objections to the proposals, so they will not be withdrawn.

## 7. Neighbour Representations

7.1 Representations have been received from 22 local residents objecting to the application for the following reasons:

Concern about walkway at rear of 1-8 Bevernbridge being used for traffic

Residents don't want a community hall

Residents want open space with flowers, trees and benches

Gross overdevelopment in the countryside

Access is inadequate

Loss of privacy for residents in Bevernbridge

Footpath will cut off rear access to parking and garages in Bevernbridge

Access to main site hasn't been built as approved

Residents were led to believe that not all offices built, the area would be given over to open space

Concerns about affordable housing being 'bunched together'

Previously promised pavements do not appear to be happening

Concern about safety and security of walkway

Design is out of place – they look like town houses

Access road is not wide enough

Developer ignores the management plan, has no regard for residents

Would prefer to see a small shop rather than houses

Promised footway link between the new development and the station has not been delivered

Lack of social infrastructure

Loss of view

Impact on Ancient Woodland and endangered species

Maintenance charges will increase Increased noise, disturbance and light pollution Allotments should be kept Increase in traffic No footpath links to the countryside Developer should address issues within the main site first Existing houses were mis-sold – it was to be a development of just 55 houses.

## 8. Appraisal

8.1 Principle

## <u>Housing</u>

- 8.1.1 The site is located outside of the planning boundary. However, as of 11th May 2021, the Council has a supply of deliverable housing land equivalent to 2.9 years outside the South Downs National Park (SDNP). This means that the local plan policies that are most important for determining an application are out-of-date, and the NPPF's presumption in favour of sustainable development will apply to decision making. In this case, policy DM1 should not be used in the determination of this application.
- 8.1.2 It is considered that, in relation to the NPPF's presumption of sustainable development, the principle of developing the site for housing is acceptable. As a natural extension of the Hamsey Brickwork site, it will enhance and maintain the vitality of that community, in line with paragraph 79 of the NPPF.
- 8.1.3 At 16dph, the proposal is slightly below the parameters for rural development in policy CP2 and H9, and less than the 23dph achieved in the Old Hamsey site and 18dph in Knights Court. However, given the constraint of providing an ecological buffer to the Ancient Woodland, this is considered acceptable. The proposed mix of units 4 x 4 bed/4 person and 9 x 3 bed/4 person houses accords with the need for smaller units to meet local needs, as per policies CP2 and H6.

## Loss of employment/commercial floorspace

- 8.1.4 The proposed development will effectively be an extension of the mixed commercial and residential development approved under LW/14/0712, which is substantially completed. The residential element of this site was justified as an enabling development to render the commercial aspect viable.
- 8.1.5 However, the commercial units have been extensively marketed offplan since April 2017 but aside from Avid, no other parties have shown interest. The applicant submitted a Marketing Report, which sets out the marketing strategy undertaken. The report concludes that the location of the site and competition from sites in Lewes and Uckfield are significant factors in the lack of interest. Since early

2020, the impact of the pandemic has further undermined the attractiveness of the site.

- 8.1.6 Avid currently employs 15 staff and has been looking for new, larger premises, with additional parking, to expand the business for 4 years. At the time of writing, construction of one of the blocks of new commercial units on the old brickyard site was underway (units B4, B5 and B6 a total of 507m<sup>2</sup>). Avid has expressed a strong interest to occupy two of these units and has agreed a land swap with the applicant the existing Avid site/building for the two new units, dependent on the outcome of this application.
- 8.1.7 It is also understood that the developer has responded positively to the Parish Council's wish to take on the third unit for community use. Although this is acknowledged, it is not considered necessary to make this application acceptable, given that it is relatively modest development.
- 8.1.8 As noted elsewhere, the proposal to develop the site for housing only, together with the re-location of Avid to new modern premises on the adjacent site, will result in the net loss of 140m<sup>2</sup> of existing and 846m<sup>2</sup> of potential commercial floor space, which would be contrary to policy CP4 of the LDLP.
- 8.1.9 Although this does present a difficult choice, there are a number of factors, as well as the council's lack of five year housing supply, that must be taken into consideration.
- 8.1.10 The applicant has demonstrated by way of the Marketing Report, that there was little/no demand for the remaining off-plan commercial units even before the pandemic. The re-location of a long established local business onto the adjacent site is a considerable benefit.
- 8.1.11 On balance, it is considered that the benefit of 13 new dwellings, long-term security and potential new jobs in modern premises for Avid outweighs the loss of floorspace, for which no real interest has been expressed.

