

Planning Applications Committee 3 August 2022



Working in Partnership



Time and venue:

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

Membership:

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

Quorum: 5

Published: Thursday, 21 July 2022

Agenda

1 Minutes (Pages 5 - 8)

To confirm and sign the minutes of the previous meeting held on 6 July 2022 (attached herewith).

2 Apologies for absence/Declaration of substitute members

3 Declarations of interest

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

4 Urgent items

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

5 Petitions

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

6 Written questions from councillors

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

Planning applications outside the South Downs National Park

7 LW/21/0694 - Land Opposite, Bishops Close, Ringmer, East Sussex (Pages 9 - 54)

8 LW/21/0548 - 367 South Coast Road, Telscombe Cliffs, East Sussex, BN10 7HA (Pages 55 - 72)

9 LW/22/0089 - Highbury Farm, Markstakes Lane, Chailey, BN8 4BS (Pages 73 - 96)

10 LW/21/0977 - Evershed Court, Fairlight Avenue, Telscombe Cliffs (Pages 97 - 110)

11 LW/21/0224 - Newhaven Fire Station, Fort Road, Newhaven, BN9 9EJ (Pages 111 - 128)

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, 7 September 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:

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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 [Speaking at Planning Committee](#).

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: committees@lewes-eastbourne.gov.uk

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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 July 2022 at 5:00pm

Present:

Councillor Sharon Davy (Chair);
Councillors Laurence O'Connor (Vice-Chair), Graham Amy, Roy Burman, Christoph von Kurthy, Imogen Makepeace, Nicola Papanicolaou, Steve Saunders and Richard Turner

Officers in attendance:

Tom Bagshaw (Specialist Advisor, Planning), Jennifer Norman (Committee Officer, Democratic Services), Leigh Palmer (Head of Planning First), Nick Peeters (Committee Officer, Democratic Services), Elaine Roberts (Committee Officer, Democratic Services) and Joanne Stone (Principal Planning Solicitor)

13 Minutes

The minutes of the meeting held on the 8 June 2022 were submitted and approved and the Chair authorised to sign them as a correct record.

14 Apologies for absence/Declaration of substitute members

Apologies for absence had been received from Senior Specialist Advisor (Planning), Andrew Hill and Councillors Tom Jones, Sylvia Lord and Milly Manley. It was declared that Councillor Roy Burman would be acting as substitute for Councillor Lord for the duration of the meeting.

15 Declarations of interest

Councillor Turner declared a personal and non-prejudicial interest in Agenda item 8 (planning application LW/22/0230) as he was a member of Ringmer Parish Council.

Councillor Burman declared a personal and non-prejudicial interest in Agenda item 7 (planning application LW/21/0828) as he was the local Lewes District Ward Councillor.

For the purpose of transparency, the Council's Principal Planning Solicitor declared that she knew one of the objectors speaking against planning application LW/22/0230 (Agenda item 8) but that this would not affect any legal advice given.

16 Urgent items

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

17 Petitions

A petition had been presented by Councillor Amy in respect of the Thakeham Homes site in Newhaven. The petition was received and acknowledged by the Chair of the Committee and the Head of Planning First.

18 Written questions from councillors

There were none.

19 LW/21/0828 - Land to rear of Oldaker Road

Councillor Brian Hodge spoke on behalf of Newick Parish Council. The Committee Officer read a speech against the proposal on behalf of Mrs P A Bown (Immediate Neighbour. Ben Jones (Agent) and Steve Monteiro (Applicant) spoke for the proposal.

Resolved:

That planning application LW/21/0828 for erection of a 3-bed detached dwelling with associated access and on-site parking be approved, subject to the conditions set out in the report. The Committee added an informative that white panelling be used in respect of the proposed development.

20 LW/22/0230 - Land rear of Westbourne, Lewes Road, Ringmer, East Sussex, BN8 5ES

Jennifer Barrett read a speech against the proposal on behalf of Martin Weld (Immediate Neighbour). Jennifer Barrett (Immediate Neighbour) and John Walters (Immediate Neighbour) also spoke against the proposal. The Committee Officer read a speech on behalf of Peter Leach (Applicant) for the proposal.

Resolved:

That planning application LW/22/0230 for erection of 2no. 3-bedroom detached single storey residential dwellings be approved, subject to the conditions set out in the report and supplementary report and the variation of condition 7 with regard to parking to secure an additional visitor parking space and to ensure the Construction Management Plan mirrors the requirements of the adjacent development site. The Committee also added an informative regarding landscaping in respect of the Laurel Hedge.

21 Date of next meeting

That it be noted that the next meeting of the Planning Applications Committee was scheduled to be held on Wednesday, 3 August 2022, in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE, commencing at 5:00pm.

The meeting ended at 6:18pm.

Councillor Sharon Davy (Chair)

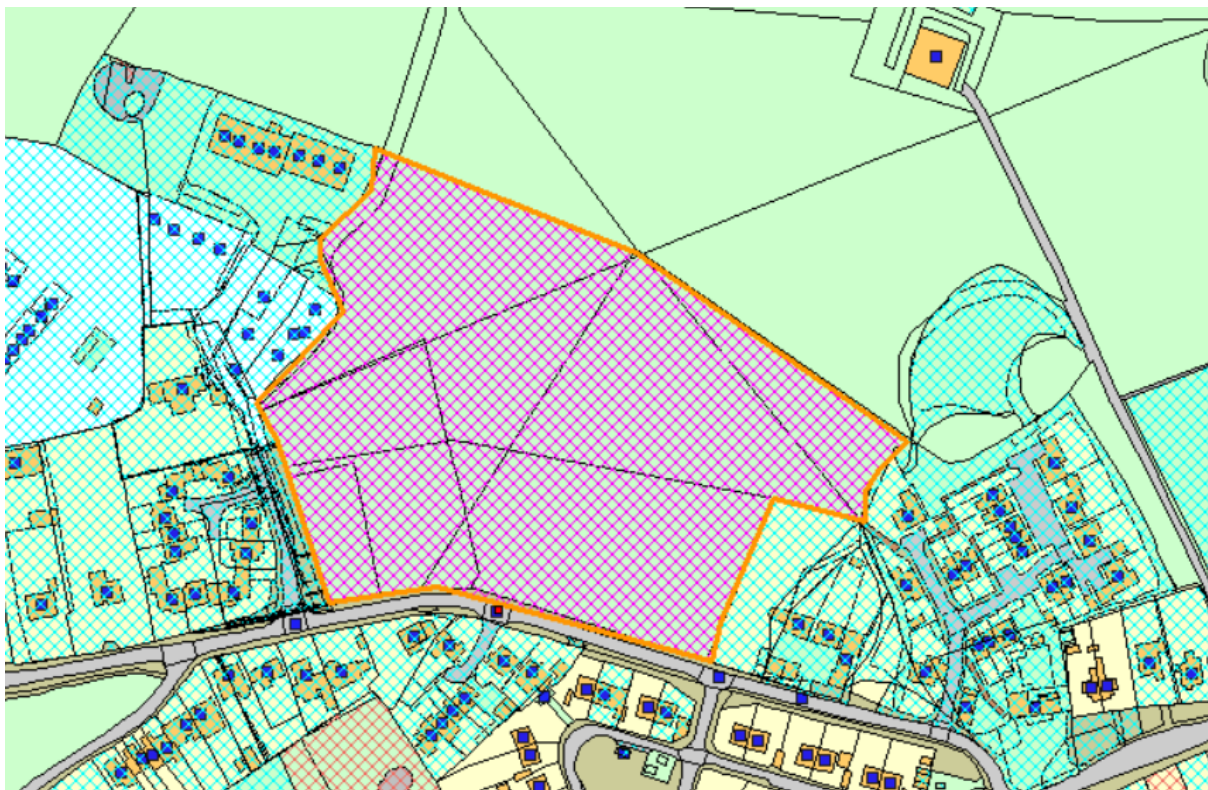
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Report to: Planning Applications Committee
Date: 3 August 2022
Application No: LW/21/0694
Location: Land Opposite, Bishops Close, Ringmer, East Sussex
Proposal: Erection of 68 dwellings, with associated access, drainage, parking, landscaping and infrastructure works.
Ward: Ouse Valley and Ringmer
Applicant: Thakeham Homes Limited
Recommendation: 1. Delegate authority to the Head of Planning to approve subject to conditions and an s106 agreement to secure affordable housing, Highways provisions and the Landscaped Area.

Contact Officer: **Name:** Tom Bagshaw
E-mail: tom.bagshaw@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL liable.

Site Location Plan



1. Executive Summary

- 1.1 The submitted scheme is for full planning permission for 68 residential units.
- 1.2 The site comfortably accommodates 68 units whilst also providing a good standard of living space, including residential gardens and communal green spaces. Furthermore, the separation of the site to nearby properties shows that the proposal would not have any unacceptable impacts upon the living standards of any nearby properties.
- 1.3 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.
- 1.4 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 surrounding landscape. 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.
- 1.5 The proposal would result in a number of benefits such as, the social gains of facilitating the provision of 68 residential units (including 40% affordable housing units) that would be of 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 Landscaped Area; and the retention 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.
- 1.6 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. 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.
- 1.7 ESCC Lead Local Flood Authority 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.
- 1.8 LEBC Contaminated Land Officer has confirmed that subject to surveys and any required mitigations being submitted prior to development of the site, the proposal would be acceptable.

- 1.9 The proposal seeks to provide, a 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 will be required prior to any development at the site.
- 1.11 There are a number of species to note that could be affected by the scheme, including Badgers, Bats, nesting birds 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. 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 north of Bishops Close and Bishops Lane in the village of Ringmer. 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. The village is served well by public transport links.
- 3.2 The site would form an extension to the already built area of Ringmer. 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 and deliverable for development, specifically residential development.
- 3.3 The development boundary of Ringmer Village adjoins the site to the East, South and West. To the east lies the residential street Clarks Croft, to the west there is the residential street The Kiln.
- 3.4 Access would be directly onto Bishops Lane.

4. **Proposed Development**

- 4.1 The application seeks full planning permission for the erection 68 new dwellings. 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 be taken from Bishops Close.
- 4.2 The accompanying Design & Access Statement also sets out design principles and parameters. the maximum building height would be two-storeys in height.
- 4.3 The application is accompanied by an Affordable Housing Statement contained within the Planning Statement, that confirms that 39.7% of the dwellings would be provided as affordable housing and a commuted sum will be provided for the remaining 0.3%. The split of tenures within the affordable housing would be: Affordable Rented – 59.2% = 16 dwellings; Shared Ownership – 14.8% = 4 dwellings; and, First Homes – 25.9% = 7 dwellings.
- 4.4 The proposal includes the provision of a Communal Landscaped Area. The Landscaped Area provision along with a maintenance plan, will be secured via an S106 agreement.

5. **Relevant Planning History**

- 5.1 E/68/0727 - Outline Application for seven houses each with garage. Restrictive Planning Conditions Nos 3 & 4. – Approved [30.09.1968]

6. **Consultations**

6.1 **ESCC Archaeology.**

- 6.1.1 No 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 ESCC Landscape Officer

6.2.1 Full 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 LVIA.
- Detailed planting plans for the site boundaries, street trees and open spaces.
- A Landscape and Ecological Management Plan (LEMP) to ensure the successful establishment of the landscaped areas.

6.3 Sussex Police

6.3.1 Sussex 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 .

6.4 Waste Services

6.4.1 Waste Services have confirmed no objection to the proposal and that the waste management plan and refuse vehicle swept paths analysis is acceptable.

6.5 ESCC Ecology

6.5.1 Provided the recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective.

6.5.2 Full response available on the councils website

6.6 Southern Water

6.6.1 The scheme can be supported subject to network reinforcement being provided by Southern Water. It may be possible for some dwellings to be occupied prior to this reinforcement works which will take place within 24 months of planning permission being granted. However, this should be agreed with Southern Water.

6.6.2 Full response available on the Council's website

6.7 ESCC SUDS

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

6.7.2 Full response available on the Council's website

6.8 ESCC Highways

6.8.1 The applicant's submitted traffic surveys suggests that the Earwig Corner junction would operate within capacity with this development.

6.8.2 ESCC have provided recommended conditions and S106 obligations.

6.8.3 Full comments from the Highway Authority will be provided within the Supplemental Report.

6.9 SDNP

6.9.1 Given the location of the site, the SDNPA would have no objections to the proposals in terms of adverse impacts upon the setting of the South Downs National Park, subject to the LPA considering a lighting condition in recognition of the site's proximity to the South Downs International Dark Skies Reserve, and the inclusion of additional street and boundary tree planting as recommended by the County Landscape Architect.

6.10 LDC Contamination

6.10.1 Support subject to conditions

6.11 Waste Services

6.11.1 No objections

6.12 Ringmer Parish Council

6.12.1 RPC strongly object to this on the following grounds:

- The impact on Earwig Corner. The agreed Local Plan level of maximum development in Ringmer made possible by new work at Earwig Corner has already been exceeded. This would be significant additional development. No credible evidence is presented in the transport statement that Earwig Corner would be able to cope with the additional traffic generated.
- Bishop's Lane access. Bishops Lane could not accommodate the construction traffic necessary for this application. This application must be refused for this reason alone.
- The parking provision is not in accordance with the Ringmer Neighbourhood Plan policy 8.3.
- The proposed development density is excessive. A substantial part of the site is accepted as unsuitable for development because it is too wet. In this proposal houses are being crammed onto the remainder of the site, with the overall density calculated as if the whole site could be used.
- Very poor design. The application proposes standard developer pattern-book units crammed into rows. This is the exact opposite of 'Building Beautiful'.
- Affordable housing is required by the Lewes Local Plan to be indistinguishable from market housing. In this proposal all the affordable-rented housing is crammed into 3-storey apartment

blocks, which is extremely distinguishable from the housing for sale. The Design Statement in the Ringmer Neighbourhood Plan (policy 9.1) notes that houses of more than two stories will rarely be appropriate in a village setting, especially when, as here, right on the countryside edge of the settlement.

- Landscape impact. This would be negative because the eastern site boundary, which is entirely open to people using the B2192 or several footpaths of the Ringmer public footpath network, is just an ownership line across a field. There is no actual physical boundary on this side of the proposed development.
- The development size proposed exceeds the village scale for Ringmer required by Neighbourhood Plan policy 6.3, a policy which has been given weight by both a Planning Inspector and the Secretary of State in determining a previous Ringmer planning appeal.

7. Other Representations

7.1 Neighbour Representations

7.1.1A total of 230+ 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 following the publication of this item on a planning agenda 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
- 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
- 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 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:

- 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
- 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

As a ward councillor I strongly object to this development. 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. Access is unsuitable for further development and using Bishops Lane during

construction for HGV movement would cause severe issues for Highway safety.

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.

CPRE

This OBJECTION to application LW/21/0694 for 68 additional houses on a greenfield countryside site in Ringmer parish is made on behalf of the Lewes District branch of CPRE Sussex.

Please note that the provisions of Ringmer Neighbourhood Plan policy 8.11 apply to this development. The first part of this policy reads:

Ringmer Neighbourhood Plan Policy 8.11: New development in the areas of Ringmer served by the Ringmer sewage works will be permitted only when effective mains drainage and sewerage systems are provided and when such development can be accommodated within the capacity of the Ringmer sewage works. New and improved utility infrastructure will be encouraged and permitted in order to meet the identified needs of the community.

Please note that, despite an upgrade completed in 2019, Environment Agency data show that during 2021 the Ringmer (Neaves Lane) WWTW, to which the foul sewers from this development would have to connect, had 68 releases of untreated sewage into the Bulldog Sewer and thus into Glynde Reach, which was identified over a decade ago as the most polluted waterway in East Sussex. Untreated sewage was being released into Glynde Reach for an average of over 18 hours per week, which means more than 10% of the time. 10% of the time cannot by any definition be considered "exceptional weather circumstances": it means whenever it rains. This demonstrates beyond any shadow of a doubt that the Ringmer sewage works is already operating far beyond its capacity.

Please ensure that the decision makers of this planning application are aware of this situation, and also aware of the consequent conflict between this application and RNP Policy 8.11.

It would be helpful if you could also ensure that Southern Water were required to comment on the application; were asked to state what financial provision there is in their current forward investment plan for improvements at the Ringmer (Neaves Lane) WWTW; to indicate at what date they could guarantee any such improvements to be completed; and were required to indicate to what extent they can guarantee any such improvements would reduce the disgusting discharges that are responsible for the current appalling levels of pollution in Glynde Reach.

8. Appraisal

8.1.1 The main considerations relate to the principle of the development; design and Character; impact upon the openness of the countryside; Impacts upon heritage assets;; 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.

8.1.2A Section 106 legal agreement has been drafted to secure affordable housing contributions, and the provision of a Communal Landscaped Area and Play Area.

8.2 Principle

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 at 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 Government's 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.
- 8.2.11 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) 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. It should be noted that officers are not applying the IPSHD as planning policy and this is used as guidance only.
- 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.
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.

8.2.15 Criteria 1 of the IPSHD

8.2.16 The site is contiguous with the Ringmer settlement boundary. The east, south and west of the site all abut the settlement boundary and the proposal acts as a natural infill between these built areas. Therefore, the site is considered to be contiguous with the Ringmer settlement boundary and Officers consider that the site complies with criteria 1 of the IPSHD in this regard.

8.2.17 Criteria 2 of the IPSHD

8.2.18 The site extends north beyond the 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.

The site would be located immediately adjacent to residential properties in the Ringmer settlement on three sides (East, South and West) and it would not project further out into the countryside than the existing settlement boundary. As such, the site would be situated amongst three separate existing areas of developed land and would sit amongst the built form of the Ringmer settlement rather than be separate from it.

8.2.19 The site would undoubtedly be an addition to the Ringmer 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 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.

8.2.20 Notwithstanding this however, since the adoption of the Ringmer Neighbourhood Plan, new Government legislation in the form of a revised NPPF has been released that supersedes the previously set housing targets for the district. Given the scale of the housing targets for the area, there is undoubtedly increased potential of Ringmer to accommodate additional dwellings over and above the previously set targets given the villages status as a rural service centre in the settlement hierarchy. 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.

8.2.21 Criteria 3 of the IPSHD

8.2.22 The layout shows a connection to the existing footpath on Bishops Lane, which would provide pedestrian access to Ringmer which is a Rural Service Centre in the settlement hierarchy.

8.2.23 The site would be easily accessible via a range of transport options including walking, motor vehicle, cycle and bus stops (Kings Academy). Therefore, Criteria 3 has been met in this regard.

8.2.24 Criteria 4 of the IPSHD

8.2.25 Criteria 4 states that Officer's should assess whether the site would result in actual or perceived coalescence of settlements. The proposed development is located on the northern side of Ringmer settlement and is not in close proximity to any nearby settlements or the Broyleside. Therefore, Officer's do not consider that there would be any perceived or actual coalescence of settlements.

8.2.26 Criteria 5 of the IPSHD

8.2.27 The site is located approximately 1 mile from the South Downs National Park however, the development site is located on the northern side of Ringmer and is screened by the existing settlement. Due to the location of the development on the northern side of the

settlement, it is considered that the proposal will have negligible impacts upon the setting of the SDNP. The SDNPA have confirmed that they have no objection to the proposal in this regard.

8.2.28 Criteria 6 of the IPSHD

8.2.29 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, the scheme includes 10%+ biodiversity net gain (BNA) and the inclusion of a Communal Landscaped Area (CLA) and no objections were raised from East Sussex County Council's Ecology Officer and conditions have been recommended in order to ensure biodiversity net gain.

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

8.2.31 Criteria 7 of the IPSHD

8.2.32 Criteria 7 requires that developments should make the most efficient use of land, whilst responding sympathetically to the surrounding rural environment.

8.2.33 The assessment in regard to whether or not the proposal would be sympathetic to the surrounding environment and its impact upon the SDNP is set out below in section 'Design, Character and Impact Upon Landscape'.

8.2.34 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 23 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.

8.2.35 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.

8.2.36 Criteria 8 of the IPSHD

8.2.37 Criteria 8 sets out that it should be demonstrated that the scheme is deliverable with regard to elements such as, infrastructure and affordable housing.

8.2.38 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. Furthermore, officers note that the application is for full planning consent and therefore subject to all pre-commencement conditions being discharged the application would be able to commence within a reasonable time frame. Officers consider that the proposal would not be contrary to Criteria 8 of the IPSHD.

