

Planning Applications Committee 7 December 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, Christoph von Kurthy, Jim Lord, Sylvia Lord, Imogen Makepeace, Milly Manley, Nicola Papanicolaou, Steve Saunders and Richard Turner

Quorum: 5

Published: Friday, 25 November 2022

Agenda

1 Minutes (Pages 5 - 8)

To confirm and sign the minutes of the previous meeting held on 9 November 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/22/0153 - Land North of High Street, Barcombe, East Sussex
(Pages 9 - 38)**

**9 LW/22/0282 - Land Between The Broyle and Round House Road, Ringmer
(Pages 39 - 82)**

**10 LW/20/0609 - Former Hamsey Brickworks, South Road, South Common,
South Chailey, East Sussex (Pages 83 - 110)**

Planning applications within the South Downs National Park

**11 SDNP/22/03583/FUL - The Forecourt, Court Road Car Park, Court Road,
Lewes (Pages 111 - 122)**

Non-planning application related items

12 Date of next meeting

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 11 January 2023, 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

Telephone: 01273 471600

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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, BN7 1UE on 9 November 2022 at 5:00pm

Present:

Councillor Sharon Davy (Chair, Minute No 61 - 67 and Minute No 69 - 72);
Councillor Laurence O'Connor (Vice-Chair, Minute No 61 - 67 and Minute No 69 - 72) (Vice-Chair in the Chair, Minute No 68);
Councillors Graham Amy, Julie Carr (Substitute), Christoph von Kurthy, Imogen Makepeace, Milly Manley, Nicola Papanicolaou, Steve Saunders and Richard Turner

Officers in attendance:

Jennifer Norman (Committee Officer, Democratic Services), Leigh Palmer (Head of Planning First), Nick Peeters (Committee Officer, Democratic Services), Elaine Roberts (Committee Officer, Democratic Services), Joanne Stone (Principal Planning Solicitor) and Claire Tester (Principal Planning Officer, SDNPA)

61 Minutes

The minutes of the meeting held on the 5 October 2022 were submitted and approved and the Chair authorised to sign them as a correct record.

62 Apologies for absence/Declaration of substitute members

Apologies for absence were received from Councillors Jim Lord and Sylvia Lord. It was declared that Councillor Julie Carr would be acting as Substitute for Councillor Sylvia Lord for the duration of the meeting.

63 Declarations of interest

The following Councillors declared personal and prejudicial interests in relation to Agenda Item 8 (*planning application SDNP/19/02125/FUL*) and left the room for the duration of this item and did not take part in the consideration, discussion or voting thereon:

- Councillor Sharon Davy, as the Applicant was known to her and to avoid bias or any appearance of bias;
- Councillor Nicola Papanicolaou, as the Applicant was known to her and as they had previously jointly run a business;
- Councillor Richard Turner, as the Applicant was known to him and to avoid bias or any appearance of bias; and

- Councillor Christoph Von Kurthy, as the Objectors were known to him and he had worked with them.

Councillor Richard Turner declared a non-prejudicial interest in Agenda Item 10 (*planning application LW/22/0254*), as he was a member of Ringmer Parish Council.

Councillor Julie Carr declared a personal and prejudicial interest in Agenda Item 10 (*planning application LW/22/0254*), as she was a Member of the Lewes District Council Cabinet which had previously granted funding to OVESCO. She therefore left the room for the duration of this item and did not take part in the consideration, discussion or voting thereon.

Councillor Laurence O'Connor declared a personal and prejudicial interest in Agenda Item 11 (*planning application LW/19/0926*), as he had been appointed as a representative for Lewes District Council on the Wave Leisure Trust Board. He therefore left the room for the duration of this item and did not take part in the consideration, discussion or voting thereon.

64 Urgent items

There were none.

65 Petitions

There were none.

66 Written questions from councillors

There were none.

67 Officer Update

A supplementary report 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).

68 SDNP/19/02125/FUL - Downlands House, Underhill Lane, Westmeston, BN6 8XE

As Councillor Sharon Davy (Chair) had declared a personal and prejudicial interest in Agenda Item 8, Councillor Laurence O'Connor (Vice-Chair) acted as Chair for the duration of this item.

Councillor Richard Stapleton spoke on behalf of Ditchling Parish Council. Stephen Dempsey (Co-Chair of The Ditching Society) and Dr Geoff Newman (Neighbour) spoke against the proposal. The Committee Officer read a speech for the proposal on behalf of Simon Bareham (Agent).

Resolved:

That planning application SDNP/19/02125/FUL for change of use from a storage and distribution building to self-contained dwelling house, re-cladding of roof and walls and enlargement of garden areas be approved, subject to the conditions set out in the report and supplementary report.

69 SDNP/22/02707/FUL - 130 South Street, Lewes, East Sussex, BN7 2BS

Sam Clark (Near Neighbour) and Sarah Collins (Agent) spoke for the proposal.

The Committee expressed its gratitude to Lewes District Ward Councillor, Adrian Ross, for his involvement in discussions between the Applicant and Neighbours.

Resolved:

That planning application SDNP/22/02707/FUL for demolition of existing 4-bedroom 1.5 storey dwelling with associated outbuildings and erection of pre-fabricated $\frac{3}{4}$ bedroom 2-storey dwelling with garage and installation of solar panels, air source heat pump and electric vehicle charging point, raising the ground level up to pavement level, replacement of existing impermeable hardstanding with permeable surfaces, alterations to front boundary wall and other associated alterations be approved, subject to the conditions set out in the report.

70 LW/22/0254 - Land East of Uckfield Road (A26), Ringmer, East Sussex

Councillor Sarah Phillips spoke on behalf of Ringmer Parish Council. Sarah Collins (Save Norlington Lane Group), Anne Duke (Neighbour) and Georgina Cloke (Near Neighbour) spoke against the proposal. Dougal Fleming (Neighbour), Nick Leaney (Planning Consultant on behalf of OVESCO) and Chris Rowland (CEO of OVESCO) spoke for the proposal. The Committee Officer read a speech on behalf of Councillor Sean MacLeod in his capacity as the Lewes District Ward Councillor.

The Head of Planning First clarified several points in respect of battery storage, the Community Infrastructure Levy (CIL) and additional letters of objection received from local residents.

Resolved:

That planning application LW/22/0254 for the construction of a renewable led energy generating station comprising ground-mounted photovoltaic solar arrays together with substation, inverter/transformer stations, grid connection infrastructure, grid cable route, site accesses, access gates, internal access tracks, security measures, other ancillary infrastructure and landscaping and biodiversity enhancements be approved, subject to the conditions set out in the report and supplementary report, and an additional condition which encouraged additional planting in and around the industrial cabins.

The application will be forwarded to the Secretary of State to establish if they wish to exercise their call-in powers.

71 LW/19/0926 - Newhaven Marina, West Quay, Newhaven, East Sussex

Charlotte Parry (Agent/Planning Consultant) and John McLean (Agent/Architect) spoke for the proposal. The Committee Officer read a speech on behalf of Councillor James MacCleary in his capacity as the Lewes District Ward Councillor. As part of his speech Councillor MacCleary declared a personal interest in the item as he lived close to the site.

Resolved:

That planning application LW/19/0926 for the demolition of existing structures and a phased development consisting of the erection of 259 residential apartments (Use Class C3) & 141 retirement living apartments (Use Class C2) with car parking; up to 3,500m² commercial floorspace (including restaurant (Use Class A3), marina related retail (Use Class A1), marina related workshop (Use class B2), marina facilities (including offices, clubroom changing rooms etc.), office floorspace (Use Class B1), 50 bed apart hotel (Use Class C1); ancillary gym) and boat/car park; berths & riverside walkway; the proposals to be carried out in six phases, preceded by demolition of existing structures associated with each phase; and the Marina pontoons to be reconfigured with the building phases be approved, subject to the conditions set out in the report and supplementary report.

72 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 December 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)

Report to: Planning Applications Committee
Date: 7 December 2022
Application No: LW/22/0153
Location: Land North of High Street, Barcombe, East Sussex
Proposal: Approval of reserved matters application for details of appearance, landscaping, layout, and scale relating to outline approval LW/21/0530, for the erection of 26 dwellings.

