

Planning Applications Committee 7 September 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); Councillors Graham Amy, Tom Jones, Christoph von Kurthy, Sylvia Lord, Imogen Makepeace, Milly Manley, Nicola Papanicolaou, Steve Saunders and Richard Turner

Quorum: 5

Published: Thursday, 25 August 2022

Agenda

1 Minutes (Pages 5 - 8)

To confirm and sign the minutes of the previous meeting held on 3 August 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.

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).

7 Officer Update (*to follow*)

Where additional information has been received by Planning Officers subsequent to the publication of the agenda, a supplementary report will be added to this item and published on the Council's website the day before the meeting to update the main reports with any late information.

Planning applications outside the South Downs National Park

8 LW/21/0548 - 367 South Coast Road, Telscombe Cliffs, East Sussex, BN10 7HA (Pages 9 - 26)

9 LW/21/0977 - Evershed Court, Fairlight Avenue, Telscombe Cliffs (Pages 27 - 40)

10 LW/21/0224 - Newhaven Fire Station, Fort Road, Newhaven, BN9 9EJ (Pages 41 - 58)

11 LW/21/0014 - Land East and West of Downs Walk, Peacehaven, BN10 7SN (Pages 59 - 82)

12 LW/21/0988 - Travis Perkins, Green Road, Wivelsfield Green, RH17 7QL (Pages 83 - 98)

13 LW/21/1005 - Bridge Farm, Barcombe Mills Road, Barcombe (Pages 99 - 116)

Non-planning application related items

14 Date of next meeting

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

General information

Planning Applications outside the South Downs National Park:

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

Planning Applications within the South Downs National Park:

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

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

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

Information for the public

Accessibility:

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

Filming/Recording:

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

Public participation:

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



Planning Applications Committee

Minutes of the meeting held in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN1 1UE, on 3 August 2022 at 5:30pm

Present:

Councillor Sharon Davy (Chair);
Councillors Roy Burman, Roy Clay, Sylvia Lord, Makepeace, Nicola Papanicolaou, Christine Robinson, Steve Saunders and Richard Turner

Officers in attendance:

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

NOTE: At the beginning of the meeting and prior to the consideration of the items on the agenda, the Chair apologised on behalf of the Committee for the IT issues which led to a delay in the meeting start time.

As a result of the unforeseen technical issues, the Chair announced that Agenda items 8 (*planning application LW/21/0548*), 10 (*planning application LW/21/0977*) and 11 (*planning application LW/21/0224*) would be deferred to a future meeting of the Committee, as there were no speakers on the applications who were present in the public gallery.

22 Minutes

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

23 Apologies for absence/Declaration of substitute members

Apologies for absence had been received from Councillors Graham Amy, Tom Jones, Christoph von Kurthy, Laurence O'Connor (Vice-Chair) and Milly Manley.

It was declared that Councillor Roy Burman would be acting as substitute for Councillor Jones; Councillor Christine Robinson would be acting as substitute for Councillor O'Connor; and Councillor Roy Clay would be acting as substitute for Councillor Manley for the duration of the meeting.

24 Declarations of interest

Councillor Turner declared a personal and non-prejudicial interest in Agenda item 7 (*planning application LW/21/0694*) as he was a member of Ringmer Parish Council.

For the purpose of transparency in respect of Agenda item 7 (*planning application LW/21/0694*), the Council's Principal Planning Solicitor declared that she was a resident of Ringmer and that some of the attendees in the public gallery were known to her, but that this would not affect any legal advice given.

25 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).

26 Petitions

There were none.

27 Written questions from councillors

There were none.

28 LW/21/0694 - Land Opposite, Bishops Close, Ringmer, East Sussex

Councillor John Kay spoke on behalf of Ringmer Parish Council. Sy Morse-Brown (Near Neighbour) and Katie Joyce-Pettitt (Near Neighbour) spoke against the proposal. Tristan Robinson (Agent) spoke for the proposal. Councillors Johnny Denis and Emily O'Brien spoke in their capacity as the Lewes District Ward Councillors.

Resolved:

That planning application LW/21/0694 for erection of 68 dwellings, with associated access, drainage, parking, landscaping and infrastructure works be refused for the following reasons:

- 1) Outside of the planning boundary and impact on the countryside;
- 2) Detrimental design and impact on wider character; and
- 3) Highways impact on Bishops Lane and Earwig Corner.

29 LW/21/0942 - Camelia Cottage, Station Road, North Chailey, BN8 4PJ

Robin Penfold (Near Neighbour) and David Campion (Planning Consultant/Chartered Surveyor) spoke against the proposal. Mark Best (Agent)

spoke for the proposal. Councillor Isabelle Linington spoke in her capacity as the Lewes District Ward Councillor.

Resolved:

That planning application LW/21/0942 for erection of 7 no. dwelling houses be approved, subject to the conditions set out in the report and supplementary report. The Committee also added an informative to encourage the developer to talk with residents to resolve drainage issues.

30 LW/22/0089 - Highbury Farm, Markstakes Lane, Chailey, BN8 4BS

The Committee Officer read a speech against the proposal on behalf of Mr and Mrs Manningham (Neighbours). Tondra Thom (Agent), Michelle Durnford (Applicant) and Nick Durnford (Applicant) spoke for the proposal. Councillor Isabelle Linington spoke in her capacity as the Lewes District Ward Councillor.

Resolved:

That hybrid planning application LW/22/0089 comprising full application for 1 no. dwellinghouse and outline application for 3 no. dwellinghouses with all matters reserved except access and layout be approved, subject to the conditions set out in the report and supplementary report and the amendment of condition 5 to include bat boxes, and additional condition to require 3 year occupancy of the self-build units to comply with Community Infrastructure Levey.

31 LW/21/0548 - 367 South Coast Road, Telscombe Cliffs, East Sussex, BN10 7HA

Resolved:

That planning application LW/21/0548 for demolition of existing house and outbuildings and erection of three storey building containing eight residential units be deferred to a future meeting of the Committee due to unforeseen technical issues.

32 LW/21/0977 - Evershed Court, Fairlight Avenue, Telscombe Cliffs

Resolved:

That outline application LW/21/0977 concerning the scale, appearance, layout, and access for the demolition of existing buildings and erection of 7 no. dwellinghouses and alterations to vehicular access be deferred to a future meeting of the Committee due to unforeseen technical issues.

33 LW/21/0224 - Newhaven Fire Station, Fort Road, Newhaven, BN9 9EJ

Resolved:

That planning application LW/21/0224 for demolition of existing buildings and erection of 6 no. three bedroom dwellings be deferred to a future meeting of the Committee due to unforeseen technical issues.

34 Date of next meeting

That it be noted that the next meeting of the Planning Applications Committee was 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.

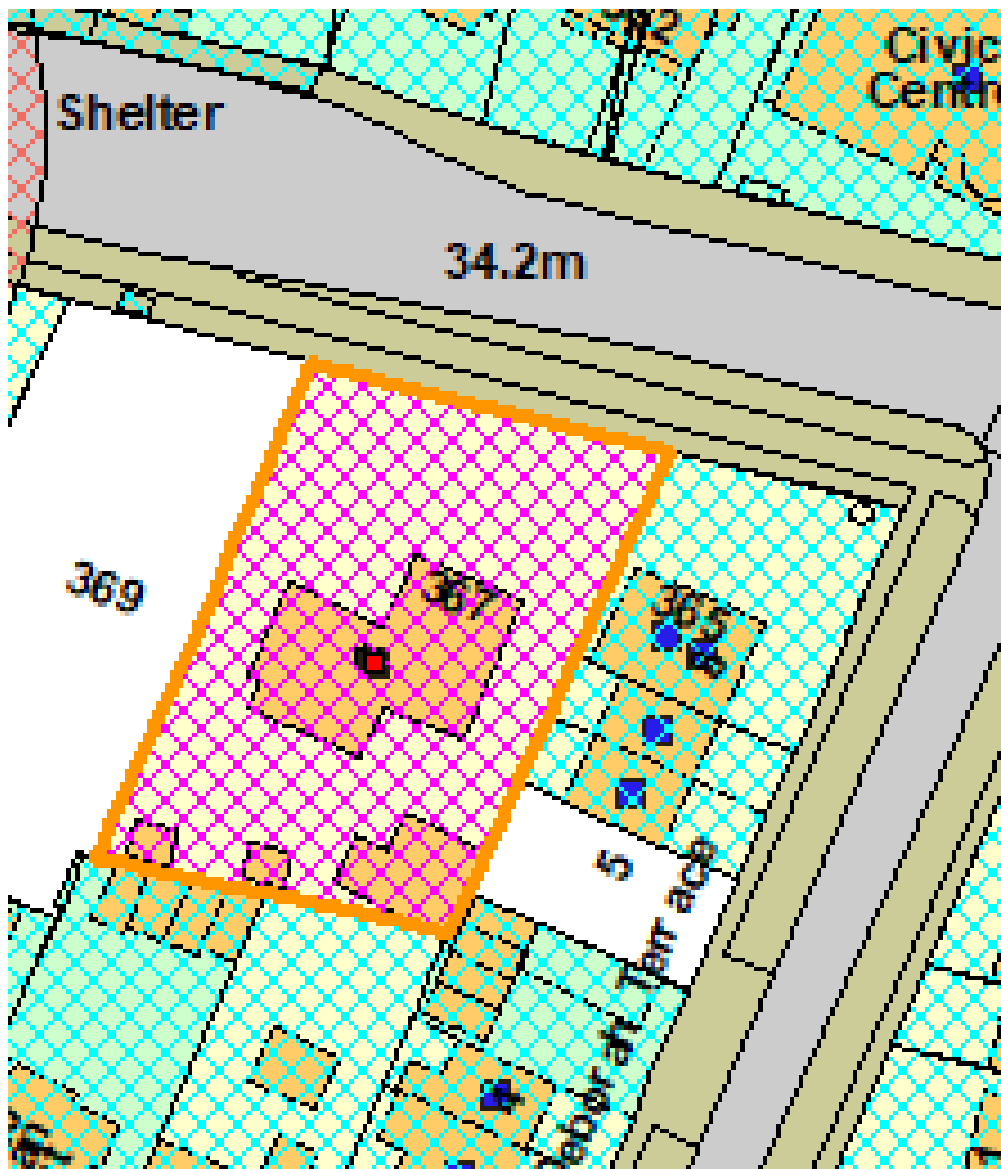
The meeting ended at 8:38pm.

Councillor Sharon Davy (Chair)

Agenda Item 8

Report to: Planning Applications Committee
Date: 7 September 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 1.8 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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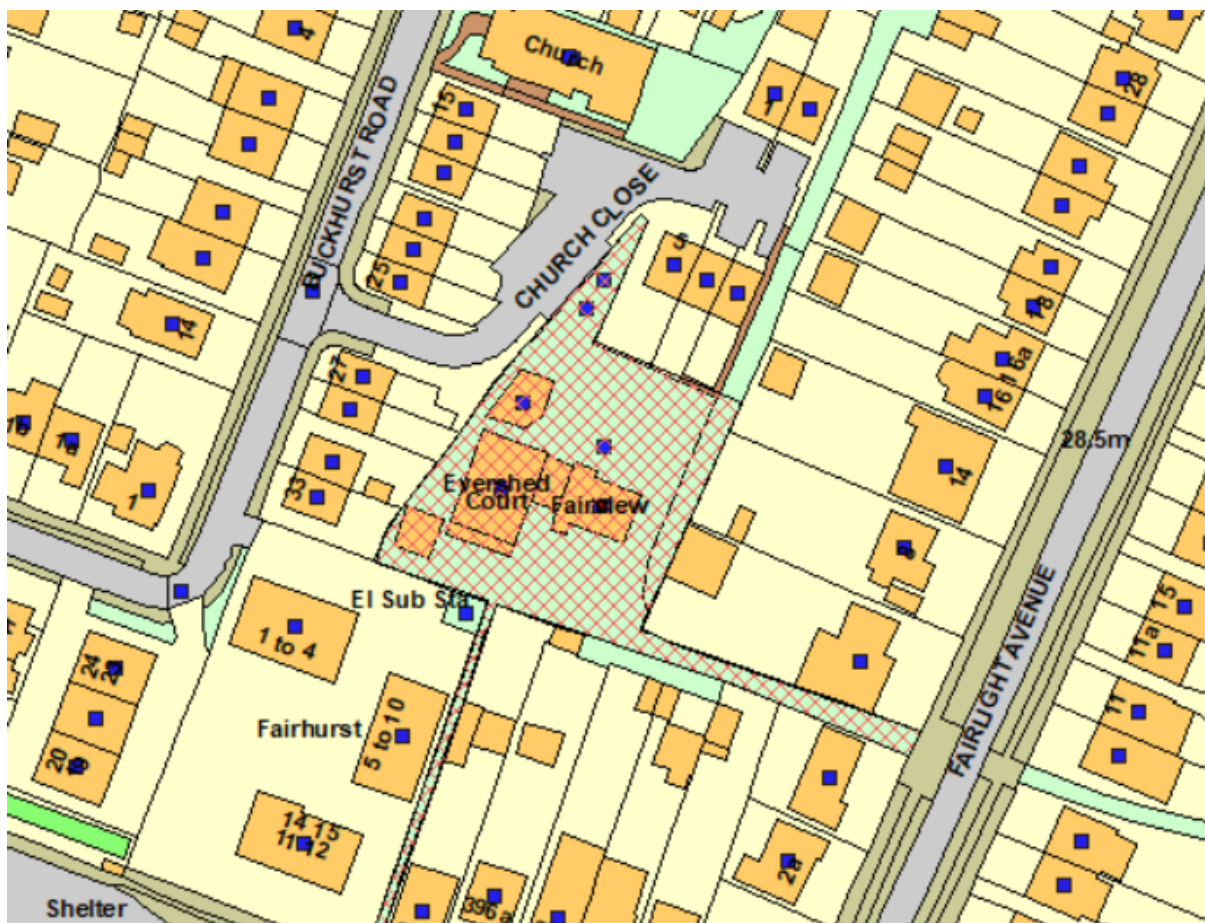
Agenda Item 9