Loss of Agricultural Land

8.2.39 Policy DM19: Protection of Agricultural Land

- 8.2.40 Development that would result in the irreversible loss of the best and most versatile agricultural land (Grades 1, 2, 3a in the DEFRA Agricultural Land Classification System) will not be permitted unless it can be demonstrated that there are no suitable alternative locations and the proposal would have overriding sustainability benefits that outweigh the loss of land from agricultural use.
- 8.2.41 The site is classified as Grade 3 agricultural land in DEFRA's ALCS however it does not specify whether the site is grade 3a or 3b. As such, with a lack of evidence to suggest whether the land is grade 3b officers will consider the site is 3a to remove doubt.
- 8.2.42 The loss of grade 3a agricultural land would be regrettable however, given the Council's inability to demonstrate 5-year housing land supply it is considered that it is appropriate to investigate sites outside of the development boundary with regards to housing development. The site is classified within the LAA as deliverable and the site is in accordance with the IPSHD subject to the landscape and character assessment below. Although, Officers note that neither the IPSHD or the LAA are adopted policy, they provide a guide to demonstrate that this site would be a suitable location for development. Given that there is a clear lack of developable land within development boundaries as demonstrated by the 5 year housing land supply, in accordance with policy DM19 it is considered that this would be a suitable location for development outside of the settlement boundary. The relative suitability of this site therefore lessens the weight applied to the loss of Grade 3a agricultural land, which is the lowest grade of agricultural land protected by DM19. The loss of agricultural land will therefore be given minor weight in the planning balance.

Landscaped Area (CLA)

- 8.2.43 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.
- 8.2.44 The proposal includes the provision of a CLA. Whilst the proposal as a whole would result in the loss of what is currently greenfield land in an agricultural use, a CLA 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 CLA would not completely mitigate the harm resulting from the proposal. However, in principle the provision of the CLA would undoubtedly be a positive outcome of the proposal and is supported by Policy CP8.
- 8.2.45 The proposed CLA 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.

8.2.46 In conclusion, the proposal seeks to deliver 68 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 68 units would be considered a significant benefit of the scheme.

8.2.47 However, the site falls outside of the defined development boundaries. The IPSHD produced by the Council sets out the criteria which it considers to define sustainable development. This document sets out eight criteria which are to be used as a guide to determine what is sustainable development. As set out above, the proposed scheme would satisfy the majority of the criteria set out in the 'IPSHD on an in-principle basis. However, this is subject to the separate assessment of the visual impact upon the countryside, which is set out in section 'Design and Character and Impact Upon Landscape' below.

8.2.48 The proposal seeks to provide a CLA. This would provide community amenity facilities and would undoubtedly have ecological benefits for the surrounding area. The CLA would be a benefit of the scheme and is supported.

8.2.49 The proposal would be built on grade 3 agricultural land, however, to remove doubt Officers will consider this as grade 3a for purposes of this assessment. Given the Council's housing deficit, in accordance with policy DM19 a lack of sites within the development boundary reduces the weight given to the loss of agricultural land. Grade 3a agricultural land is the lowest grade protected by Policy DM19. Therefore, the loss of this land is considered to carry minor weight in the planning balance.

8.2.50 On 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; 40% Affordable housing; and, a CLA for the use and enjoyment of the local population, residents of the site and biodiversity net gain. However, Officers recognise that this is to be weighed against the impact upon the surrounding landscape (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

8.3.1 The proposed development site is comprised of one open agricultural field. The field will be divided in two by the proposal and the scheme would look to retain and hedgerows and boundary treatments. The open character of much of the site makes it visually sensitive, as there would be views from a northern perspective however this would be set against the existing backdrop of the Ringmer settlement.

8.3.2 Paragraph 131 of the NPPF stresses the importance of trees to the placemaking process. The layout plan shows that green spaces and planting will be integrated throughout the site and the proposal would

result in a net gain of trees and an increased diversity of different planting around the site which would soften the impact of the development.

8.3.3 In terms of design, the plans and Design & Access Statement confirm that dwellings would not exceed two-storeys in height. The proposal includes a number of different house types and which would not be uncommon of the environment. In terms of vernacular, the fenestration and patterns of the proposed dwellings would be not too dissimilar to those properties at the nearby development on Bishops Lane for 110 units (LW/14/0127) therefore the proposal would reinforce this character and appearance and would be in keeping with the surrounding area.

8.3.4 The material palette as set out in the Design and Access Statement would be as follows:

- Brown Multi Stock Brick
- Red Multi Stock Brick
- White Fibre Cement Weatherboard
- Antique Red Tile Hanging
- Black Fibre Cement Weatherboard
- Clay Tile Hanging

8.3.5 The materials are considered to be acceptable and in keeping with the surrounding area. A condition will be attached to any permission requiring the proposal to be constructed out of the materials detailed in the Design and Access Statement.

8.3.6 The proposed development seeks a maximum density of 23 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.

8.3.7 The layout plan shows that building and infrastructure would be set back from the road. This allows space for mitigation hedge and tree planting, as well as the creation of open green space that would interact with the wider street scene.

8.3.8 It is considered that mitigation in the form of planting would create a verdant suburban nature of this section of Bishops Lane passing the site. The planting would also provide a visual screen to the proposed development that would amalgamate with surrounding landscaping from street level. The layout plans show that planting will provide an integral part of the development through additional screening and the creation of mixed habitats that would enrich the visual quality of the site margins and soften the visual impact of the development.

8.3.9 The site access would be formed by creating an access to Bishops Lane which would result in a minor loss of hedgerow. The access creates an opening large enough for two vehicles to pass each other and create sufficient visibility splays. This in unison with the development as a whole would result in harm to the character of this

section of Bishops Lane which enjoys outward views of the countryside. However, the harms would be limited to a very small area of Bishops Lane and with mitigation in the form of additional planting to soften the appearance of the site, this is therefore only considered to result in minor harm to the street scene and wider area.

- 8.3.10 From a northern aspect the proposed site would be set against the backdrop of Ringmer and as such is set amongst existing built development. Furthermore, due to the topography of the land surrounding the site which is largely flat land there would be limited views from a northern aspect. As such, Officers would consider the harms to be limited in their scale. Therefore, due to the location and topography of the surroundings to the site, the harm to the surrounding landscape would be minor and this will be weighed appropriately in the planning balance.
- 8.3.11 The proposed development will involve building over a site that has not previously been developed and is currently agricultural greenfield land. Notwithstanding this, the site is not isolated, being directly adjacent to the established settlement boundary of Ringmer.
- 8.3.12 The site has been identified in the most recent LAA as being available and deliverable for housing development and although this does not form a basis in policy to approve the scheme, it is a useful guide when assessing the proposal. The development site would appear as a natural extension to the north of the Ringmer settlement and fits comfortably within the confines of Bishops Lane, The Kiln and Clarks Croft. 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.
- 8.3.13 ESCC Landscape Officer has reviewed the proposal and, with regards to outreach views, has voiced support stating that the scheme would have an acceptable impact on local landscape character and views subject to conditions. As such, in this case, given its location and context, the level of harm upon the surrounding landscape attributed to the site would be less than significant harm, subject to conditions outlined by the Landscape Officer.
- 8.3.14 The proposal would offer a large area of communal Landscaping in the form of the CLA. This area of landscaping would enhance the appearance of the site in terms of it being a suburban extension to an existing settlement and softens the impact of the development from external views to the north. Nonetheless, Officers note that this would not wholly mitigate the harms of the development. It is worth noting that landscaped areas can also be harmful to the appearance of the agricultural landscape. However, in this case as the site sits comfortably as an infill development the impacts of this landscaping would be positive by improving the built appearance of the suburban nature of the site and surrounding suburban areas.
- 8.3.15 In conclusion, the proposed site itself would comfortably accommodate a development of 68 units. The character and appearance of the buildings within the site would achieve a vernacular that matches the areas character and the character of other

development in the immediate surrounds, thus reinforcing this character. The maximum building height will be two stories which would limit the extent of the harms to the surrounding environment.

8.3.16 Trees, shrubs and hedgerows will play a key role in the successful delivery of this proposal. Hedgerows and landscaping have been employed to significantly soften the visual impact of the development. Additional planting as well as reinforcing existing vegetation and planting where possible is a key component which softens the appearance and harms of the development.

8.3.17 The proposal will undoubtedly result in visual change for the surrounding landscape. However as this site sits amongst existing development it is not considered that the proposal would represent a significant change to the character of the wider countryside.

8.3.18 However, given the limited views from the north in unison with the infill nature of the proposal and the fact that Ringmer settlement screens the proposal from views to the south, the proposals impact upon the character and setting of the countryside would result in minor harms to the setting and openness of the countryside.

8.3.19 The proposal would result in harm to outward views from the section of Bishops Lane which abuts the site as this currently enjoys views outward of the countryside. However, given that the extent of this impact is limited and the boundary will include planting to soften the impact of the development, this would be attributed minor weight in the planning balance.

8.3.20 Overall, the development would result in harm to the setting of the countryside from and outward perspective and harm to the character and appearance of a limited areas of Bishops Lane. The extent of these harms is limited by context and design features and a such both will be attributed minor weight in the planning balance. 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.

8.4 Impact Upon Heritage Assets

8.4.1 Section 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.

8.4.2 Paragraph 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.

8.4.3 Paragraph 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.

8.4.4 Paragraph 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.

8.4.5 Paragraph 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.

8.4.6 Paragraph 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.

8.4.7 Core Policy 11 – Built and Historic Environment and High Quality Design

8.4.8 The 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.

8.4.9 There are heritage assets near to the site (Ringmer Conservation Area). NPPF paragraph 194 sets out that heritage assets should be preserved in a manner appropriate with their significance. The conservation area is located to the south of Bishops Close and to the west of the site bounding Bishops Lane.

8.4.10 The site is set away from the conservation area and is separated by existing properties. Nonetheless the site is in proximity of the heritage assets and impact upon the significance of the heritage assets is considered to be less than substantial harm 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

8.5.1 The site would be accessed on the southern boundary, directly from Bishops Lane. The access includes a footway on both sides, ensuring the needs of cyclists and pedestrians, as well as motorists, are met. 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.

- 8.5.2 The site is located within 200 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.
- 8.5.3 The transport assessment demonstrates that the layout plan would 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, as requested by LDC Waste Services.
- 8.5.4 The applicant has provided that the quantum of parking spaces will be informed by ESCC Highways parking standards. However, the proposed provision falls short of the ESCC Highways Car Parking Calculator by 1 space (Required 147 spaces, proposed 146 spaces). The site is located in a sustainable location in close proximity to Ringmer Village which is rural service centre. Furthermore, the number of shared spaces (16), a proposed shortfall of 1 space is considered acceptable, as communal spaces would allow for a degree of resilience in the parking allocation. It is considered that the proposal would result in an acceptable parking arrangement.
- 8.5.5 ESCC parking guidance requires the minimum dimensions of parking bays to be 5 metres in depth by 2.5 metres in width, with an additional 0.5 metres in either/both dimensions if the space is adjacent to a wall or fence. This will be included as a requirement via condition.
- 8.5.6 In terms of cycle parking provision, two spaces would need to be provided per house. The submitted details propose secure cycle stores to be provided in each garden, which is in line with ESCC parking guidance. The Highways Authority requires cycle stores to be located in a secure, convenient and covered location. The submitted plans confirm that this would be the case and the cycle parking provision is therefore acceptable.
- 8.5.7 A Construction Traffic Management Plan would need to be provided with details to be agreed. This would need to include management of contractor parking to ensure no on-street parking occurs during the whole of the construction phases. This would be secured via condition to be discharged.
- 8.5.8 A Travel Plan has been submitted as part of the proposal. It is recommended that if the application comes forward, that the applicant provides a Travel Plan Pack for every first occupier of each dwelling, in order to encourage the uptake of sustainable modes of transport. The Travel Plan will be required via S106 agreement including an audit fee to ensure reduced car use targets and monitoring.
- 8.5.9 A Highways Response Technical Note has been submitted as part of this application. The transport assessment includes junction assessments of key junctions in the local area. This illustrates that the proposed development of 68 dwellings has the potential to generate approximately 19 vehicular weekday AM peak trips to Earwig Corner

and 22 vehicular weekday PM peak trips. The proposed trip generation is considered acceptable and would not detrimentally impact upon Earwig Corner.

8.5.10 In summary, the site would be accessed from the southern boundary, directly from Bishops Close. 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.

8.5.11 The proposal would seek parking provision in that is one space short of compliance with ESCC parking standards. However, the site is in a sustainable location and the inclusion of 16 shared parking spaces adds a degree of flexibility to the layout. Therefore, the proposed parking provision is considered to be acceptable.

8.5.12 The issues relating to Earwig Corner are addressed including a junction model of Earwig Corner. The conclusions show that the junction can accommodate the development and therefore the proposal is considered acceptable in this regard.

8.5.13 Overall, 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 Residential Amenity

8.6.1 The layout and heights of the proposed development 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 Clarks Croft or The Kiln.

8.6.2 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 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.

8.6.3 The layout of 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 of 68 units within the site, whilst not resulting in any unacceptable internal or external residential amenity issues.

8.6.4 Internally the layout would provide adequate separation between properties with natural light provision in order to not restrict the living standards of any properties in terms of overbearing, overshadowing, overlooking or daylighting/sunlighting.

8.6.5 The application is considered to be acceptable in terms residential amenity subject to conditions and further details.

8.7 Living Conditions for Future Occupants

- 8.7.1 The layout plans demonstrate that the site could accommodate a development of 68 dwellings, that would also provide a good sense of place and community. The 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 Ringmer 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.
- 8.7.2 All housing units would meet the Nationally Described Space Standards and based on measurements of the footprint of each dwelling; all dwellings to be delivered would meet or exceed the space standards. Furthermore, each dwelling would be able to accommodate a good-sized garden, whilst communal green space would also be available.
- 8.7.3 The proposed development would include safe pedestrian links to Bishops Lane the form of raised kerb footway where there is a pedestrian link connecting the site to Ringmer, meaning that residents of the existing settlements and residents of the site can easily access the existing and proposed communal spaces and local amenities.
- 8.7.4 The site would be a sufficient size and scale to sustain a development of 68 units comfortably, whilst providing adequate living standards in terms of local environment and internal and external quality of private accommodation.
- 8.7.5 The site is well connected with existing public services meaning that the residents of the existing settlements can easily access the public realm improvements. The pedestrian and vehicular links to Ringmer would allow residents of the site to easily access the amenities at the existing settlement.
- 8.7.6 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.

8.8 Flooding and Drainage

- 8.8.1 The proposed development would involve the introduction of buildings and impermeable surfaces on what is currently an undeveloped greenfield site.
- 8.8.2 The site includes areas of flood risk however, these would all remain as greenfield land and no buildings would be built in an area at risk of flooding.
- 8.8.3 The Flood Risk Assessment (FRA) includes details of how flood risk would be managed. Ultimately surface water would be managed by runoff being directed via a drainage network into two feature SUDS attenuation basins and roadside SUDS.

- 8.8.4 The LLFA have indicated a preference that runoff is discharged at a maximum of 6.8 litres per second, the application seeks a runoff rate restricted to the mean annual greenfield runoff rate of 5.9 litres per second and therefore, the level proposed would be less than the recommended runoff rate and is acceptable in this regard. Therefore, the LLFA has recommended approval for the proposed scheme.
- 8.8.5 The LLFA has expressed support for the scheme subject to conditions requiring additional technical information to be submitted prior to development of the site.
- 8.8.6 Southern Water have expressed that this application will require improvements to the sewer network which will be carried out by southern water by a maximum of 24 months from the date that planning permission is granted.
- 8.8.7 Greater scrutiny is now required with regard to the capacity of foul sewerage disposal when assessing all major developments. Southern Water have confirmed that the sewer network could accommodate the development without any unacceptable impacts to discharge rates during high pressure events.
- 8.8.8 In conclusion, 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.
- 8.8.9 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 CP10 and 12 of LPP1 and paras. 161 and 162 of the NPPF.

8.9 Ecology & Biodiversity

- 8.9.1 The application is accompanied by an Ecological Impact Assessment, 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 hedgerows and the trees at the site. Most of which are to be retained. The majority of the grassland is categorised as being of low ecological value, but it is noted that there are areas of habitat supporting the potential presence of nesting birds, foraging bats, and reptiles. The proposed scheme would result in the creation of potential habitat for Great Crested Newts (GCN) given their presence in the wider area.
- 8.9.2 The report sets out a range of mitigation measures to minimise the impact upon wildlife which includes reinforcing existing green infrastructure and enhancing green areas around the site. The report also suggests the timing of all vegetation clearance works to avoid hibernating, maternity and nesting seasons for bats, birds and mammals.
- 8.9.3 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 mammal routes are integrated into the site.

8.9.4 In 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 and TANs.

8.9.5 A number of opportunities for ecological enhancements/biodiversity net gain are identified within the Biodiversity Net Gain Statement. Enhancement measures and recommendations included within the site and the Communal Landscaped Area would result in a 13.89% biodiversity net gain which exceeds the 10% requirement set out in the Councils Biodiversity Net Gain TAN.

8.9.6 ESCC Ecology Officer has confirmed that the proposal can be supported subject to conditions.

8.9.7 In summary, there are several different species which may be affected by the proposal, but there is also potential for ecological benefits. The proposal includes a Communal Landscaped Area, which will result in significant biodiversity net gain for the area and will be secured via legal agreement. The Communal Landscaped Area's longevity will be insured by a requirement within the legal agreement to provide an ongoing management and maintenance plan.

8.9.8 ESCC Ecology Officer has confirmed that if the recommended conditions, mitigation, compensation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective with regard to protected species.

8.9.9 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.

8.10 Environmental Health

Air quality

8.10.1 LEBC's Air Quality Officer has reviewed the proposal. The response sets out that the air quality assessment and any required mitigation can be achieved via conditions. As such, it is considered that a successful resolution in terms of air quality can be achieved for this scheme.

8.10.2 Therefore, Officers have no air quality concerns subject to conditions.

Contamination

8.10.3 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 as conditions, as it is considered that a successful resolution can be achieved for this scheme.

8.10.4 Environmental Health Conclusion

8.10.5 Both assessments can be effectively dealt with as conditions. 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

8.11.1 It is 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.

8.11.2 The application includes a sustainability checklist and energy 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.

8.11.3 A Site Waste Management Plan (SWMP) will be required by condition and shall be in full accordance with the Site Waste Management Plan Regulations 2008.

8.12 Archaeology

8.12.1 An Archaeology and Heritage Assessment (DBA) of the site has been carried out and a report submitted as part of the suite of documents supporting the application.

8.12.2 The DBA places the proposed development site within an archaeological and historic context and confirms that the application site lies in an area of known medieval and post-medieval significance with potteries and evidence of such activity, including remains of kilns and discarded pottery 'wasters' are very likely to be present within the site.

8.12.3 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).

8.12.4 Therefore, subject to conditions, the proposed development complies with Policy CP11 of LPP1, DM33 of LPP2 and section 16 of the NPPF.

8.13 Planning Obligations

- 8.13.1 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. With 68 units, the number of affordable housing units would be 27.
- 8.13.2 In order to fully comply with the standards set out in the Lewes District Council SPD for affordable housing, all the whole units would need to be incorporated into the development with any remaining decimal points being secured as a pro-rata commuted sum. This approach is compliant with the appropriate use of commuted sum as set out in para. 5.2 of the LDC Affordable Housing SPD. The proposal requires a commuted sum for 0.3 of a unit, the commuted sum has been calculated using the Affordable Housing Commuted Sum Table provided in the Affordable Housing SPD.
- 8.13.3 The affordable housing would be provided in compliance with the requirements of CP1 and the NPPF and a Section 106 legal agreement has been drafted to secure this. The dwelling mix with a tenure split of 25.9% First Homes (7 Units), 14.8% Shared Ownership (4 Units) and 59.2% Affordable Rent (16 Units) has been agreed and is in accordance the NPPF.
- 8.13.4 The applicant has agreed to provide a Communal Landscaped Area to the east of the site. The applicant has indicated that they are willing to transfer this into the Council's ownership including a maintenance commuted sum for its long term maintenance. The provision of the Communal Landscaped Area will be secured by S106 Agreement. A planting plan along with a landscape maintenance plan will be required by the S106.
- 8.13.5 Officers seek to resolve Highways issues where appropriate by S106 agreement. The highways S106 requirements are as follows:
- A Bus contribution- £1100 per dwelling.
 - Travel Plan and Audit fee - £4500
 - Bus stop clearways at Kings Academy £500 per clearway.
 - Provision of a 2-metre-wide footway along the site frontage from the site access to connect to footway at Tile Kiln
 - The widening of the footway on southern side of Bishops Lane with appropriate dropped crossings and tactile paving across access junctions

8.14 Human Rights Implications

- 8.14.1 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.