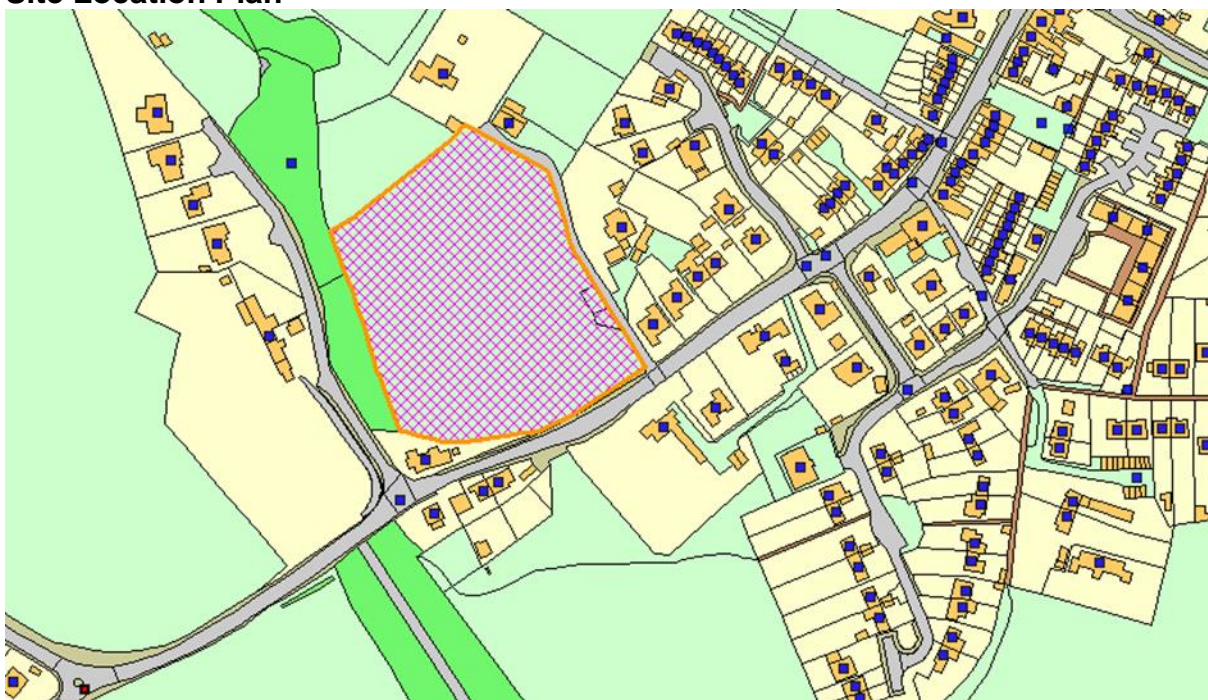
Applicant: Rydon Homes Ltd
Ward: Chailey, Barcombe & Hamsey

Recommendation:

1. Delegate to the Head of Planning to Approve subject to:
 - (a) The Conditions listed within the report.
 - (b) Resolving the surface water drainage matters (in conjunction with the Lead Local Flood Authority): and thereafter.
 - (c) Referring the matter to the Secretary of State and receiving confirmation that the Secretary of State does not wish to exercise their call-in powers.

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

Site Location Plan



1.	Executive Summary
1.1	The principle of the development of the site, as well as the arrangements for the new site access from the High Street, has already been accepted following the approval of LW/21/0530. The current application relates to reserved matters
1.2	The submitted scheme, which as previously seeks approval for access arrangements only, maintains the access on the same position as previously but with additional technical reports provided setting out the rationale for selecting the site access point and additional details on biodiversity and ecological mitigation and improvements.
1.3	The submitted details provide a scheme that would deliver a social and economic benefit in addressing the Council's lack of housing supply, delivery of affordable housing, creation of an integrated and interactive environment in terms of the layout of the development itself and the way it would engage with the village, delivery of new and/or improved infrastructure and increase and likeliness that future residents would support local shops and services. An environmental benefit would be provided through the landscaping scheme which would introduce a significant level of biodiversity net gain. It is therefore considered that the scheme, as submitted, represents sustainable development.
1.4	<p>Housing Delivery</p> <p>The provision of 26 residential dwellings would contribute to the housing land supply for the District.</p> <p>This would carry <u>significant weight</u> in the planning balance.</p>
1.5	<p>Affordable Housing</p> <p>The development would deliver a policy compliant 40% affordable housing contribution, with a mix of units being provided. The standards of the affordable accommodation would be consistent with the market housing within the scheme and the units provided would be indistinguishable from the wider development.</p> <p>The provision is policy complaint and would carry <u>significant weight</u> in the planning balance.</p>
1.6	<p>Economic Benefits</p> <p>The proposal offers economic benefits in the form of job creation during construction and an increase in population that would likely result in additional use of local businesses and services.</p> <p>This would carry <u>moderate weight</u> in the planning balance</p>
1.7	Placemaking and impact upon urban environment

	<p>The design and layout of the development has evolved through extensive discussions between the Council's design and conservation officer and the applicant. The proposed scheme would integrate well with the existing streetscape and wider village setting, create an open and inclusive environment within the development and would be sympathetic to the setting of the conservation area.</p> <p>This would carry <u>moderate weight</u> in the planning balance.</p>
1.8	<p>Landscape impact</p> <p>The development would significantly alter the appearance of the existing greenfield site. However, the development does incorporate significant landscaping works that would maintain a semi-rural appearance to the site and would strengthen boundary planting, particularly on the western edge of the site, thereby helping to limit the landscape impact of the scheme largely to the immediate site area.</p> <p>This harm to landscape is therefore considered to be well mitigated and, for that reason, carries a <u>minor weight</u> in the planning balance.</p>
1.9	<p>Biodiversity Net Gain</p> <p>The landscaping incorporated into the development would strengthen and enrich existing hedgerow, introduce new habitat, and would create secure habitat areas for the existing reptile population supported by the site. The biodiversity net gain delivered by the scheme would exceed the 10% target set by the Council for all major development.</p> <p>This would carry <u>moderate weight</u> in the planning balance.</p>
1.10	<p>Highways</p> <p>The access arrangements for the development have already been agreed. The layout of the proposed development provides suitable parking facilities for cars and cycles, is pedestrian friendly, accessible to service vehicles and provides connectivity with the centre of the village.</p> <p>This would carry <u>neutral weight</u> in the planning balance.</p>
1.11	<p>Heritage Impacts</p> <p>The site is adjacent to a Conservation Area. The design of the submitted scheme has adopted a broad range of recommendations made by the Council's design and conservation officer to assist integration with the conservation area and the wider streetscape and there would overall be a less than substantial impact upon the heritage asset.</p> <p>This should be given <u>moderate weight</u> in the planning balance.</p>

1.12	<p>Water Issues</p> <p>The principle of the drainage system was agreed by the Lead Local Flood Authority (LLFA) as part of the outline approval. Although further technical details are required in relation to the drainage scheme, the infrastructure provided is required to manage discharge of surface water at existing greenfield levels, with an additional allowance made for storm events/rainfall as a consequence of climate change.</p> <p>This should be given <u>neutral weight</u> in the planning balance.</p>
1.13	<p>Air Quality & Contaminated Land</p> <p>Both air quality and contaminated land can be effectively dealt with by condition. Subject to conditions, the environmental health impacts can be acceptably resolved.</p> <p>This should be given <u>neutral weight</u> in the planning balance.</p>
1.14	<p>Quality Living Environment</p> <p>The scheme would provide adequate living standards in terms of local environment and internal and external quality of private accommodation, whilst not harming the amenity of existing properties nearby.</p> <p>This should be given <u>moderate weight</u> in the planning balance.</p>
1.15	<p>In summary the public benefits of the proposal would be:</p> <ul style="list-style-type: none"> • The provision of 26 dwellings to meet respond to housing need. • The inclusion of a policy compliant level of affordable housing (10 units). • The strong sense of engagement towards the existing village and creation of an inclusive and interactive environment within the development. • The delivery of biodiversity net gain on the site and landscape enhancements;
1.16	<p>It is therefore recommended that the application is approved subject to relevant conditions and noting existing conditions and the section 106 legal agreement attached to the outline approval LW/21/0530.</p>