Report to: Planning Applications Committee
Date: 7 September 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 7 no. 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.

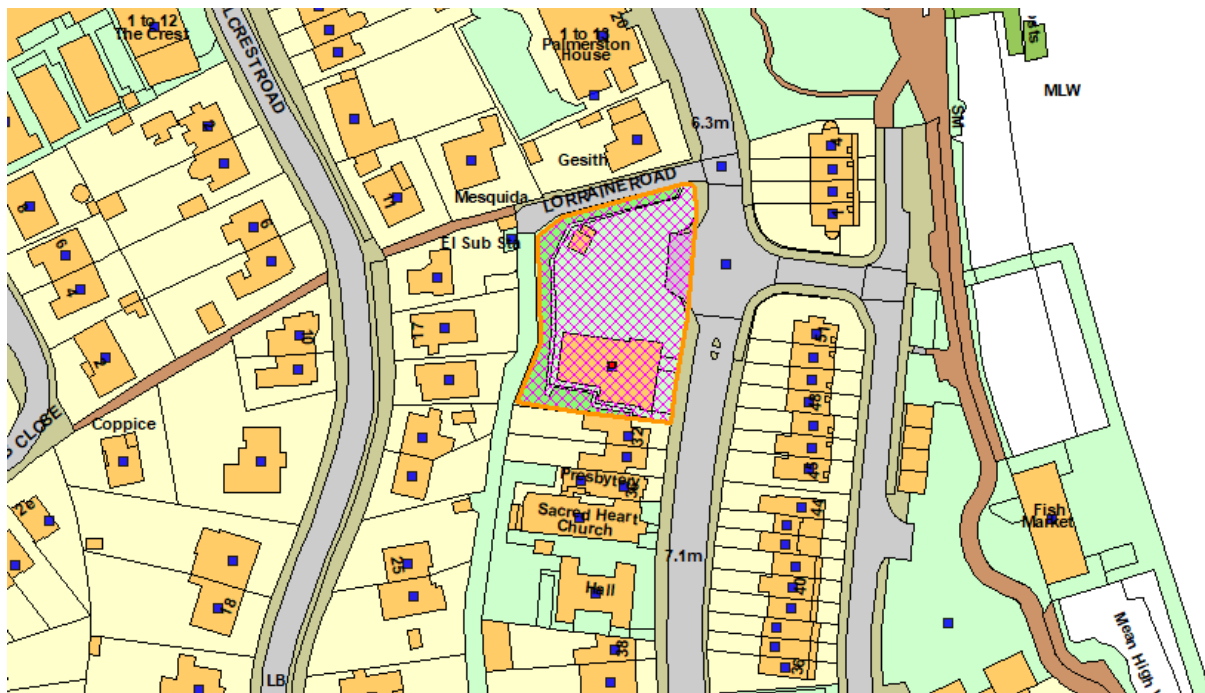
Reason: To ensure a satisfactory development in keeping with the locality having regard to Policy DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

9. **Background Papers**

9.1 None.

Report to: Planning Applications Committee
Date: 7 September 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
General	12 July 2022	P104_BMH_XX-XX_PP_A_S2_DAS_rev B - Planning, Design & Access Statement
General	12 July 2022	9415X Issue C - Transport Statement
General	12 July 2022	9415 Rev C - Sustainable Surface Water Drainage Scheme, Management & Maintenance Plan

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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Report to: Planning Applications Committee

Date: 7 September 2022

Application No: LW/21/0014

Location: Land East and West of Downs Walk, Peacehaven, BN10 7SN

Proposal: Amended scheme - erection of 2 detached two storey houses and 6 detached bungalows, along with parking and associated landscaping.

Applicant: Mrs S Shoebridge, Hatley Estates Ltd

Ward: Peacehaven North

Recommendation: Grant Planning Permission.

Contact Officer: **Name:** Julie Cattell
E-mail: julie.cattell@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liabile.

Map Location:



1. **Executive Summary**

1.1 The proposed development as amended is acceptable and meets all relevant national and local planning policies.

1.2 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
- Building a strong, competitive economy
- Ensuring the vitality of town centres
- Promoting healthy and safe communities
- Promoting sustainable transport
- Making effective use of land
- Achieving well designed places
- Meeting the challenge of climate change, flooding and coastal change
- Conserving and enhancing the natural environment

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

2.3 Neighbourhood Plan

2.31 Peacehaven and Telscombe Cliffs does not yet have an adopted Neighbourhood Plan. In the meantime, the following saved policies from the Lewes District Local Plan 2003 still apply:

PT19 and PT20.

3. Site Description

- 3.1 Downs Walk is located in the north west side of Peacehaven, close to the parish of East Saltdean & Telscombe Cliffs. Telscombe Road runs east to west, to the south of Downs Walk. From here, Downs Walk runs north and leads into the more sparsely developed Valley Road area.
- 3.2 The application site is mainly rectangular with a triangular section on the north-east corner and covers an area of 0.28ha. It is located directly to the north of existing dwellings in Downs Walk.
- 3.3 Downs Walk currently comprises 11 dwellings, with 5 detached two storey houses on the west side and 6 detached bungalows on the east side.
- 3.4 The bungalows are a mixture of hipped and gabled roofs with front and rear gardens and driveways to one side. They are finished with either red or yellow facing bricks and concrete roof tiles. Where there are gables to the front, these are finished with horizontal timber or tile hung cladding.
- 3.5 The houses are all of the same design, built close to each other with integral garages, hipped and pitched roofs and central porches. They are finished with light orange brickwork and red concrete tiles. Each has a driveway, and front and rear gardens.
- 3.6 Downs Walk has pavements on either side of the roadway, which ends outside the dwellings at the north extremity of the road. The road becomes a single-track heading north to and beyond the junction with Valley Road. There are two further detached dwellings with Downs Walk addresses and several on Valley Road. Land either side of the continuation of Downs Walk is of a scrubby and unmanaged appearance.
- 3.7 There are two Bus Stop on Telscombe Road, with facilities and services and facilities in the area, including a Tesco Express and Junior School. The area is characterised by post-war residential development and has a strongly suburban feel.
- 3.8 The site is located outside of the planning boundary and is within a Site of Special Scientific Interest Impact Risk Zone – the nearest SSSI is the Brighton to Newhaven Cliffs, 2km away to the south. There are no other designations or restraints relating to the site.

4. Proposed Development

- 4.1 The application as amended seeks full planning permission to build 2 x 4 bed/6 person detached houses on the west side of the site and 6 x 3 bed/4 person detached bungalows on the west, as a continuation of Downs Walk.
- 4.2 The houses will have an integral garage to the side, set back from the front wall of the house by 3m and beyond the rear wall by 1m. At ground floor, the kitchen and downstairs W.C are located to the front. The kitchen is open to the living area at the rear, which has direct access to a rear garden.
- 4.3 At first floor, the master bedroom with en-suite is above the garage, with the remaining three bedrooms and bathroom above the main house. The roofs will be pitched and hipped, with the ridge of the roof over the garage/bedroom set lower than the main roof. The houses will be finished with brick to the walls and plain tiles to the roofs.

- 4.4 Each house will have an open front garden area with parking for two cars with crossover and a rear/side garden with side access gate, immediately beyond which will be a cycle shed. Bins will be stored in the front garden by the gate.
- 4.5 The bungalows will be laid out with two of bedrooms, one with en-suite, which will extend beyond the front wall by 1.5m to the front, and one in the middle, opposite the bathroom. The open plan living area will run across the rear, opening onto the rear garden. The bungalows will have pitched and hipped roofs, with the roof over one of the front bedrooms set lower than the main ridge line.
- 4.6 Each bungalow will have two parking spaces and crossover at the front and space for bins to store, and a gate leading to the rear garden with cycle store. Materials will again be brick and plain tiles.
- 4.7 The proposal also includes an extension to the existing footpath on each side and a turning area designed to accommodate refuse vehicles at the north-west end of the site.
- 4.8 The original proposal was for 9 dwellings (3 houses and 6 bungalows). ESCC Highways objected on the grounds of lack of provision for pedestrians and cyclists, lack of adequate turning space and insufficient parking provision.
- 4.9 The amended layout is a result of negotiations with the applicant's agent and ESCC Highways.

5. **Relevant Planning History**

- 5.1 No planning history relating to the site.
- 5.2 The planning history for the existing houses and bungalows in this section of Downs Walk is as follows:
 - LW/83/1355 – Outline application for 6 detached bungalows with garages – approved 14 September 1983.
 - LW/83/1499 – 5 detached houses and garages – approved 12 October 1983.
 - LW/86/0470 – Outline application for 5 detached houses and garages – approved 13 May 1986.

6. **Consultations**

6.1 Environmental Health

6.1.1 If LPA is minded to grant a planning permission, then the following conditions are recommended

6.1.2 Land contamination

6.1.3 Hours of work

6.1.14 Informative:

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

6.2 ESCC Highways

6.2.1 Comments on amended application: No objection

6.2.22 This HT401 is issued in response to a Transport Report Addendum dated March 2022 and amended plans received direct from the applicant on 19th and 30th May 2022 these include plan nos:- 2438.100F; 2438.100G (site plan and block plan); 2438.102D.

6.2.23 The proposal has now been reduced from 9 to 8 dwellings on the site which now includes 2 houses and 6 bungalows. The access, part of the unadopted public highway (private street) section of Downs Walk is now shown to be widened/alterd to have the same width of carriageway as the existing adopted section along with the footways and grass verges continuing to the end of this site together with new individual accesses onto Downs Walk to serve the proposed dwelling plots. A suitable turning head is shown to be provided and is supported by vehicle tracking and parking is provided to recommended standards. The access is now shown to be within the red site area. Thus, the proposal is now acceptable.

6.2.24 My objection dated 22nd April 2022 is withdrawn and I do not object to the proposed development subject to the conditions at the end of this report being included in any grant of consent.

6.2.25 The amended plans now show only 8 dwellings on the site with the access provided to recommended standards with the continuation of the current road width and footways extending to the northern boundary of the site. These are provided within the limits of the private street (unadopted public highway) section of Downs Walk. It should be noted that the proposed planting on the northern side of the proposed turning head would need to be deleted due to part of this area being part of the private street and would need to be delineated on site.

6.2.26 Vehicle tracking for the largest refuse vehicle (11.997m) has been provided and indicates that such a vehicle could turn within the proposed turning head.

6.2.27 The road (private street) including the proposed footways and verges are now shown within the limits of the private street. It is noted that the red site area boundary has been extended to include the access as it is understood that the applicant now owns this land (although still a private street).