## 8.2 Affordable Housing

- 8.2.1 The proposal as submitted does not include provision for affordable housing, which in this case would amount to 5 units. The applicant has offered a commuted sum of £369,460 to be secured by s106.
- 8.2.2 This is considered to be acceptable, following the applicant's confirmation that 5 RPs (including the Council) had been approached to take on affordable units on site. All declined.
- 8.2.3 If the application is approved, this sum must be paid before 26% of the open market homes are occupied.
- 8.2.4 The proposal is considered to meet the policy CP2 and the Affordable Housing SPD.
- 8.3 <u>Design, layout, landscaping and amenity</u>
  - 8.3.1 The 13 units are laid out around the site as one detached and six pairs of semi-detached house. Units 12 and 13 will front the existing

estate road that serves the adjacent development. The remainder of the dwellings will front a new access that will connect to the existing estate road that will terminate in a cul-de-sac at plot 10.

- 8.3.2 The detailed design typology and use of materials is identical to the completed adjacent development so will provide a cohesive overall appearance to the settlement. A materials schedule has been submitted with the application. In respect of design, the proposal is considered to meet the appropriate criteria of policies CP11, DM25, H7 and H8.
- 8.3.3 The proposed new dwellings all meet the Nationally Described Floor Standard in terms of overall area, bedroom size and storage space. Each dwelling has a rear garden of between 10m and 12m in length across the width of the house, plus a small front garden. Details of boundary treatment and landscaping, including replacement tree planting, for the communal areas will be secured by condition to comply with policy DM27.
- 8.3.4 Details of the proposed ecological buffer to the Ancient Woodland north of the site and its future management will also be secured by condition to comply with policy DM24.
- 8.3.5 The layout of the plots ensures that issues of privacy, daylight and sunlight will not arise between the new dwellings. Equally, there will be no loss of privacy, daylight or sunlight to any of the existing properties in the vicinity of the site. The amenity aspect of policies CP11 and DM25 are met.
- 8.3.6 Each dwelling has space for storage of bins, to comply with policy DM26.

## 8.4 Transport and parking

8.4.1 Each dwelling has two parking spaces, laid out as follows:

Plot 1 - 2 surface spaces in existing communal parking area at rear of Knights Court development.

Plots 2 and 3 – car port plus surface parking in front within curtilage.

Plots 4 and 5 – surface parking within curtilage.

Plots 6 and 7 - car port plus surface parking in front within curtilage.

Plots 8 and 9 - car port plus surface parking in front within curtilage.

Plot 10 - garage plus surface parking in front within curtilage.

Plot 11 – surface parking at rear.

Plots 12 and 13 - garage plus surface parking in front within curtilage.

- 8.4.2 In addition, there will be 22 unallocated surface parking spaces in a communal parking area in front of the commercial unit.
- 8.4.3 Each plot will have a secure timber shed for cycle and other storage.
- 8.4.4 It is considered that the proposal meets the relevant requirements of policy CP13.

- 8.4.5 In addition, it should be noted that access to garages at the rear of 1-8 Bevernbridge will not be restricted.
- 8.5 <u>Sustainability</u>
  - 8.5.1 The application was not accompanied by an Energy and Sustainability Statement. However, the Planning Statement confirms that the LDC Technical Advice Note on sustainability will be complied with via condition. It is also confirmed that electric car points will be provided to each plot, also to be secured by condition. The proposal in this respect meets the objectives of policies CP14, EN5 and EN6.

## 8.6 <u>Comments on objections not covered in the report</u>

8.6.1 A number of objections from both residents and the Parish Council relate to ongoing matters concerning the Hamsey Brickworks site and as such these matters are not directly relevant to the consideration of this application.