2.	Relevant Planning Policies
2.1	<p><u>National Planning Policy Framework</u></p> <p>2. Achieving sustainable development</p> <p>4. Decision making</p> <p>8. Promoting healthy and safe communities</p> <p>11. Making effective use of land</p> <p>12. Achieving well-designed places</p> <p>14. Meeting the challenge of climate change, flooding, and coastal change</p> <p>15. Conserving and enhancing the natural environment</p> <p>16. Conserving and enhancing the historic environment</p>
2.2	<p><u>Lewes District Local Plan:</u></p> <p>LDLP1: – CP2 – Housing Type, Mix and Density.</p> <p>LDLP1: – CP10 – Natural Environment and Landscape.</p> <p>LDLP1: – CP11 – Built and Historic Environment & Design</p> <p>LDLP1: – CP12 – Flood Risk, Coastal Erosion and Drainage</p> <p>LDLP1: – CP13 – Sustainable Travel</p> <p>LDLP1: – CP14 – Renewable and Low Carbon Energy</p> <p>LDLP2: – BA02 – Land Adjacent to the High Street</p> <p>LDLP2: – DM1 – Planning Boundary</p> <p>LDLP2: – DM14 – Multi-functional Green Infrastructure</p> <p>LDLP2: – DM15 – Provision for Outdoor Playing Space</p> <p>LDLP2: – DM16 – Children’s Play Space in New Housing Development</p> <p>LDLP2: – DM20 – Pollution Management</p> <p>LDLP2: – DM22 – Water Resources and Water Quality</p> <p>LDLP2: – DM23 – Noise</p> <p>LDLP2: – DM24 – Protection of Biodiversity and Geodiversity</p> <p>LDLP2: – DM25 – Design</p> <p>LDLP2: – DM27 – Landscape Design</p> <p>LDLP2: – DM33 – Heritage Assets</p>

3.	Site Description
3.1	The site comprises a single enclosed field that has most recently been in use as a paddock. It is positioned on the western edge of Barcombe Cross, falling within the planning boundary. The site topography includes a rise of approx. 5.5 metres from west to east. The field is open in nature with any significant trees and hedgerow distributed around site boundaries only. Archaeological investigations were conducted on the site last year, in accordance with conditions attached to the outline approval, with the land restored following trenching.
3.2	The south-eastern boundary of the field flanks Barcombe High Street and is marked by a mature hedgerow and tree line that follows the course of a raised bank running parallel to the highway. The hedge is trimmed to approx. 2-3 metres in most places. The south-western boundary is bordered by a belt of trees on the eastern side of Bridgelands, a private road which provides access to a group of detached dwellings built on the former site of Barcombe Cross train station. The north-eastern boundary is flanked by a private access track serving a dwelling at Vine Slead and Hillside as well as a group of derelict buildings that formerly accommodated Hillside Nursery's. This track is also currently used as vehicular access to the site itself. There is a line of mature leylandii trees marking the north-western boundary of the site immediately behind which is a lawn belonging to the residential dwelling 'Hillside'. The south-western corner of the site is recessed from the High Street, with the wedge-shaped plot at Willow Cottage forming a buffer.
3.3	The village of Barcombe Cross extends to the north-east and south-east of the site. The historic core of the village is designated as a Conservation Area and incorporates a number of Listed Buildings, the closest of which to the site is The Olde Forge House, a Grade II Listed dwelling occupying a converted 17th Century building that originally housed the village forge. This building is approx. 40 metres to the east of the site. The historic part of the village clusters around the High Street and comprises buildings of mixed design, scale, and provenance. Flint walling, red brick and tile hanging are common materials and steeply sloped gable roofing is frequently seen. Buildings are generally arranged in terraces or groups of detached and semi-detached buildings that are positioned closely together. A number of former shop buildings have been converted to residential use over time. The overall character is of an intimate village setting with buildings positioned close to the road and small landscaped areas maintained to frontages in many places.
3.4	Tertiary roads branch off from the High Street, particularly to the north and south-east and these provide access to more modern, relatively high-density residential development. There are also a number of twittens and footpath that provide access to buildings set back from the High Street as well as connections with the wider public footpath network which criss-

	crosses the fields surrounding the village and connects with the Ouse Valley Way and South Downs National Park to the east and south.
3.5	The centre of the village, where there is a public house, and a village shop is approx. 150 metres to the north-east of the site. Barcombe Primary School is approx. 375 metres walking distance from the site as is the adjacent recreation ground. The village as a whole is tightly nucleated with minimal sprawl into the fields and woodland surrounding it. The rural character of the village is enhanced by this surrounding countryside and the buffer it provides between the nearest neighbouring significant settlements, these being Isfield (approx. 3.5 km to the north-east), South Chailey (approx. 3.5 km to the north-west), Lewes (approx. 3.5 km to the south) and Ringmer (approx. 3.5 km to the south-east).
3.6	The site is allocated within Lewes District Local Plan Part 2 for residential development of approx. 25 new dwellings under policy BA02. Neighbouring land to the north-east at Hillside Nursery's and to the north-west at Bridgelands is also allocated for residential development but as distinct sites. The site lies on the edge of the Conservation Area. The south-eastern corner of the site falls within an Archaeological Notification Area. There are no other specific planning designations or constraints attached to the site.

4	Proposed Development
4.1	Outline permission for the construction of up to 26 dwellings on the site was granted under application LW/21/0530. The permission included details of site access, which takes the form of a new junction with the High Street to be positioned on the southern site boundary. All other matters (layout, scale, appearance, and landscaping) were reserved matters, and it is these details that will therefore be considered under the current application.
4.2	The layout of the development includes two terraces of three frontage dwellings that would be positioned towards the southern site boundary and would face out onto the High Street. The main access road would be lined by dwelling and would traverse the site from front to rear where it would curve around to the east, where dwellings would face out towards a green area reserved for biodiversity enhancement where play equipment would also be installed. A separate cul-de-sac would branch off to the west whilst a courtyard parking area would be provided to the east of the main access road, serving dwellings facing out onto the main access to the west and towards the biodiversity enhancement area to the east.
4.3	All buildings would be two-storey in height and would have traditional pitched roofing. External finishes would be primarily brick, with a number of properties also having tile hanging in place at first floor level. There would be variations in design in terms of scale, orientation, and configuration but all would comply with the overarching design attributes referenced above. The building accommodating flats at plots 21 and 22 would have a cantilevered first floor with a vehicular access passing

	beneath. The first floor flat at plot 23 would also be cantilevered, with access provided at ground floor and undercroft parking provided beneath the first floor on either side of the access.
4.4	<p>The dwelling mix comprises</p> <p>2 x 1 bed flats (8%),</p> <p>1 x 2 bed flat (4%),</p> <p>10 x 2 bed dwellings (38%),</p> <p>8 x 3 bed dwellings (31%) and</p> <p>5 x 4 bed dwellings (19%).</p> <p>Of these dwellings, 10 would be allocated as affordable housing, representing 38.5% of the overall housing provision. The affordable housing mix would comprise 2 x 1 bed flats, 1 x 2 bed flats, 5 x 2 bed dwellings and 2 x 3 bed dwellings.</p>
4.5	Each dwelling would be provided with 2 x allocated parking bays and each flat would be allocated 1 x parking bay. In some cases, these would be partially covered by car ports. Parking for the dwellings on the eastern side of the development would be provided in a car park area positioned to the rear of dwellings and accessed via an undercroft formed below the cantilevered section of the building accommodating flats at plots 21 and 22. 9 x visitor parking bays would be provided in the form of laybys distributed across the internal road network.
4.6	The biodiversity enhancement area of green space would be provided in the north-eastern corner of the site and a play area would be included within this area. A swale would also be included, and the green space would be seeded with native grasses and wildflower and planted with native trees and hedging to allow it to function as a biodiversity enhancement. A green buffer would be maintained along the western edge of the site, which flanks Bridgelands and Willow Cottage. An attenuation pond would be included within this buffer area, sited towards the south-western corner of the site. A foul water pumping station would also be installed towards the western site boundary

5.	Relevant Planning History:
5.1	<p>E/53/0430 - Outline Application for permission to carry out residential development – Refused 21st December 1953</p> <p>E/68/0382 - Outline Application for erection of dwellings – Refused 27th May 1968</p> <p>E/72/1935 - Outline Application for erection of fifty-five dwellings with garages – Refused 1st January 1973</p> <p>E/73/1025 - Outline Application for fifty-two dwellings with garages at Barcombe Railway Station and part O.P. 8373 – Refused 22nd October 1973</p>