6.2.28 Furthermore, the applicant has agreed to have the access road (private street) formerly adopted. The details can be secured through a planning condition.

6.2.29 If the road (private street) is to be formerly adopted the existing 30mph speed limit would also need to encompass this site and a contribution of £5000 towards the administrative costs of altering the Traffic Regulation Order would be required and sought through the adoption process. However, if street lights (2 are likely to be required) are provided then a TRO contribution would not be sought at that stage.

6.2.30 The parking provision is in accordance with recommendations and the garages are shown to be 6m by 3m.

6.2.31 Thus given all the information, the proposal is acceptable subject to the following conditions.

6.2.32 No development shall take place until details of the layout of the new access (extension of Downs Walk and private accesses) and the specification for the construction of the access which shall include details of surface water drainage, levels, street lighting, repositioning of existing street furniture have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the use hereby permitted shall not commence until the construction of the access (continuation of Downs Walk and private accesses) has been completed in accordance with the agreed specification.

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

6.2.33 The development shall not be occupied until parking area 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

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

6.2.34 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

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

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

6.2.36 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 obstructed;

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

6.2.37 The garages shall be positioned at least 5.5m back from the edge of the highway (and open inwards) 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

6.2.38 The new estate road, continuation of Downs Walk (private street) shall be designed and constructed to a standard approved by the Planning Authority in accordance with Highway Authority's standards with a view to its subsequent adoption as a publicly maintained highway.

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

6.2.39 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.

Informatives

6.2.40 The applicant is advised to enter into a legal agreement with East Sussex County Council, as Highway Authority, for the proposed adoptable sections of the on site highway works. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that any works commenced prior to the agreement being in place are undertaken at their own risk.

6.2.41 The applicant is advised to contact the Transport Development Control Team (01273 482254) to commence the process associated with the proposed Traffic Regulation Order. The applicant would be responsible for meeting all costs associated with this process which is a minimum of £5000. The applicant should note that the outcome of this process cannot be guaranteed as it is open to public objection.

6.3 Southern Water

6.3.1 The applicant has not stated details of means of disposal of foul drainage from the site. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

6.4 Planning Policy

6.4.1 Paragraph 50 of the NPPF states that refusal on the grounds of prematurity will seldom be justified where a draft local plan has yet to be submitted for examination; or in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. The

draft Peacehaven and Telscombe Neighbourhood Plan has not been submitted to the Local Authority to carry out the public consultation on the draft plan (Regulation 15 and 16). Whilst Lewes District Council have commenced work on a new local plan and have undertaken an Issues and Options consultation (Regulation 18), adoption of a new local plan is not anticipated until 2024. Therefore, it is considered that a reason for refusal based on the prematurity of the application cannot be justified, planning policy could not defend a reason to refuse permission on the basis that granting permission would prejudice the outcome of the plan making process.

6.4.2 It is however for the Case Officer to consider all material considerations and weight to be given to them, any development plan policies and the NPPF, and to consider if the proposal constitutes sustainable development as a whole.

6.5 Trees and Landscape officer

No response.

6.6 District Services

No response.

6.7 Peacehaven Town Council

Original comments (dated 25th February 2021):

6.7.1 It was resolved to recommend refusal for the following reasons:-

- 13 objections noted
- Site outside planning boundary,
- Already been included in the LDC call for sites, which is waiting assessment, trying to pre-empt the assessment of the site, making it premature.
- Ecological assessment was carried out after the site had been cleared therefore any useful habitat had already been destroyed.
- The shelter belt trees on the west boundary have been misidentified as Leylandii but they are actually Cypress trees.
- On the Design and Access statement, they quote national guidance relating to rural communities such as villages, Peacehaven isn't a village.
- Flawed assessment of the site.
- 'Meaningful use' of an area can also include leaving it as open space/diversity.
- A further response will be compiled by the SPO and sent to LDC as this application is considered to have wider implications in respect of strategic planning and policy issues.

Additional comments (dated 26 February 2021)

6.7.2 The site is located in an area which is being considered for development at a strategic level and is outside of the current planning boundary (Local Plan part 2 Spatial Strategic Policy DM1)

6.7.3 As Lewes District Council is aware, Peacehaven is in the process of drafting our Neighbourhood Plan (jointly with Telscombe Town Council). It is anticipated that our Regulation 14 draft will be submitted this Spring / Summer. The current Local Plan states that planned housing in Peacehaven will be identified in the Neighbourhood Plan. We have also recently been consulted by your Policy Planning colleagues in respect of the district wide Land Availability Assessment, which forms part of the technical preparations for the new Local Plan and prior to your Regulation 18 public consultation. The evolving policy context, along with considerations identified in the 2018 Strategic Housing and Economic Land Availability Assessment (SHELAA) and Aecom's Site Options Assessment 2019 highlight the fact that this site forms part of a potentially wider developable area and therefore requires a strategic approach to decision making.

6.7.4 We consider that the granting of this permission would potentially prejudice the outcome of the plan-making process both at Town and District level at the present time. It would also set a precedent for a piecemeal approach to land which requires the appropriate assessment and investment in infrastructure, consideration of all sustainability related issues, flood risk, transportation assessment, landscaping, environmental and ecological impacts and any other technical requirements.

6.7.5 In light of the above Peacehaven Town Council consider that this application is premature at this time and we would respectfully recommend refusal in accordance with National Planning Policy Framework (2019) paragraph 50. These comments are made in addition to the Town Councils standard consultation response provided on 25th February 2021.

7. Neighbour Representations

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

- Site is outside of the planning boundary
- Site was cleared of trees and shrubs during lockdown
- Thin end of wedge – will be a precedent for further development
- Area is valuable for recreation
- Additional pressure on infrastructure and services
- Overlooking to gardens in adjoining properties
- Ecology report incorrect in respect of tree species on boundaries
- Ecology report does not mention bats or woodpeckers which are present in the area
- Concern about health of trees during construction
- Would prefer to see bungalows and not houses on west side of site
- Proposal will overdevelop the site, not enough space for the new dwellings
- Concern about access for emergency vehicles to properties north of the site during construction

- Concern about capacity of drainage system
- Landowner should have looked after the site better to avoid fly tipping
- What about affordable housing?
- Outrage that site was cleared, houses previously hidden away can now be seen
- Noise and pollution due to construction
- Site provides access to the countryside
- Views of new properties will reduce amenity of some local residents
- Peace and quiet of the area will be ruined
- Increase in traffic
- Concern about the quality of the new buildings
- Impact on wildlife, including woodpeckers, bats, badgers, foxes and deer seen in the area
- Road is in a poor state of repair
- Damage to trees during site clearance
- Proposal will restrict views from existing properties and will devalue them
- Concerns about the PEA
- Existing land was a natural habitat and was destroyed prior to application being made
- Concern that some of the trees that were destroyed during clearance were protected.
- Road is too narrow
- Character of area is changing to overcrowded suburb
- Light pollution
- Site not deemed suitable for development in SHEELA
- New houses not needed as there are vacant properties in the area that could be used for residential
- Impact on climate change
- One letter of support:
 - Scheme will provide much needed housing, will make good use of low quality scrub land. Good to see electric car charge points.

8. **Appraisal**

8.1 Principle

8.1.1 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.

8.1.2 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.

8.1.3 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).

8.1.4 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).

8.1.5 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).

8.1.6 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.

8.1.7 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.

8.1.8 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.

8.1.9 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).

8.1.10 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.

8.1.11 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.

8.1.12 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.

8.1.13 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.

8.1.14 Listed immediately below are the criteria of the interim Policy Statement and how the proposal meets them.

Criterion 1

8.1.15 The site boundary is contiguous with an adopted settlement planning boundary, as defined on the Local Plan Policies Map

8.1.16 The site is wholly contiguous with the Peacehaven and Telscombe Development Boundary and therefore complies with criterion 1 of the IPSHD.

Criterion 2

8.1.17 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.

8.1.18 The proposed development is relatively modest in scale. The dwellings on either side of the road will form a continuation of the existing dwellings along Downs Walk and will reflect the scale and character of the existing settlement.

8.1.19 As such the proposal is considered to be compliant with criteria 2 of the IPSHD.

Criterion 3

8.1.19 The proposed development will provide safe and convenient pedestrian and cycle access to key community facilities and services within the adjacent settlement.

8.1.20 The application proposes a continuation of the existing road and the existing footpath on both sides. Access to the north to open countryside and to the south to local facilities will be retained.

8.1.21 The site is considered to meet criterion 3 of the IPSHD.

Criterion 4

8.1.21 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.

8.1.22 The proposal will not result in the coalescence of other nearby settlements, therefore criterion 4 of the IPSHD has been met.

Criterion 5

8.1.23 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.

8.1.24 The development site is located some 1.5km to the east of the nearest boundary of the SDNP.

8.1.25 It is considered that the proposed development would have no impact on the SDNP and complies with criterion 5 of the IPSHD.

Criterion 6

8.1.25 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).

8.1.26 Criterion 6 relates to the ecological impact of the development. This is considered in more detail in the 'Ecology and Biodiversity' section of this report. A Preliminary Ecological Assessment was submitted with the application, which includes ecological enhancements.

8.1.27 Therefore, subject to the successful discharge any recommended ecology conditions, criterion 6 of the IPSHD is considered to be satisfied.

Criterion 7

8.1.28 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.

8.1.29 Policy CP2 of the Local Plan Part 1 sets out a range of densities for both urban and rural/village areas. In this context, the site is not considered to be in a rural or village area, so the density range for urban areas of 47-57 is more appropriate. The development proposal would result in a density of 28ph, which is lower than the policy recommendation. However, the existing houses and bungalows to the south of the site are between 30 and 36dph.

8.1.30 Given this context, the constraints of the site and the local character, the proposed density is considered to be acceptable and to comply with Criterion 7 of the IPSHD.

Criterion 8

8.1.31 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.

8.1.32 The proposal is below the trigger point for affordable housing, but will be liable for CIL contributions.

8.1.33 The Town Council's comments regarding prematurity (in respect of the emerging Neighbourhood Plan) are noted. However, the NP has not yet reached a stage of maturity to consider it a material consideration. Furthermore, it is understood that the final plan will not contain site allocations.

8.1.34 The proposal is relatively modest and is a natural continuation of the existing section of Downs Walk and will retain a gap between the site and the open area beyond.

8.1.35 Policy PT19 states that 'Within the Valley area, Peacehaven, planning permission will not be *granted for uses which detract from the immediate natural setting and character of routes (defined on Inset Map No 3) which are of value for walking and riding.*'

8.1.36 Policy PT20 states that '*In the area between the Planning Boundary at the Valley, Peacehaven and the Sussex Downs AONB, planning permission will be granted for horse keeping activities and leisure and recreational uses (Class D2 of the Town and Country Planning (Use Classes) Order), subject to the following criteria:-*

(a) the proposal will be for development which is essentially outdoor and open in character

(b) there will be no adverse impact on the Sussex Downs AONB, the character of the Valley, the important wildlife habitats, the key landscape features and the existing informal recreation uses of the area

(c) the proposal normally will not involve the building of new structures. Proposals which use existing buildings will be preferred

(d) footpaths and bridleways will be maintained

(e) the traffic generated by the use will not adversely affect the character or key landscape features of the Valley area

(f) The proposals will not result in an unacceptable level of pollution, nuisance or other adverse impact to the amenities of neighbouring properties.

A temporary planning permission may be granted where a trial period is desirable in order to assess the effect of a proposal on the area.'

8.1.37 The proposal would not compromise either of these policies.

8.2 Design

The new dwellings have been designed to reflect the key characteristics of this section of Downs Walk in terms of site layout, typology and palette of materials. As such the proposal complies with the design aspects of policies CP1 and DM25.

8.3 Landscaping and Ecology

8.3.1 As noted above, a Preliminary Ecological Assessment was submitted with the application. This was carried out after the site was cleared, so the PEA takes a 'precautionary' approach, based on the most reasonable estimate of the ecological value prior to clearance. At the time of the survey, the western side of the site was 'dominated' by ephemeral/short perennial vegetation and the eastern side, recently cleared scrub/young woodland. The trees along the boundaries were considered to be 'poor'.