## 8.7 Conclusion

- 8.7.1 Although the proposal would result in the net loss of commercial floorspace, some of which is existing and relatively low quality, the applicant has made a satisfactory case in support of it.
- 8.7.2 An existing local business, employing 15, mainly local, people will be given the opportunity to move into brand new premises, offering the chance to expand and create more jobs.
- 8.7.3 The proposed new houses are well designed and laid out, in keeping with the remainder of the new development that surrounds it and will make a small but nonetheless important contribution towards meeting the council's five year housing supply. A commuted sum towards affordable housing off-site is to be secured by s106.
- 8.7.4 It is considered that, on balance, the application should be approved, subject to conditions and an s106 agreement to secure commuted sums for affordable housing and recycling.

## 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 a s106 agreement to secure a commuted sums for affordable housing and recycling.

# 10.2 Conditions

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

Planning Statement/Brief28 July 2021Planning StatementDesign & Access28 July 2021Design & AccessStatement28 July 2021TransportTransport Assessment28 July 2021TransportTree Statement/Survey28 July 2021Arboricultural ImpactAdditional Documents17 December 2021Air Quality ReportAdditional Documents28 July 2021Drainage ReportAdditional Documents28 July 2021Drainage ReportAdditional Documents28 July 2021Drainage ReportAdditional Documents28 July 2021Drainage StrategyAdditional Documents20 October 2021Marketing ReportLocation Plan28 July 20217017-PL-01A SiteProposed Block Plan14 March 20227017-PL-02BProposed Layout Plan14 March 20227017 PL-07CProposed Layout Plan14 March 20227017 PL-07CProposed Layout Plan14 March 20227017 PL-08CDetailed site plan14 March 20227017 PL-08CDetailed site plan14 March 20227017 PL-08C
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Proposed Floor Plan(s) 28 July 2021 7017 PL-10A Plots 1
and 2 Floor Plans
Proposed Elevation(s) 28 July 2021 7017 PL-11A Plot 1
and 2 Elevations
Proposed Floor Plan(s) 28 March 2022 7017 PL-12A Plots 3,
4 9 and 10 Floor
Plans
Proposed Elevation(s) 28 July 2021 7017 PL-13A Plots 3,
4 9 and 10 Elevations
Proposed Floor Plan(s) 28 July 2021 7017 PL-14A Plots 5
and 6 Floor Plans
Proposed Elevation(s) 28 July 2021 7017 PL-15A Plots 5
and 6 Elevations
Proposed Floor Plan(s) 28 March 2022 7017 PL-16A Plots 7,
8, 11 and 12 Floor
Plans
Proposed Elevation(s) 28 July 2021 7017 PL-17A Plots 7,
8, 11 and 12
Elevations
Proposed Floor Plan(s) 28 March 2022 7017 PL-18A Plot 13
Floor Plans

PLAN TYPE	DATE RECEIVED	REFERENCE
Proposed Elevation(s)	28 July 2021	7017 PL-19A Plot 13 Elevations
Street Scene	14 March 2022	7017-PL-20B Proposed plans and elevations - car ports
Other Plan(s)	14 March 2022	7017-PL-21B Proposed plans and elevations - garages plots 12 and 13
Street Scene	14 March 2022	7017-PL-30A Street elevations and site sections
Other Plan(s)	18 January 2022	21-T075-02B Access swept path analysis
Other Plan(s)	18 January 2022	21-T075-04.3 B Internal swept path analysis
Additional Documents	15 December 2021	Materials Schedule

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

planning.

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

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

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

3. 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 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 2.5 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: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity having regard to policy CP12 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework

4. 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.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity having regard to

policy CP12 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

5. No development shall commence until, the tree protection measures as set out in the Arboricultural Methodology Statement have been carried out in full.

Reason: To preserve trees on the site and in the interest of visual amenity and environment having regard to policy CP10 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework

6. No development above ground floor slab level of any part of the development hereby permitted shall commence until a scheme, including materials, of all hard and soft landscaping, including replacement tree planting, and boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policies CP11, DM25 and DM27 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 scheme setting out details of the proposed ecological buffer to the Ancient Woodland to the north of the site. The scheme shall include details of how the buffer will be maintained. The development shall be carried out in accordance with the approved details.