8.15 Conclusions

- 8.15.1 The provision of 68 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 of 68 homes would carry significant positive weight in the planning balance.
- 8.15.2 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. The number of affordable housing units would be 27.3. The policy compliant affordable housing would be a significant benefit of the scheme and would carry significant positive weight in the planning balance.
- 8.15.3 Overall, due to its location 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 surrounding rural landscape. Mitigations are offered which would go some way to softening the visual appearance of the development and ESCC Landscape Officer has raised no objections. However, notwithstanding this, the harm to the openness of the site, would still be noticeable from both an internal (From Bishops Lane) and external (from the wider countryside) perspective. Therefore, in unison the internal harms from the wider countryside and the harms from Bishops Lane this would be attributed moderate weight in the planning balance.
- 8.15.4 The proposal includes the provision of a Communal Landscaped Area to the east of the site. The proposed CLA 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; a children's play area; and contribution to biodiversity net gain. The provision of the CLA 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 CLA this would carry minor positive weight in the planning balance.
- 8.15.5 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 and some established hedgerows. However, it would offer enhancements in the form of an internal landscaping scheme, and retention of the remaining hedgerows. On balance, the proposed biodiversity enhancements would be positive and would meet the councils 10% Biodiversity Net Gain threshold. On this basis the biodiversity enhancements would carry minor positive weight in the planning balance.
- 8.15.6 The 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.

- 8.15.7 The proposed development would result in the potential loss of grade 3a agricultural land, as the land is class as grade 3 and doesn't specify which grade it is. Therefore, for purposes of this application and to remove all doubt this land will be assessed as grade 3a land. Policy DM19 resists the loss of agricultural land where this is unavoidable. Given the councils lack of 5-year housing land supply and the LAA's assessment of the site as developable and deliverable this site provides a valuable contribution to housing delivery. Therefore, the loss of agricultural land is considered to be a minor harm of the development.
- 8.15.8 The proposed development is located in close proximity to the Ringmer Conservation Area. 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 this area would result in a less than substantial harm to its setting.
- 8.15.9 It is considered that surface water run-off generated by the development can be adequately managed without unacceptable risk of flooding, subject to the reserved matters submission limiting the locations of dwellings and residential gardens to flood zone 1. Subject to conditions the flooding and SUDS impacts can be acceptably resolved, and this therefore bears neutral weight in the planning balance.
- 8.15.10 both air quality and contaminated land can be effectively dealt with by condition. Subject to conditions, the environmental health impacts can be acceptably resolved, and this therefore bears neutral weight in the planning balance.
- 8.15.11 The site would be a sufficient size and scale to sustain a development of 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. Impacts upon living standards and amenity therefore bears neutral weight in the planning balance.
- 8.15.12 Overall, Officers consider that the significant public benefits in terms of the provision of 68 Units and a policy compliant affordable housing provision, and the minor benefits of the provision of a CLA and biodiversity net gain, would outweigh the moderate harms resulting upon the setting of the Visual Landscape, the minor harm due to the loss of potential Grade 3a Agricultural Land and the less than substantial harm to the Ringmer Conservation area. Therefore, Officers consider that the scheme would be acceptable and is therefore recommended for approval.

9. Recommendation

1. Recommend approval 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 Communal Landscaped Area

- Tree Planting and Hard and Soft Landscaping Plan
- Landscape Maintenance Plan
- A Bus contribution- £1100 per dwelling.
- Travel Plan and Audit fee - £4500
- Bus stop clearways at Kings Academy £500 per clearway.
- A 278 agreement for the provision of a 2-metre-wide footway along the site frontage from the site access to connect to footway at Tile Kiln
- A 278 agreement for the widening of the footway on southern side of Bishops Lane with appropriate dropped crossings and tactile paving across access junctions.

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 3rdth of November 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>	<u>Date Received</u>	<u>Reference</u>
Other Plan(s)	24 August 2021	21402/1002 Block Plan
Other Plan(s)	24 August 2021	21402/1001A Site Location Plan
Other Plan(s)	24 August 2021	21402/5001F Proposed Planning Layout
Other Plan(s)	24 August 2021	21402/3600B Proposed Street Elevations

Other Plan(s)	24 August 2021	21402/6002-1B-2H7 Floor Plans
Other Plan(s)	24 August 2021	21402/6001-2B-FOG Proposed Elevations
Other Plan(s)	24 August 2021	21402/6001-2B FOG Elevations
Other Plan(s)	24 August 2021	21402/6002-3B-2H7 Floor Plans
Other Plan(s)	24 August 2021	21402/6002-2B-2H7 Elevation Plans
Other Plan(s)	24 August 2021	21402/6003-1B-2H8 Floor Plans
Other Plan(s)	24 August 2021	21402/6002-4B-2H7 Proposed Elevations
Other Plan(s)	24 August 2021	21402/6003-3C-2H8 Proposed Elevations
Other Plan(s)	24 August 2021	21402/6003-2B-2H8 Proposed Elevations
Other Plan(s)	24 August 2021	21402/6004-2B-3H9 Proposed Elevation Plans
Other Plan(s)	24 August 2021	21402/6004-1B-3H9 Proposed Floor Plans
Other Plan(s)	24 August 2021	21402/6005-2C-3H10 Proposed Elevations Plans
Other Plan(s)	24 August 2021	21402/6005-1B-3H10 Proposed Floor Plans
Other Plan(s)	24 August 2021	21402/6006-1C-3H10/3H12 Semi-Floor Plans
Other Plan(s)	24 August 2021	21402/6005-4B-3H10 Proposed Elevations
Other Plan(s)	24 August 2021	21402/6006-3C-3H12 Semi-Floor Plans
Other Plan(s)	24 August 2021	21402/6006-2C-3H10/3H12 - Semi-Elevations Plan
Other Plan(s)	24 August 2021	21402/6007-1B-3H15 Floor Plans
Other Plan(s)	24 August 2021	21402/6006-5B-3H10/3H12 Semi-Elevations Plan

Other Plan(s)	24 August 2021	21402/6006-4C-2H8/3H12 Semi-Elevations Plan
Other Plan(s)	24 August 2021	21402/6007-3B-3H12 Proposed Floor Plan
Other Plan(s)	24 August 2021	21402/6007-2B-3H15 Proposed Elevations
Other Plan(s)	24 August 2021	21402/6008-1B-4H1 Floor Plans
Other Plan(s)	24 August 2021	21402/6007-4C-3H15 Proposed Elevations
Other Plan(s)	24 August 2021	21402/6008-3B-4H1 Floor Plans
Other Plan(s)	24 August 2021	21402/6008-2C-4H1 Proposed Elevations Plan
Other Plan(s)	24 August 2021	21402/6009-1B-4H2 Floor Plans
Other Plan(s)	24 August 2021	21402/6008-4B-4H1 Proposed Elevations
Other Plan(s)	24 August 2021	21402/6009-3A-4H2 Floor Plans
Other Plan(s)	24 August 2021	21402/6009-2C-4H2 Proposed Elevations
Other Plan(s)	24 August 2021	21402/6010-1B-4H8 Floor Plans
Other Plan(s)	24 August 2021	21402/6009-4B-4H2 Proposed Elevations
Other Plan(s)	24 August 2021	21402/6010-3B-4H8 Proposed Floor Plans
Other Plan(s)	24 August 2021	21402/6010-2C-4H8 Proposed Elevations
Other Plan(s)	24 August 2021	21402/6010-4C-4H8 Proposed Elevations
Other Plan(s)	24 August 2021	21402/6021-1B-S2H4 Proposed Floor Plans
Other Plan(s)	24 August 2021	21402/6021-2C-S2H4 Proposed Elevations
Other Plan(s)	24 August 2021	21402/6021-4C-S2H4 Proposed Elevations

Other Plan(s)	24 August 2021	21402/6021-3B-S2H4 Proposed Floor Plans
Other Plan(s)	24 August 2021	21402/6022-2C-S3H4 Proposed Elevations
Other Plan(s)	24 August 2021	21402/6022-1B-S3H4 Proposed Floor Plans
Other Plan(s)	24 August 2021	21402/6022-3B S3H4 Floor Plan
Other Plan(s)	24 August 2021	21402/6022-4C-S3H4 Proposed Elevation
Other Plan(s)	24 August 2021	21402/6031A-Garages
Other Plan(s)	24 August 2021	21402/6032-Sub-Station Elevation and Floor Plan
Other Plan(s)	24 August 2021	21402/6211C-Block 1 Floor Layouts
Other Plan(s)	24 August 2021	21402/6201B - Block 1 Proposed Elevations
Other Plan(s)	24 August 2021	21402_6221B - Block 2 Floor Layouts
Other Plan(s)	24 August 2021	21402/6222B- Block 2 Proposed Elevations

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

2. **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 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:

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

- the method of access and egress routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors, including a workers' travel plan
- 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,
- flood management during construction both on and off site [or via separate document]
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.
- address noise impacts arising out of the construction.
- address vibration impacts arising out of the construction.
- address odour impacts arising out of the construction.
- dust mitigation measures,
- includes details of the use of protective fences, exclusion barriers and warning signs.
- 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.
- 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 CP13 of the LPP1, policies DM20 and DM23 of the LPP2 and the Circular Economy Technical Advice Note.

3. **SUDS** No development shall commence until details showing the following Sustainable Drainage details have been submitted and approved in writing by the LPA. The approved Details Shall thereafter be retained

- Details of the proposed attenuation pond and how it connects into the water course. This should include cross sections and invert levels
- 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

- Details of an investigation into the condition of the ordinary watercourse which will take surface water runoff from the development. Any required improvements to this watercourse should be included in the submission and carried out prior to the construction of the outfall
- Details of how surface water flows exceeding the capacity of the surface water drainage features will be managed safely. This should include a plan showing the proposed routing of overland flow paths as evidence that there will be no increased risk of flooding as a result of the development.
- Details of the design of the attenuation ponds which should be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1 metre unsaturated zone between the base of the ponds and the highest recorded groundwater level. If this can not be managed details of how impacts of high ground water levels will be managed should be provided.
- A maintenance and management plan for the entire drainage system should be submitted to ensure that the designed system takes into account the design standards of those responsible for maintaining the system. This should cover the following:
 - i. The plan should state who will be managing all aspects of the surface water drainage system, including the piped drains, and the appropriate authority should evidence that they are satisfied with the submitted details
 - ii. Evidence that these arrangements will remain in place for the lifetime of the development should be evidenced to the authority.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve existing habitats in accordance with LLP1 policy CP12, LLP2 policy DM22 and para. 167 of the NPPF.

4. **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

5. **Archaeology** No development shall commence 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.

6. **Contamination** No development shall commence 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].

7. **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 implemented in accordance with the Tree Protection Plan drawing ref A007 within the Arboricultural Impact Assessment. 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.

8. **Ecological Design Statement** No development shall commence until an Ecological Design Strategy (EDS) addressing mitigation of

impacts, compensation for the loss of habitat, and enhancement of the site for biodiversity in line with the recommendations in the Ecological Impact Assessment (The Ecology Partnership, August 2021) has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- description and evaluation of features to be managed.
- purpose and conservation aims objectives for the proposed works.
- ecological trends and constraints on site that might influence management.
- detailed design(s) and/or working method(s) to achieve stated aims objectives.
- extent and location /area of proposed works on appropriate scale maps and plans.
- type and source of materials to be used where appropriate, e.g. native species of local provenance.
- prescriptions for management actions, together with a plan of management compartments.
- (timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- details of the body or organisation responsible for implementation of the plan.
- details of initial aftercare and long-term maintenance (including an annual work plan capable of being rolled forward over a five-year period.
- details for monitoring and remedial measures.
- details for disposal of any wastes arising from works so as to not attract foraging animals.

All ecological measures and/or works with respect to the protection of badgers, birds and great crested newts shall be carried out in accordance with the details contained in the Ecological Impact Assessment (The Ecology Partnership, August 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

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

The EDS 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 EDS 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: 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.

9. **Materials** no development above slab level shall commence until, details of all facing materials to be utilised in the development hereby permitted including bricks, contrast materials, mortar, windows, doors, roof materials, plant enclosure shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be built in accordance with these approved details.

Reason: To safeguard the privacy and amenity of adjoining occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with Policy DM25 of the LPP2 and the NPPF

10. **Lighting Design Strategy**, No development above slab level 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.

11. **Visibility Splays** No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular access onto Bishops Lane in accordance with plans and details 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 the access and proceeding along the highway

12. **Photographic Survey** Prior to occupation of the proposed development, evidence (Including photographs should be submitted showing that the drainage system has been constructed as per the agreed detailed drainage designs should be submitted to and approved in writing by the LPA.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve existing habitats in accordance with LLP1 policy CP12, LLP2 policy DM22 and para. 167 of the NPPF.

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

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

14. **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].

15. **Sustainability Assessment** No dwelling shall be occupied until the sustainability features for that dwelling as set out within the Energy Statement (SEC/cs/dc/ES- 3685/-) has been implemented in accordance with the approved document.

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

16. **Archaeological Evidence Statement** Prior to occupation of the proposed development an archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase shall be submitted 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 4.

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.

17. **Refuse and Recycling** Prior to occupation of the development hereby approved the provision of storage for refuse and recycling shall have been provided in accordance with approved plans. 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.

18. **Sustainability Heating Systems** Prior to the first occupation of the properties they will be constructed in accordance with the Low Carbon Technology Heating Systems specified within Southern Energy Consultants Energy Statement dated 14th August 2021. The details as approved shall be implemented prior to the first occupation of the development.

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.

19. **LVI A** The landscape mitigation measures as shown on the Landscape Strategy plan ref CSA/5469/104 Rev B shall be implemented prior to occupation of the relevant phase of the proposal. These details shall thereafter be retained.

Reason: 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.

20. **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.

21. **Unexpected Contamination** If, during development, contamination not previously identified is found to be present at the site then no further works to identified area(s) (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].

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

23. **Hours of Work** Construction work utilising heavy machinery 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.

24. **Access Gradients** The completed access shall have maximum gradients of 4% (1 in 25) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.

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

25. **Visibility Splays** The site access onto Bishops Lane shall not be used until visibility splays of 2.4m by 45m are provided in both directions and maintained thereafter.

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

26. **Estate Roads** The new estate roads shall be designed and constructed to a standard approved by the Planning Authority in accordance with Highway Authority's standards The new estate roads will be designed in accord with adoptable standards but not offered up for adoption, so we propose to remove the end of this condition.

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

27. **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.

28. **Garage Sizes** The proposed garages shall measure at least 3m by 6m (internally)

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

29. **Garage Set Back** The garages shall be positioned at least 5.5m back from the edge of the highway with an inwards opening door in order that a vehicle may wait clear of the highway whilst the /garage door is being operated

Reason: To ensure that the use of the highway by persons and vehicles is not obstructed by waiting vehicles

30. **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.

31. **PD Rights** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) no extensions shall be erected (other than those expressly authorised by this permission) to any of the properties in the Residential Site development.

Reason: To control any subsequent enlargements in the interests of the visual and residential amenities of the locality with regard to Policy DM25 of the LPP2 and the NPPF

32. **PD Rights** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) (England) 2015 (or any order revoking and re-enacting that Order with or without

modification) no fences, gates, walls or other means of enclosure shall be erected within the curtilage of the Residential Site development.

Reason: To control any subsequent enlargements in the interests of the visual and residential amenities of the locality with regard to Policy DM25 of the LPP2 and the NPPF

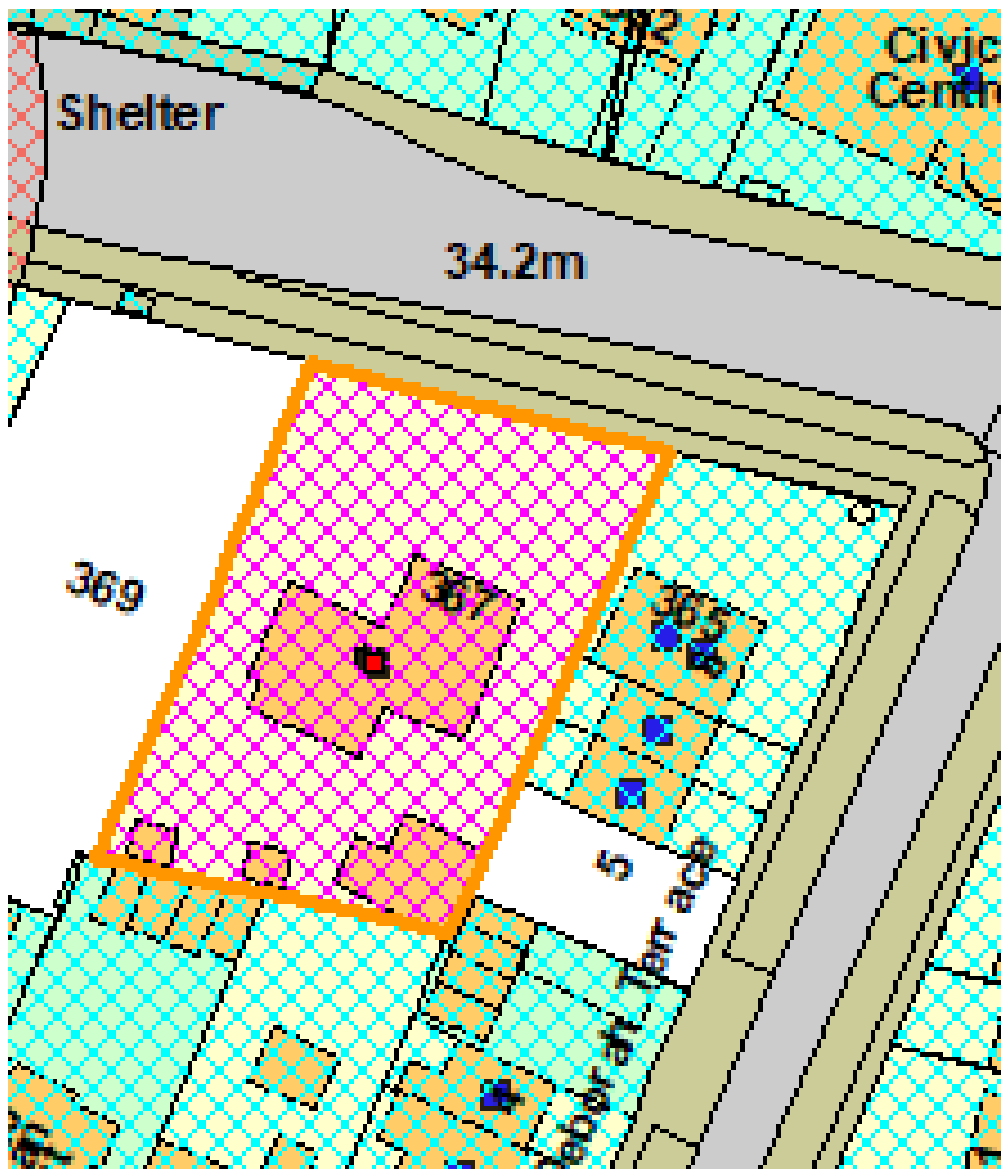
10. **Background Papers**

10.1 None.

Agenda Item 8

Report to: Planning Applications Committee
Date: 3 August 2022
Application No: LW/21/0548
Location: 367 South Coast Road, Telscombe Cliffs, East Sussex, BN10 7HA
Proposal: Demolition of existing house and outbuildings and erection of three storey building containing eight residential units.
Ward: Telscombe
Applicant: Lewes District Council
Recommendation: Approve subject to conditions.
Contact Officer: **Name: Tom Bagshaw**
E-mail: tom.bagshaw@lewes-eastbourne.gov.uk

Map Location:



1. **Executive Summary**

- 1.1 The proposal involves the redevelopment of an existing bungalow site to provide eight new residential dwellings.
- 1.2 It is considered that the development would integrate well with the existing street scene and would not have an adverse impact upon environmental or residential amenity.
- 1.3 It is therefore recommended that the application is approved subject to conditions.

2. **Relevant Planning Policies**

- 2.1 National Planning Policy Framework 2021
 2. Achieving sustainable development
 4. Decision making
 5. Delivering a sufficient supply of homes
 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
- 2.2 Lewes District Local Plan (Parts 1 and 2)
 - LLP1: – CP2 – Housing Type, Mix and Density;
 - LLP1: – CP10 – Natural Environment and Landscape;
 - LLP1: – CP11 – Built and Historic Environment & Design
 - LLP1: – CP12 – Flood Risk, Coastal Erosion and Drainage
 - LLP1: – CP13 – Sustainable Travel
 - LLP1: – CP14 – Renewable and Low Carbon Energy
 - LLP2: – DM1 – Planning Boundary
 - LLP2: – DM20 – Pollution Management
 - LLP2: – DM22 – Water Resources and Water Quality
 - LLP2: – DM23 – Noise
 - LLP2: – DM25 – Design

3. **Site Description**

- 3.1 The site is currently occupied by a detached bungalow. The building has a hipped ended roof form. There is hardstanding provided at the front of the existing building.
- 3.2 The site falls inside the settlement boundary and is in the neighbourhood area of Peacehaven And Telscombe. The site is located within a Flood Zone 1.

- 3.3 The site is currently in use as a single residential property. The site comprises a bungalow and a combination of outbuildings, all of which are of sole use by the occupants of the main dwelling.
- 3.4 The site is situated on a main highway and is close to transport options and amenities.
- 3.5 The surrounding area is of mixed composition which include flats, terraced properties, semi-detached and detached bungalows.