8.3.2 Desk Top studies were carried out in relation to protected species, in addition to site surveys. The potential for habitats for Greater Crested Newts and reptiles was considered to be negligible. Similarly, the potential for bat roosts was considered low, although the tree lines may be suitable for commuting and foraging opportunities. The potential of the site to support dormice was considered to low, due to disturbance connected with the existing properties in Downs Walk. No evidence of badger activity was found during the survey. The site is considered to offer negligible habitat for nesting birds. The site is capable of supporting invertebrates. No suitable habitat for any other protected species was recorded on the site.

8.3.3 The report recommends the following measures to enhance the ecological value of the site

- The use of flowering plants as listed within the RHS 'Plants for Pollinators' plant list, within the soft landscape scheme to provide year-round value for invertebrates¹;

- The provision of nesting boxes for a variety of bird species to be placed in suitable locations. Positioning guidance is provided by the RSPB2;
- The provision of bat roosting boxes, suitable for a range of species to be incorporated into buildings or on trees, at the design stage. Boxes may be situated facing south / south-west, positioned 3-5m above ground and out of reach of cats.
- The provision of insect boxes and/or log piles, for which a wide variety of models are available, to be located within an area of site subject to the least disturbance.
- Incorporation of a hedgerow or treeline boundary to provide ecological connectivity along Downs Walk.
- Creation of a pond for wildlife. Guidance for designing such a pond is provided by the RSPB3

8.3.4 Although it is recognised that the site was cleared prior to PEA, the comments raised by objectors in relation to the numbers of species present in around the site are anecdotal. The approach taken by the applicant's ecology consultant was cautious and allowed for the best case scenario based on what was present on the site at the time of the survey, photographs of the site prior to clearance and desk top studies of the area. Furthermore, ecological enhancements will be included in the landscape scheme. A reason for refusal based on objections regarding site clearance would be unlikely to succeed at appeal.

8.3.5 The above measures will be secured by condition to meet the requirements of policy DM24.

8.3.6 Finally, the development is unlikely to have any adverse impact on the SSSI.

8.4 Amenity

8.4.1 All of the new dwellings meet the Nationally Described Space Standard in respect of overall floor area, bedroom sizes and storage. All have access to private rear gardens, which are commensurate with the other properties in this section of Downs Walk. The layout of the dwellings avoids mutual overlooking. All plots have a bin store.

8.4.2 There are no properties adjoining the site to the east, so there will be privacy or daylight issues in respect of the bungalows. The houses will back onto the garden of one property in Louvain Gardens, a bungalow built in the last 10 years. There are a number of mature evergreen trees in the garden of this property, which will provide privacy screening.

8.4.3 The proposal is compliant with the amenity aspects of policies CP11 and DM25, and DM26.

8.5 Transport and parking

8.5.1 As a result of negotiations with Highways, the layout of the scheme has been amended and the original objection has been withdrawn. The number of parking spaces meets ESCC standards, a turning circle has been provided and a footway will be constructed. All dwellings will have a cycle store, details of which have been provided within the submitted plans. Details of electric car charge points will be secured by condition.

8.5.2 The site is well located in relation to public transport, with bus routes to Brighton and Newhaven. There are shops, schools and other community facilities within 10-15 minutes walk of the site. There is a public bridleway located 280m to the west of Downs Walk, connecting Peacehaven with Saltdean and National Cycle Route 2 is 1.4km to the south. The site is considered to be in a sustainable location.

8.5.3 In all respects, the proposal is compliant with policy CP13.

8.6 Sustainability & Drainage

8.6.1 The supporting statement submitted with the application refers to the use of renewable energy sources and sustainable building methods. A condition is recommended to secure further details of the measures to be adopted to comply with policy CP14.

8.6.2 A basic drainage scheme was submitted with the application, indicating soakaways in each garden for storm water and a local pumping station for foul waste, Further details of the drainage scheme is sought by condition.

8.7 Summary

8.7.1 On balance and taking into consideration the council's situation regarding housing land supply, the proposed development is acceptable. It meets all national and local planning policies and will provide good quality homes in a sustainable location. Approval is therefore recommended, subject to conditions set out below.

9. **Human Rights Implications**

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

10. **Recommendation**

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

10.2 Conditions

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

PLAN TYPE	DATE RECEIVED	REFERENCE
Design & Access Statement	20 July 2022	Design and Access Statement
Survey Plan	28 January 2021	01 Site survey
Proposed Block Plan	19 May 2022	100G Proposed block and site plan
Proposed Elevation(s)	30 May 2022	102D Proposed houses - elevations
Proposed Floor Plan(s)	30 May 2022	102D Proposed houses - floor plans
Location Plan	21 March 2022	02B - Location plan
Other Plan(s)	19 May 2022	103F Proposed drainage plan
Proposed Elevation(s)	18 March 2022	101D Proposed bungalows - elevations
Proposed Floor Plan(s)	18 March 2022	101D Proposed bungalows - floor plans
Additional Documents	8 January 2021	Preliminary Ecological Appraisal
Transport Assessment	3 June 2022	Transport Statement - update
Transport Assessment	18 March 2022	Transport Statement addendum

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

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

3. **Layout of Access** No development shall take place until details of the layout of the new access (extension of Downs Walk and private accesses) and the specification for the construction of the access which shall include details of surface water drainage, levels, street lighting, repositioning of existing street furniture have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the use hereby permitted shall not commence until the construction of the access (continuation of Downs Walk and private accesses) has been completed in accordance with the agreed specification.

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

4. **Drainage Details** No development shall commence, including any ground works or works of demolition until a drainage scheme for the site has been submitted to and approved by the Local Planning Authority and the works carried out as approved. The scheme shall include proposals for both storm and foul drainage, supported by calculations to demonstrate that the system and capacity will support the number of dwellings proposed, as well as a plan for its future management.

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

5. **External Materials** No development shall commence above ground floor slab level of any part of the development hereby permitted until details/samples of all external materials have been submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

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

6. **Hard and Soft Landscaping** No development above ground floor slab level of any part of the development hereby permitted 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

7. **Ecological Enhancements** No development above ground floor slab level of any part of the development hereby permitted shall commence until details of ecological enhancements, as set out in the Preliminary Ecological Appraisal & prepared by Lizard Landscape Design and Ecology, dated December 2020, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out 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, Core Policy CP10 of the Lewes District Local Plan 2016 and Lewes District Council's Biodiversity Net Gain Technical Advice Note.

8. **Renewable Energy** No development above ground floor slab level of any part of the development hereby permitted shall commence until a report has been submitted to, and approved in writing by, the Local Planning Authority, to include details and drawings to demonstrate how a minimum of 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The report shall

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

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

9. **EV Charging** No part of the development shall be occupied/brought into use until details for the provision of electric car charging points, both in the dwellings and for visitors, have been submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with that approval prior to occupation.

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

10. **Cycle Parking** No part of the development shall be occupied until the covered and secure cycle parking stores shown on the submitted plans have been provided.

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

11. **Refuse and Recycling Details** No part of the development shall be occupied until the refuse and recycling bin facilities shown on the submitted plans have been provided.

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

12. **Parking Space 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

13. **Vehicle Turning** 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 obstructed.

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

14. **Siting of Garages** The garages shall be positioned at least 5.5m back from the edge of the highway (and open inwards) 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

15. **Design of New Highway** The new estate road, continuation of Downs Walk (private street) shall be designed and constructed to a standard approved by the Planning Authority in accordance with Highway Authority's standards with a view to its subsequent adoption as a publicly maintained highway.

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

16. **Unexpected Contamination** If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the 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.

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

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

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

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

10.3 Informatives:

1. The applicant is advised to enter into a legal agreement with East Sussex County Council, as Highway Authority, for the proposed adoptable sections of the on site highway works. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that any works commenced prior to the agreement being in place are undertaken at their own risk.

2. The applicant is advised to contact the Transport Development Control Team (01273 482254) to commence the process associated with the proposed Traffic Regulation Order. The applicant would be responsible for meeting all costs associated with this process which is a minimum of £5000. The applicant should note that the outcome of this process cannot be guaranteed as it is open to public objection.
3. All waste material arising from any site clearance, demolition, preparation and construction activities at the site should be stored, removed from the site and disposed of in an appropriate manner.

11. **Background Papers**

- 11.1 None.

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Agenda Item 12

Report to: Planning Applications Committee

Date: 7 September 2022

Application No: LW/21/0988

Location: Travis Perkins, Green Road, Wivelsfield Green, RH17 7QL

Proposal: AMENDED SCHEME Demolition of existing commercial buildings and construction of a residential redevelopment scheme comprising 3no pairs of semi-detached houses, new access road and turning head, retention, and adjustment of public footpath, refuse and recycling store and associated landscaping.

Applicant: Holmekey Ltd

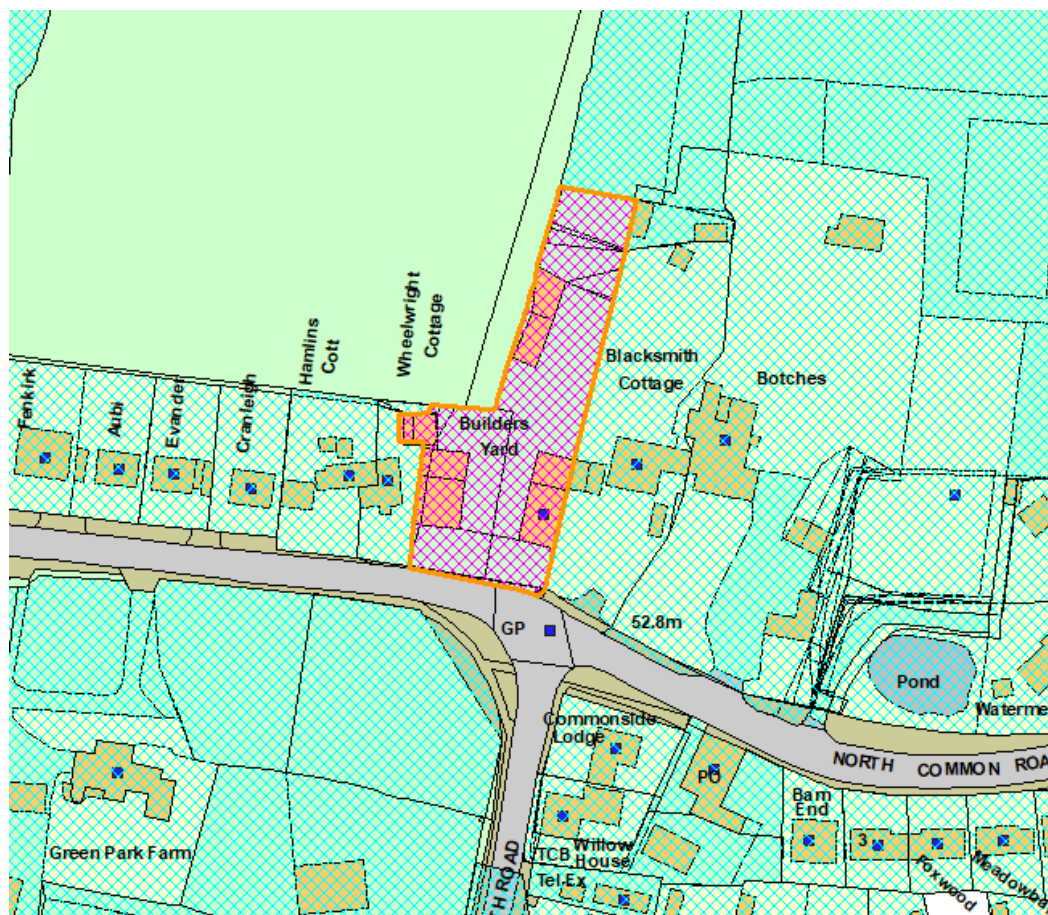
Ward: Chailey and Wivelsfield

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 make a welcome contribution to 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 sustainable transport

Making effective use of land

Achieving well designed places

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

Conserving and enhancing the natural environment

2.2 Lewes District Local Plan

LDLP: – SP2 – Distribution of Housing

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP13 – Sustainable Travel

LDLP: – CP14 – Renewable and Low Carbon Energy

LDLP: – DM1 – Planning Boundary

LDLP: – DM21 – Land Contamination

LDLP: – DM24 – Protection of Biodiversity and Geodiversity

LDLP: – DM25 – Design

LDLP: - DM26 – Refuse and Recycling

LDLP: - DM27 – Landscape Design

2.3 Wivelsfield Neighbourhood Plan

WNP: - Policy 1 – A Spatial Plan for the Parish

WNP: - Policy 5 – Design

3. **Site Description**

- 3.1 The application site is located on the north side of Green Road, Wivelsfield, almost opposite the junction with South Road. The site is mainly rectangular and covers an area of 0.2 hectares, stretching northwards from the frontage. The site slopes gently to the north, culminating in a concrete platform with ramped access at the northern boundary, approximately 2.56m higher than the level at the front. The site has been used as a builder's yard (Travis Perkins) since at least 1970 but was closed in 2020 as part of the company's rationalisation process to dispose of smaller depots.