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

8. 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.

9. No part of the development shall be occupied/brought into use until details for the provision of electric car charging points, both in the dwellings and for visitors, have been submitted to and approved in writing by the Local Planning

Authority and shall be implemented in accordance with that approval prior to occupation.

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

10. No part of the development shall be occupied until the parking spaces, garages and car ports shown on the approved plans have been laid out. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).

Reason: To 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 full details of the covered and secure cycle parking spaces have been submitted to and approved in writing by the Local Planning Authority. These areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles associated with residents and visitors to the development hereby permitted.

Reason: To provide alternative travel options and encourage use of alternatives to the use of the private car, in the interests of sustainability in accordance Policy CP13 of Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

12. No part of the development shall be occupied until full details of storage for refuse and recycling bins have been submitted to and approved in writing by the Local Planning Authority. These areas shall thereafter be retained.

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

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

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

14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

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

15. 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.

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

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to policies CP11, DM25 and DM34 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

## 11. Background Papers

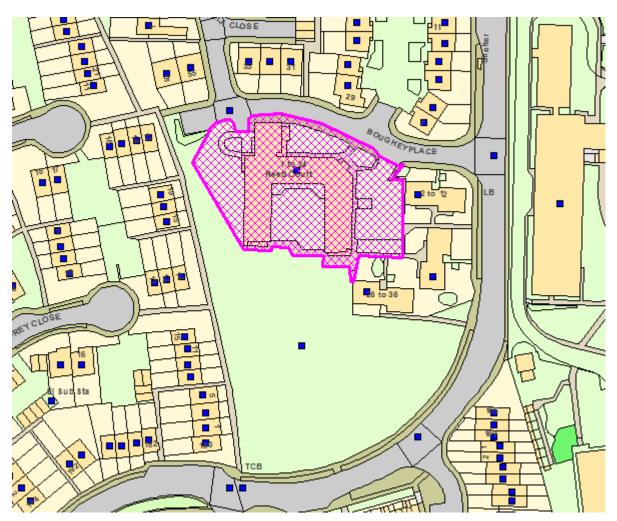
11.1 None.

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# Agenda Item 11

Report to:	Planning Applications Committee
Date:	27 April 2022
Application No:	SDNP/21/02062/FUL
Location:	Reed Court, 38 Boughey Place, Lewes
Proposal:	Removal of existing timber cladding and provide new cladding; replacement of timber windows with Non-Combustible and 30/30 fire-rated windows and intumescent-filled ventilation grills; provision of new roof/wall-mounted automatic ventilation openings; new window for dining lounge, east elevation and associated alterations.
Applicant:	Mr N. Maunick
Ward:	Lewes Bridge
Recommendation:	Permission is granted.
Contact Officer:	Name: Christopher Wright E-mail: <u>christopher.wright@lewes-eastbourne.gov.uk</u>

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



## 1. **Executive Summary**

- 1.1 This application is presented to the Planning Applications Committee because the applicant is Lewes District Council.
- 1.2 These proposals for re-cladding, replacing windows and adding automatic opening vents are considered to be acceptable and would generally enhance the appearance of the building and having a positive impact on wider visual amenity. The proposals would also improve insulation and fire resistance and safety, which is supported.
- 1.3 Approval is recommended, subject to conditions, and based on the information and details submitted.

## 2. Relevant Planning Policies

2.1 <u>National Planning Policy Framework</u>

NPPF04 - Decision-making

NPPF12 - Achieving well-designed places

## 2.2 South Downs Local Plan

Core Policy SD1	- Sustainable Development
Core Policy SD2	- Ecosystem Services
Strategic Policy SD4	- Landscape Character
Strategic Policy SD5	- Design
Strategic Policy SD9	- Biodiversity and Geodiversity
Strategic Policy SD48	- Climate Change and Sustainable Use of Resources
Strategic Policy SD49	- Flood Risk Management

## 2.3 Lewes Neighbourhood Plan

- Policy LE1 Natural Capital
- Policy PL2 Architecture and Design

## 3. Site Description

- 3.1 The application site is located in the north-western part of Lewes on the east side of the River Ouse, in an area known as Old Malling. The site is situated on the southern side of Boughey Place, a short distance west of the junction with Old Malling Way.
- 3.2 Reed Court comprises 24 no. purpose-built flats designed for accommodation by

the elderly. Having a C-shaped footprint and backing onto a green space, the building is two storeys in height, with an additional third storey at attic level, which is recessed back from the floors below. The building is not Listed and is not in a Conservation Area. The site is however in the South Downs National Park.