4. **Proposed Development**

- 4.1 The proposal seeks to replace an existing detached bungalow with eight apartments.
- 4.2 The proposed development would be a three level contemporary design with flat roofs and mansard roofs and contemporary fenestration features.
- 4.3 The site access would be onto South Coast Road and the proposal would have seven parking spaces.
- 4.4 The two and three bedroom properties would be served with private amenity space.
- 4.5 The central element of the proposal would be 9.1 metres in height.
- 4.6 The eastern element of the proposal would be 6.1 metres in height to the eaves and 8.8 metres in height to the top of the mansard roof.
- 4.7 The western element of the proposal would be 3.2 metres in height to the eaves and 5.8 metres in height to the top of the mansard roof.
- 4.8 The scheme would be a total width of 21.9 and a depth of 16.1 metres

5. **Relevant Planning History**

- 5.1 n/a

6. **Consultations**

- 6.1 External Consultations:

ESCC Highways

No objection subject to conditions.

OFFICER COMMENT: it is noted that the proposal includes 7 parking spaces when the requirements identified by ESCC Highways is for 8 spaces. Given the shortfall of 1 and the sustainable location of the scheme Officers and ESCC are content that the parking provision is acceptable

Southern Water

The application proposes discharge into the public sewer network and permission has been given by Southern Water for this.

Telscombe Town Council

The committee objected to the proposal for the following reasons:

- Loss of light

- Overdevelopment
- Overlooking to neighbours
- Lack of parking
- Increased traffic

7. Neighbour Representations

7.1 We consulted 29 neighbouring properties via letter and site notice and over the course of two separate consultations 28 letters of objection have been received regarding:

- Lack of infrastructure
- Design and appearance
- Parking
- Impacts to highway
- Overdevelopment
- Overlooking
- Overbearing
- Daylighting/sunlighting
- Overshadowing
- Poor access
- Noise and disturbance
- Insufficient information
- Effect on wildlife
- Sustainability
- Conservation significance
- Contrary to policy

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 as well as residential and environmental amenities and the overall merits of the scheme in terms of the balance of economic, environmental and social objectives that comprise sustainable development.

8.2 Principle

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 74).
- 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 However, following the release of the 2018 NPPF and PPG, the Housing Delivery Test (HDT) was introduced, the Governmental standard method for calculating the objectively assessed housing need. This test identifies a housing requirement for the Borough of 824.1 new homes each year.
- 8.2.7 The Joint Core Strategy pre-dates the NPPF and in accordance with para 213 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 no weight should be given.
- 8.2.8 In terms of housing delivery, the Council was found to be delivering 86% of the figure required by the 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.
- 8.2.9 Paragraph 70 of the NPPF states that where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

- 8.2.10 Overall, the proposal seeks to deliver new housing by sub dividing an existing plot. There are no local or national policies that resist the creation of such units on a principle basis and as such, the delivery of an additional unit is considered to have positive weight in the planning balance.
- 8.2.11 Therefore, there are no objections to the principle of the scheme subject to the proposal being acceptable in terms of design and character; neighbouring residential amenity; highways; quality of accommodation; sustainability; drainage and biodiversity.
- 8.3 Design and Impact upon Character of Surrounding Area
- 8.3.1 Chapter 12 of the NPPF refers to design. Paragraph 127 sets out that planning decisions should ensure that developments (inter alia) function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Development should also create places that are safe, inclusive and accessible.
- 8.3.2 Paragraph 130 of the NPPF sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.
- 8.3.3 Paragraph 131 of the NPPF stipulates that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 8.3.4 The proposed development should comply with the provisions of Policy DM25 of the Lewes District Local Plan (part 2) sets out that development which contributes towards local character and distinctiveness through high quality design will be permitted where the following criteria are met:
- 1) Its siting, layout, density, orientation and landscape treatment respond sympathetically to the characteristics of the development site, its relationship with its immediate surroundings and, where appropriate, views into, over or out of the site;
 - 2) its scale, form, height, massing, and proportions are compatible with existing buildings, building lines, roofscapes and skylines;
 - 3) it incorporates high quality, durable and sustainable materials of an appropriate texture, colour, pattern and appearance that will contribute positively to the character of the area;
 - 4) existing individual trees or tree groups that contribute positively to the area are retained;

- 5) adequate consideration has been given to the spaces between and around buildings to ensure that they are appropriate to their function, character, capacity and local climatic conditions;
 - 6) any car parking or other servicing areas are appropriate to the context and sensitively located and designed so as not to dominate the public realm.
- 8.3.5 The proposed development would need to be compatible with the surrounding urban environment in terms of scale, form, height and massing.
 - 8.3.6 The proposal relates to the subdivision of the plot from a single detached bungalow dwelling to eight apartment dwellings. The proposed development would be contemporary styled flats and would not be out of keeping with the character of the area as there are flats immediately opposite the site on the north side of South Coast Road.
 - 8.3.7 The existing character of this part of South Coast Road has no particular architectural merit and there is a mix of different building types and designs. The proposed building would be a contemporary design with flat and mansard roofs and large open windows and appearance that would add visual interest to the streetscene.
 - 8.3.8 The material palette of the surrounding area is not uniform and the proposed building materials subject to conditions would be required to be of a high quality as to ensure that the building has a good standard of finish.
 - 8.3.9 The front boundary at present is not screened from view by planting however it is laid to lawn. The proposal will result in the replacement of the lawn with car parking which will harden its external appearance. Notwithstanding this many of the surrounding properties have hardstanding at the front and the site is located in an urban environment. Therefore, the parking will not be out of character with the streetscene. Notwithstanding this a landscaping scheme will be implemented to reduce the impact of the car parking and mitigate its visual appearance.
 - 8.3.10 Overall, the proposed contemporary design would be acceptable and would add visual interest to the streetscene. The proposal would therefore be acceptable in terms of design.
- 8.4 Impact upon Amenities of Neighbouring Residents:
- 8.4.1 Policy DM25 of the Lewes District Local Plan (part 2) sets out that proposals seeking new development will not be approved unless it can be shown that there will be no unacceptable adverse impact on the amenities of neighbouring properties in terms of privacy, outlook, daylight, sunlight, noise, odour, light intrusion, or activity levels.
 - 8.4.2 The proposed development includes a daylight sunlight assessment. The assessment shows that the level of light provision to a ground floor north window of No. 6 Central Avenue following the proposal would be below BRE standards. However, this window already falls short of those standards and serves a kitchen which would be considered to require a lesser extent of natural light than a living or

bedroom. Given that the light provision to this window is already below standard, it serves a kitchen, and the proposed development would only reduce this to a minor degree, the impact of the development upon the ground floor north window of No. 6 is not considered to justify a reason for refusal.

- 8.4.3 The daylight/sunlight assessment confirms that no other properties would be unacceptably impacted in terms of overshadowing or daylighting/sunlighting.
- 8.4.4 The proposed dwellings would be set in from the boundaries of neighbouring properties. Whilst it is noted that the scheme will command increased visual presence from that of the existing property, it would not result in an increase in overbearing, or loss of outlook to any neighbouring properties that would warrant the refusal of the proposal.
- 8.4.5 The proposed dwellings include side facing windows above ground floor level and a balcony; however, these windows would be obscurely glazed above ground floor level and the balcony would include screening at the sides to mitigate any overlooking impacts. As such, the increase in the impacts of overlooking neighbouring properties would be negligible. The windows facing to the south would not be in close enough proximity to any neighbouring habitable room windows that would warrant the refusal on these grounds. Therefore, the proposal would not be considered to result in any unacceptable increase in overlooking from that which is already present at the property.
- 8.4.6 The proposed development would not be of a size or scale that would result in any unacceptable impacts upon properties to the south or west in terms of overbearing, overshadowing or daylighting/sunlighting.
- 8.4.7 Overall, the scheme seeks to increase the footprint of buildings on the plot. However, the design of the properties mitigates any unacceptable harm being created. Therefore, the proposal is considered acceptable in terms of neighbouring amenity.

8.5 Living Conditions for Future Occupants

- 8.5.1 Para. 126 of the National Design Guide (2019), which is a companion to the Revised National Planning Policy Framework, states that 'well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.' This is echoed in policy CP11 of the Lewes District Joint Core Strategy.
- 8.5.2 All habitable rooms are served by unobstructed clear glazed openings allowing for a good level of natural sunlight permeation. It is considered that this would help enhance access to natural light and would also provide effective natural ventilation to each building. The layout of each dwelling is considered to be clear, with hallway lengths kept to a minimum and awkwardly sized and shaped rooms being

avoided, thereby enhancing functionality, accessibility and adaptability.

- 8.5.3 The Nationally Described Space Standards, introduced by DCLG in March 2015, sets clear internal minimum space standards for residential units. In this case the three types of residential units proposed are single-storey, one, two- and three-bedroom dwellings, which meet the National Described Space Standards and would provide an acceptable standard of amenity space in this regard. All habitable rooms would be provided with outward looking windows and would provide a good standard of natural daylight/sunlight.
- 8.5.4 The proposal would provide private amenity space for the properties in the form of private rear garden areas. The provided amenity space is considered to be of a size that would provide a reasonable standard of amenity space for the proposed properties.

8.6 Parking Demand and Highway Impact

- 8.6.1 Chapter 9 of the NPPF relates to the promotion of sustainable transport Paragraph 108 sets out that in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up and that safe and suitable access to the Site can be achieved for all users
- 8.6.2 Paragraph 109 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.6.3 The site is located within an urban area and as such public transport options are available with the nearest bus stop at Telscombe Cliff walk (1 mins walk) from the site. Nonetheless, the owners of the property are likely to be reliant on private motor vehicles. The ESCC guidance recommends that for a one or two-bedroom property, one car parking space should be provided and for a three-bedroom property two car parking spaces should be provided.
- 8.6.4 A new access is proposed to serve the development off the South Coast Road (A259), the existing access serving the site will then be closed off with the footway and verge reinstated. The proposed access will be six metres wide which is appropriate to accommodate two-way flows. There are double yellow lines and a bus lane across the frontage of the site, although this will lead to vehicles crossing two lanes to access or exit the site, visibility from the access is good in both directions and there are similar access arrangements along the A259. The wall either side of the access should be below 600mm to allow suitable intervisibility between drivers, pedestrians and cyclists, this will also allow any visitors to see if there is space within the site.
- 8.6.5 The East Sussex Residential Parking Demand Calculator has been designed to calculate the number of parking spaces required at new residential development on a site-specific basis. The proposal includes seven parking spaces and as such falls slightly short. Data

from East Sussex in Figures indicates that car ownership in Super Output Area 006E is one per household as such the requirement is eight and the proposal is therefore one short of the requirement. It is noted that parking provision is of concern to local residents; however, considering the location with good access to services, public transport and parking restrictions along the South Coast Road the shortfall of one space could not be considered severe. The parking spaces are of suitable dimensions and nine metres to the rear of each space has been provided which will allow suitable on site turning.

- 8.6.6 In accordance with the East Sussex County Council's adopted parking standards a three-bed flat should be provided two cycle spaces with a one and two bed provided with 0.5 per unit with communal storage. The eight cycle spaces proposed are therefore accepted.
- 8.6.7 The site is well positioned for bus services between Brighton and Eastbourne provided by the 12 and 14 services generally every 10 – 15 minutes during the week from around 5.30am to approximately 10.30pm. These bus services also serve as a connection to the railway station in Newhaven which provides a connection to London for commuters. The nearest bus stops are located opposite the site on the A259 South Coast Road. The site is also within walking distance of the schools, doctors' surgery and the town with its associated shops and facilities which will reduce the reliance on the private car.
- 8.6.8 A construction traffic management plan would need to be provided as a condition of any planning permission to ensure turning/parking and storage of materials could be accommodated within the site. The routing and size of vehicles will need to be provided and no on-street parking should occur during the whole of the construction phases.
- 8.6.9 Overall, the highways impacts of the proposal are considered to be acceptable subject to conditions.

8.7 Flooding and Drainage

- 8.7.1 The site is located in Flood Zone 1 and, as such, is not considered to be susceptible to tidal or fluvial flooding. Flood mapping also shows that the risk of surface water flooding is very low.
- 8.7.2 The developable area of the site is currently entirely built upon or hard surfaced. It is noted that all hard surfacing would be required to be permeable where practicable. The proposed drainage system would connect with the public sewer.
- 8.7.3 It is therefore considered that suitable drainage arrangements can be provided for the development and that appropriate testing and checking would be carried out at the building regulations stage. Building regulations would also ensure appropriate foul disposal is provided.

8.8 Ecology

- 8.8.1 Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the local environment by (inter alia) recognising the intrinsic character and beauty of the countryside and the wider benefits from ecosystem services, including trees and woodland.
- 8.8.2 Policy DM24 (Protection of Biodiversity and Geodiversity) states that where development is permitted, the Council will use conditions and/or legal agreements in order to minimise the damage, ensure adequate mitigation and site management measures and, where appropriate, compensatory and enhancement measures in terms of biodiversity and ecology.
- 8.8.3 Policy DM27: (Landscape Design) states that where appropriate, development proposals should demonstrate a high quality of landscape design, implementation and management as an integral part of the new development. Landscape schemes will be expected to:
- 1) reflect, conserve or enhance the character and distinctiveness of the local landscape or streetscape and integrate the development into its surroundings, adding visual interest and amenity;
 - 2) encourage adaptation to climate change by, for example, providing areas to assist with flood mitigation or tree planting to assist with carbon capture and urban cooling;
 - 3) retain and incorporate existing healthy mature trees and hedgerows and replace any trees that need to be removed with trees of an appropriate species;
 - 4) where practicable, use material excavated from the site for re-contouring, infilling and top-soiling, ensuring that any land re-modelling respects the local topographic character;
 - 5) where appropriate, take opportunities to connect the development site to the existing green infrastructure network.
- 8.8.4 The site is located in an urban environment and already hosts an occupiable residential dwelling. The applicant has included a biodiversity checklist and Officers consider that there are unlikely to be any ecological impacts of the proposed development given that the majority of the proposal is built over the place of an existing structure and in an urban area. Nonetheless, there is clearly an opportunity for biodiversity net gain resulting from the proposal and as such, conditions will be attached to any planning permission requiring details of ecological enhancement features such as bird and bat boxes, and hedgehog house/holes to be submitted to the LPA prior to occupation of the development.
- 8.9 Refuse and Recycling.
- 8.9.1 The site plan demonstrates that refuse and recycling bins will be stored at the front of the property. It would not block access for motor vehicles and would not prejudice highway safety.

8.9.2 In accordance with DM25, in order to ensure that the refuse storage areas do not negatively impact the character and appearance of the streetscene, the refuse store is located in a dedicated bin store at the front of the property. The refuse storage lockers will be designed and located in order to minimise the impact of the refuse storage containers upon the character and appearance of the area.

8.10 Sustainability

8.10.1 Paragraph 8 of the NPPF sets out that there are three strands to achieving sustainable development, including an environmental objective. This is for development to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

8.10.2 Paragraphs 10 and 11 of the NPPF state that at the heart of the Framework is a presumption in favour of sustainable development.

8.10.3 Paragraph 148 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; and support renewable and low carbon energy and associated infrastructure.

8.10.4 Paragraph 149 of the NPPF states that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.

8.10.5 Any new dwelling would need to incorporate the maximum feasible amount of renewable energy, and water and energy efficiency measures and equipment and any such features will be welcomed. A condition will be attached to any decision notice which requires a sustainability statement is submitted with the proposal.

8.11 Circular Economy

8.11.1 In February 2021 Lewes District Council published a Technical Advice Note relating to the Circular Economy. The Circular Economy is defined as the approach where materials are retained in use, extracting their maximum value for as long as possible before being reused or recycled, leaving minimum waste. Officers would welcome re-use of materials from the demolished dwelling in order to ensure that the environmental impact of the development is minimised.

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 permission is granted subject to the conditions listed below.

10.2 Conditions

1. **Plans** This decision relates solely to the following plans:

This decision relates solely to the following plans:

<u>Plan Type</u>	<u>Date Received</u>	<u>Reference</u>
Other Plan(s)	21 April 2022	035.03.A Proposed Site Plan
Other Plan(s)	21 April 2022	353.04.A Proposed Street Scene and Elevations
Other Plan(s)	21 April 2022	353.05.A Proposed Grounf Floor, First Floor, Second Floor and Roof Plans
Other Plan(s)	8 July 2021	0353 01 - Existing Site Survey and Site Location Plan

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

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

4. **Obscure Windows** Prior to occupation of the development the windows and opening above ground floor level on the side elevations (East and West) of the development shall be non-openable and obscurely glazed up to 1.7 metres from finished floor level. These details shall thereafter be retained.

Reason: in order to protect the amenities of the future occupiers in accordance with LPP” Policy DM25 and the National Planning Policy Framework.

5. **Balcony Screening** Prior to occupation of the development the balconies and terraces above ground floor level shall have obscurely glazed screening on the side elevations (East and West) of the development up to 1.7 metres from finished floor level. These details shall thereafter be retained.

Reason: in order to protect the amenities of the future occupiers in accordance with LPP” Policy DM25 and the National Planning Policy Framework.

6. **Parking Spaces** No building shall be occupied until vehicle parking spaces shown in 21043/10.001 have been laid out within the site and these spaces shall be made permanently available for that use.

Reason: In the interests of and for the safety of persons and vehicles using premises and/or adjoining road having regard to CP13 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

7. **Refuse Storage** The development hereby permitted shall not be occupied until the details of refuse and recycling storage submitted with the application have been provided in full. The approved refuse and recycling storage facilities shall be implemented prior to the occupation of the development and thereafter be retained.

Reason: To preserve the residential and visual amenities of the locality.

8. **Access provision** Prior to occupation of the development hereby permitted, the new access shall be in the position shown on the submitted plan (number 0353 drawing 03A) and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority.

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

9. **Removal of Previous Access** The development shall not be occupied until the existing access off South Coast Road shown on the submitted plan (number 0353 drawing 03A) have been stopped up and the kerb and footway and verge reinstated in accordance the submitted plan (number 0353 drawing 03A).

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

10. **Parking Areas** The development shall not be occupied until a parking area has been provided in accordance with the approved plan (number 0353 drawing 03A) and the area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

Reason: To ensure the safety of persons

11. **Cycle Parking** The development shall not be occupied until cycle parking areas have been provided in accordance with plan number 0353 drawing 03A 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

12. **Vehicle Turning Areas** The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with number 0353 drawing 03A and the turning space shall thereafter be retained for that use and shall not be used for any other purpose;

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

13. **EV Charging** The electric vehicle charging points shall be provided for each dwelling prior to occupation of the proposed development

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 Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

14. **SUDS Details** The development hereby permitted shall not occupied until details of the management and maintenance of any parts of the drainage system which will be adopted has been submitted to and approved in writing by the Local Planning Authority. The management and maintenance arrangements shall be carried out in accordance with the approved details over the period specified.

Reason: To ensure the efficient maintenance and ongoing operation of the SuDS system and to ensure the best practice in line with the most up-to-date guidance.

15. **Landscaping** The development shall not be occupied until soft landscape works, including tree/hedge and shrub planting, has been implemented in accordance with details submitted to and approved in writing by the LPA. If, within a period of five years from the date of the planting, any tree, or any tree planted in replacement for it, is removed, uprooted destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To enhance the general appearance of the development and to protect residential amenity having regard to policies CP10 and CP11 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

16. **Bird and Bat Boxes** Prior to occupation of the development hereby approved details of the type and locations of Bird and Bat boxes and mammal gates shall be submitted to and approved in writing by the LPA. The approved details shall thereafter be retained.

Reason: To enhance the biodiversity value of the site in accordance with DM24 and National Planning Policy Framework.

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

Reason: In the interests of both visual and residential amenity in accordance with policies CP11 of the Lewes District Local Plan Part 1, policy DM25 of the Lewes District Local Plan Part 2, and having regard to the National Planning Policy Framework.

18. **PD Rights Windows** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or Orders amending or revoking and re-enacting the same, no windows or other openings (other than those shown on the plans hereby approved) shall be formed in the northerly or southerly flank elevations of the development without express planning consent from the Local Planning Authority first being obtained.

Reason: In order to safeguard the privacy and amenity of the neighbouring residents having regard to policy CP11 of the Lewes District Local Plan Part 1 and the National Planning Policy Framework.

19. **Previously Identified 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 para. 183 of the NPPF.

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

Reason: In the interests of the residential amenities of the neighbours having regard to Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework.

11. **Informative(s)**

1. The applicant will be required to enter into a Section 171 legal agreement with East Sussex County Council, as Highway Authority, for the off-site highway works. This includes the construction of the new accesses, closure of the existing and reinstatement of the kerbing fronting. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
2. The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway. The applicant should contact the Transport Development Control Team (01273 482254).

12. **Background papers**

- 12.1 None.