- 3.2 There are three existing buildings on the site, as well as a number of open bays separated by concrete walls, all in a poor state of repair. The site is covered with a mix of concrete and tarmac.
- 3.3 The northern boundary backs onto open countryside, as does the top part of the western boundary. Both boundaries are planted with mature conifers on the side of the adjoining site. The lower part of the site shares a boundary to the west with the adjoining property, Wheelwright Cottage. There is a building and a car port within the curtilage of this property that adjoins the rear of one of the buildings on the application site. The eastern boundary is shared with Blacksmith Cottage, a detached property which is set approximately 3.6m higher than the application site. The shared boundary is a brick wall on top of 8 courses of blockwork.
- 3.4 There is a public footpath (number 5) running through the site from the south, with gated access and sign posting, which continues into the open countryside. Part of the site falls within an Ancient Woodland 500m Buffer Zone and all within a SSSI Impact Risk Zone.
- 3.5 Green Road runs from the B2112 in the north-west and joins North Common Road at the junction with South Road. For the most part of Green Road, there is development on one side only – on the north side, the properties are mainly detached, dating from the mid-20th century, finished with brick walls and concrete roof tiles. Wheelwrights Cottage is older and is rendered with plain tiles. Similarly, Blacksmith Cottage is part rendered, part timber clad, with plain roof tiles.

4. Proposed Development

- 4.1 The application seeks full planning permission to demolish the existing buildings and to build six new houses with associated surface parking and landscaping. A new internal access road will be created, including a turning head. Access to the existing public footpath will be retained but slightly re-aligned. This will be the subject of a separate application to ESCC.
- 4.2 Details of the proposed units are as follows:
- Units 1, 2, 3 and 4 – 3 bed/4 persons, 2 parking spaces per unit, front and rear gardens
 - Units 5 and 6 – 3 bed/5 persons, 2 parking spaces per unit, rear gardens
 - Two visitor parking spaces
- 4.3 The existing access to the site will be retained and suitably amended and improved.
- 4.4 The application as originally submitted included a flat above a garage, located towards the centre of the site, and units 1 and 3 had parking in their front gardens. The amendment is a result of negotiations with officers.

5. Relevant Planning History

- 5.1 There are numerous entries in the planning register relating to the site, mainly relating to minor extensions and other works associate with Travis Perkins. The only application of relevance, due to potential land

contamination, is E/70/0868 for Paraffin vending machine and storage tank at builder's storage yard, approved 21 December 1970.

6. Consultations

6.1 Wivelsfield Parish Council

Comments on original application (7-unit scheme)

- 6.1.1 At its meeting of 10 January 2022, Wivelsfield Parish Council resolved that it could not support the above application in its present form.
- 6.1.2 This is a brownfield site and within the planning boundary and, as such, the Council supports the principle of development, if the housing numbers, type, and design were appropriate. However, it was felt that the density of housing proposed is too high. It is given as 35 dwellings per hectare, whereas for the village it is the Council's understanding that this should be no more than 25 dwellings per hectare. The Council thought that, given the recent Somerset House development and likely development on the Springfield Industrial estate (both of which are for smaller, 2 to 3-bedroom dwellings), three larger houses would be better.
- 6.1.3 The Council also sought clarification on issues raised by immediate neighbours which included the apparent demolition of their garage (as per the plans) and the site boundary being unclear, as well as concerns that were raised regarding the risk of flooding and the risk of damage to the main drain when existing concrete is cleared.
- 6.1.4 Comments on amended application (6-unit scheme) awaited at time of writing report.

6.2 Environmental Health – Contaminated Land

If LPA is minded to grant a planning permission, recommend conditions covering the following issues

Land contamination

Unsuspected contamination

Verification report

Construction Environmental Management Plan (CEMP)

Asbestos

Hours of work

Informative

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

6.3 District Services

- 6.3.1 Swept Path to comply with the requirements of the existing waste fleet 11.9 metres long and 2.6 metres wide.

6.4 ESCC Highways

6.4.1 No response.

6.5 Trees and Landscape Officer

6.5.1 No response

6.6 Southern Water

6.6.1 No response

6.7 ESCC Ecology Officer

6.7.1 No response

7. Neighbour Representations

7.1 Representations have been received from 9 local residents objecting to the application for the following reasons:

- Part of the development site appears to be on land adjoining
- Not enough parking, will be dangerous for other residents
- Loss of commercial land
- Site isn't in Neighbourhood Plan
- Similar developments would be overdevelopment of the village by stealth
- Insufficient local infrastructure
- Too dense for the site
- Site is used for essential parking for the school
- Too close to dangerous junction
- More new houses not needed
- Concern that proposal involves building on the field behind the site
- Loss of privacy to adjoining properties
- Access for statutory services may be required through adjacent site
- Damage to walls to adjoining properties
- Concern about natural spring near site and well on site.

7.2 One representation of support, one neutral with following comments

There is a need for more dwellings in the village

Support development on brownfield sites

Please be aware that the mains water pipe for nearby properties runs under the site.

7.3 Any further comments received following re-consultation on amended scheme will be reported in the Supplementary Report.

8. Appraisal

8.1 Principle

8.1.1 The application site falls within the Wivelsfield planning boundary and is compliant with policies DM1 and 1 (of the Wivelsfield Neighbourhood Plan WNP). As a brownfield (previously developed site), the proposal is supported by policy CP2, housing policies in the WNP and the NPPF. The scheme will deliver 6 smaller homes, again supported by policy CP2. The density, at 30 dph, is the maximum recommended in policy CP2 for village locations.

8.2 Loss of employment use

8.2.1 Policy CP4 seeks to protect existing employment sites. A change of use will be considered acceptable so long as it is supported by appropriate and robust evidence to demonstrate the economical case for not retaining the site for employment use. A demonstrated lack of developer or tenant/occupier interest should include evidence of at least 12 months of active and continuous marketing, as well as reasons for not pursuing interest for employment use.

8.2.2 A Marketing Report was submitted with the application the closure of the premises followed a decision by Travis Perkins to close a number of its smaller depots, particularly in rural and village locations which had become unviable. Marketing commenced in August 2020, using the agents' existing mailing lists, online marketing with various other property agencies and a virtual video tour.

8.2.3 Although there was a good level of interest, no offers were received from parties interested in continuing the existing use or for another employment use. Reasons given included the lack of viability for the current use, poor quality of the buildings and site, proximity to residential uses that might restrict operations, lack of security due to public footpath running through the site. All firm offers were from housing developers.

8.2.4 On balance and taking into consideration the fundamental changes that the economy has experienced during and after the pandemic, and the current shortfall in the District Council's five year housing supply, the loss of this poor quality employment accommodation is considered to be acceptable in this case.

8.3 Design, landscape, and ecology

8.3.1 The traditional design and external materials palette reflect the local vernacular in all aspects. A such, the proposal is compliant with policies CP11, DM25 and 5 (of the Wivelsfield NP).

8.3.2 The submitted drawings indicate the proposed hard and soft landscaping materials and native tree species to be planted in various locations throughout the site. The landscaping scheme is considered to be appropriate for the location and to meet the requirements of policy DM27 and will improve the biodiversity of the site as per policy DM24.

- 8.3.3 The application documents included an Arboricultural Report. This reveals that no tree removals are required to accommodate the scheme with the only tree work required being the reduction of overhang from unmaintained neighbouring trees and hedges.
- 8.3.4 Furthermore, the report concludes that potential landscape improvements associated with the scheme, the proposed development is considered to offer significant improvements to the rooting environment of existing trees, as well as the potential for an increase in tree cover and species diversity; as such, the scheme is considered to be acceptable in Arboricultural terms. Tree protection measures are recommended in the Report, which will be secured by condition.
- 8.3.5 The Preliminary Ecology Assessment submitted with the application concluded that the proposal will not have any impact on the SSSIs in the area. The habitats on site are of limited ecological value. However, the coniferous tree line outside of the site is considered to be of interest and should be retained and protected during construction.
- 8.3.6 In terms of protected species, a bat roost (brown long eared bat) one of the existing buildings was identified and another had low potential. Further surveys were subsequently carried out in August and September 2021. These revealed that building B1 is used as a 'daytime roost' for one bat species. Works to demolish this building must continue sensitively under a Natural England low-impact license and an alternative roosting space such as a bat box should be provided.
- 8.3.7 No opportunities for reptiles or GCNs are present on the site, but it is recommended that care is taken when removing grassed features on the site.
- 8.3.8 Any works that could affect nesting birds in the adjacent trees should be performed outside of the breeding season or under a watching brief.
- 8.3.9 The report includes recommendations for enhancements aimed at improving the ecological value of the site post-development. These include native planting to encourage wildlife, insect refugia, bat boxes, bird nesting boxes, hedgehog boxes.
- 8.3.10 Measures for protection and enhancement as recommended in the PEA will be secured by condition in order to meet the requirements of policy DM24

8.4 Amenity

- 8.4.1 The houses all meet the Nationally Described Space Standard in terms of overall unit size, bedroom sizes and storage space. Each house has private garden space and areas for bin storage.
- 8.4.2 The houses have been arranged on site to avoid mutual overlooking and overshadowing. There would be no adverse impact on the amenity of the residents of adjoining properties.

8.4.3 The amenity aspects of policies CP11 and DM5 and DM26 will be met.

8.5 Transport and parking

8.5.1 The application was accompanied by a Transport Technical Note. This document demonstrates that the proposed use will considerably reduce traffic movements from the site in comparison with the permitted use – from a peak of 84 trips per day to a peak of 22. The TTN includes drawings to show that the access road is wide enough for two cars to pass and a swept path analysis that shows the site can accommodate a standard fire appliance, although there is insufficient space for the District Council's current waste vehicle fleet. Further details of a suitable collection place for bins that meet the Waste Team's requirements will be secured by conditions.

8.5.2 Parking demand for the scheme from the ESCC calculator is 14 spaces. 14 spaces have been provided, 2 per dwelling and 2 for visitors, which meets the demand. Electric charge points will be secured by condition.

8.5.3 Although not shown on the layout plan, there is space in the gardens to provide cycle stores, details of which will, again, be secured by condition.

8.5.4 The nearest bus stops to the site are at Ote Chapel, Ditchling Road, a 13-minute walk away to the north west. There are four bus routes served by these stops, connecting the area with Lewes, Haywards Heath, Crawley, Brighton, Princess Royal Hospital and railway stations at Burgess Hill and Three Bridges.

8.5.5 Wivelsfield and Plumpton railway stations are less than 10 minutes' drive from the site. There are a number of recreational cycle routes in the wider area. A primary school, community hall and convenience grocery shop located within a 10-minute walk of the site.

8.5.6 It is considered that the site is compliant with policy CP13 in terms of access to sustainable transport.

8.6 Sustainability

8.6.1 The application was not accompanied by Energy or Sustainability statements, but these can be secured by condition. It is noted that there are opportunities to locate PV panels on the south facing slopes of the roofs of all of the houses in order to provide renewable energy.

8.7 Comments on objections

8.7.1 Most of the objections have been covered above in the considerations. The comment about encroachment onto the adjacent site was passed to the applicant. Proof of Title was provided to show that this is not the case.

9. **Human Rights Implications**

9.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the

impact on local people is set out above. The human rights considerations have been considered fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.

10. Recommendation

10.1 On balance, it is considered that the development of the site meets all relevant national and local policies outweighs the loss of poor-quality employment floorspace.