	<p>LW/86/0823 - Outline Application for eleven detached dwellings with new cul-de-sac – Refused 10th July 1986</p> <p>LW/20/0633 - Outline Planning Application for Erection of up to 26 dwellings together with associated development and site access with all other matters reserved – Refused 11th May 2021</p> <p>LW/21/0530 - Outline permission for the erection of up to 26 dwellings together with associated development and site access whilst all other matters are reserved for future consideration – Approved conditionally and subject to s106 – 12th August 2021</p>
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6.	Consultations:
6.1	<p><u>ESCC Archaeology:</u> I can confirm that all necessary archaeological investigations have been completed on site. I therefore have no further archaeological recommendations to make in this instance.</p>
6.2	<p><u>ESCC Landscape Officer:</u> No formal comments received.</p>
6.3	<p><u>Southern Water:</u> Southern Water would have no objections to the reserved matters application submitted by the applicant. The submitted drainage layout (BAR-P-00-XX-DR-C-2000 Rev-P05) is acceptable to Southern Water. An approval for the connection to the public sewer should be submitted under Section 106 of the Water Industry Act.</p>
6.4	<p><u>Lead Local Flood Authority:</u> Objection currently in place as further details of drainage scheme awaited.</p>
6.5	<p><u>East Sussex Highways:</u> Following my initial comments regarding the extent of adoption, footway taper fronting the site and width the access between units 21 and 22 the plans have been altered and I am satisfied with the proposed amendments. With this in mind I have no major concerns regarding the proposal and all highway comments remain as per the original outline application (LW/21/0530).</p>
6.6	<p><u>LDC Air Quality Officer:</u> Recommend approval subject to conditions. OFFICER COMMENT: One of the recommended conditions relates to an air quality assessment. This would already have been considered during</p>

	<p>the examination of LLP2, in which the site is allocated for housing development. The content of other recommended conditions relating to a construction management plan and provision of electric vehicle charging points are addressed in conditions attached to the outline permission (LW/21/0530) whilst the condition relating to the use of low emission boilers is not relevant as all units would be served by air source heat pumps.</p>
<p>6.7</p>	<p><u>LDC Contaminated Land Officer</u></p> <p>Submitted detail is a site investigation report prepared by Southern Test (dated 11 January 2022). I agree with report para 6.10 (need for UXO risk assessment) and para 34 (conclusion) of the report. This means, I have no objection to the above-mentioned reserved matter application (subject to conditions to a secure a UXO (unexploded ordnance) report and remediation strategy to be adhered to if any unexpected contaminants are discovered during construction works).</p>
<p>6.8</p>	<p><u>Barcombe Parish Council (full response below)</u></p> <p>The Council are negative towards this application: -</p> <p>The original layout should be re-instated. The new site layout that is being proposed is far removed from the original presentation (Preferred by the CLG), is not consistent with the LDC local plan (ref BA02 – 2.72) and has several disadvantages:</p> <p>Visual</p> <p>The housing being situated close to the road will have a jarring visual impact when traffic enters Barcombe Cross and will compromise its traditional Hilltop village appearance.</p> <p>The new layout negatively impacts the amount of green space available and detracts from the country village appearance of Barcombe Cross.</p> <p>The proposed design of the houses is more urban than rural and out of step with the majority of housing within Barcombe Cross. Excessive use of wood effect cladding, in particular black, is inappropriate and greater use of hung tiles would be more in keeping with the character of the village.</p> <p>Environmental</p> <p>We are concerned that residents in the housing close to the road will be exposed to heightened levels of traffic pollution. An increased concern as the housing next to the road would appear to be designed for young families. Young Children are particularly susceptible to developing Asthma, a disease that can impact their health throughout their lives.</p> <p>No consideration appears to have been given to the use of renewable energy. Rydon have declined the opportunity to engage with the Communiheat group who are helping Barcombe Parish move towards a 'net zero' environment. We strongly encourage Rydon to open discussions with Communiheat representatives in order to ensure the new</p>

housing being delivered contributes towards our 'net zero' target. (see also condition 30 of OPP)

The use of a single green space to accommodate a play area, a safe haven for reptiles and a swale are incompatible. We are concerned that the 10% Biodiversity gain will not be achieved through use, in part, of this compromised space.

On the above matters we would ask that Rydon hold further 'meaningful' two-way consultations with the Community liaison group and amend the layout and design accordingly before the application be allowed to proceed.

Timing of Application

The speed at which this reserved matter application has been presented has given us cause for concern.

Drainage

We don't believe that all of the problems regarding the drainage, particularly as they relate to neighbouring properties, have been adequately addressed. We note from other correspondence that representatives of the LDC have stated that no decision will be made with regard to this application until a further report from SUDS has been obtained. This commitment should be adhered to.

Surveys

We note that the Green consultancy have raised concerns about the potential pollutant linkages at the site and have determined that a land contamination report should be obtained. Further evidence that many aspects of this application have not undergone the due diligence that we would expect to be undertaken given the impact of this development on the community.

Management Company.

We understand that following development of the site, a Management Company will be put in place to manage many aspects of the site's maintenance requirements. We believe that, as a failure to maintain facilities on the site properly will impact others in the community, that the terms of reference for the Management company. documenting responsibilities, funding and legal status should be drawn up now. The responsibilities must include, among other things, reference to the drainage maintenance plan as specified in the HSP report and details of how the sewerage pumping station will be maintained and its smooth operation assured. With regard to the legalities we would expect that Rydon be named as a Guarantor to the Management company arrangement for a suitable length of time. (see also condition 22 of OPP)

Liaison.

We are extremely disappointed that Rydon did not have a further meeting with the Community Liaison Group (CLG) before submitting this application (LW/22/0153). Many questions raised by the CLG have not been answered to their satisfaction. We believe that an additional meeting conducted in an 'Open' way before submission of this application would

	have led to a more acceptable layout plan being presented. It may also have helped to ensure that good relations were maintained between Rydon and the CLG going forward.
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7.	Other Representations:
7.1	<p>Neighbour Representations:</p> <p>A total of 73 letters of objection had been received at the time of writing this report. A summary of material planning matters raised is provided below. Objections to the principle of the scheme have been omitted as the grant of outline permission means this has already been agreed.</p> <ul style="list-style-type: none"> • Dwellings would be too close to road and impact on landscape and setting of village and in conflict with local plan. • Proximity to road increases exposure of residents to pollution from road. • Loss of habitat. • Lack of parking facilities. • Insufficient detail on surface water drainage and its performance/maintenance. • No details on amount of noise generated by pumping station or contingencies in the event of a power cut. • Functionality of permeable paving would decrease over time. • Would result in increased flood risk. • Surface water flow could carry contaminants. • We need affordable housing not shared ownership or houses that are too big. • Loss of trees. • Presence of road towards western boundary would compromise green corridor. • The indicative layout shown in the outline scheme was better and an appropriate compromise. • Houses should be heated using sustainable methods. Community heating scheme should be considered. • The landscaping shown on plans would take years to mature. • Sewage outflow pipe will cut through root protection areas. • Increased pressure on sewage infrastructure and drinking water supply. • Overlooking of neighbouring properties. • Loss of light to neighbouring properties.

	<ul style="list-style-type: none"> • Will result in light pollution. • New layout provides less greenspace than shown on outline indicative plans. • The presence of properties closer to the road will not encourage motorists to slow down. • Overbearing relationship towards Willow Cottage. • Disruption to neighbouring residents as a result of construction works. • Not enough done to increase sustainability and reduce energy usage. Barcombe are targeting net zero carbon emissions by 2030. • No provision for generation of renewable energy. • Developers have failed to engage with community or take on board concerns raised. • Design of development does not complement existing buildings in the village. • Playground is in a dangerous location, close to access to Hillside Nursery. • Should be additional pedestrian access to the village. • Management charges for landscaping and drainage will make the development unaffordable to many. • The proposed car park is close to boundaries of neighbouring dwellings. • Increased noise from traffic would disturb neighbours. <p>A number of objections refer to dwellings including chimneys and black cladding. These features have now been removed following the submission of updated plans in late October. References are also made to need for oil or LPG tanks/containers to provide heating. It has been confirmed that the heating needs of all dwellings would be met by air source heat pumps.</p> <p>One letter of general comment has also been received, querying what contributions the developer could make to the wider village.</p>
7.2	<p>Other Representations:</p> <p>None.</p>

8.	Appraisal:
8.1	<p><u>Key Considerations:</u></p> <p>The main considerations relate to the principle of the development; the impact upon the character and appearance of the area and neighbour amenities, impacts upon highway/pedestrian safety and flood risk and the overall merits of the scheme in terms of the balance of economic,</p>