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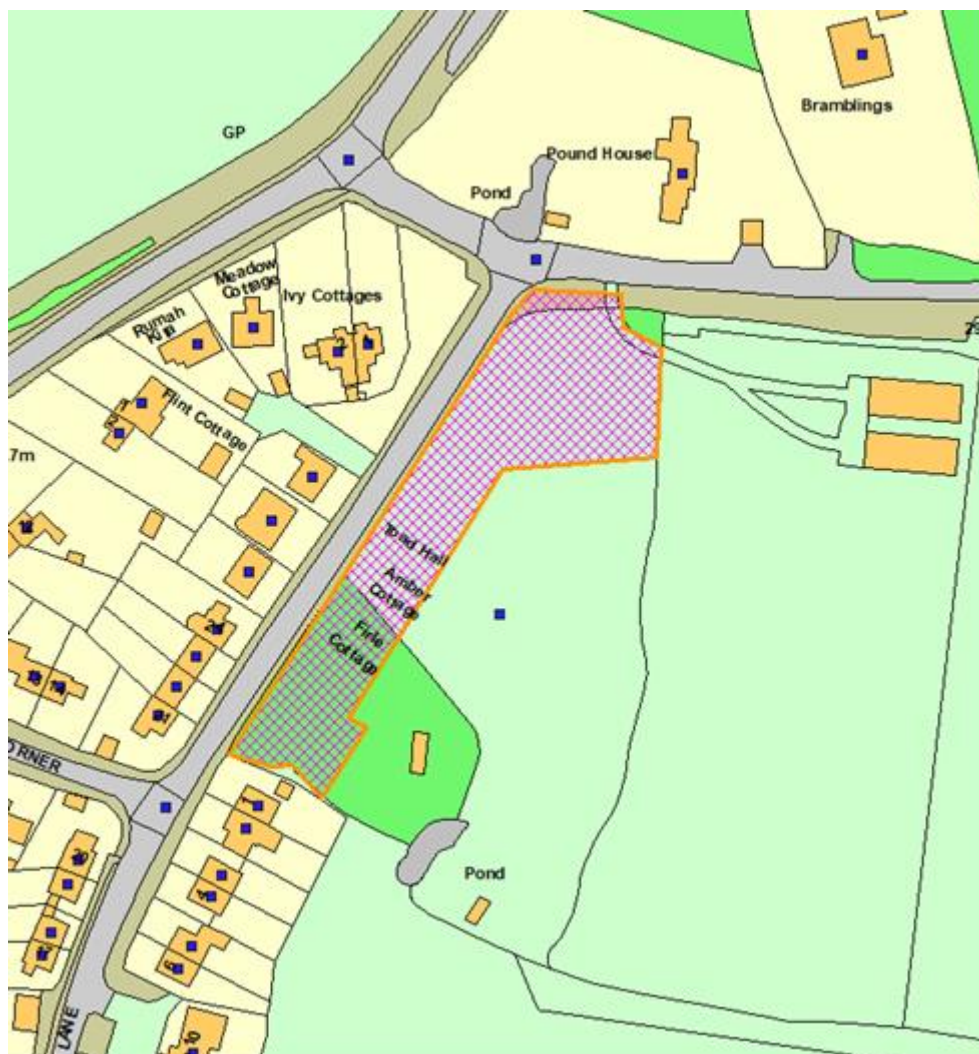
Agenda Item 9

Report to: Planning Applications Committee
Date: 3 August 2022
Application No: LW/22/0089
Location: Highbury Farm, Markstakes Lane, Chailey, BN8 4BS
Proposal: Hybrid application comprising full application for 1no. dwellinghouse and outline application for 3no. dwellinghouses with all matters reserved except access and layout.

Applicant: Mr and Mrs Durnford
Ward: Chailey, Barcombe & Hamsey
Recommendation: Grant Planning Permission.
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 meets all relevant national and local planning policies and will result in an increase in the District Council's housing stock. Approval is recommended, subject to conditions.
2. **Relevant Planning Policies**
- 2.1 National Planning Policy Framework
 - Achieving sustainable development
 - Delivering a sufficient supply of homes
 - Promoting healthy and safe communities
 - Promoting sustainable transport
 - Making effective use of land
 - Achieving well designed places
 - Meeting the challenge of climate change, flooding, and coastal change
 - Conserving and enhancing the natural environment
 - Conserving and enhancing the historic environment
- 2.2 Lewes District Local Plan
 - LDLP: – SP2 – Distribution of Housing
 - LDLP: – CP2 – Housing Type, Mix and Density
 - 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
- 2.3 Chailey Neighbourhood Plan (advancing towards adoption)
 - CNP: - HO1 – Design
 - CNP: - HO2 – Housing mix
 - CNP: - HO3 – Building materials
 - CNP: - HO4 – Building Height
 - CNP: - HO5 – Pedestrian connections
 - CNP: - ENV2 – Wildlife protection
 - CNP: - ENV5 - Conservation of the environment, ecosystems, and biodiversity

CNP: - TRA1 – Road safety

CNP: - TRA2 – Adequate and appropriate car parking

3. Site Description

- 3.1 The application site is located along the on the eastern side of Green Lane, at the junction with Markstakes Lane, South Chailey. Roughly rectangular in shape, the site covers 0.31ha and has been formed from a larger field also in the applicant's ownership. There is an existing gated access on to Markstakes Lane. There are mature trees and hedges along the western boundary of the site.
- 3.2 Green Lane runs south west from Markstakes Lane and branches off at the south into further residential roads Markstakes Corner, St James Walk and Setfords Field.
- 3.3 Green Lane is developed on both sides of the road, apart from along the boundary with the application site. The properties are a mix of detached, semi-detached, and terraced houses, of varying ages, with brick walls and clay roof tiles, with occasional timber cladding. Towards the far end of the road, there are a number of bungalows. Many of the properties have off-street parking in the front or in garages. Some on-street parking was observed at the site visit, mainly towards the southern end of the settlement.
- 3.4 The application site is contiguous with the planning boundary of the settlement.
- 3.5 Markstakes Lane links directly to the A275 just a few metres from the site. The land beyond the site to the east is open countryside.

4. Proposed Development

- 4.1 The application seeks full planning permission for a detached four-bedroom dwelling (plot 1), set over two floors and basement, together with detached double garage/cycle store and two surface car parking spaces. The existing access from Markstakes Lane will be utilised, with improved visibility splays. An area for the storage of bins is indicated at the entrance to the plot.
- 4.2 The proposed new house will be 'L' shaped, located roughly in the centre of the site, set back approximately 20m from the front of the site. The garage will be located to the south-east of the house. The design is derived from the local farmhouse aesthetic, using bricks, timber cladding and photovoltaic slates to the roof. The garage will be of a similar style.
- 4.3 This house will be a self-build project for the applicants use. They have been farming the land around the site for 10 years from their current home outside of the area.
- 4.4 The application also seeks outline planning permission, with all matters reserved except access and layout, for three new dwellings (plots 2, 3 and 4) with direct access from Green Lane, to the south of the plot 1. The indicative plans show that plots 2, 3 and 4 are capable of accommodating Nationally Described Space Standard compliant 3 bed/5 person houses, together with gardens and two off-street parking spaces per dwelling. A further parking space will be provided in a bay in front of unit 4.

5. Relevant Planning History

5.1 LW/89/0837 - Outline application for the erection of seven detached dwellings – refused 22 June 1989 and dismissed on appeal on 20th June 1990.

5.2 The inspector was of the view that the proposal would be an incursion into the surrounding countryside. It should be noted that national and local planning policy has changed considerably since the date of that decision.

5.3 Consultations

5.4 Chailey Parish Council

5.4.1 The 1no dwelling house would enable Mr & Mrs Durnford to live at the site they have been farming for 10 years. The outline for 3 houses would be for self-build houses with a condition that they were lived in for at least 3 years by the owner/builders. CPC after some debate decided to make No Recommendation on this matter.

5.4.2 CPC would feedback to LDC that there should be an agricultural tie on Plot 1. With regards to Plots 2,3,4 there were reservations with regards to drainage. CPC would prefer to see 2 bed over 3 bed houses to maximise affordability and that there is a condition that the houses are self-build. Proposed by Cllr Avery. Seconded by Cllr Evans. Passed with 6 Cllrs in favour and 3 abstentions.

5.5 Planning Policy

5.5.1 As the Council is unable to demonstrate a five-year supply of deliverable housing sites since 11 May 2021, decisions on planning applications involving housing will be tilted in favour of sustainable development in accordance with Paragraph 11 of the NPPF. The Council produced an Interim Policy Statement resenting the Council's approach on the Delivery of Housing. When it may be concluded that the site is in a sustainable location, when it is demonstrated that the proposed development is deliverable and viable, having regard to the provision of necessary on-site infrastructure, and other requirements, the planning balance may weigh in favour of approval.

5.5.2 Land at Highbury Farm is located outside of the settlement boundary for South Chailey but has the following advantages:

- The site is contiguous with the adopted settlement planning boundary for South Chailey
- The site could provide safe and convenient pedestrian access to community facilities and services within South Chailey
- Development would not result in the actual or perceived coalescence of settlements
- The site provides 4 Self-Build dwellings.

5.5.3 This policy comment concentrates on the provision of custom and self-build dwellings. The key requirements of the legislation are set out in two acts of Parliament, The Self-Build and Custom

Housebuilding Act 2015 as amended by the Housing and Planning Act 2016, with guidance given by two main statutory instruments. The Acts introduced three duties for local authorities to meet demand for custom and self-build housing, requiring them to:

- prepare, publicise, and maintain a register of individuals and associations of individuals “who are seeking to acquire serviced plots of land”
- have regard to the register “when carrying out their planning, housing, land disposal and regeneration functions”; and
- give suitable development permission for enough serviced plots of land to meet the demand for custom and self-build housing in their area on a rolling, three-year, basis
- The National Planning Policy Framework sets out the explicit requirement to consider the needs of “those wishing to build or commission their own home” in paragraph 62.

- 5.5.4 The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.
- 5.5.5 In considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout.
- 5.5.6 The Self-build and Custom Housebuilding Planning Practice Guidance gives detailed guidance on how LPAs should register and assess demand as well as how they should seek to meet the identified demand.
- 5.5.7 Since April 2016, Lewes District Council has kept a register for individuals and associations who are looking for a plot to self- or custom build their home. The Self-build and Custom Housebuilding Register (the Register) provides information about the level of demand for self-build and custom build plots in the local area and will be used as evidence of the identified need for self-build plots.
- 5.5.8 The timescale for granting permission for serviced plots for self-build is three years from the end of the base period. The demand demonstrated in the first three base periods, is 147, compared with the 53 self-builds achieved since the register was introduced, therefore the Council has not met the demand shown by the register. Therefore, it can be concluded that the provision of 4 self-build dwellings qualifies as a positive benefit to the application, which should be given weight in the decision. It is however for the decision maker to consider the weight to be given in consideration of all other material considerations and development plan policies and the NPPF, and to consider if the proposal constitutes sustainable development as a whole.

5.6 ESCC SuDS

5.6.1 The LLFA is unable to respond to minor applications at this time unless the Planning Officer deems there to be a significant flood risk arising from this proposal. If this is the case, please set out your concerns and we will endeavour to provide a response within the deadline set.

5.7 Natural England

5.7.1 No comments to make on the application.

5.8 ESCC Highways

5.8.1 Did not consider it necessary to provide formal comments

5.9 Ecology Officer/Nature Space

5.9.1 Initial comments (ecologist) - it is considered that at present insufficient information has been provided in relation to protected species and biodiversity net gain. Further information is therefore required.

5.9.2 Initial comments (Nature Space) I am not satisfied that the applicant has adequately demonstrated that there will no impact to great crested newts and/or their habitat as a result of the development being approved.

5.9.3 Therefore, in line with the guidance from Natural England (Great crested newts: District Level Licensing for development projects, Natural England, March 2021), there is a reasonable likelihood that great crested newts will be impacted by the development proposals and therefore, the applicant must either:

- Submit a Nature Space Report or Certificate to demonstrate that the impacts of the proposed development can be addressed through Lewes Council's District Licence; or
- Provide further information in the form of eDNA or presence / absence surveys in line with Natural England's Standing Advice, to rule out impacts to great crested newts, or demonstrate how any impacts can be addressed through appropriate mitigation/compensation proposals*; or
- If it is determined that there is no suitable habitat impacted on site and the likelihood of GCN is very low, then a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed Method Statement (NLMS) strategy documents completed by a suitably qualified ecologist may be acceptable for the development.

5.9.4 Comments on applicant's response awaited at time of writing this report and will be reported to the Committee.

5.10 Design and Conservation officer

5.10.1 Has concerns about some of the materials proposed for plot 1.

5.10.2 Officer comment – matters of materials can be conditioned.

5.11 Southern Water

5.11.1 Southern Water requires a formal application for a connection to the public foul sewer to be made

5.11.2 Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

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

5.12 Chailey Common Society

5.12.1 No response

6. **Neighbour Representations**

6.1 Representations have been received from 47 local residents, 22 objecting and 25 in support. The comments, summarised below:

Objections

- Increase in parking demand
- Green Lane will have more traffic and be more dangerous
- Owner has not been considerate to local wildlife
- Potential loss of privacy from one of the smaller plots
- Not enough infrastructure in the area for new dwellings
- Will devalue properties in the area as grazing land will be lost
- Loss of view
- Loss of wildlife
- Proposed farmhouse too big, it's only a small farm
- Will damage the village
- Not sustainable
- Will overshadow houses opposite
- There are structures already on the site that should be removed
- Outside the development boundary, shows no respect for local consultations

- The large house is out of keeping
- The so-called farm is a ruse to get a house on the site – not really a farm
- Construction process will disturb local residents and wildlife
- Proposed houses don't have any car charge points or cycle store
- Potential for flooding
- Loss of trees and open land
- Chailey has met its quota for new houses
- Green Lane is already over-developed
- Lots of accidents in the area
- Digging for basement could possibly affect stability of land
- Two houses would be enough on Green Lane
- Damage to rural quality of the area
- Concern that application has not been properly advertised
- Outside of planning boundary and on rural land
- Objection to plot 1 as it would be visible from the road
- Loss of sunlight
- Loss of quality of life of existing residents
- Will open the floodgates to further development on green belt

Support

- Development will enhance the area
- Does not appear to be a parking problem in Green Lane
- Applicant deserves to have his own home
- Will help with housing shortage
- Support self-building, which is more affordable
- Applicants have worked hard to bring back to life a run-down farm
- Parking for other 3 houses won't be a problem
- Would enhance the condition of the planted boundary along Green Lane
- New houses set back nicely so won't be imposing or overlook anyone
- Will be low impact and complimentary
- Good use of under-utilised land
- Looks good, nice to see a small development
- See no harm in the development, supported by the PC
- Will be useful for family to live close to the farm
- Support smaller houses in the area

- Good to see a site not being built out by a developer
- Glad to see that owner has already made ecological enhancements to site

7. **Appraisal**

7.1 Principle

- 7.1.1 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.
- 7.1.2 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.
- 7.1.3 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).
- 7.1.4 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).
- 7.1.5 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).
- 7.1.6 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.
- 7.1.7 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.

- 7.1.8 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.
- 7.1.9 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).
- 7.1.10 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.
- 7.1.11 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.
- 7.1.12 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.

- 7.1.13 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.
- 7.1.14 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.
 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.
- 7.1.15 Criterion1 of the IPSHD

- 7.1.16 The site is wholly contiguous with the South Chailey Development Boundary and therefore complies with criterion 1 of the IPSHD.
- 7.1.17 Criterion 2 of the IPSHD
- 7.1.18 The proposed development is relatively modest in scale. The location of the house on plot 1 would mirror Ivy Cottages which are at the north end of Green Lane. Plots 2-4 are located along Green Lane and will reflect the scale and character of the existing settlement and is considered to be compliant with criteria 2 of the IPSHD.
- 7.1.19 Criterion 3 of the IPSHD
- 7.1.20 The application proposes to create a new section of footpath along the front of plots 2-4, as well as a new parking bay for general use. There are also Public Rights of Way (PROW - CHL/43/1, CHL/43/2, HL/44/1, and CHL/45/1) that connect the site with the local convenience shop and Post Office. There are request bus stops, known locally as Horns Lodge Inn bus stops, located approximately 400 metres southwest along the A275, which is the optimum walking distance to a bus stop (Planning for Public Transport in Development, 1999). These stops are served by the 121 and 168 services, which provide a regular connection between Lewes, Uckfield and Newick. The site is considered to meet criterion 3 of the IPSHD.
- 7.1.21 Criterion 4 of the IPSHD
- 7.1.22 There are no other settlements in the vicinity, therefore criterion 4 of the IPSHD has been met.
- 7.1.23 Criterion 5 of the IPSHD
- 7.1.24 The development site is located some 6km to the north east of the nearest boundary of the SDNP It is considered that the proposed development would have no impact on the SDNP and complies with criterion5 of the IPSHD.
- 7.1.25 Criterion 6 of the IPSHD
- 7.1.26 Criterion 6 relates to the ecological impact of the development. This is assessed in more detail in the 'Ecology and Biodiversity' section of this report. Although the Ecology Officer initially raised concerns and sought further information, this has been provided in detail by the applicant. Further comments from the Ecology Officer are awaited.
- 7.1.27 Therefore, subject to the successful discharge any recommended ecology conditions, criterion 6 of the IPSHD is considered to be satisfied.
- 7.1.28 Criterion 7 of the IPSHD
- 7.1.29 Criterion 7 requires that developments should make the most efficient use of land, whilst responding sympathetically to the surrounding rural environment.
- 7.1.30 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 12.9 dwellings per hectare. Although this is below the recommended density for making most efficient use of the land, much of the site is dedicated garden space for the proposed dwellings and retained trees/ hedges. Plots 2-4 respect the scale of the settlement and plot 1 reflects the existing residential layout at entrance to Green Lane. Overall, it is considered that the proposal is compliant with Criterion 7 of the IPSHD.

- 7.1.31 Criterion 8 of the IPSHD
- 7.1.32 Criteria 8 sets out that it should be demonstrated that the scheme is deliverable with regard to elements such as, infrastructure and affordable housing.
- 7.1.33 The proposal is below the trigger point for affordable housing; however, all four plots will be self-build projects, and it will be liable for CIL contributions. There is no evidence to suggest that the scheme would not be delivered with these benefits. However, Officers do note that the part of 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 Criterion 8 of the IPSHD purely on the basis that it is a hybrid application for full and outline planning consent.
- 7.1.34 The proposal meets policies CP2 and HO2, which seek a mix of housing sizes.
- 7.1.35 On balance, the principle of the application is acceptable and would have benefits in the form of four self-build plots contributing to housing supply. 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.

7.2 Design, landscape, and ecology

- 7.2.1 The design of the house on plot 1 is considered to be acceptable and to meet the design criteria of policies CP11 that it is of a traditional design, using brick and timber cladding on the walls, which are typically found in this area. The Design and Conservation Officer's comments are noted, however applicant wishes to use solar slates on the roof rather than plain tiles, because this is a more efficient way of generating renewable in this location.
- 7.2.2 The appearance of plots 2-4 will be subject to Reserved Matters, with details being submitted at a later stage.
- 7.2.3 The proposal meets the design criteria of policies CP11 and DM25, and policies HO1, HO3 and HO4 of the Chailey Neighbourhood Plan.
- 7.2.4 Details of landscaping around the plots is also secured by condition.

- 7.2.5 A number of trees/tree groups and sections of hedge will need to be removed to facilitate the development. The application was accompanied by an Arboricultural Report, which considered and categorised all of the trees and hedges on the site. Of those that are to be removed, one is dead, six specimens/groups are category C, and three groups are category B.
- 7.2.6 The report also sets out tree protection measures for the remaining trees, which will be secured by condition.
- 7.2.7 The applicant has provided purchase and photographic evidence to demonstrate that he has carried out substantial planting on his land around the site, including 88 mixed species trees, 1125 Christmas trees and other conifers, a hedge comprising 375 Blackthorn bushes a wildflower meadow, as well as wildlife habitat piles using dead wood.
- 7.2.8 In terms of stewardship, the applicant provided the following information:
- Our Basic Payment Scheme (a form of rural grant aid) number is 200006511 and we have to follow their guidelines regarding tree and hedge management as part of our annual payment is towards their upkeep. This means that we can only cut trees and hedges by hand from March to September to protect nesting birds, Machinery can be used for heavy maintenance September to the end of February. We are in the process of applying to join for the Countryside stewardship wildlife offers scheme offered by the Rural Payments Agency. The option we will be applying for will be the lowland grazing offer (sources of nectar and pollen for insect pollinators and management of hedgerows), this is a 5 year scheme with a minimum of 3% of the Farmland being offered and under this the guidance for hedgerow management is that 'in any one calendar year must not cut more than 50% of all hedges on or bordering agreement land'. There is exception for public safety, allowing road and trackside hedgerows to be cut annually or more frequently.*
- 7.2.9 In response to the Ecology Officer's initial comments, an addendum to the original ecology report was submitted which seeks to clarify matters relating to protected species.
- 7.2.10 In respect of bats, it is submitted by the applicant's ecologist that the potential for bat roost activity is negligible in the trees and hedges on the site.
- 7.2.11 Similarly, and based on site visits and evaluation by the applicant's ecologist, the potential for supporting dormice and reptiles is also considered negligible. However, it is recommended that Reasonable Avoidance Method Statements be implemented prior to removal of any trees, hedgerows, and vegetation. The areas will be searched by a Suitably Qualified Ecologist.
- 7.2.12 Regarding Greater Crested Newts, an eDNA analysis of the pond adjacent to the site returned a positive result, with an extremely low replicate rate. The pond north of Marstakes Lane was negative. Due

to the, albeit low, possibility of presence, a mitigation scheme will need to be implemented prior to commencement of works.