## 4. **Proposed Development**

- 4.1 As the applicant is Lewes District Council, the decision cannot be taken under delegated powers and the application is thereby presented to the Planning Committee.
- 4.2 The list of proposed works including external alterations is as follows:
  - Existing timber cladding is to be removed and replaced with new cladding to the external walls
  - Some of the existing timber windows are to be removed and replaced with Non-Combustible and 30/30 fire-rated windows and intumescent-filled ventilation grills.
  - Fire compartmentation of interior corridor and staircases.
  - Provision of new roof-mounted and wall-mounted automatic ventilation openings.
  - Removal of small storerooms attached to the building facade as to mitigate fire risk.
  - Provide a new window to the dining lounge on the east side.
- 4.3 The existing timber cladding is dark green timber and would be replaced with white coloured Cedral fibre cement board.
- 4.5 The dark-grey coloured windows would be replaced with non-combustible timber windows painted dark grey. The automatic opening vents on the east and west facades would be powder coated aluminium, also in a dark grey finish. Four automatic opening vents are proposed on the roof, and these would be dark grey in colour too.

## 5. Relevant Planning History

- 5.1 LW/76/0544 Old persons flats and warden accommodation. Approved 22 June 1976.
- 5.2 LW/75/1580 208 Dwellings, 1,2 & 3 storey houses & 3 storey flats. Old Aged Pensioner Flats and Shop. Permitted Development Restrictive Condition No. 8, 9. Approved 27 April 1976.

## 6. **Consultations**

## 6.1 <u>Main Town or Parish Council – Neutral</u>

Most committee members were neutral regarding these plans, although there was some positive support and a comment appreciating improvements in energy efficiency and fire safety.

### 7. **Neighbour Representations**

7.1 No representations have been received from neighbours or other interested parties.

### 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.

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:

- Purpose 1: To conserve and enhance the natural beauty, wildlife and cultural 0 heritage of the area.
- Purpose 2: To promote opportunities for the understanding and enjoyment 0 of the special qualities of the National Park by the public.
- Duty: To seek to foster the social and economic wellbeing of the local 0 communities

within the National Park in pursuit of our purposes.

## Design and Appearance

- 8.3 Strategic Policy SD5 of the Local Plan, "Design" states that:
  - 1. Development proposals will only be permitted where they adopt a landscape led approach and respect the local character, through sensitive and high quality design that makes a positive contribution to the overall character and appearance of the area. The following design principles should be adopted as appropriate:
    - a) Integrate with, respect and sympathetically complement the landscape character by ensuring development proposals are demonstrably informed by an assessment of the landscape context;
    - b) Achieve effective and high quality routes for people and wildlife, taking opportunities to connect GI;
    - c) Contribute to local distinctiveness and sense of place through its relationship to adjoining buildings, spaces and landscape features, including historic settlement pattern;
    - d) Create high-quality, clearly defined public and private spaces within the public realm;