	<p>environmental and social objectives that comprise sustainable development. As will be expanded upon in section 8.2, the ‘tilted balance’ must be applied in the determination of this application, meaning that it should only be refused if any harm caused would significantly outweigh the benefits of the scheme.</p> <p>It is important to note that the principle of the residential development of the site, as well as the provision of the new site access has been established following allocation of the site within the development plan and the granting of outline planning permission under LW/21/0530. <u>As such, these matters will not be reassessed.</u></p> <p>The application will therefore be determined on the basis of how the appearance, layout, scale, and landscaping arrangements of the proposed development respond to relevant local and national planning policy. This includes direct policies relating to the above matters as well as indirect considerations, such as how the layout and landscaping of the scheme impact upon surface water drainage.</p>
8.2	<p><u>Principle:</u></p> <p>As stated in section 8.1, the principle of development has been accepted following the approval of LW/21/0530. This is consistent with para. 005 of the Planning Practice Guidance for Making an Application which states that ‘an application for outline planning permission allows for a decision on the general principles of how a site can be developed.’</p> <p>Therefore, the current application <u>must be determined within the remit of assessing the reserved matters</u> only, these being the layout, scale and appearance of the development and the landscaping arrangements.</p> <p>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.</p> <p>As LLP1 is now over 5 years old, the housing delivery target set out in policy SP1 (approx. 275 net dwellings per annum) is obsolete and the target now worked towards is therefore based on local housing need calculated using the standard method set out in national planning guidance as per para. 74 of the National Planning Policy Framework (NPPF). This has resulted in the delivery target rising to 782 dwellings per annum. This has been disaggregated taking account of the National Park development to an annual figure of 602.</p> <p>Due to this increase in housing delivery targets, Lewes District Council is no longer able to identify a 5-year supply of specific deliverable sites for housing. Para. 11 (d) of the NPPF states that, where a Local Planning Authority is unable to identify a 5 year supply of housing land, permission for development should be granted unless there is a clear reason for refusal due to negative impact upon protected areas or assets identified within the NPPF or if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed</p>

	<p>against the policies in the Framework taken as a whole. This approach effectively adopts a ‘tilted balance’ in favour of development.</p> <p>It has been established through case law, comprehensively summarised in Gladman Developments Ltd v SSHCLG & Corby BC & Uttlesford DC [2020] EWHC 518 (Admin) that para. 11 does not remove development plan policies from the decision-making process and that, instead, it is for the decision maker to analyse policies and attribute suitable weight as part overall assessment of the benefits of any scheme versus the harm caused.</p> <p>It is considered that significant weight should be attached to impact of development upon the established character and appearance of the area surrounding it, particularly in view of the 2021 revisions to the NPPF and the strengthening of section 12, in which para. 134 states ‘development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design’. It is noted that policy BA 02 includes a general design brief for the development of the site, and it is therefore important that the submitted scheme accords with it.</p> <p>The details covered by reserved matters also clearly have the potential environmental implications in how the layout and landscaping of the development would respond in relation to surface water management, sustainability, carbon reduction and biodiversity and social implications in how the layout, scale, appearance and landscaping of the scheme would impact upon the amenities of existing and future residents as well as the general character of the surrounding area.</p> <p>The merits of the scheme will therefore be assessed on this basis, with reference to the tilted balance.</p>
8.3	<p><u>Design & Character:</u></p> <p>Prior to the submission of the scheme, the applicant sought advice from the Council’s Design Officer in regard to the design and layout of the scheme. During this process the layout evolved, with the layout shown as an illustrative plan at the outline stage being developed and refined.</p> <p>A number of alterations were made, with a particular focus on ensuring that the development would engage with the High Street, thereby strengthening community integration by providing an active frontage as encourage by para. 92 of the NPPF. This has resulted in a marked improvement in how the development would interact with the rest of the village, ensuring it feels part of the settlement rather than a reclusive development which would result in future occupants feeling a sense of detachment from the community.</p> <p>By introducing frontage buildings on the High Street, the development would also respond to, and integrate with, the established line of development flanking the High Street, respecting the staggered building line which is characterised by buildings moving closer to the road as it is traversed from east to west. The presence of frontage dwellings also offers a significant benefit in terms of highway safety by allowing the</p>

development to be more clearly visible to motorists who would therefore be more likely to reduce their speed as they approach the site access.

The layout within the site interior is considered to replicate the broadly informal pattern of development exhibited on nearby residential roads branching off from the High Street such as Weald View, Muster Green and The Grange. The density of the submitted scheme is also similar to, and generally marginally lower than, the density of residential development on the aforementioned roads. The mix of designs and dwelling sizes that are incorporated into the proposed development are also considered to be reflective of the informal nature of existing development in the village, both historic and more contemporary.

Within the site, it is considered that dwellings would engage well with one another. There are no secluded areas that may feel isolated from the rest of the development. Communal areas such as the play space and car park would benefit from good levels of natural surveillance from dwellings within the development.

All dwellings within the development are two-storey, with no accommodation being provided within any roof space. This accords with LLP2 policy BA 02 b) which states that buildings should be no more than two storeys high. The design of the buildings has been developed with significant input from the Design and Conservation Officer, noting the proximity of the development to the Conservation Area and the need to preserve its setting. Through the design process, an appropriate range of external materials has been agreed, with an emphasis on red brickwork and tile hanging which are typical of traditional dwellings nearby as well as the wider surrounding area. A small amount of weatherboarding would also be provided which, again, is consistent with materiality in the village. Well defined roof forms have been incorporated in order to assist engagement as well as to break up the mass of terraced blocks and provide visual definition to individual dwellings. Other architectural features found within the village such as bay windows and porches are also represented.

It is considered that the use of car ports, and the small recessed parking area to the east of the site, would help reduce the suburbanising visual impact of parked cars. Space would also be retained for good levels of landscaping to the front of properties which, again, would help mitigate any unacceptable impact of suburbanisation. Landscaped buffers would also be maintained, enhanced, and enriched allowing for views towards and from the development to be filtered by vegetation, reinforcing the semi-rural setting of the development. Other than where openings are made for site access and cutting back is required to maintain visibility, the existing hedgerow and tree line on the field boundaries will be reinforced and enhanced in terms of species mix and biodiversity value.

Notwithstanding site boundary landscaping, the rising topography of the site means the proposed development would be visible, in part, from surrounding streets and open space, particularly when approaching Barcombe from over the former railway bridge to the south west. However, it is noted that existing views on this approach include dwellings on The Grange and it is considered that the proposed development would

	<p>integrate with these neighbouring buildings, marking the edge of the settlement and the transition from the rural environment to the village. It is also noted that the topography of the site would remain largely consistent with the existing contours of the site, with artificial looking terraces being avoided, although it is noted that some of the rear gardens would have split levels, the height differential would be minimal. When factoring in the amount of planting that would be carried out and the provision of verdant areas within the development, it is considered that, whilst the hillside setting of Barcombe would be altered by the development, the degree of change would not be excessively harmful to the setting of the village.</p> <p>From further afield, the site is well screened by mature trees that follow the course of the former railway line and any views from surrounding public footpaths would be infrequent and largely confined to roof tops which would be seen in context with the roofscape of the rest of the village. The development would be more apparent when seen from PROW Barcombe23 to the south of the site although this would be restricted to views through the gap between the hedge/tree line and existing dwellings on the southern side of the High Street where the footpath meets the road and in which the development would be viewed in context with existing development within the village.</p> <p>The ESCC Landscape Officer was consulted during the design modification process and welcomed the retention of trees and hedging and their strengthening with new planting as well as the provision of a green buffer on the western boundary as it would provide a root protection area to boundary trees. The officer also considered that bringing development forward on the site closer to the road and aligned with the neighbouring house (Wheelwrights) would benefit the streetscape as it would reflect the character of the built form along the high street whilst noting existing hedging should be retained and landscaping provided to the front of dwellings facing onto the High Street in order to retain the green character of the frontage.</p> <p>Overall, it is considered that the proposed development would assimilate with the visual and spatial characteristics of the existing village which is situated to the east whilst retaining suitable green buffers and interior planting to maintain the transition between the urban and rural environment and to preserve the semi-rural character of the village.</p> <p>It is therefore considered that the application complies with policy CP10 of LLP1, policies BA02(c), DM25 and DM27 of LLP2 and paras. 127 and 170 of the NPPF insofar as the outline details of the scheme are concerned.</p>
8.4	<p><u>Impact upon amenities of neighbouring residents</u></p> <p>There is existing residential development adjacent to all boundaries of the application site, the nearest neighbouring properties being at Willow Cottage not the south west and at Wheelwrights House, Vine Sled and Hillside to the east.</p> <p>The layout of the site allows for green buffers on all site boundaries and this serves two purposes in regard to the protection of neighbouring</p>

amenities by providing a sympathetic screen to the development whilst also allowing suitable separation distances between buildings to be maintained.