10.2 Approval is recommended subject to conditions.

10.3 Conditions

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

PLAN TYPE	DATE RECEIVED	REFERENCE
Location Plan	21 December 2021	Site Location Plan
Proposed Layout Plan	5 August 2022	20/677-1B - Proposed Site Layout Plan
Proposed Floor Plan(s)	21 December 2021	20/677-4 - Plots 1,2,3 and 4 Ground Floor Plan, First Floor Plan and Elevations
Proposed Floor Plan(s)	21 December 2021	20/677-6 - Plot 6 and 7 Proposed Ground Floor Plan, First Floor Plan and Elevations
Proposed Sections	10 August 2022	20/677-7A – Proposed site sections
Design & Access Statement	21 December 2021	Planning, Design and Access Statement
Design & Access Statement	5 August 2022	Addendum update to PDA
Transport Assessment	21 December 2021	Transport Technical Note
Additional Documents	21 December 2021	Preliminary Ecological Appraisal and Buildings Inspection
Additional Documents	21 December 2021	Bat Survey Report
Additional Documents	5 August 2022	Update to PEA
Tree Statement/Survey	21 December 2021	Arboricultural Report ²¹
Tree Statement/Survey	21 December 2021	GR/TCP/1877-03 - Tree Protection Plan

PLAN TYPE	DATE RECEIVED	REFERENCE
Tree Statement/Survey	5 August 2022	Update to Arb Report
Additional Documents	21 December 2021	Marketing Report
Additional Documents	21 December 2021	Marketing Brochure

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

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

3. **Contamination** No development shall commence, including demolition, of the development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), until the following components of a scheme 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) A preliminary risk assessment which has identified:

(i) all previous uses

(ii) potential contaminants associated with those uses

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

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

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

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without

unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM21 of the Lewes District Local Plan and the National Planning Policy Framework.

4. **Asbestos Survey** Prior to demolition works, 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 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.

5. **Tree Protection** No development shall commence, including demolition, until the tree protection measures as set out in the Arboricultural Methodology Statement by Sylvanarb, dated 20 October 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.

6. **Species License** No development shall commence, including demolition, until a Low Impact License has been obtained to allow the removal of any bats found on the site to an alternative bat roosting space that has been provided in the immediate area. The removal works and a toolbox talk to the contractors must be supervised by a suitably qualified ecologist.

Reason: To ensure that any protected species that are found on the site are suitable protected, 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.

7. **Sensitive Site Clearance** No development shall commence, including demolition, until careful and sensitive removal of any potential habitats for reptiles/Greater Crested Newts has been carried out, supervised by a Suitably Qualified Ecologist.

Reason: To ensure that any protected species that are found on the site are suitable protected, 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.

8. **Bird Nesting Season** No site works that would affect the trees in the adjoining site shall be carried out during bird nesting season, unless supervised by a Suitably Qualified Ecologist.

Reason: To ensure that any protected species that are found on the site are suitable protected, 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.

9. **Site Access Details** No development shall commence until works to alter the access to the site has been completed in full in accordance with approval from the Highways Authority.

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

10. **External Materials** No development shall commence, above ground floor slab level of any part of the development hereby permitted until details/samples of all external materials have been submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

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

11. **Hard and Soft Landscaping** No development above ground floor slab level of any part of the development hereby permitted 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

12. **Details of Ecological Enhancements** No development above ground floor slab level of any part of the development hereby permitted shall commence until details of ecological enhancements, as set out in the Preliminary Ecological Appraisal & Buildings Inspection prepared by The Ecology Partnership, dated July 2021 have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out 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, Core Policy CP10 of the Lewes District Local Plan 2016 and Lewes District Council's Biodiversity Net Gain Technical Advice Note.

13. **Sustainable Energy** 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.

14. **EV Charging** No part of the development shall be occupied/brought into use until details for the provision of electric car charging points, both in the dwellings and for visitors, have been submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with that approval prior to occupation.

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

15. **Cycle Parking** No part of the development shall be occupied until details of covered and secure cycle parking stores have submitted to and approved by the Local Planning Authority and the works carried out as approved.

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

16. **Refuse Details** No part of the development shall be occupied until details of the storage of and collection points for, refuse and recycling bins have submitted to and approved by the Local Planning Authority in accordance with guidance from the Waste Team.

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

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

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

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

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

19. **Unexpected Contamination** If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the 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.

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

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

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

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

10.4 Informatives:

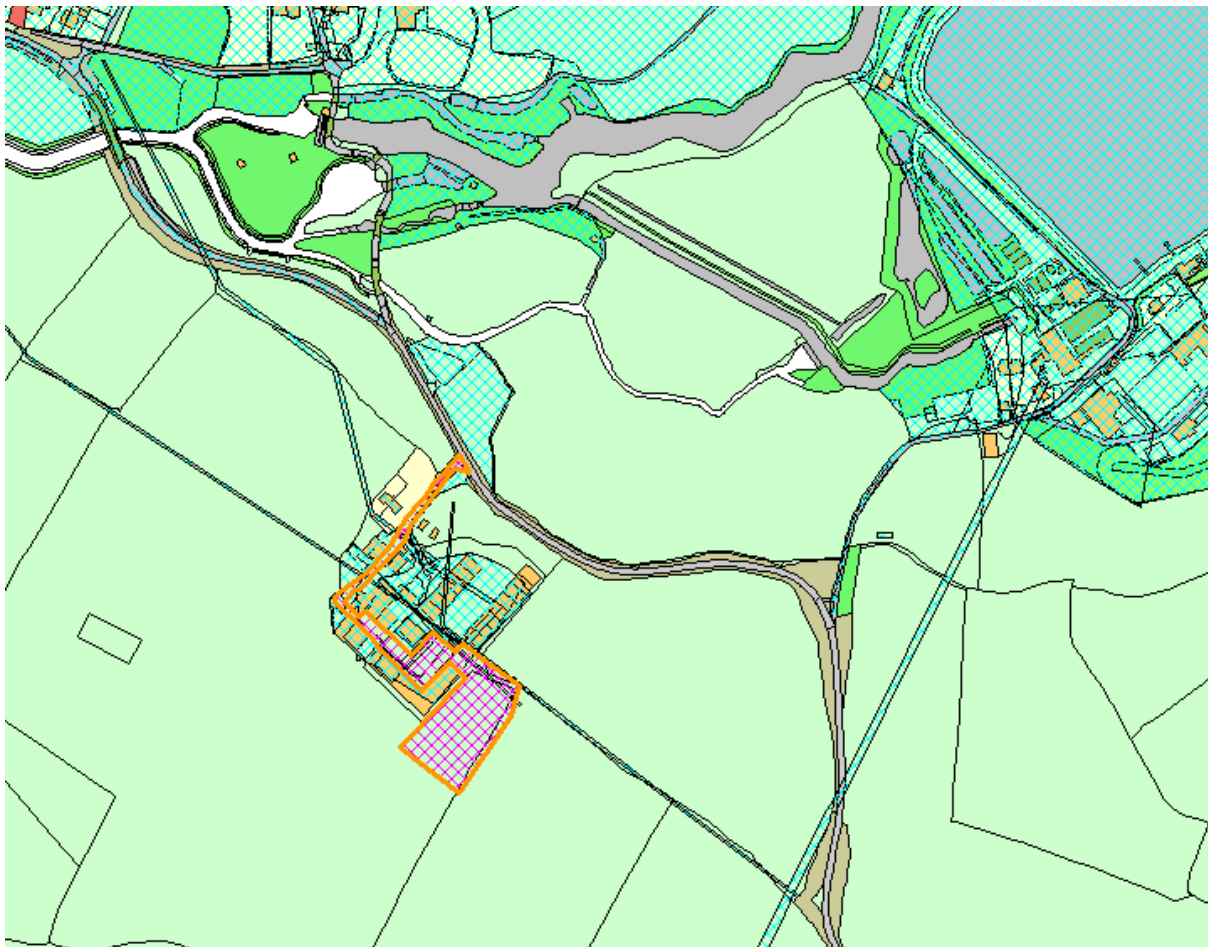
All waste material arising from any site clearance, demolition, preparation, and construction activities at the site should be stored, removed from the site, and disposed of in an appropriate manner.

11. **Background Papers**

11.1 None.

Report to: Planning Applications Committee
Date: 7 September 2022
Application No: LW/21/1005
Location: Bridge Farm, Barcombe Mills Road, Barcombe
Proposal: Erection of one workshop comprising 6 modular units with associated car parking on the established rural employment site
Ward: Ouse Valley and Ringmer
Applicant: Mr M Stroude
Recommendation: Refuse planning permission.
Contact Officer: **Name:** James Smith
E-mail: james.smith@lewes-eastbourne.gov.uk

Map Location:



1. Executive Summary

- 1.1 The proposed development involves an expansion of an existing rural business estate outside of the area of previously developed land that the existing estate is built over.

- 1.2 Whilst farm diversification and rural employment development are supported as a means to improve the rural economy this support is caveated by a need, amongst other considerations, to preserve the character and quality of the surrounding rural environment.
- 1.3 It is considered that the proposed development represents unacceptable sprawl that encroaches into an undeveloped green buffer around the existing site. As such, it is considered that the proposed development would have a harmful impact upon the surrounding landscape which would outweigh any benefit provided by the scheme. It is also considered that there are more appropriate sites available within Ringmer Neighbourhood Plan allocations and other rural areas within the district to provide opportunities employment development.
- 1.4 It is therefore recommended that the application is refused.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework 2021

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

2.2 Lewes District Local Plan (Parts 1 and 2)

- LLP1: – SP1 – Provision of Housing & Employment Land
- LLP1: – CP4 – Economic Development & Regeneration
- LLP1: – CP10 – Natural Environment & 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: – DM9 - Farm Diversification
- LLP2: – DM10 - Employment Development in the Countryside
- LLP2: – DM11 - Existing Employment Sites in the Countryside
- LLP2: - DM14: Multi-functional Green Infrastructure

LLP2: – DM18 - Recreation and Rivers
LLP2: – DM19 - Protection of Agricultural Land
LLP2: – DM20 – Pollution Management
LLP2: – DM21 - Land Contamination
LLP2: – DM22 – Water Resources and Water Quality
LLP2: – DM23 – Noise
LLP2: – DM24 – Protection of Biodiversity and Geodiversity
LLP2: – DM25 – Design
LLP2: - DM26 - Refuse and Recycling
LLP2: – DM27 – Landscape Design
LLP2: – DM33 – Heritage Assets

2.3 Ringmer Neighbourhood Plan

4.1 The countryside in Ringmer
4.4 The River Ouse banks between Lower Stoneham and Barcombe Mills
4.5 Access to the countryside: public footpaths
4.6 Accessible countryside and natural or semi-natural greenspace
4.9 Green corridors, ponds, and streams
4.10 Maintaining and enhancing biodiversity
4.11 Avoidance of light pollution
5.1 Employment in Ringmer
EMP23 Bridge Farm, Barcombe Mills
8.2 The local road network within Ringmer parish
8.3 Provision of adequate off-road parking
8.5 Road safety
8.10 Water supply
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
9.6 Hard & soft landscaping

3. Site Description

3.1 The site is located outside of the planning boundary and occupies a former farmyard area which has been redeveloped over time as a small

industrial/business estate which is occupied by a cluster of purpose built commercial units contained within metal clad sheds.

- 3.2 Units of a variety of sizes are present, contained within 7 main buildings which are subdivided accordingly. The site is accessed via a crossover on Barcombe Mills Road which connects with a network of hard surfaced internal roads which provide access to each unit. Hard surfaced parking areas are provided within the site.
- 3.3 The site occupies low lying land to the east of the river Ouse. Other than a pair of semi-detached houses to the immediate north of the site the surrounding landscape is largely undeveloped, comprising a network of predominantly arable enclosed fields with Barcombe Mills and reservoir relatively close by to the north. A public footpath, RIN/7/2 directly flanks the eastern site boundary, running north towards Barcombe Mills and south towards Upper Wellingham.
- 3.4 The majority of the existing business estate falls within the area identified as an Employment Site under EMP23 of the Ringmer Neighbourhood Plan. However, the site itself falls outside of this designation, lying to the south-east of it. The site falls wholly within the area subject to policy 4.4 of the Ringmer Neighbourhood Plan which seeks to encourage recreational and tourist use of the river banks between Chalkham Farm and Barcombe Mills.
- 3.5 The site itself is identified as being at very low risk of tidal, fluvial or surface water flooding. However, it is noted that the site access falls within Flood Zone 3 (high risk of tidal/fluvial flooding) and part of the wider business site to the north falls within Flood Zone 2 (medium risk of tidal/fluvial flooding). The site also falls within an Archaeological Notification Area.
- 3.6 Other than those mentioned above, there are no specific planning designations or constraints attached to the site or the immediate surrounding area.