- e) Incorporate hard and soft landscape treatment which takes opportunities to connect to the wider landscape, enhances GI, and is consistent with local character;
- f) Utilise architectural design which is appropriate and sympathetic to its setting in terms of height, massing, density, roof form, materials, night and day visibility, elevational and, where relevant, vernacular detailing;
- g) Provide high quality, secure, accessible, and where possible, integrated storage for general and recycling waste, heating fuel, and transport related equipment;
- Provide high quality outdoor amenity space appropriate to the needs of its occupiers or users;
- Ensure development proposals are durable, sustainable and adaptable over time, and provide sufficient internal space to meet the needs of a range of users;
- j) Give regard to improving safety and perceptions of safety, and be inclusive and accessible for all; and
- k) Have regard to avoiding harmful impact upon, or from, any surrounding uses and amenities.
- 8.4 Policy PL2, "Architecture and Design", of the Lewes Neighbourhood Plan states that modern construction techniques and the use of durable and attractive materials will be supported outside the Lewes Conservation Area and the Malling Deanery Conservation Area, where they result in good design which respects the Design Guidance. The design guidance requires development to be well-integrated into the site, neighbourhood and the wider town and become part of a unified interrelated composition. High quality contemporary and innovative design is encouraged outside of the historic core, if sensitive to its neighbours.
- 8.5 The proposed internal alterations to improve fire safety are welcomed, however, in themselves these works do not require planning permission.
- 8.6 On the roof, the four proposed automatically opening vents would be on the flat section of roof as opposed to the pitched roof of the attic storey above. Two are proposed in the space behind the pitched roof of the front entrance projection on the north elevation, one on the east elevation near to the tip of the eastern wing of the building, and one on the south elevation at the tip of the western wing to the building.
- 8.7 Two additional vents are proposed on the pitched roof on the north elevation, again positioned behind the roof to the entrance projection at the front of the main building, and therefore more recessed and hidden from wider views. The second vent would be on the southern roof slope of the northern wing, right at the north-east corner where the building turns, adjacent to an array of solar panels and again relatively well hidden from wider views.

- 8.8 The removal of the two shed structures would enhance the overall appearance of the building, and the proposed fenestration would have similar proportions and configuration to existing, but with more ventilation and glazing bar detailing. This element of the proposals is not considered to detract from the overall character and appearance of the building.
- 8.9 The re-cladding of the external walls will improve the fire resistance of the building, particularly alongside the car park, and the light colour would brighten and modernise the overall appearance of the development in a way that is considered to enhance visual amenity.

## Ecosystem Services

- 8.10 In order to meet the requirements of policies SD2 and SD9 of the Local Plan the applicant has submitted an Ecosystem Services Statement.
- 8.11 Policy LE1 of the Neighbourhood Plan, "Natural Capital", requires that where appropriate to the site concerned, the ecosystem services provided by the development should enhance those that the site already contains. Support will be given to proposals that demonstrate a net gain in the existing natural capital.
- 8.12 The existing area of all-weather season grassland to the south and west sides of the building supports wildlife and drain water naturally into the ground. This feature of the site will not be negatively affected by the proposals.
- 8.13 The mature trees around the building are to be retained. There are existing solar panels on the building and these produce renewable energy. The proposed facade remediation works will improve natural ventilation to the building's communal areas and overall thermal performance by retrofitting recycled insulation and fibre cladding. The material removed from the building, timber cladding, and windows will all be recycled and reused as raw material.
- 8.14 In view of the scale and nature of the proposed development, these measures are considered to be acceptable.

## 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 proposed development is acceptable in principle and no significant adverse impact on visual amenity or neighbour amenity is foreseen. Accordingly approval

is recommended.

## 10.2 Conditions

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning 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.

## 11. Background Papers

11.1 None.

## Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date Received	Status
Plans - Localization and Site Plans	1000		14.04.2021	Approved
Plans - Proposed Ground Floor Plan	2001		14.04.2021	Approved
Plans - Proposed First Floor	2002		14.04.2021	Approved
Plans - Proposed Roof Plan	2003		14.04.2021	Approved
Plans - Proposed West/East Elevations	2020		14.04.2021	Approved
Plans - Proposed North/South Elevations	2021		14.04.2021	Approved
Plans - Proposed Section A-A/B-B	2101		14.04.2021	Approved
Plans - Proposed Section C-C/D- D	2102		14.04.2021	Approved
Plans - Proposed Section E-E/F-F	2103		14.04.2021	Approved

Plans - Proposed Wall External Wall Types	2400	14.04.2021	Approved
Plans - Proposed Materials	2800	14.04.2021	Approved
Plans - Urban Context	2900	14.04.2021	Approved
Application Documents -	2100	23.04.2021	Approved
Ecosyestem Action Plan.			

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