- 7.2.13 The precautionary measures noted above will be secured by condition.

It is considered that in terms of and landscape ecology, the proposal is compliant with policies DM24, DM27, ENV2 and ENV5.

7.3 Amenity

- 7.3.1 The plans for plot 1 demonstrate that the floorspace and accommodation exceeds the Nationally Described Space Standard. The projected floorspace for units 2-4, based on the indicative plans demonstrate compliance with the Standard.
- 7.3.2 All of the units will have access to private amenity space.
- 7.3.3 The issue of overlooking to properties opposite and adjacent to plots 2-4 has been raised by local residents. The front wall of the new houses will be approximately 25m away from the front walls of the property's opposite; this is consistent with other face-to-face distances in the settlement and is not considered to be a supported reason for refusal. Measures to prevent mutual overlooking between plot 4 and the adjacent property can be dealt with at RM stage.
- 7.3.4 In terms of amenity for future occupiers and of nearby and adjoining properties, the proposal meets the relevant criteria of policies CP11 and DM25.
- 7.3.5 Finally, details of storage areas for recycling and refuse bins will be secured by condition.

7.4 Transport and parking

- 7.4.1 As noted above, the site is well located in relation to local convenience shopping, post office, footpath networks and bus routes.
- 7.4.2 The application was accompanied by a Transport Report. In terms of traffic activity, TRICS data analysis indicates that the proposed residential use is likely to generate around two trips during the AM Peak, and an additional two trips during the PM Peak. This equates to one additional movement every 30minutes during the morning peak and one movement every 30 minutes during the afternoon peak. Therefore, it is unlikely that this minimal impact will represent any adverse impact on the surrounding road network.
- 7.4.3 Using the ESCC parking calculator tool, the proposal generates a demand for 9 spaces; the proposal offers a total of 11 spaces, including a new general use/visitor bay outside plot 4. Details of cycle storage and electric car charge points can be secured by condition.
- 7.4.4 Overall, it is considered that the proposal complies with policies CP13, TRA1 and TRA2.

7.5 Sustainability and drainage

- 7.5.1 Although the application did not include an energy/sustainability statement, the Design and Access Statement sets out a list of measures that will be deployed to limit carbon emissions – including PV slates and wood pellet boiler. Further details will be secured by condition in respect of all of the proposed plots.
- 7.5.2 A Drainage Strategy, Management and Maintenance Plan was submitted with the application. A rainwater harvesting system is proposed for plot 1, and water butts for plots 2-4. Permeable paving will be specified for hard landscaped surfaces. Further details of the drainage scheme, in relation to all 4 plots, will be secured by condition.
- 7.5.3 It is considered that the proposal meets the requirements of policies CP12 and CP14.

7.6 Comments on objections

- 7.6.1 Most of the issues raised by the proposal have been covered in the main body of this report.
- 7.6.2 Comments about the applicant and his family and the nature/size of their business are not planning matters and have not been taken into consideration.
- 7.6.3 It is considered that in relation to this site, there are no circumstances that would justify the need for an agricultural tie.

8. **Human Rights Implications**

- 8.1 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.

9. **Recommendation**

- 9.1 In view of the above the proposed development is considered to be acceptable and approval is recommended subject to conditions.

9.2 Conditions

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

PLAN TYPE	DATE RECEIVED	REFERENCE
Design & Access Statement	2 February 2022	Design and Access Statement
Planning Statement/Brief	2 February 2022	Planning Statement
Transport Assessment	2 February 2022	Transport Report
General	2 February 2022	Ecological Assessment
Tree Statement/Survey	2 February 2022	Arboricultural Report

PLAN TYPE	DATE RECEIVED	REFERENCE
Planning Statement/Brief	2 February 2022	Appendix to the Planning Statement
Technical Report	2 February 2022	Drainage Strategy & Management
Proposed Block Plan	2 February 2022	9105-P-01-Rev 7 - Site Location Plan and Proposed Block Plan

Location Plan	2 February 2022	9105-P-01-Rev 7 - Site Location Plan and Proposed Block Plan
Other Plan(s)	2 February 2022	9105-P-07-Rev 2 - Proposed Site Phasing Plan
Proposed Floor Plan(s)	2 February 2022	9105-P-20-Rev 1 - Proposed Basement and Ground Floor Plans (Plot 1)
Proposed Floor Plan(s)	2 February 2022	9105-P-21-Rev 1 - Proposed First Floor and Roof Plan (Plot 1)
Proposed Floor Plan(s)	2 February 2022	9105-P-22-Rev 1 - Proposed Garage Floor Plans, Roof Plan, Elevations and Section S-01 (Plot 1)
Proposed Elevation(s)	2 February 2022	9105-P-23-Rev 1 - Proposed North-West and South-West Elevations (Plot 1)
Proposed Elevation(s)	2 February 2022	9105-P-24-Rev 1 - Proposed South-East and North East Elevations and Sections A-02 and S-03 (Plot 1)
Proposed Section(s)	2 February 2022	9105-P-24-Rev 1 - Proposed South-East and North East Elevations and Sections A-02 and S-03 (Plot 1)

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

2. RESERVED MATTERS No development shall commence in respect of plots 2-4 until details of the:

- a) scale
- b) external appearance
- c) landscaping

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

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

3. CEMP No development shall commence, including any ground works or works of demolition for a) the house at plot 1, hereby approved as a full planning application and for b) the houses at plots 2-4, hereby approved as an outline planning application, until Construction Environment Management Plans (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:

- the anticipated number frequency and types of vehicles used during construction.
- the method of access and egress and routeing of vehicles during construction.
- the parking of vehicles by site operatives and visitors.
- the loading and unloading of plant, materials and waste.
- the storage of plant and materials used in construction of the development.
- the erection and maintenance of security hoarding.
- details of the precautions and facilities put in place to guard against the deposit of mud and substances from the application site on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed in order to be free of mud and similar substances prior to entering the public highway; and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders;
- public engagement both prior to and during construction works, to include details of engagement with the occupiers of all properties (residential and commercial) within 50m of the boundary of the site, and to include details of points of contact with site manager (phone and email) and to include details of how regular updates on progress and key activities in the implementation will be communicated;

- measures to control the emission of dust, dirt, air pollution and odour during demolition and construction.
- temporary lighting for construction and security.
- means of safeguarding public rights of way or providing temporary diversions.
- details outlining the proposed range of dust and dirt control measures and noise mitigation measures during the course of construction of the development, having regard to Section 61 consent under the Control of Pollution Act 1974.
- details of off-site monitoring of the CEMP; and
- assurance that the construction will be undertaken in accordance with the Considerate Constructor's Scheme.

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

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

4. TREE METHOD STATEMENT No development shall commence in respect of a) the house at plot 1, hereby approved as a full planning application and for b) the houses at plots 2-4, hereby approved as an outline planning application until the tree protection measures as set out in the Arboricultural Methodology Statement by Tim Mayhew Consultancy Ltd, dated November 2021, 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.

5. PRETECTED SPECIES STATEMENT No development shall commence in respect of a) the house at plot 1, hereby approved as a full planning application and for b) the houses at plots 2-4, hereby approved as an outline planning application until Reasonable Avoidance Method Statements in respect of dormice and lizards and mitigation measures in respect of Greater Crested Newts, if deemed to be necessary, have been submitted to and approved in writing by the Local Planning Authority. The required measures shall be carried out in full.

Reason: In order to protect any protected species that are found to be present on the site having regard to policies DM24 of the Lewes District Local Plan and ENV2 and ENV5 of the Chailey Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

6. SURFACE WATER DETAILS No development shall commence in respect of a) the house at plot 1, hereby approved as a full planning application and for b) the houses at plots 2-4, hereby approved as an outline planning application until detailed drainage drawings and calculations have been submitted to and approved in writing by the

Local Planning Authority. The submitted details shall include evidence (in the form of hydraulic calculations) that surface water discharge rates are limited to equivalent greenfield runoff rates for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. The hydraulic calculations shall consider the connectivity of the different surface water drainage features. The submitted details shall also include hydraulic calculations where the outfall is allowed to surcharge based on the predicted 1 in 100-year flood level. All works shall be carried out in accordance with the approved details

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

7. **HARD AND SOFT LANDSCAPING** No development above ground floor slab level of any part of the development of a) the house at plot 1, hereby approved as a full planning application and for b) the houses at plots 2-4, hereby approved as an outline planning application shall commence until details, including materials, of all hard and soft landscaping and boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The 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

8. **EXTERNAL MATERIALS** No development shall commence, above ground floor slab level of a)) the house at plot 1, hereby approved as a full planning application and for b) the houses at plots 2-4, hereby approved as an outline planning application shall commence until details until details/samples of all external materials have been submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policies CP11 and DM25 of the Lewes District Local Plan and HO3 of the Chailey Neighbourhood Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

9. **ENERGY STATEMENT** No development above ground floor slab level of a) the house at plot 1, hereby approved as a full planning application and for b) the houses at plots 2-4, hereby approved as an outline planning application 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.

10. EV CHARGING No part of the development of a) the house at plot 1, hereby approved as a full planning application and for b) the houses at plots 2-4, hereby approved as an outline planning application 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.

11. CYCLE STORAGE No part of the development of a) the house at plot 1, hereby approved as a full planning application and for b) the houses at plots 2-4, hereby approved as an outline planning application until details of secure under cover cycle storage have been submitted to and approved by the Local Planning Authority and shall be implemented in accordance with that approval.

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.

12. CAR PARKING PROVISION No part of the development of a) the house at plot 1, hereby approved as a full planning application and for b) the houses at plots 2-4, hereby approved as an outline planning application shall be occupied until details of the new/improved access points, including visibility splays, new pavement and parking areas have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and laid out as approved. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

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

13. REFUSE AND RECYCLING No part of the development a) the house at plot 1, hereby approved as a full planning application and for b) the houses at plots 2-4, hereby approved as an outline planning application 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.

14. CONSTRUCTION HOURS 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.

15. 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, 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.

16. PD RIGHTS TAKEN AWAY 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.

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

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990, having regard to policy DM27 of the Lewes District

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

10. **Background Papers**

10.1 None.

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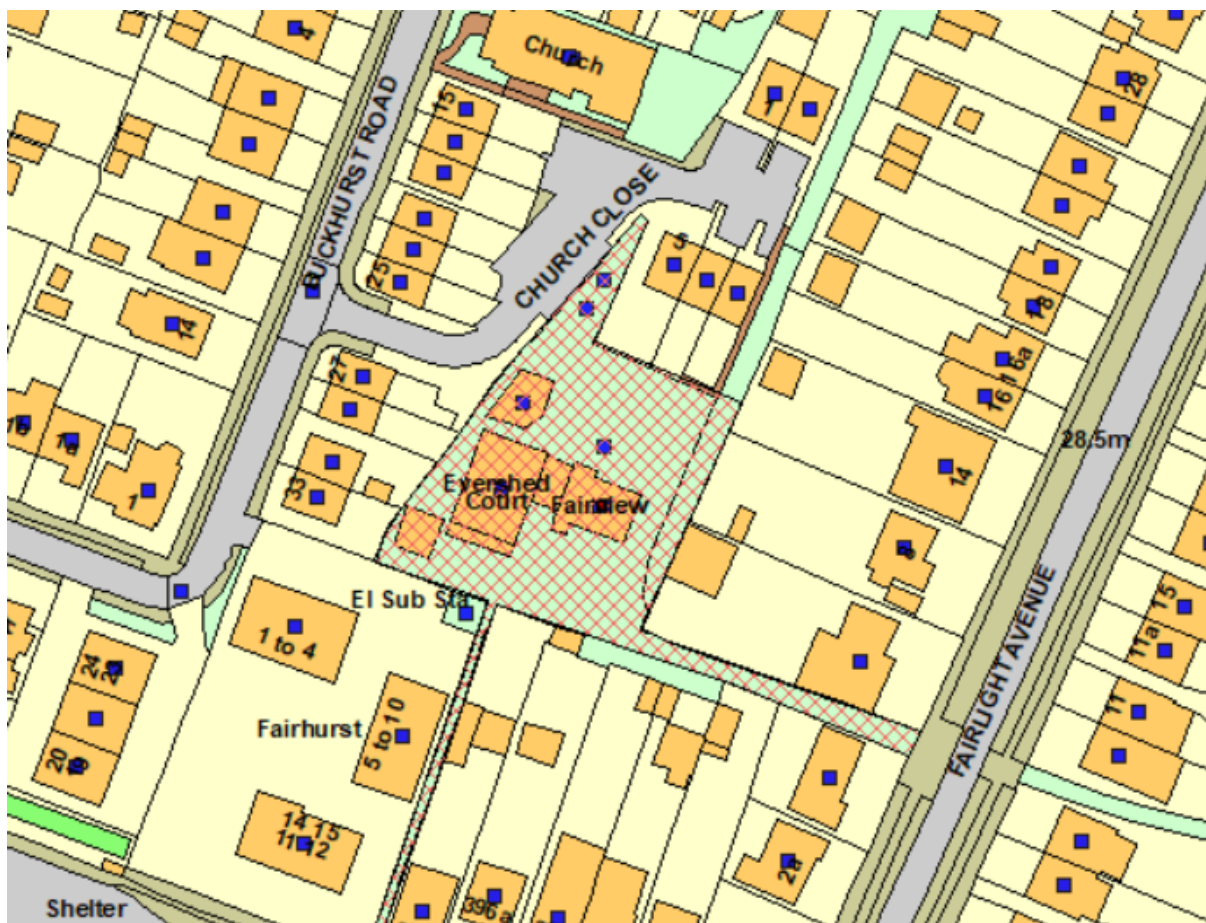
Agenda Item 10

Report to: Planning Applications Committee
Date: 3 August 2022
Application No: LW/21/0977
Location: Evershed Court, Fairlight Avenue, Telscombe Cliffs
Proposal: Outline application concerning the scale, appearance, layout, and access for the demolition of existing buildings and erection of 7no. dwellinghouses and alterations to vehicular access.

Applicant: Mr Midgeley
Ward: East Saltden & Telscombe Cliffs
Recommendation: Grant Planning Permission.
Contact Officer: **Name:** James Emery
E-mail: james.emery@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liable.

Map Location:



1. **Executive Summary**

- 1.1 The proposed development meets all relevant national and local planning policies and will result in an increase in the District Council's housing stock. Approval is recommended, subject to conditions.

2. **Relevant Planning Policies**

2.1 **National Planning Policy Framework**

Achieving sustainable development

Delivering a sufficient supply of homes

Promoting healthy and safe communities

Promoting sustainable transport

Making effective use of land

Achieving well designed places

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

Conserving and enhancing the natural environment

Conserving and enhancing the historic environment

2.2 **Lewes District Local Plan**

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP13 – Sustainable Travel

LDLP: – CP14 – Renewable and Low Carbon

LDLP: – DM1 – Planning Boundary

LDLP: – DM25 – Design

LDLP: - DM30 - Backland Development

Site Description

- 2.3 The application site covers an area of 0.17ha, and is currently occupied by Evershed Court and Fairview which are detached two storey buildings, in mixed use with residential on the upper floor and commercial on the ground floor, with permission having been granted to use all the building as residential use. The site also comprises a number of detached pre-cast concrete garage blocks and workshops, which are set behind properties fronting Fairlight Avenue, South Coast Road and Church Close off Buckhurst Road in Telscombe Cliffs.

- 2.4 The site is located within the planning boundary of Telscombe, in a predominantly residential area characterised by a mixture of recently constructed two storey dwellings and older three storey properties.

- 2.5 Neighbours are located approx. 12.3m away to the north on Church Close, 35m away on Fairlight Ave to the east, 15m away on South Coast Road to the south and 8.1m away on Buckhurst Road to the west.
- 2.6 The site is not listed and there are no specific planning designations or constraints attached to the site.

3. **Proposed Development**

- 3.1 The application seeks outline planning permission concerning the scale, appearance, layout, and access for the demolition of existing buildings and erection of 7no dwellinghouses and alterations to vehicular access, with landscaping reserved.
- 3.2 The proposed dwellings would take the form of a partially staggered row of seven terraced houses, with a total width of approx. 28.5m and a depth of 11.5m. The dwellings would have three storeys, measuring 9.3m to the ridge and 5.0m to the eaves.
- 3.3 The terraced properties would be orientated south (front) to north (rear), except for the two end terrace dwellings, which would face east and west respectively. The principal access would remain on Fairlight Avenue, with access for refuse collection remaining from Fairhurst Flats to the west.
- 3.4 The properties would be finished in stock brick, with tile hanging at first floor level and to the roof dormer windows. Windows and doors will be white coloured UPVC, and the roofs will be finished in slate. Boundary treatments would comprise 1.8m high close board fencing.

4. **Relevant Planning History**

- 4.1 LW/12/0584 - Erection of ten x two bed and five x three bed two storey terraced and semi-detached dwellings with parking and access from Buckhurst Road - Approved January 2013.

4.2 Consultations

4.3 **Telscombe Town Council**

- 4.3.1 Offered an objection to the proposed development on the grounds of
 - i. Overdevelopment and increased noise from traffic.
 - ii. Out of character with the street scene
 - iii. Overshadowing and loss of privacy for neighbouring properties.
 - iv. The new access road from Fairlight Ave is not sufficient for additional Housing, any new road should link to Church Close.
- 4.3.2 They also offered that should the waste collection be collected from Fairhurst Flats (as per the Design and Access Statement), then only 2 of the properties would be capable of adaption to Full Mobility Compliant homes and felt that all 7 should be capable of adaption.

4.4 **Lewes District Council Contaminated Land**

No objection and suggest attaching conditions to cover construction Environmental Management Plan (CEMP), Hours of work, Asbestos Survey, and previously unidentified contamination

4.5 **ESCC SuDS**

- 4.5.1 The LLFA is unable to respond to minor applications at this time unless the Planning Officer deems there to be a significant flood risk arising from this proposal. If this is the case, please set out your concerns and we will endeavour to provide a response within the deadline set.

4.6 **ESCC Highways**

- 4.6.1 Initially responded that insufficient information had been provided to make a recommendation, and as a result further information was sought from the applicant.
- 4.6.2 Upon receiving the additional information, they responded with a 'no objection' comment, offering the below detailed comments:
- 4.6.3 Access
- The applicant has submitted a revised layout, which now provides a vehicle waiting area. This is considered acceptable. Swept path drawings have also been provided, showing internal movements for vehicles. This is considered acceptable.
- 4.6.4 Visibility
- The applicant has now submitted 2.4m x 43m visibility splays at the existing access. This is considered acceptable.
- 4.6.5 Refuse Collection
- Swept path drawings for refuse vehicles have now been submitted. These are considered acceptable.
- 4.6.6 Conclusion
- With the above in mind, I would not wish to object to this application, subject to the imposition of conditions.

4.7 **Southern Water**

- 4.7.1 It is possible that a sewer now deemed to be public could be crossing the development site. They requested an informative on any approval, reminding the applicant of the below points.
- 4.7.2 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. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer

5. Neighbour Representations

5.1 Representations have been received from 6 local residents, all objecting to the proposed development, summarised below:

Objections

- Increase in parking demand
- Potential loss of privacy
- Not enough infrastructure in the area for new dwellings
- Loss of daylight
- Not sustainable
- Overdevelopment
- Construction process will disturb local residents
- Overlooking

6. Appraisal

6.1 Principle

- 6.1.1 This planning application should be considered against the provisions of the National Planning Policy Framework (NPPF) and the policies of the adopted Lewes District Local Plan Part 1 (LPP1) and the adopted Lewes District Local Plan Part 2 (LPP2).
- 6.1.2 The site is located within the defined planning boundary as defined by policy DM1 of the Lewes District Local Plan part 2, and as such is considered a generally appropriate location for development.
- 6.1.3 Planning boundaries in the development plan were defined on the basis of accommodating a housing requirement of 345 dwellings per annum, as set out in Spatial Policy 1 of the Local Plan. A recently issued Interim Policy Statement for Housing (March 2021), the housing need figure for Lewes District has significantly increased (from 345 per annum to 782 per annum) since 11th May 2021 due to being recalculated using the standard method as a result of the Lewes District Local Plan Part 1 being over 5 years old.
- 6.1.4 Policy DM30 of the Lewes District Local Plan Part 2 outlines that within the planning boundaries, as defined on the Policies Map, development in rear domestic gardens and other backland sites will be permitted where the following criteria are met:
- (1) the provision of safe and convenient vehicular access and parking which does not have an unacceptable adverse impact on the amenities of neighbouring properties in terms of noise, light or other disturbance.
 - (2) the mass and scale of development will not have an overbearing impact on, or result in the loss of privacy to, existing homes and gardens.