4. Proposed Development

- 4.1 The proposal involves the erection of a single workshop building which would be subdivided into 6 x self-contained units. The building would measure approx. 91.5 metres in length. The western elevation would be staggered increasing from 16.76 metres depth on the northern side of the building to 22.76 metres on the southern side. The eaves height of the roof would be at 5.629 metres with a shallow pitch up to the ridge at 6.1 metres. The overall floor area provided would be 1,842 m², all at ground floor level.
- 4.2 It is noted that mezzanines have been installed in some of the existing units but no mezzanine level would be included within the proposed building.
- 4.3 Openings provided would comprise roof lights installed in both the east and west facing roof slopes, full height shutter doors and adjacent personnel doors for each unit on the western (front) elevation and a single personnel door for each unit on the eastern (rear) elevation.

- 4.4 A hard surfaced parking, turning and access area would be provided to the north of the building. 31 parking bays provided, 4 of which would be of suitable dimensions for use by people with disabilities.
- 4.5 The existing footpath flanking the east of the site would be diverted to the the opposite side of the hedgerow marking the boundary between the site and the field to the east. This would require a footpath diversion order to be agreed with East Sussex County Council.
- 4.6 A surface water attenuation pond would be formed to the south of the buiding and tree and hedge planting would be included on the eastern boundary and to the south of the building where it would be in the form of a 5-10 metre wide belt of trees and heging intended to provide screening.

5. Relevant Planning History

- 5.1 **LW/11/0124** - Change of use of farm buildings to business uses (B1 & B8) – Approved Conditionally 31st March 2011
- 5.2 **LW/15/0456** - Change of use from agricultural building to a flexible commercial use under Class R – Approved Conditionally 10th August 2015
- 5.3 **LW/16/0506** - Erection of new B1/B8 workshops – Approved Conditionally 24th November 2016
- 5.4 **LW/17/0257** - Amendment to planning approval LW/16/0506 (Erection of new B1/B8 workshops) to alter the elevations to provide translucent panels – Approved Conditionally 3rd April 2017
- 5.5 **LW/19/0923** - Erection of two B1/B8 workshops on established rural employment site – Approved Conditionally 3rd April 2020

6. Consultations

6.1 Consultations:

Ringmer Parish Council:

Support.

Barcombe Parish Council (Note: The application site is in Ringmer Parish but adjacent to Barcombe Parish)

Barcombe Parish Council is negative towards application LW/21/1005.

The main concern for both neighbours and members of the Parish Council was over development of the site. The existing size and level of activity on the site was felt to be sufficient. Other issues raised included increase in traffic volume, road safety, road damage caused by increased traffic, the impact on the dark sky of site lighting and possible flood risk from increase in hard surfaces.

The Parish Council also requests that conditions from the previous development are reviewed as light fittings appear not to be

hooded/subject to motion detection triggers. It is also reported that lights are on late into the evening.

LDC Ecology:

It is considered that sufficient information has been provided to be able to assess the ecological impacts of the proposed development. Works should only be undertaken under a precautionary approach and in accordance with the recommendations in the Preliminary Ecological Appraisal (Phlorum, June 2021) and in the additional advice given above. Further details of habitat and species enhancement measures should be submitted prior to commencement of development. These could be included within an Ecological Design Strategy (EDS) or similar document.

ESCC Highways:

This application seeks approval for the erection of one B1/B8 workshop with 1842sqm of lettable space and associated car parking. This will create an extension to an existing site which received approval under planning applications (LW/11/0124) and (LW/19/0923) for B1/B8 use. Given the rural nature of the site it is difficult to fully predict the number of movements generated by the development. Although the trips rates put forward with the previous application were considered unlikely to have a severe impact on the surrounding transport network, as this application seeks to effectively double the site, a survey showing the number of daily movements to and from the site should be submitted in support. This could be done by way of occupant survey detailing the number of average daily movements (this should include staff and deliveries) or a count at the access. Concerns with the location of the site and the lack of footway connection were also raised in the previous comments; but given the size of development it was considered that suitable measures to reduce private car trips could be implemented to meet CIL tests i.e., be in scale with the development proposals.

Following the outcome of the survey the travel plan statement and measures put forward should be reviewed to ensure that the site will still provide suitable methods to reduce private car trips to and from the site.

It should be noted that the whole site had been developed under one planning application improvements to pedestrian/cycling connections to and from the site are likely to have been requested from the start.

7. Neighbour Representations

7.1 19 letters of support have been received. A summary of comments made is provided below:-

- The site has good infrastructure, good transport connections, a sense strong community and is appealing to businesses.
- There is high demand for modern purpose-built commercial units.

- Sympathetic screening can be provided.
- Supports local businesses and provides employment.
- Shorter commutes for rural based workers.
- Lack of similar units available elsewhere.
- There would be minimal amenity impact.
- Presence of people on site supports other local businesses.
- Introduction of recreational uses on industrial estates in Lewes is making it harder for commercial uses to operate there and a facility such as the proposed development is therefore needed.

7.2 17 letters of objection have been received. A summary of comments made is provided below:-

- Would create an industrial estate in the countryside.
- Unsympathetic to the open character of the countryside.
- Industrialisation of an area of countryside which is well used for recreational purposes.
- Additional traffic passing through Barcombe Cross.
- Unsympathetic lighting would impact upon dark night skies.
- Increase in noise pollution.
- Lack of footpath links for pedestrians and position of site access close to bend in road causes a highway hazard.
- The landscaping provided for the existing development has not been effective, especially in winter months.
- Loss of habitat and damage to wildlife.
- Increased flood risk due to hard surfacing.
- Goes far beyond the renovation of the original farmyard.
- Loss of agricultural land.
- Overdevelopment of the site.
- LDC planning policy objected to the previous application.
- Piecemeal development of the site

7.3 1 neutral letter has been submitted stating the following:-

- It should be ensured that translucent panels are not included in the walls of the buildings as they have been in those approved under LW/19/0923 as this has resulted in light pollution.

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, upon green

infrastructure and the wider landscape, neighbour amenities, highway/pedestrian safety and flood risk with the ultimate consideration being the balance any harms and benefits caused by the scheme on the context of the economic, environmental and social objectives that comprise sustainable development.

- 8.1.2 The demand for additional employment facilities will be considered as well as the current availability of land/existing facilities to meet this demand.

8.2 Principle

- 8.2.1 The site is located outside of the settlement boundary. Policy DM1 of the Lewes District Local Plan (part two) adopts a strict approach to development within the countryside, stating that 'outside the planning boundaries, the distinctive character and quality of the countryside will be protected and new development will only be permitted where it is consistent with a specific development plan policy or where the need for a countryside location can be demonstrated.
- 8.2.2 Para. 84 (b) of the National Planning Policy Framework (NPPF) states that planning policies and decisions should support the development and diversification of agricultural and other land-based rural businesses.
- 8.2.3 Para. 85 goes on to state that 'Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'
- 8.2.4 Policy CP4 of the Lewes District Local Plan Part 1 states that 'in order to stimulate and maintain a buoyant and balanced local economy through the rural economy and ensuring that the district's economy does not become reliant on one or two sectors, the local planning authority will take a flexible and supportive approach to economic development.'
- 8.2.5 Policy DM9 of Local Plan Part 2 (LLP2) identifies development which forms part of a farm diversification scheme or otherwise helps maintain the viability of farm businesses engaged in sustainable land management as acceptable within a rural location provided the following criteria are met.
- I. the proposed development will stimulate new economic activity with a use appropriate to its rural location.
 - II. wherever possible, new or replacement buildings are located within or adjoining an existing group of buildings.

- III. any new building responds sensitively to its rural setting, in terms of its scale, layout, design and use of materials.
 - IV. the proposed development would not create an unacceptable impact on the local road network or require highway improvements that would harm the landscape or ecological value of rural roads in the area.
- 8.2.6 Policy DM10 of LLP2 supports 'low-scale employment development' outside the planning boundaries. The re-use of existing rural buildings is preferred but the demolition and replacement of an existing agricultural or other rural building is supported where this would result in a more sustainable development than could be achieved through converting the building.
- 8.2.7 Finally, LLP2 policy DM11 supports redevelopment and intensification of existing employment sites and, exceptionally, the outward expansion of a site where it can be demonstrated that it would facilitate the retention of an employment use which is important to the local economy, there being no suitable alternative site available and subject to accordance with various criteria that will be assessed in the main body of this report.
- 8.2.8 It is also noted that the bulk of the existing development falls within an area designated as an employment site under EMP23 of the Ringmer Neighbourhood Plan, although the site itself does not fall within this designation.
- 8.2.9 The general principle of rural employment development is therefore considered to be acceptable and the suitability of the site itself for this form of development will be assessed against relevant local and national planning policies and legislation in the main body of this report.

8.3 Planning Obligations

- 8.3.1 None required although a footpath diversion order would need to be put in place to secure the realignment of the footpath on the eastern boundary of the site.

8.4 Visual Impact

- 8.4.1 The site is within a rural setting, other than the cluster of buildings that make up the existing business estate and neighbouring dwellings there is no development within the immediate surroundings and development in the wider landscape is restricted to sporadic clusters of agricultural buildings and rows of dwellings that generally flank roads and do not intrude significantly into the countryside.
- 8.4.2 The business estate has grown in a somewhat piecemeal way, having initially been contained largely within the farmyard area and utilising agricultural buildings that were converted and re-clad it has since extended, primarily northwards towards Barcombe Mills Road, with purpose built buildings being erected, most recently in 2020.
- 8.4.3 The proposed development represents a further outward expansion of the estate. This would bring the development within 6 metres of the

hedgerow that marks the field boundary, Unlike the recent development to the north of the site, which occupies an area which had been partially developed in the past through the provision of chicken sheds and a slurry lagoon, the proposed development would be built over land which is outside of the confines of the original farmyard and previously served as a green buffer, forming part of the field that extended around the western, southern and eastern edges of the farm yard.

- 8.4.4 Policy DM11 of LLP2 specifically states that outward expansion of existing rural employment sites will only be allowed where it can be demonstrated that it would allow for the retention of an existing employment use. There is no indication that any of the existing enterprises occupying units on the site require additional space to continue to function and, in any case, any expansion would still need to comply with criterion 2 of DM11 in that it must not detract from the distinctive rural character of the locality or local residential amenities by virtue of the nature and intensity of the use, noise, dust, fumes, the siting, design, scale and site coverage of the buildings, or its access requirements or associated traffic generation. It is noted that policy 5.1 of the Ringmer Neighbourhood Plan supports the intensification of use of existing sites but not their expansion outside of their defined boundaries. It is also noted that the Neighbourhood Plan states that the identified employment sites 'make provision for more than sufficient new employment land in major sites to meet the anticipated level of demand over the plan period'.
- 8.4.5 The development of the site would intrude into an open buffer maintained around existing buildings, would involve further expansion of the existing hard surfaced internal road, a further expanse of hard surfaced parking area and, ultimately represent a sense of sprawl, with the development of the employment use going beyond the redevelopment of the farmyard area, supported by the Ringmer Neighbourhood Plan.
- 8.4.6 It is considered that the resultant sprawling nature of the site would generate a cluttered appearance, with the nucleated appearance of the employment site as originally permitted unravelling and the green buffers maintained around the site to soften visual impact being removed. Furthermore, whereas a modest collection of commercial buildings in a concentrated arrangement could be read as consistent with a typical agricultural development within when viewed in context with the wider landscape, it is considered that the increase in the scale, intensity and plot coverage brought about by the proposed scheme would generate a cumulative impact that would be fundamentally at odds with the general character of the surrounding landscape.
- 8.4.7 Whilst it is intended to reroute the existing footpath flanking the eastern part of the site to the other side of the hedgerow, the proposed development would be within approx. 7 metres of the realigned path. The proposed building would be visible above the hedgerow, as well as through it in winter months and it is considered

that its prominence would be such that it would appear intrusive and significantly detract from the amenity value of a significant stretch of the footpath, noting that the building is approx. 91.5 metres in length.