It is noted that Willow Cottage is particularly sensitive to the impact of the development given that it is a bungalow dwelling positioned on a low-lying plot of land. Development on the application site would therefore have the potential to appear overbearing towards this site as well as to introduce intrusive levels of overlooking. However, it is considered that the layout of the development addresses these concerns, with all dwelling orientated so as to not face directly towards Willow Cottage and the minimum distance maintained between new development and the existing dwelling being approx. 24 metres. The occupant of Willow Cottage has raised concerns regarding overshadowing but, given the height of new development is limited to two-storeys, the degree of separation between the new development and Willow Cottage and, other than plots 1-3 which are some 40 metres away, all development being to the north-east of Willow Cottage, it is considered that the development would not result in any level of overshadowing that would be detrimental to amenity and living conditions.

Turning to properties to the east, there would be two terraces of dwellings that would face broadly side-on to existing properties at Wheelwrights House, Vine Sleed. The two-storey block of flats, which would be stepped further in from the site boundary, would include windows facing in the general direction of the rear garden at Wheelwrights House and the driveway/parking area to the front of Vine Sleed. Bedroom windows to the front of the terrace would allow for angled views towards the rear garden, parking and driveway area and windows on the western elevation of Vine Sleed but, with a distance of some 55 metres maintained between existing and proposed dwellings and some 33 metres between the rear garden it is considered that these views would not be intrusive. There is an eastern facing window within plot 17 that would look towards the rear garden at Vine Sleed. This would be a secondary bedroom window and it is considered that its presence would not compromise the privacy of the rear garden area. Rear facing windows at plots 17-20 would look towards the parking area at Vine Sleed, with a suitable distance maintained to prevent views being intrusive. The proposed first floor flat at plot 23 would also have windows facing back towards the rear of Wheelwrights House, some 20 metres to the south-west. As these windows would serve the landing and bathroom it is considered reasonable to impose a condition that they are obscurely glazed so as to prevent direct views towards windows at Wheelwrights House. There is also a side facing first floor landing window at plot 26 that faces towards windows at Wheelwrights House and it is recommended that this window also be obscurely glazed.

Regarding access to natural light, it is considered that the orientation, spacing and separation distances incorporated into the layout of the scheme would prevent dwellings within the new development from having an unacceptable impact upon the amenities of occupants of properties to the east as a result of overshadowing or overbearing.

	<p>The residential use of the site, as well as its intensity, is considered to be consistent with the character of surrounding residential development and would therefore not bring about activities of an intensity and nature that would be unacceptably disruptive to existing residential amenity at nearby properties. The roads and parking areas are generally positioned away from site boundaries so as to minimise impact of noise produced by moving vehicles whilst boundary treatment would help control light spill from headlights. It is noted that there is a car parking area positioned close to the western site boundary. However, this is positioned adjacent to an access track which provides a buffer between neighbouring dwellings and there is also space for landscaping/screening in placer to soften impact. It should also be noted that, had the existing access to the site been practical to serve the needs of the development, all traffic associated with it would have passed dwellings to the east.</p>
8.5	<p><u>Living Conditions for Future Occupants & Affordable Housing:</u></p> <p>Para. 134 of the NPPF states that ‘development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.</p> <p>Para. 126 of the National Design Guide (2019) 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.’</p> <p>The Technical housing standards – nationally described space standard (2015) defines minimum levels of Gross Internal Area (GIA) that should be provided for new residential development, based on the number of bedrooms provided and level of occupancy. Floor plan drawings and measurements confirm that all units would meet or exceed minimum GIA.</p> <p>Each dwelling and flat is considered to have a clear and easily navigable layout, with awkwardly sized rooms and overly large or long circulation areas being avoided. All primary habitable rooms would be served by clear glazed windows that would not have any immediate obstructions to outlook. These windows would allow for access to good levels of natural light as well as providing effective natural ventilation. All dwellings and flats would be multiple aspect, increasing the effectiveness of natural ventilation and also prolonging exposure and access to natural light throughout the course of the day.</p> <p>LLP2 policy DM25 states that developments of 10 or more dwellings should demonstrate how the ‘Building for Life 12’ criteria have been considered and would be delivered by the development. One of the recommendations made in Building for Life 12 is that rear gardens are at least equal to the ground floor footprint of the dwelling. The occupants of each dwelling would have direct access to a suitable sized private garden area. The garden area is generally equal to, or in excess of the footprint of the dwelling although it is noted that the rear gardens at plots 25 and 26, are limited to approx. 90% of the building footprint. These are the smallest gardens within the development and, at approx. 46 m² in area, are considered to be a suitable size to provide an appropriate amount of amenity space for the two-storey dwellings that they would serve. All</p>

	<p>gardens are considered to provide a suitable level of facility and are of an appropriate square/rectangular shape to ensure an optimum level of usability and adaptability.</p> <p>Although the flatted element of the scheme would not be allocated any private amenity space there would be communal green areas directly adjacent to the flats and they are also within close proximity to the play areas towards the north-eastern corner of the site.</p> <p>Para. 3.7 of the LDC Affordable Housing SPD maintains that ‘it is expected that affordable housing provided onsite will be subject to the same standards and be indistinguishable from the open market housing. The provision of onsite affordable housing should be integrated into the layout of the development through ‘pepper-potting’ within market housing, in order to fully reflect the distribution of property types and sizes in the overall development.’</p> <p>Whilst the affordable housing provision within the scheme would be concentrated towards the eastern side of the site rather than ‘pepper potted’ it is considered to be compliant with this statement in all other regards in that the design and scale of the dwellings would be indistinguishable from the market housing as would space standards. Furthermore, the orientation of the dwellings would allow them to engage fully with the market housing and the affordable element would therefore not appear disconnected or divorced from the wider development.</p> <p>It should also be noted that para. 3.7 goes on to state that ‘the Council recognises that pepper-potting may not be possible on development sites consisting of 25 dwellings or less’. This is primarily due to viability and practicality issues associated with the registered providers who would take on the affordable housing. Whilst the proposed scheme is for 26 dwellings, it is considered that it would experience similar issues in this regard as would a development of 25 or less dwellings.</p> <p>Secluded and/or isolated areas that may create an environment for anti-social and criminal behaviour, or foster a sense of risk of such behaviour, are avoided. All dwellings would face towards neighbouring properties and it is considered that, along with the surveillance provided, this would also encourage a sense of community and increase interactions between neighbours, creating a healthy, inclusive and stimulating environment, as supported by para. 92 of the NPPF, para. 35, 38 and 72 of the National Design Guide and P2 of the National Model Design Code Part 2 Guidance Notes.</p> <p>It is therefore considered that the proposed development complies with policy CP2 of LLP1, policy DM15, DM16 and DM25 of LLP2 and section 8 of the NPPF.</p>
8.6	<p><u>Flooding and Drainage:</u></p> <p>The proposed development would involve the introduction of buildings and impermeable surfaces (equating to a total area of approx. 0.42 hectares) on what is currently an undeveloped greenfield site. The site is located in Flood Zone 1 and, as such, is at low risk from tidal and fluvial flooding. There are no records of any significant issues with surface water drainage</p>

	<p>within the site itself although land to the south, particularly on the adjoining site at Willow Cottage as well as land to the west at Bridgelands is identified by the Environment Agency as being at high risk of surface water flooding and given surface water from the development would ultimately discharged into the existing watercourse adjacent to Bridgelands, it is vital that existing surface water issues are not exacerbated and, ideally, are improved as a result of drainage infrastructure installed as part of the development.</p> <p>The proposed development would utilise surface water attenuation facilities, including a sizeable pond in the south western corner of the site and a swale in the biodiversity protection area in the north-eastern corner. These features would allow for the discharge of surface water into the watercourse to be controlled at an appropriate rate, noting that the site topography results in the surface water generated on the site as it currently is discharging towards the same watercourse. This would be via an attenuation pond formed in the south-western corner of the site which would allow discharge to be managed as close as practicable to existing greenfield run-off rates, this being 5.4 litres per second. Contingencies are required in order to ensure that rates are controlled at appropriate levels including an allowance for a 1 in 100-year weather event with an additional 40% allowance to account for the predicted impacts of climate change.</p> <p>Whilst the principle of the SUDs scheme was agreed with the Lead Local Flood Authority (LLFA) at the outline stage, they currently have an objection in place as they require further details to demonstrate how the drainage scheme would be constructed and operated and, for this reason, it is recommended that, if members are minded to approve the scheme, this matter is delegated to officers to resolve prior to any permission being issued.</p> <p>It is therefore considered that surface water run-off generated by the development can be adequately managed without unacceptable risk of flooding within the development or on neighbouring land. The development is therefore considered the comply with policy CP12 of LLP1 and paras. 163 And 165 of the NPPF.</p>
8.7	<p><u>Water Quality</u></p> <p>Foul water would be disposed of by way of connecting with the existing public foul water network. A pumping station would be installed in order to facilitate disposal. LLP2 policy BA 02 g) states that occupation of the development should be phased to align with the delivery of sewerage infrastructure, in liaison with the service provider.</p> <p>Southern Water has a statutory duty under section 94 of the Water Industry Act (WIA) (1991) to plan and implement any works that are necessary to ensure the network of sewers (and sewage treatment facilities) continue to operate satisfactorily once they have received notification that a developer intends to exercise their right to connect under section 106 (1) WIA 1991.</p>