(3) the development does not cause the loss of trees, shrubs or other landscape features which make an important contribution to the character and appearance of the locality or its biodiversity.

- 6.1.5 There is no objection in principle to the siting of the proposed dwellings within the planning boundary of Telscombe, providing they are designed to be appropriate in their scale, massing and materials and do not significantly impact on the amenities of the adjacent residential properties.
- 6.1.6 The net benefit achieved through the provision of additional housing would be applied in the context of a tilted balance in favour of sustainable residential development.

6.2 **Visual Impact**

- 6.2.1 The proposed dwellings would occupy an area which currently has a mixed light industrial and residential use. The existing buildings on the site are of little architectural merit, and the proposed row of terraced properties would considerably improve the appearance of the site, in accordance with Policies DM25 and DM30 of the Lewes District local Plan.
- 6.2.2 The proposed dwellings, although three storeys high, have the appearance of two storey properties with rooms in the roof served by appropriately sized dormer windows. The footprint of the proposed terraced properties would be smaller than the footprint of the existing collection of structures which currently occupy the site, reducing coverage from 669m² to 653.8m². It is considered that this floor area is appropriate for the site and would not be detrimental to the visual amenity of the surrounding area.
- 6.2.3 It is noted that due to the location of the development site, much of the proposed development would be obscured from the wider public domain as the site occupies an area which is largely surrounded by existing residential development. It is not considered that the proposed development would be harmful to the street scene, in accordance with policies DM25 and DM30 of the Lewes District Local Plan Part 2.
- 6.2.4 Due to the fact that the site makes use of a previously developed site, it will not result in the loss of any green space, or landscape features which would be contrary to policy DM30 of the Lewes District Local Plan Part 2.
- 6.2.5 For the reasons set out above, it is considered that the proposed development would integrate effectively with the surrounding environment, would provide potential for visual enhancements compared to the existing site and would not cause unacceptable harm to visual amenities of the surrounding area.

6.3 **Neighbour Amenity**

- 6.3.1 The submitted layout plans show that the proposed dwellings are located approx. 32m away from neighbours to the north on Church Close, 42m from neighbours to the east on Fairlight Avenue, 24m from neighbours to the south on South Coast Road and 15.2m from

neighbours to the west on Buckhurst Road. First and second floor glazing is proposed to the south (front) and north (rear) facing elevations of the proposed dwellings and would comply with the 21m separation distance with regard to loss of privacy from overlooking from the new development.

- 6.3.2 At ground floor level the boundary of the site is bordered by 1.8m high close board fencing, with the rear gardens of the proposed dwellings also bordered by 1.8m high close board fencing.
- 6.3.3 Where side windows are proposed (on the east facing elevation of plot number 07) they serve a landing and would be conditioned to be obscure glazed. It is therefore not considered that the amenities of neighbouring properties would be unacceptably harmed through overlooking, in accordance with policies CP11 of the Lewes District Local Plan and Policy DM25 of the Lewes District Local Plan.
- 6.3.4 As outlined above, the dwellings themselves would be positioned some distance away from neighbouring properties, as a result it is not considered that the proposed dwellings would appear overbearing or cause undue levels of overshadowing towards neighbouring residential property.
- 6.3.5 The proposed car parking areas would be positioned to the rear of the dwellings to the north of the site. This parking area is not directly adjacent to the boundaries of the site with existing dwellings, as a result it is not considered that the provisioning of the parking areas would result in any unacceptable disruption or degradation of neighbour amenities as a result of noise, light or air emissions.

6.4 **Living Conditions of Future Occupiers**

- 6.4.1 Para. 126 of the National Design Guide (2019), which is a companion to the Revised National Planning Policy Framework, states that 'well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.' This is echoed in policy CP11 of the Lewes District Joint Core Strategy.
- 6.4.2 The submitted layout plans show all primary habitable rooms being served by windows with an unobstructed outlook allowing for good levels of natural light permeation. There are windows and openings on 3 aspects of each dwelling. It is considered that this would prolong exposure to natural light throughout the day as well as assist natural ventilation of the building.
- 6.4.3 The Department for Communities and Local Government has produced the Technical housing standards - nationally described space standard. This document sets out minimum recommended Gross Internal Area (GIA) for new residential units, based upon number of bedrooms provided, number of storeys and number of occupants.
- 6.4.4 Based on the submitted plans, the proposed dwellings numbered 1, 2, 4, 5, 6 and 7 would each accommodate 3 bedrooms, and each

would have a GIA of 91.1m². Dwelling number 4 would accommodate 4 bedrooms and have a GIA of 105.4m². This comfortably exceeds minimum space standards for a 3 bed dwelling (based on occupation by a household of up to 5 persons) which is set at 90 m² and the requirement of a 4 bed dwelling (with a household of up to 5 persons) to have a floor area of 103m².

- 6.4.5 Each dwelling would have access to a private rear garden of a size that is considered to be ample to serve the amenity needs of future occupants.

6.5 **Parking and Highways Impacts**

- 6.5.1 East Sussex County Council Highways were consulted on the proposed development regarding the parking and highways impacts.

- 6.5.2 They offered the applicant has submitted a revised layout, which now provides a vehicle waiting area. This is considered acceptable. Swept path drawings have also been provided, showing internal movements for vehicles. This is considered acceptable.

6.5.3 Visibility

The applicant has now submitted 2.4m x 43m visibility splays at the existing access. This is considered acceptable.

6.5.4 Refuse Collection

- 6.5.5 Swept path drawings for refuse vehicles have now been submitted. These are considered acceptable.

- 6.5.6 In view of the above assessment from ESCC highways, it is considered that the proposed parking and access are acceptable

- 6.5.7 The site is within the planning boundary and has access to bus routes, and services. Close by, there is a range of local shops on South Coast Road which is approx. 0.5-mile walking distance from the site, the entire distance being accessible by paved paths. The nearest bus stops approx. 3 mins walk to the south of the on South Coast Road, and links to the coaster service which links the large settlements of Brighton, Eastbourne and beyond. It is therefore considered that there would be a lower reliance on the use of private motor vehicles.

- 6.5.8 Conditions will be used to ensure that a number of parking spaces are equipped with electric vehicle charging points in order to encourage an uptake in the use of more sustainable modes of transport.

6.6 Flooding and Drainage

- 6.6.1 The site is not located within an area that is noted as being susceptible to flooding. It is considered appropriate that hard surfaced areas should use permeable materials unless there is a specific requirement for impermeable surfacing. Rainwater harvesting apparatus should also be provided as a means to reduce surface water run-off.

6.7 Sustainability

- 6.7.1 The application proposes cycle parking for residents to the northern boundary of the site. The potential to incorporate further renewable energy generation should be thoroughly assessed and a condition is proposed to address the need to reduce energy and water consumption and minimise the carbon emissions of each dwelling.

6.8 **Comments on objections**

- 6.8.1 The issues raised by the proposal have been covered in the main body of this report.

7. **Human Rights Implications**

- 7.1 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. **Conclusion**

- 8.1 The proposed dwellings are located within the planning boundary and are considered to be in a sustainable location where there is an established network of dwellings and shops, services and public transport links which are within walking/cycling distance. It is considered that the proposed dwellings would provide a suitable standard of living conditions for future occupants whilst also preserving the amenities of neighbouring residents. Site landscaping presents the opportunity to achieve biodiversity net gain within the site. It is therefore recommended that the application is approved, subject to the conditions listed below

- 8.2 Grant Outline Permission subject to the following conditions

8.3 **Conditions**

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Technical Report	10 June 2022	Transport and Access Note v-01
Other Plan(s)	10 June 2022	Evershed Additional Information
Other Plan(s)	10 June 2022	CEP Drawings 2, 3 and 4
Proposed Elevation(s)	4 February 2022	EVC.21.11 - Proposed Rear and Side (West and East) Elevations
Proposed Block Plan	30 April 2021	EVC.21.0 - Site Location Plan and Proposed Block Plan

Location Plan	17 December 2021	EVC.21.0 - Site Location Plan and Proposed Block Plan
Proposed Floor Plan(s)	17 December 2021	EVC.21.10 - Proposed Second Floor Plans
Other Plan(s)	30 April 2021	EVC.21.6 - Proposed Site Plan
Other Plan(s)	17 December 2021	EVC.21.1 - Existing Site Plan
Existing Floor Plan(s)	17 December 2021	EVC.21.5 - Existing Ground Floor and Upper Floor Plans of Rear Building
Existing Floor Plan(s)	17 December 2021	EVC.21.4 - Existing Attic Floor Plans
Existing Floor Plan(s)	17 December 2021	EVC.21.3 - Existing First Floor Plans Front Building
Proposed Floor Plan(s)	17 December 2021	EVC.21.2 - Existing Ground Floor Plan Front Building
Proposed Floor Plan(s)	17 December 2021	EVC.21.9 - Proposed First Floor Plans
Proposed Floor Plan(s)	17 December 2021	EVC.21.8 - Proposed Ground Floor Plans
Existing Elevation(s)	17 December 2021	EVC.21.7 - Existing and Proposed South (Front) Elevation
Proposed Elevation(s)	17 December 2021	EVC.21.7 - Existing and Proposed South (Front) Elevation
Design & Access Statement	17 December 2021	Design and Access Statement & Planning Statement
Planning Statement/Brief	17 December 2021	Design and Access Statement & Planning Statement

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

2. No development shall commence until details of the Hard and Soft landscaping (hereinafter called "the Reserved Matters") have been submitted to and approved in writing by the Local Planning Authority. Application for the approval of the Reserved Matters shall be made within three years of the date of this permission. The development shall accord with the approved details.

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

3. PROVISION OF PARKING

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

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

4. PARKING SPACES (SIZE) 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 .

5. CYCLE PARKING

The development shall not be occupied until secure cycle parking facilities 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 area shall thereafter be retained for that use and shall not be used other than for the parking of cycles

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

6. VEHICLE WAITING AREA

The development shall not be occupied until a waiting area for vehicles has been provided and constructed in accordance with the approved plans and the waiting 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

7. VISIBILITY SPLAYS

The access shall not be used until visibility splays of 2.4m by 43m in both directions are provided and maintained thereafter.

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

8. CEMP

No development shall take place until a Construction Environment Management Plan has been submitted to and approved in writing by the Planning Authority. The approved plan shall set out the arrangements for managing all environmental effects of the development during the construction period, including traffic (including a workers' travel plan), temporary site security fencing, artificial illumination, noise, vibration, dust, air pollution and odour, site illumination and the means of keeping local residents informed of key stages and how to complain if issues arise, and shall be implemented in full throughout the duration of the construction works, unless a variation is agreed in writing by the Planning Authority.

Reason: In the interests of amenity of the locality

9. HOURS OF WORK

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

Reason: To protect the amenity of the locality in accordance with policy DM25 of the Lewes District Local Plan.

10. ASBESTOS SURVEY

Prior to demolition, a full asbestos survey must be carried out on the building to be demolished. Any asbestos containing materials (ACMs) must be removed by a suitable qualified contractor and disposed off-site to a licenced facility. A copy of the report should be provided to the local planning authority together with a mitigation plan that removes the risk to future occupiers of exposure to asbestos.

Reason: To ensure that risks from asbestos to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework].

11. CONTAMINATION

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority.

The remediation strategy shall be implemented as approved.

Reason : To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, para 170, 178 and 179].

12. FOUL WATER

Prior to the commencement of the development hereby approved, details of foul water drainage shall be submitted to and approved by the Local Planning Authority and water authority.

The development shall be carried out in accordance with the approved details and no occupation of any part of the development shall occur until the approved works have been completed. The surface water drainage system shall be retained as approved thereafter.

Reason: To ensure satisfactory drainage in accordance with policy CP12 of the Lewes District Local Plan.

13. SURFACE WATER

Prior to the commencement of the development hereby approved, details surface water drainage, which shall follow the principles of sustainable drainage as far as practicable, shall be submitted to and approved by the Local Planning Authority. This must include details of how discharge of surface water onto the highway will be prevented.

The development shall be carried out in accordance with the approved details and no occupation of any part of the development shall occur until the approved works have been completed. The surface water drainage system shall be retained as approved thereafter.

Reason: To ensure satisfactory surface water drainage in accordance with policy CP12 of the Lewes District Local Plan and para. 163 of the NPPF.

14. HARD AND SOFT LANDSCAPING

Prior to completion any residential unit forming part of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

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

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the development incorporates sympathetic landscaping that amalgamates with surrounding landscaping, is appropriately and sympathetically screened and provides a secure and safe environment for future occupants in accordance with LLP1 policy CP 12.

15. EV CHARGING

Prior to the first occupation of any part of the development hereby permitted, a minimum of 1 x electric vehicle charging point shall be provided for each

dwelling in accordance with details to be submitted to and approved by the Local Planning Authority. The charging points shall thereafter be maintained in an operable condition throughout the lifetime of the development.

Reason: To encourage alternative, more sustainable modes of transport and to reduce local contributing causes of climate change in accordance with LLP policy CP13, para. 112 of the NPPF

16. RENEWABLE ENERGY

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

Reason: In order to ensure suitable sustainability measures are incorporated into the development and maintained in accordance with LLP1 policy CP14, LLP2 policy DM20 and para. 152 of the NPPF.10, LLP2 policies DM24 and DM27, para. 174 of the NPPF.

17. EXTERNAL MATERIALS Before the development hereby approved is commenced on site, details/samples of all external materials including all facing, roofing, and fenestration shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

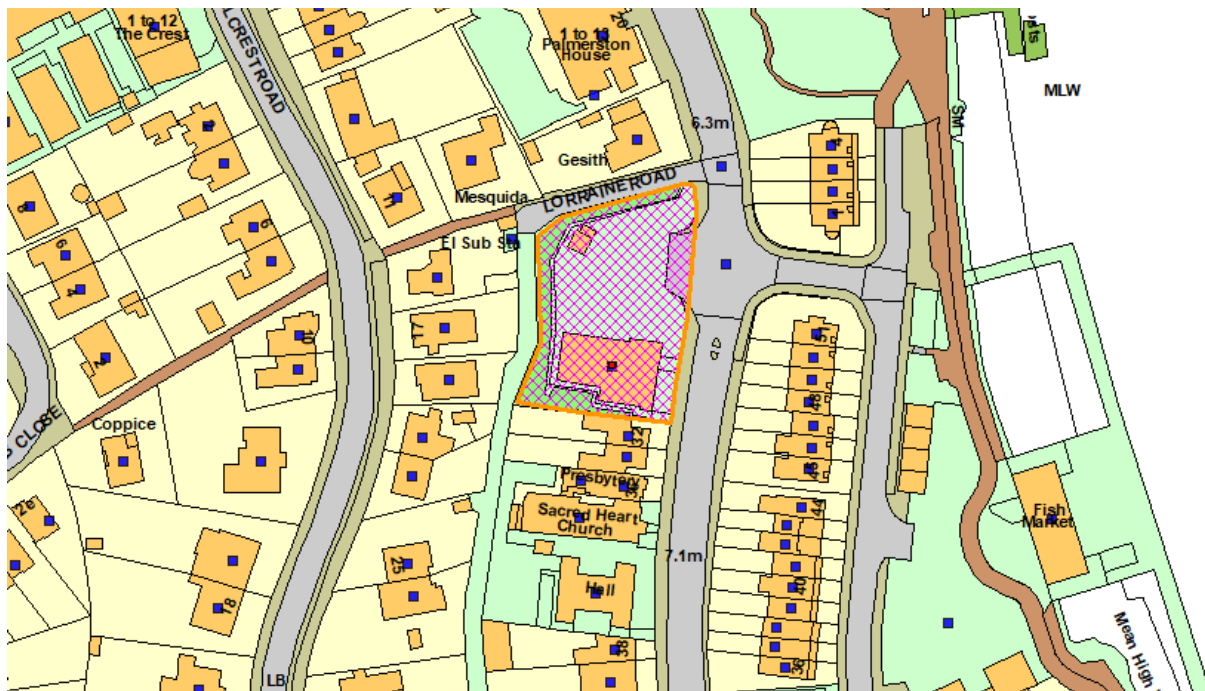
Reason: To ensure a satisfactory development in keeping with the locality having regard to Policy DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

9. **Background Papers**

9.1 None.

Report to: Planning Applications Committee
Date: 3 August 2022
Application No: LW/21/0224
Location: Newhaven Fire Station, Fort Road, Newhaven, BN9 9EJ
Proposal: Demolition of existing buildings and erection of 6 no. three bedroom dwellings.
Ward: Newhaven South
Applicant: Lewes District Council
Recommendation: Approve subject to conditions.
Contact Officer: **Name:** James Smith
E-mail: james.smith@lewes-eastbourne.gov.uk

Map Location:



1. Executive Summary

- 1.1 The application has been brought to committee due to the applicant being Lewes District Council.
- 1.2 The proposal involves the redevelopment of a brownfield site to provide affordable housing that would help meet demand on the Council's affordable housing waiting list as well as the District's overall housing need.
- 1.3 The proposed development utilises sustainable construction methods and incorporates carbon reduction measures. It is considered that the development would integrate well with the existing street scene and would not have an adverse impact upon environmental or residential amenity.

1.4 It is therefore recommended that the application is approved subject to the conditions listed in section 10 of this report.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework 2021

2. Achieving sustainable development

4. Decision making

5. Delivering a sufficient supply of homes

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

2.2 Lewes District Local Plan (Parts 1 and 2)

LLP1: – CP2 – Housing Type, Mix and Density;

LLP1: – CP10 – Natural Environment and Landscape;

LLP1: – CP11 – Built and Historic Environment & Design

LLP1: – CP12 – Flood Risk, Coastal Erosion and Drainage

LLP1: – CP13 – Sustainable Travel

LLP1: – CP14 – Renewable and Low Carbon Energy

LLP2: – DM1 – Planning Boundary

LLP2: – DM20 – Pollution Management

LLP2: – DM22 – Water Resources and Water Quality

LLP2: – DM23 – Noise

LLP2: – DM25 – Design

LLP2: – DM27 – Landscape Design

2.3 Newhaven Neighbourhood Plan

NNP: – T1 – Congestion mitigation and sustainable movement

NNP: – D1 – Promoting Good Design

NNP: – D2 – Design and Climate Change

NNP: – H1 – A Spatial Strategy for Newhaven

3. **Site Description**

3.1 The site is occupied by an assortment of buildings that formerly accommodated Newhaven Community Fire Station comprising a detached two-storey building facing onto Fort Road, a flat roof triple garage building attached to the rear of the main building and a 5-storey fire training tower which is positioned towards the north-western corner

of the site. A part single, part two-storey flat roof extension has also been made to the southern side of the main building.

- 3.2 The site has been cut into the side of a hill with properties on Hill Crest Road, which are to rear, being on land approx. 5 metres higher than the main site level. A retaining wall has been constructed at the bottom of the steep grass banks that flank the northern, southern and western site boundaries. The rest of the site is flat and, where not built upon, is hard surfaced, having previously been used as a car parking area. There is existing vehicular access to the site from Fort Road.
- 3.3 The site is on the western site of Fort Road where development is predominantly in the form of two-storey terraced dwellings, which are set back from the road with a fairly uniform building line maintained. These dwellings include a distinctive terrace of substantially sized late 19th/early 20th century terraced dwellings with bay windows which collectively form an Area of Special Character. There are occasional low-rise blocks of flats, including the recently completed Palmerston House development to the north of the site and some buildings have been converted to flats. The opposite side of the road is flanked by the rear boundaries of more modern terraced dwellings situated West Quay. Whilst the immediate surrounding area is predominantly residential Newhaven Town Centre is within approx. 350 metres walking distance to the north of the site.
- 3.4 The site is within Flood Zone 1. The edge of the Newhaven Air Quality Management Area is approx. 320 metres to the north of the site. The site had been in the 2018 SHELAA and is included as site reference 52NH in the 2022 Interim Land Availability Assessment (LAA) where it is identified as being available and that redevelopment to provide up to 7 new dwellings is regarded as suitable and achievable.