- 8.4.8 Para. 100 of the NPPF states that planning decisions should protect and enhance public rights of way and access. LLP2 policy DM35 states development that would have a harmful impact on the convenience, safety or amenity value of the existing or proposed footpath, cycle or bridleway network will only be permitted where this impact can be satisfactorily mitigated or an alternative facility of equivalent or improved quality would be delivered as part of the development. As stated above, given the scale of the development and its proximity to the footpath, it is considered that the rerouting of the footpath would not satisfactorily mitigate the impact of the development.
- 8.4.9 It is considered that the site has been developed to its maximum capacity in terms of landscape impact and it is noted that the Council has supported this. It is therefore considered that the sprawling nature of the proposed development would result in an incongruous, intrusive, and unsympathetic impact upon the rural character of the surrounding environment and that it therefore fails to comply with para. 92, 100 and 174 of the NPPF, policies CP8 and CP10 of LLP1, policies DM11, DM14 and DM35 of LLP2 and policy 4.1 of the Ringmer Neighbourhood Plan.
- 8.5 Impact upon amenities of neighbouring residents:
- 8.5.1 The site is relatively isolated from neighbouring dwellings, with the only residential properties within the immediate vicinity being at 1 and 2 Bridge Farm, some 150 metres to the north of the site, adjacent to the existing employment development.
- 8.5.2 It is therefore considered that the proposed development would not result in any unacceptable adverse impact upon residential amenity due to the relative isolation of the site, provided the use of the proposed building is consistent with the light industrial/storage use of the existing commercial buildings (use classes E (g) and B8) and that there are suitable restrictions on hours of use to prevent sustained vehicular movements around the site entrance, which is adjacent to 1 and 2 Bridge Farm throughout the night as well as noise associated with activities taking place within the building.
- 8.6 Need for employment facilities
- 8.6.1 The application is accompanied by a statement from Locate East Sussex which maintains that the existing units on the site are in high demand, that enquiries for this type of site are regularly made, that units of this type support small and start-up businesses and assist economic growth in the rural area and that there is currently a lack of supply of good quality and affordable business space, driven partly by the loss of industrial units as part of the North Street Quarter development in Lewes and the delay in business development at Malling Brooks coming forward.

- 8.6.2 The Council's Regeneration Officers estimate that the proposed development would provide up to 39 full time equivalent (FTE) jobs and that this would represent an 8.4% increase in FTE employment available within the parish of Barcombe. As such, they consider that the development supports the LDC objective of building community wealth.
- 8.6.3 The Regeneration Officers also consider that the development is consistent with the national government 'levelling up' strategy to address area-based inequality, given that employment opportunities in rural areas are more restricted than in urban parts of the District.
- 8.6.4 The points made above are taken on board and, to a large degree, agreed with. However, it is not considered that they make a case for the need to develop this specific case that is significant enough to warrant allowing a development that would cause harm to the surrounding landscape and environment. The Council supports rural diversification and redevelopment of existing buildings and it is considered that there are many sites within the surrounding area that could be redeveloped in a manner more sympathetic to the rural environment, by remaining within the footprint of existing developed land. It is also noted that intensification and development of a large proportion of employment land sites identified in the Ringmer Neighbourhood Plan has not yet taken place and, as such, there are sites available where such development would be actively supported.
- 8.6.5 Ultimately, the need for rural employment is accepted but it is considered this does not warrant the concentration of a significant, over intensive level of employment on one site. Given the availability of other sites with suitable potential it is considered that refusing the current application would not thwart the delivery of rural employment.

8.7 Transport and Parking.

- 8.7.1 The proposed development would utilise the existing access to the business estate, taken from Barcombe Mill Road and the internal road system would be extended to the east to provide direct access to the site. No designated footways would be provided.
- 8.7.2 A hard-surfaced parking, turning and service area would be provided to the front (west) of the building. A total of 31 car parking bays would be provided within this area to cater for staff and visitor demand.
- 8.7.3 Each building would be fitted with a full height roller shutter door to facilitate deliveries and collections. The areas to the front of each shutter door would be kept free of parking and other obstructions.
- 8.7.4 A condition could be used to prohibit the open storage within the hard-surfaced area in order to ensure accessibility is maintained and pedestrians and vehicles can safely circulate within the site.
- 8.7.5 ESCC Highways have assessed that application and consider that the existing site access is suitable for more intensive use. Whilst there is a minor shortfall in car parking spaces, with ESCC Highways anticipating a demand for 39 spaces rather than 31, the Highway officer considered that parking within the existing development could

provide the necessary additional capacity as it is not currently being fully utilised.

- 8.7.6 The highway officer lodged an objection to the scheme on account of the estimated trip rates not being evidenced by a survey of the existing use. The trip rates generated would impact upon the scope of a Travel Plan Statement, which would set out measures to be implemented to reduce private car trips to and from the site. Whilst the objection is noted, it is considered that the matter could be addressed by a planning condition for a fully evidenced Travel Plan Statement to be provided prior to commencement of development, were the application to be approved.

8.8 Flooding and Drainage

- 8.8.1 The site is located within Flood Zone 1 and, therefore, not identified as being susceptible to tidal or fluvial flooding. Environment Agency mapping also shows that the risk of surface water flooding on the site is low although. It should, however, be noted that the vehicular access to the site falls within Flood Zone 3 and is therefore identified as being at high risk of surface water flooding.
- 8.8.2 The proposed development would introduce a substantial building on a site that is currently undeveloped and permeable. Further development in the form of associated hard surfacing for access, parking and turning would also be introduced on the greenfield site.
- 8.8.3 The submitted application refers to the formation of an attenuation pond to the south of the proposed building which would be used to store surface water and allow for controlled discharge into an existing drainage ditch which follows the course of the field boundary to the east of the site. A package plant would be used to process foul water which would be discharged into the attenuation pond once it had been cleaned. The package plant would require a licence from the Environment Agency, and this would need to be issued prior to any installation. The plant would need to operate in accordance with the licence and Environment Agency conditions throughout the lifetime of the development.
- 8.8.4 Council has proposed a motion requiring greater scrutiny of the capacity for foul sewerage disposal to be provided when assessing all major developments. This is based on the observation that recent figures show that SW 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. As foul sewerage would be managed by a package plant rather than public sewer infrastructure there would be no impact upon Southern Water capacity.
- 8.8.5 The use of an existing watercourse to discharge surface water at an appropriate rate represents a sustainable form of drainage and is supported in principle. If the application were to be approved then full details of the drainage scheme, including discharge rates, attenuation pond capacity, water course capacity, groundwater information and management and maintenance procedures would need to be

submitted to and approved by the Local Planning Authority prior to the commencement of development.

8.9 Ecology & Biodiversity

- 8.9.1 The application is accompanied by a Preliminary Ecological Appraisal (PEA). The PEA includes a habitat survey for areas within and around the site and provides a series of mitigation measures and ecological enhancements that should be incorporated into the development.
- 8.9.2 The proposed development would not result in the loss of any trees that may provide roosting opportunities for bats. An Environmental DNA (eDNA) survey was carried out, incorporating all ponds within 500 metres of the sit. The surveys found no evidence of Great Crested Newts being present in the area. The PEA concluded that the site did not provide a valuable habitat for reptiles and noted that there would be no harmful impact upon breeding birds and dormice given existing hedgerow would be retained and enhanced.
- 8.9.3 The PEA was assessed by the Council's Ecologist and its findings were supported. A precautionary approach to construction works, including a phased clearance of vegetation, has been recommended by the ecologist in order for any wildlife that is on the site to be protected and any reptiles on site to have time to move from the site to other areas.
- 8.9.4 The proposed attenuation pond to the south of the development would also create habitat as well as allow for the control of surface water discharge from the site.
- 8.9.5 Mitigation planting including the strengthening and gapping up of existing hedgerow and the planting of new hedgerow and trees would be incorporated and would serve the dual purpose of providing screening to the development as well as enhancing habitat and green connectivity. Ecological enhancements including bat and bird boxes would be installed in appropriate locations around the development. The ecologist is satisfied with the principle of this approach, subject to full details (including species to be planted maintenance practices) being provided as part of an Ecological Design Strategy (EDS) which would enable the Council to secure a scheme that maximises biodiversity net gain. A minimum of 10% biodiversity net gain would need to be achieved, in accordance with the Council's Technical Advice Note. This would be secured by condition, were the application to be approved.

8.10 Sustainability

- 8.10.1 The development would utilise sustainable drainage systems that include the formation of an attenuation pond that would also provide an amenity and habitat asset. This, as well as other green space created within the overall site area is considered to support the delivery of multi-functional green infrastructure as required by LLP2 policy DM14.
- 8.10.2 The proposed buildings are of a simple metal clad construction, with an interior space that could be configured in a number of ways,

allowing for a good level of adaptability, as evidenced by the range of business types occupying the existing buildings. The materials used could also be easily removed and recycled at the end of their useful life, with the buildings either being renovated or replaced.

- 8.10.3 There is an established business use on the adjacent site, and this is likely to allow for increased potential for car sharing and for delivery services making shared trips to the site, thereby mitigating traffic increase. There is a bus stop approx. 750 metres walking distance to the north-west of the site which is on a circular route to Lewes. Approx. 1.2 km walking distance to the east of the site, on the A26, is a bus stop on the main Brighton to Tunbridge Wells route. Whilst these bus stops are fairly close by, it is noted that there is no pavement alongside the road in either direction away from the site.
- 8.10.4 The applicant has stated that a token operated electric vehicle charging point would be installed for shared use. Given that the Electric Vehicle Charing Points Technical Guidance Note requires 2% of parking bays to be equipped with charging points on all commercial developments incorporating over 100 parking spaces the provision of 1 charging point for 31 spaces is considered to be proportionate. There are shower blocks within the existing development, and it is considered that the availability of these facilities would encourage people to cycle to work. A condition could be used to ensure suitable cycle parking facilities are provided.
- 8.10.5 The proposed building would be constructed in energy efficient materials. There would be openings to the front and rear of each building to allow for ventilation and roof lights would allow for natural light to permeate during daylight hours, reducing the need for artificial lighting.
- 8.10.6 A condition will also be used to secure a Site Waste Management Plan that will detail how any waste material produced during construction can be reused or recycled either on site or, if that is not possible, then in other areas.

8.11 Archaeology

- 8.11.1 The site lies within an Archaeological Notification Area (ANA). The applicant has submitted a desk-based assessment of the archaeological value of the site, potential impacts of the development and mitigation measures to allow for the recording and protection of archaeological artifacts.
- 8.11.2 No comments have been provided by the County Archaeologist to date but it is considered that, were the application to be approved, a condition requiring a programme of archaeological work informed by a Written Scheme of Investigation (WSI) could be secured by condition, as is common practice for development on sites within an ANA.

9. **Human Rights Implications**

- 9.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been

undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

10. Conclusion

10.1 It is considered that, whilst the development offers benefits in terms of delivery of additional employment space, this does not outweigh the harm caused by the encroachment of the development outside of the well defined edges of the site and into the wider countryside.

11. Recommendation

11.1 It is recommended that the application is refused for the following reason.

11.2 The development would compromise the nucleated appearance of the existing business estate, encroaching into a green buffer maintained around the site and representing unacceptable sprawl and a cluttered and unsympathetic pattern of development that would be incongruous and disruptive when viewed in context with the surrounding rural environment and would detract from the amenity value of the passing public footpath. The development is therefore in conflict with para. 92, 100 and 174 of the NPPF, policies CP8 and CP10 of LLP1, policies DM11, DM14 and DM35 of LLP2 and policy 4.1 of the Ringmer Neighbourhood Plan.

11.3 This decision relates solely to the following plans:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	29 December 2021	2116-SK00 - Location Plan
Additional Documents	29 December 2021	Renewable Energy Strategy
Additional Documents	29 December 2021	10511 Rev 1 - Preliminary Ecological Appraisal
Additional Documents	29 December 2021	Planning Statement
Additional Documents	29 December 2021	2021/10 Issue 1 - Highway Report
Additional Documents	29 December 2021	10511 Rev 0 - Great Crested Newt eDNA Report
Additional Documents	29 December 2021	Desk Based Archaeological Assessment
Additional Documents	29 December 2021	hla 429 R01 - Landscape Appraisal

Proposed Block Plan	29 December 2021	2116-SK05 - Proposed Site Plan
Proposed Floor Plan(s)	29 December 2021	2116-SK06 - Proposed Ground Floor Plan
Proposed Roof Plan	29 December 2021	2116-SK07 - Proposed Roof Plan

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

12. **Background Papers**

12.1 None.

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