Sewer infrastructure improvements would be secured by way of Southern Water infrastructure charges that would contribute towards the maintenance and improvement of the public sewer network. The development would require a connection agreement to be issued by Southern Water, who would also stipulate that completion is phased to align with improvement works to the network, in order to ensure existing infrastructure is not overloaded. A condition will be used to ensure a phasing agreement is secured, if required.

Pollution control measures could be integrated into the drainage scheme to prevent discharge of pollutants into surrounding watercourses or onto surrounding land. It is therefore considered that the proposed drainage scheme would meet the criteria of sustainable drainage as set out in para. 051 of the Planning Policy Guidance on Flood Risk and Coastal Change in that it would manage run-off, control water quality, provide amenity (in the form of the attenuation pond) and would enhance biodiversity by creating habitat not currently present on the site. The Lead Local Flood Authority (LLFA) have stated that they are satisfied that the surface water generated by the proposed development can be managed effectively.

Southern Water have confirmed that they have no objection to the proposals.

Notwithstanding SW comments LDC officers are recommending a controlling condition that limits occupation until such time as SW have agreed sufficient headroom within their local network.

Landscape, Ecology & Biodiversity

The outline application was accompanied by an Ecological Appraisal Report, as required by BA20 (e). The appraisal was reviewed by the ESCC Ecologist who was satisfied that a development of up to 26 dwellings could be accommodated on the site without resulting in unacceptable harm to habitat and ecology.

At this stage, the new site access, which requires a gap to be formed in the relatively young primarily beech hedge on the southern site boundary, was accepted and was approved. The length of hedging removed to facilitate the development would be 18.4 metres of the species poor hedgerow on the southern boundary. Overall, the development of the approx. 1.22 hectare site would result in the loss of 0.85ha of land (made up of 0.2374ha of vegetated gardens, and 0.5099ha of developed land and sealed surfaces, with an additional 0.0072ha of land forming a proposed play area.

The proposed development includes additional planting to strengthen and enrich the existing hedgerow and tree lines on site boundaries, including the hedge flanking the High Street. There is a focus on native species that would provide a habitat and food source for wildlife. Not including planting which would be positioned on land under private ownership, the proposal would incorporate 590 metres of additional hedgerow planting. 120 new trees would also be planted and all grassland outside of private garden and formally landscaped would be overseeded with native wild grasses and flowers.

	<p>The applicant has used the DEFRA metric (v3.0) to quantify the existing biodiversity value of the site as well as the value of the developed site, including the submitted landscaping strategy. The assessment establishes that the habitat unit score within the site would increase by 14.85% whilst the hedgerow unit score would increase substantially, by 115.95%.</p> <p>A reptile survey, carried out as part of the ecological appraisal of the site, identified colonies of slow worm, primarily concentrated to the rank grassland around the edge of the site. The County Ecologist required arrangements to be made for new habitat to be created within the site and for slow worm to be captured and translocated to these habitat sites prior to construction works beginning. The site landscaping scheme includes a number of secure biodiversity enhancement areas where the slow worms would be moved to. These areas would be formed and fenced off prior to construction beginning and would be monitored and maintained throughout the lifetime of the development. All biodiversity enhancement areas would be seeded with native wild grasses and flowers, helping to deliver biodiversity net gain. Access to the biodiversity areas would be controlled and information signage would be erected to help increase awareness of the function of the land and to provide education.</p> <p>As noted in para. 8.4.9, the County Landscape Architect has welcomed the strengthening of existing boundary landscaping, something which is an integral part of the overall site landscaping scheme. The provision of green frontages to all dwellings and flats has also been welcomed and it is considered that this would help prevent the development appearing unacceptably suburban in character, instead assimilating with the semi-rural character and appearance that is a prevailing characteristic of the village.</p> <p>It is therefore considered that the development complies with policy CP10 of LLP1, policies BA02(e), DM24 and DM27 of LLP2 and paras. 170 and 175 of the NPPF.</p>
8.8	<p><u>Highways:</u></p> <p>As stated earlier in this report, the access arrangements to the site from the High Street have already been approved, subject to the conditions attached to outline permissions LW/21/0530.</p> <p>The ESCC Highways Officer is satisfied with the internal layout of the scheme, including adoptable roads, footways, parking arrangements and turning facilities for refuse and other servicing vehicles.</p> <p>The internal footway would provide connectivity with the existing pedestrian footway on that flanks the southern boundary of the site, allowing for residents to safely access the centre of the village on foot. General arrangements for cycle parking have also been accepted, subject to further details that would be secured by condition to ensure that stores are secure and covered</p>
8.9	<p><u>Sustainability:</u></p> <p>The application is accompanied by an Energy Strategy which sets out measures incorporated at the design level to improve the sustainability of</p>

	<p>the development and to reduce carbon emissions, energy, and water consumption.</p> <p>The strategy follows the be lean, be clean, be green methodology and quantifies the benefits of the measures in terms of emissions taken against a baseline level, this being the Target Emission Rate (TER) set out in part L of the building regulations, which itself is a reduction on the emissions associated with a 'notional dwelling'. The strategy responds to the requirement set out in the LDC Technical Advice Note (TAN) on sustainability in development which required new dwellings forming major development to achieve a minimum 20% improvement over TER. The strategy confirms that through the use of energy efficient materials, construction methods to achieve air tightness and the provision of air source heat pumps, the required improvement over TER would be achieved. A condition will be used to ensure that the development is carried out and maintained in accordance with the details provided within the statement. Overall, the measures set out would limit CO² emissions generated by the development to 36.9 tonnes per annum, a 45% reduction on the TER of 68.2 tonnes per annum.</p> <p>Further sustainability measures are secured by condition 30, attached to the outline planning permission, which requires details of ways in which water efficiency will be improved, the provision of functioning electric vehicle charging point for all dwellings and a minimum of 10% energy use being supplied by renewables.</p> <p>It is noted that the development incorporates sustainable drainage infrastructure which would provide additional habitat and amenity value and would also help control the release of any pollutants from the site into neighbouring watercourses. The development would be linked to the village centre by footpath, allowing for easy access to the shop and services provided within the village by foot. A travel plan, secured by a condition attached to the outline approval, would be expected to focus on encouraging and promoting the use of more sustainable modes of transport.</p> <p>During the construction stage, the applicant would be required to adhere to a Site Waste Management Plan (SWMP) that will detail how wastage of materials would be reduced as far as practicable and that surplus materials would be re-used or recycled wherever possible.</p>
8.10	<p><u>Archaeology</u></p> <p>Archaeological fieldworks were secured by way of a condition attached to the outline planning permission granted under LW/21/0530. These works were carried out in accordance with methodology and scope agreed with ESCC Archaeology between 26th and 28th October 2021. The County Archaeologist was provided with a report on the findings of the fieldwork and was satisfied that no further works or information was required. The report has been added to the Historic Environment Record.</p> <p>It is therefore considered the proposed development complies with policy CP11 of LLP1, DM33 of LLP2 and section 16 of the NPPF</p>

8.11	<p><u>Planning Obligations:</u> A section 106 agreement to secure policy compliant affordable housing provision was signed at the outline stage. Highway improvement works would be secured through a section 278 agreement</p>
8.12	<p><u>Human Rights Implications:</u> 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.</p>

9.	Recommendations
9.1	<p>It is recommended that permission is granted subject to the conditions listed below. Please note that these conditions supplement the extensive schedule already attached to the scheme as per the outline approval granted under LW/21/0530.</p>