4. Proposed Development

- 4.1 The proposed development involves the demolition of all existing buildings and structures and replacement with two terraces of 3 x two-storey three bedroom dwellings which would be set back from Fort Road, with a parking and turning area provided to the front. The grass bank and associated retaining wall around the edge of the site would be retained.
- 4.2 The dwellings would be of uniform design, each measuring approx. 6 metres in width by 10.45 metres in depth. Each dwelling would have a gable ended roof formed over it, creating a 'sawtooth' appearance to the roofscape. The eaves height of each roof would be at approx. 5.8 metres with the ridge line at approx. 8.95 metres.
- 4.3 The existing vehicular access from Fort Road would be utilised. Each dwelling would be provided with an allocated parking bay and four unallocated/visitor parking bays would also be provided.
- 4.4 The development is being carried out on behalf of Lewes District Council and all dwellings will be affordable units, to be occupied by those currently on the waiting list for housing.

5. Relevant Planning History

- 5.1 **LW/06/0707** - Two storey extension to existing building & extension to existing appliance bays – Approved Conditionally 20th July 2006
- 5.2 **LW/14/0899** - Construction of seven x three storey houses with associated garden and parking (outline application) – Approved Conditionally 5th June 2015

6. Consultations

6.1 External Consultations:

ESCC Highways

No objection subject to conditions.

OFFICER COMMENT: It is noted that parking provision for the original 7 dwelling scheme was below ESCC standards and that the highway authority had requested 2 years car club membership to be provided for future occupants as a result of this. However, the development has since had one dwelling removed and an additional parking bay provided. The on-site parking provision is therefore now fully compliant with the ESCC car parking demand tool estimate and, therefore, the use of a planning obligation to secure car club membership can no longer be justified.

Lead Local Flood Authority

The application proposes discharge into the public sewer network and permission has been given by Southern Water for this. Additionally, detailed hydraulic calculations have been submitted which support the application.

LDC Contaminated Land Officer

The applicant has submitted a Phase 1 and Phase 11 Site investigation report prepared by Leap Environmental Ltd (dated March 2021).

The report para 31 and 32 suggests that further investigation and remediation will be required and a remediation method statement will be prepared for the site. I am also aware that the site is lying on a radon affected area. So, a basic radon protective measure is required on the site unless the monitoring suggests otherwise.

If LPA is minded to grant a Planning permission, then considering the sensitive use of the site, use of conditions are pertinent:

LDC Waste and Refuse:

Residents will need to bring their bins out of the bin stores on collection day and place them at the entrance to the development. There therefore needs to be sufficient room either side of the entrance for the bins to be presented on collection day. The vehicle will park on Fort Road.

Newhaven Town Council

The committee supported and welcomed this application and requested that;

- i. A reduction in the roof ridge line be achieved where possible,
- ii. LDC Officers ascertain the ownership and responsibility for the large (existing) retaining wall going forward, and

- iii. Newhaven residents be given preference of allocation

OFFICER COMMENT: The roof ridge line is considered to be at an appropriate height, allowing for roof forms that are consistent with the roofscape of Fort Road. The development is a Council scheme and will be used to house those on the Council's register.

7. Neighbour Representations

7.1 1 letter of support has been received.

7.2 2 letters of objection have been received, a summary of their content is provided below:-

- Overdevelopment;
- Would result in parking pressure on Fort Road;
- House on corner of Lorrain Road would reduce visibility at junction and result in highway hazard;

OFFICER RESPONSE: The house adjacent to the junction with Lorraine Road has now been omitted from the scheme.

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 as well as residential and environmental amenities and the overall merits of the scheme in terms of the balance of economic, environmental and social objectives that comprise sustainable development.

8.2 Principle

8.2.1 The site falls within the settlement boundary where the general principle of residential development is acceptable. Para. 8 of the Revised National Planning Policy Framework (NPPF) defines sustainable development as comprising three overarching objectives, these being to respond positively to economic, environmental and social needs. Para. 10 goes on to state that there should be a presumption in favour of sustainable development.

8.2.2 Lewes District Council is currently unable to demonstrate a 5 year supply of land to meet the calculated housing need of the District. As such, a 'tilted balance' is applied in decision making with applications only being refused where a protected area is harmed or where any adverse impacts of the development would significantly and demonstrably outweigh its benefits, when assessed against the policies in the NPPF taken as a whole. This approach is commonly referred to as a 'tilted balance'.

8.2.3 The site is close to Newhaven Town Centre and has previously been developed, having accommodated Newhaven Community Fire Station for a number of years and may also be subject to a degree of contamination from fuel and chemicals previously used on site. Para. 120 c) of the NPPF directly supports redevelopment of such land,

stating that planning decisions should 'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land'.

- 8.2.4 The proposed development is therefore considered to be acceptable in principle and will be assessed in accordance with the methodology provided in para. 8.2.2.

8.3 Design and Impact upon Character of Surrounding Area

- 8.3.1 The site is located in a predominantly residential area which is characterised by terraces of dwellings that face out towards Fort Road. The site, in its current arrangement, is not considered to contribute positively towards the overriding character of the surrounding area given the somewhat functional appearance of the buildings that occupy it and the large, open expanse of hard surfacing that forms the car parking area.
- 8.3.2 The proposed scheme would introduce two rows of terraced dwellings that align with each other, with relatively small gaps maintained between each terrace and neighbouring properties. This is considered to be consistent with the general visual and spatial characteristics of this part of Fort Road, where development is very linear in its arrangement and building frontages are largely uninterrupted by gaps. The proposed dwellings would be set back further from the road than neighbouring dwellings but would maintain a strong visual presence within the street due to their strongly defined front elevations. The additional set back also allows for an appreciable distinction to be maintained between the proposed dwellings and the terrace of dwellings forming an area of special character to the south, thereby preserving their setting.
- 8.3.3 The design of the dwellings would be similar to that of the dwellings on West Quay, which back on to the opposite side of the road. The strong gable frontages are also consistent with the design of the adjacent dwellings at 32 and 34 Fort Road. Whilst respecting the general character and appearance of neighbouring development the design also incorporates contemporary elements that will help provide the development with a stronger identity.
- 8.3.4 The visual impact of the proposed parking area would be softened by landscaping that would relate well to existing street landscaping on Fort Road. The existing grass banks to the fringes of the site would be retained and provide the opportunity for further landscape enhancements. There would be sufficient space on level ground to the rear of each dwelling to allow for an appropriately sized private garden to be provided.
- 8.3.5 There would be minimal visual impact within the street scene on Hill Crest Road due to the proposed development being carried out on significantly lower lying land. It was noted on the site visit that only the very top of the 5-storey training tower is visible within the street

scene and that this is in the form of glimpses in gaps between roof slope.

- 8.3.6 It is therefore considered that the proposed development would be visually consistent with the surrounding built environment and would have no unacceptable impact upon visual amenity.

8.4 Impact upon Amenities of Neighbouring Residents:

- 8.4.1 The frontage of the proposed development would face towards the rear elevations of dwellings on West Quay, which back on to the opposite side of Fort Road. The relationship between the two sets of dwellings would be consistent with the common relationship between existing dwellings on Fort Road and West Quay, with a good degree of separation maintained and, therefore, would not give rise to concerns relating to unacceptable overlooking, overshadowing or overbearing impact towards those properties.

- 8.4.2 The rear elevations of properties on Hill Crest Road overlook the site. Some of those properties have parking areas and access from the rear, utilising a service road that flanks the rear of the site. A separation of between approx. 21 and 25 metres would be retained between these properties and the proposed development. The dwellings on Hill Crest Road are also on raised ground, approx. 5 metres above the level of the developable area of the application site, meaning that the visually impact of the proposed development would be substantially reduced. It is therefore considered that the proposed development would not introduce any unacceptable overbearing, overlooking or overshadowing impact towards residents of properties on Hill Crest Road.

- 8.4.3 The site is only directly adjoined by one residential plot, this being 32 Fort Road which is to the south. The southernmost dwelling within the proposed development would flank the side elevation of 32 Fort Road which is on ground approx. 2 metres higher than the developable part of the site and does not contain any windows. The grass bank and Lorraine Road provide a buffer between the site and the neighbouring residential dwelling to the north, 22 Fort Road. No side facing windows would be provided within the proposed dwellings. It is therefore considered that the proposed development would not result in any unacceptable overbearing, overlooking or overshadowing impact towards neighbouring properties on Fort Road.

- 8.4.4 The proposed garden areas would be well screened and the level of activity taking place within them would be comparable with existing gardens in the surrounding area. Suitable buffers would be maintained between the parking area and neighbouring properties. It is therefore considered that there would be no unacceptable impact as a result of noise, light or air emissions.

8.5 Living Conditions for Future Occupants

- 8.5.1 Para. 126 of the National Design Guide (2019), which is a companion to the Revised National Planning Policy Framework, states that 'well-designed homes and communal areas within buildings provide a

good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.' This is echoed in policy CP11 of the Lewes District Joint Core Strategy.

- 8.5.2 All habitable rooms are served by unobstructed clear glazed openings allowing for a good level of natural sunlight permeation. Windows are provided on three aspects of each dwelling and it is considered that this would help enhance access to natural light and would also provide effective natural ventilation to each building. The layout of each dwelling is considered to be clear, with hallway lengths kept to a minimum and awkwardly sized and shaped rooms being avoided, thereby enhancing functionality, accessibility and adaptability.
- 8.5.3 The Department for Communities and Local Government has produced the Technical housing standards - nationally described space standard. This document sets out minimum recommended Gross Internal Area (GIA) for new residential units, based upon number of bedrooms provided, number of storeys and number of occupants. Each of the proposed dwellings would have a GIA of 94.52 m², exceeding the minimum 93 m² specified for a 3 bedroom, 5 person two-storey dwelling.
- 8.5.4 Para. 10 (b) of the space standards instructs that a dwelling with two or more bedspaces has at least one double (or twin) bedroom whilst para. 10 (d) stipulates that a double room must have a minimum floor area of 11.5 m². All bedrooms within the proposed dwellings fulfil these criteria.
- 8.5.5 Each dwelling would have access to a private outdoor amenity area. The smallest of the gardens has an area of approx. 32 m². It is considered that the amount of space provided is suitable to serve the private outdoor amenity needs of future occupants. Although compact in size, the shape of the gardens would allow for a good level of functionality and it is noted that their overall size is comparable with nearby gardens on West Quay.

8.6 Parking Demand and Highway Impact

- 8.6.1 The development would be utilise the existing crossover access onto Fort Road. The width of the access would be reduced to allow for easier and safer crossing by pedestrians whilst retaining suitable width to support two way vehicular movements.
- 8.6.2 Car parking bays would be provided to the front of each dwelling with an additional 4 x visitor bays also incorporated. This quantum meets the anticipated parking demand of 10.2 spaces based on interrogation of the ESCC parking demand tool. The bays would open out onto an internal circulating area that would allow vehicles to turn within the site, ensuring they enter and leave Fort Road in forward gear.
- 8.6.3 Each allocated car parking bay would be provided with an electric vehicle charging point and each property would be provided with a secure and covered cycle store. Both of these measures would help support the uptake in use of more sustainable modes of transport.

8.6.4 The site is considered to be in a sustainable location, with access to shops and services in Newhaven Town Centre approx. 350 metres walking distance from the site. There are bus stops served by local services close by on Fort Road and bus stops served frequently by local and regional services within approx. 350 metres walking distance on South Way. The main line train station is approx. 775 metres walking distance from the site. It is therefore considered that the occupants of the development would not be overly reliant upon private motor vehicle ownership.

8.6.5 The footway to the front of the site would be unaffected by the proposal and would be used by pedestrians to access the site. A condition will be used to secure details of site boundary treatment as some form of physical barrier would need to be in place adjacent to the footway to prevent vehicles moving within the site from encroaching onto it.

8.7 Flooding and Drainage

8.7.1 The site is located in Flood Zone 1 and, as such, is not considered to be susceptible to tidal or fluvial flooding. Flood mapping also shows that the risk of surface water flooding is very low.

8.7.2 The developable area of the site is currently entirely built upon or hard surfaced and the proposed development would introduce additional soft landscaping that would assist with surface water drainage. It is noted that all hard surfacing would be permeable where practicable. The proposed drainage system would connect with the public sewer and underground attenuation infrastructure would be provided on site to allow for discharge rate to be controlled so as not to put undue pressure on the wider network.

8.7.3 It is therefore considered that suitable drainage arrangements can be provided for the development and that appropriate testing and checking would be carried out at the building regulations stage. Building regulations would also ensure appropriate foul disposal is also provided.

8.8 Landscape, Ecology & Sustainability

8.8.1 The site is currently predominantly covered by buildings or hard surfacing. The soft landscaped areas are restricted to grass banks behind the retaining wall. These banks would remain in place following the redevelopment of the site and provide space for additional planting that would enhance the biodiversity value of the site. The rear gardens would also include soft landscaping as would the parking and access area to the front of the site and, therefore, the proposed development is considered to offer the potential for significant ecological enhancements above that provided by the existing site.

8.8.2 The Council's Sustainability in Development TAN, as well as the NPPF, encourage the re-use of existing buildings that have fallen out of use. However, given the present layout of the site, the type of buildings that occupy it and the potential presence of hazardous materials within the buildings, it is considered that they would not be

suitable for conversion to residential use. As such, the most efficient development of the site would involve their removal and replacement with purpose built dwellings. A site waste management plan will be required to provide details of how materials arising from demolition can be reused and recycled where practicable.

- 8.8.3 The proposed dwellings would be modular structures, constructed off-site at a factory in Newhaven and then transported the short distance to the site. Modular construction reduces environmental and amenity impact around the development site and also reduces wastage of materials.
- 8.8.4 The 'sawtooth' design of the roofing over the proposed terraces results in each dwelling having a south facing roof slope on which an efficient solar pv array would be installed. Air source heat pumps would be utilised to heat each dwelling. The energy statement accompanying the application confirms that these measures, as well as the use of energy efficient materials and construction methods, would ensure that the development achieves an approx. 71% reduction in CO² emissions compared to the baseline estimates for the development.
- 8.8.5 As stated earlier in this report, the development would incorporate electric vehicle charging points and each dwelling would be provided with a secure and covered cycle store. It is considered that these measures will encourage the use of more sustainable modes of transport.

8.9 Contamination

- 8.9.1 A Phase I Desk Study and Phase II Site Investigation Report have been provided as part of the application.
- 8.9.2 The previous use of the site as a fire station has resulted in the potential presence of contaminants on the site. The development provides an opportunity for remediation works to be carried out, to the benefit of the wider environment and also necessary not provide suitable healthy living conditions for future residents. Potential sources of contaminants include fuel spills, remnants of firefighting foam training and asbestos within the existing buildings and structures.
- 8.9.3 Remediation and removal works would need to be carried out in accordance with an approved methodology informed by the site investigation and agreed with the Council's contaminated land officer. A verification report would be required prior to any occupation of the development in order to provide evidence that required remediation works have been undertaken correctly.

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 permission is granted subject to the conditions listed below.

10.2 Conditions

1. This decision relates solely to the following plans:

This decision relates solely to the following plans:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
General	25 March 2021	21009-DGE-XX-XX-RP-MEP-2901 Rev P02 - Energy Report Statement
General	25 March 2021	9415 Issue B - SUDS Report
General	25 March 2021	LP2447 - Phase 1 Desk Study and Phase 2 Site Investigation Report
Other Plans	12 July 2022	P104 - 0002 Rev P6 - Proposed Location Plan
Proposed Roof Plan	12 July 2022	P104 - 0371 Rev P4 - Proposed Roof Plan
Proposed Elevations	12 July 2022	P104 - 0372 Rev P4 - Proposed Elevations
Proposed Sections	12 July 2022	P104 - 0373 Rev P4 - Proposed Sections
Other Plans	12 July 2022	P94 – 0370 Rev P2 – Terrace Floor Plans and Elevations
Other Plans	12 July 2022	P104 – 0375 Rev P1 – Proposed Street Elevation

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

2. Prior to the application of any external materials or finishes, full details and specifications shall be submitted to and approved by the Local Planning Authority and the development thereafter carried out in accordance with those details unless otherwise allowed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity and sustainability in accordance with LLP1 policy CP11, LLP2 policy DM25, para. 130 of the NPPF.

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

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

Reason: In the interests of highway safety and the amenities of the area in accordance with LLP2 policies DM20, DM22 and DM23 and para. 110 and 112 of the NPPF

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

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

5. The development shall not be occupied until the existing redundant sections of the access are stopped up and the kerb and footway reinstated in accordance with details submitted to and approved in writing by the Planning Authority.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large having regard to LLP1 policy CP13, LLP2 policies DM25 and DM30 and para. 112 of the NPPF

6. The access shall not be used until visibility splays of 2.4m by 43m are provided to the south and maintained thereafter. The height of the boundary wall and all vegetation shall be retained at 1 metre in height towards the north in order to optimise the driver sightline.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large having regard to LLP1 policy CP13, LLP2 policies DM25 and DM30 and para. 112 of the NPPF

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

Reason: In the interests of highway safety and for the benefit and convenience of the public at large having regard to LLP1 policy CP13, LLP2 policies DM25 and DM30 and para. 112 of the NPPF.

8. The development shall not be occupied until parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles. Parking bays must be a minimum of 5 metres in length by 2.5 metres in width, with an extra 0.5 metres added where any point of the parking bay abuts a wall or fence.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large having regard to LLP1 policy CP13, LLP2 policies DM25 and DM30 and para. 112 of the NPPF

9. Prior to the first occupation of any part of the development hereby approved, the cycle storage facilities shown on the approved plans shall be installed in accordance with those details and maintained in place thereafter throughout the lifetime of the development.

Reason: In the interest of environmental amenity and in order to encourage the use of sustainable modes of transport in accordance with policies CP11 and CP13 of the Lewes District Local Plan Part 1, policies DM25 and DM30 of the Lewes District Local Plan Part 2 and para. 106 of the Revised National Planning Policy Framework

10. 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 phase 1 and Phase 2 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 para. 183 of the NPPF.

11. 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 para. 183 of the NPPF.

12. Prior to demolition, a full asbestos survey must be carried out on the building to be demolished. Any asbestos containing materials (ACMs) must be removed by a suitable qualified contractor and disposed off-site to a licenced facility. A copy of the report should be provided to the local planning authority together with a mitigation plan that removes the risk to future occupiers of exposure to asbestos.

Reason: To ensure that risks from asbestos to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with para. 183 of the NPPF.

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted 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 para. 183 of the NPPF.

14. No above ground works shall commence until a detailed surface water drainage scheme and maintenance and management plan, together with a timetable for implementation, have been submitted to and agreed in writing by the local planning authority. The surface water drainage shall include the following:-

- Hydraulic calculations showing surface water discharge rates not exceeding 2.4 litres per second for all rainfall events including 1 in 100 year (+ 40% climate change)
- Details of the outfall from the proposed attenuation tank and how it connects with the public sewer;
- Details of the condition of the existing sewer which will take the surface water runoff from the development and details of any improvements required;
- Details of how flows exceeding the capacity of the surface water drainage feature will be managed;
- Detailed design of the attenuation tank informed by groundwater monitoring;
- Management and maintenance plan for the drainage system;

The development shall thereafter be carried out and maintained in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve existing habitats in accordance with LLP1 policy CP12, LLP2 policy DM22 and para. 167 of the NPPF.

15. Following completion of the drainage scheme a photographic record of the works, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding, both on and off site and to improve and protect the water quality in accordance with LLP1 policy CP12, LLP2 policy DM22 and para. 167 of the NPPF.

16. Prior to the first occupation of any part of the development hereby permitted a minimum of one operable electric vehicle charging point shall be provided in a suitable position at each property, in accordance with details to be submitted to and approved by the local planning authority. The charging point shall thereafter remain in an operable condition throughout the lifetime of the development.

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

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

- Details of all hard surfacing;
- Details of all boundary treatments;
- Details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees;

- Ecological enhancements;

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the development incorporates sympathetic landscaping that amalgamates with surrounding landscaping, is appropriately and sympathetically screened and provides a secure and safe environment for future occupants in accordance with section 12 of the revised NPPF, policies CP10 and CP11 of the Lewes District Local Plan part one and policies DM25 and DM27 of the Lewes District Local Plan part two and para. 174 of the NPPF.

18. Prior to the first occupation of any part of the development hereby approved, the bin storage facilities shown on the approved plans shall be installed in accordance with those details and maintained in place thereafter throughout the lifetime of the development.

Reason: In the interest of visual and environmental amenity in accordance with policies CP11 and CP13 of the Lewes District Local Plan Part 1, and policies DM25 and DM30 of the Lewes District Local Plan Part 2.

19. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, classes A-E inclusive of that Order, shall be erected or undertaken on the site unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

Reason: To enable the Local Planning Authority to regulate and control the development of land in the interest of visual and residential amenity in accordance with LLP1 policy CP11, LLP2 policy DM25 and para. 130 of the NPPF.

20. 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.

21. The dwellings hereby approved shall not be occupied at any time other than as affordable housing units.

Reason: To enable the Local Planning Authority to regulate and control the proposed development having regard to Policy CP1 of the Lewes District Council Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework.

11. **Background Papers**

11.1 None.

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