10.	Conditions:
10.1	<p>Time limit The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date on which this permission is granted.</p> <p>Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).</p>
10.2	<p>Wastewater reinforcement Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development</p> <p>Reason: In order to ensure suitable arrangements for foul water disposal are in place in accordance with LLP1 policies CP7 and CP10, LLP2 policies BA02, DM20 and DM22 and para. 174 of the NPP</p>
10.3	<p>Materials Prior to the application of any external finishing (including window and door frames), a full schedule of external materials finishes and samples to be used on the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved schedule and samples.</p>

	<p>Reason: In the interest of visual amenity and the setting of the adjacent Conservation Area in accordance with LLP1 policies CP10 and CP11, LLP2 policies BA02, DM25 and DM33 and para. 130 and 197 of the NPPF.</p>
10.4	<p>Parking</p> <p>The development shall not be occupied until parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LLP1 policies CP11 and CP13, LLP2 policy DM25 and para. 110 and 112 of the NPPF.</p>
10.5	<p>Size of Parking Spaces</p> <p>The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).</p> <p>Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LLP1 policies CP11 and CP13, LLP2 policy DM25 and para. 110 and 112 of the NPPF.</p>
10.6	<p>Cycle Parking</p> <p>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</p> <p>Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development in accordance with LLP1 policies CP11 and CP13, LLP2 policy DM25 and para. 106 and 112 of the NPPF.</p>
10.7	<p>Contamination</p> <p>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.</p> <p>Reason: In order to prevent damage to the environment and the exposure of existing and future occupants to contaminants in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM20, DM21 and DM22 and para. 174 and 183 of the NPPF.</p>

10.8	<p>Unexploded Ordnance Report Prior to the commencement of development an Unexploded Ordnance (UXO) risk assessment must be submitted to and approved by the Local Planning Authority and construction works carried out in adherence to any recommendations made within the assessment.</p> <p>Reason: In the interest of public safety in accordance with LLP1 policy CP11, LLP2 policy DM20 and para. 119 of the NPPF</p>
10.9	<p>External Materials Prior to the application of any external finishing (including window and door frames), a full schedule of external materials finishes and samples to be used on the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved schedule and samples.</p> <p>Reason: In the interest of visual amenity and the setting of the adjacent Conservation Area in accordance with LLP1 policies CP10 and CP11, LLP2 policies BA02, DM25 and DM33 and para. 130 and 197 of the NPPF.</p>
10.10	<p>Obscure Glazing The first floor windows on the southern elevation of plot 23 and the eastern elevation of plot 26 shall be obscurely glazed and fixed shut at all times, other than any parts that are over 1.7 metres above the finished floor level of the rooms that they serve.</p> <p>Reason: In order to protect the amenities of neighbouring residents in accordance with LLP1 policy CP11, LLP2 policy DM25 and para. 130 of the NPPF.</p>
10.11	<p>Informatives: ESCC's requirements associated with this development proposal will need to be secured through a Section 278 Legal Agreement between the applicant and East Sussex County Council 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.</p> <p>The applicant is advised to enter into a Section 38 legal agreement with East Sussex County Council, as Highway Authority, for the proposed adoptable 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 Sec 38 agreement being in place are undertaken at their own risk.</p>

11.	Plans:		
11.1	This decision relates solely to the following plans:		
	<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
	Location Plan	2 nd March 2022	1057-RM-01
	Tree Works Plan	5 th May 2022	1057-RM-03 Rev B
	Parking Allocation Plan	5 th May 2022	1057-RM-04 Rev B
	Refuse and Recycling Layout	5 th May 2022	1057-RM-05 Rev B
	Fire Tender Tracking Plan	5 th May 2022	1057-RM-06 Rev B
	Ground Floor Layout	5 th May 2022	1057-RM-07 Rev B
	Road Adoption Plan	5 th May 2022	1057-RM-08 Rev B
	Boundary Treatment Plan	5 th May 2022	1057-RM-09 Rev B
	Hard Landscaping Layout	5 th May 2022	1057-RM-10 Rev B
	Soft Landscaping Layout (sheet 1)	2 nd March 2022	1057-RM-11
	Soft Landscaping Layout (sheet 2)	2 nd March 2022	1057-RM-12
	Affordable Housing Plan	5 th May 2022	1057-RM-13 Rev A
	Existing and Proposed Levels (sheet 1)	31 st May 2022	1057-RM-14 Rev B
	Existing and Proposed Levels (sheet 2)	31 st May 2022	1057-RM-15 Rev B
	Air Source Heat Pump Locations	5 th May 2022	1057-RM-16
	Coloured Site Layout	25 th October 2022	22080-C201
	Dwelling Material Distribution Plan	25 th October 2022	22080-C203
	Proposed Site Layout	25 th October 2022	22080-P201
	Coloured Street Scenes AA-CC	25 th October 2022	22080-C204
	Coloured Street Scenes DD-FF	25 th October 2022	22080-C205
	Plot 1-3 Plans and Elevations	25 th October 2022	22080-P210
	Plot 4 Plans and Elevations	25 th October 2022	22080-P211
	Plot 5 Plans and Elevations	25 th October 2022	22080-P212
	Plot 6 Plans and Elevations	25 th October 2022	22080-P213
	Plot 7 Plans and Elevations	25 th October 2022	22080-P214

	Plot 8 Plans and Elevations	25 th October 2022	22080-P215
	Plot 9 Plans and Elevations	25 th October 2022	22080-P216
	Plot 10 Plans and Elevations	25 th October 2022	22080-P217
	Plot 11 Plans and Elevations	25 th October 2022	22080-P218
	Plot 12 Plans and Elevations	25 th October 2022	22080-P219
	Plots 13-16 Plans and Elevations	25 th October 2022	22080-P220
	Plots 17-20 Plans and Elevations	25 th October 2022	22080-P221
	Plots 21 & 22 Plans and Elevations	25 th October 2022	22080-P222
	Plot 23 Plans and Elevations	25 th October 2022	22080-P223
	Plot 24 -26 Plans and Elevations	25 th October 2022	22080-P224
	Energy Strategy	31 st May 2022	2252-50-RPT-01
	Contamination Report	5 th May 2022	J14919
	Arboricultural Implications Assessment	2 nd March 2022	J58.67
	Proposed New Landscaping – Planting Schedule	2 nd March 2022	

12.	Appendices
12.1	None.

13.	Background Papers
13.1	None.

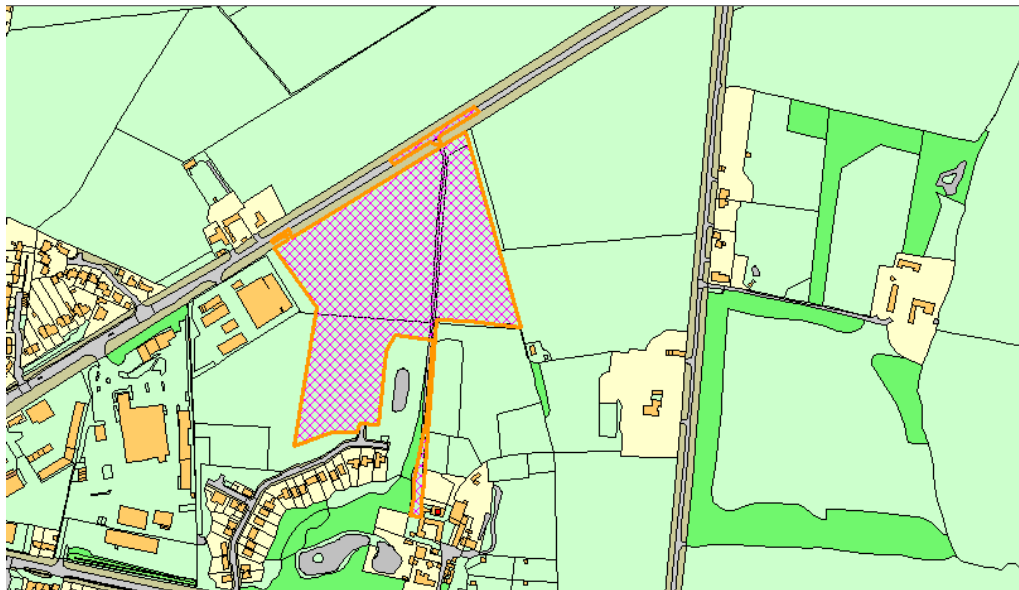
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Agenda Item 9

Report to: Planning Applications Committee
Date: 7 December 2022
Application No: LW/22/0282
Location: Land Between The Broyle and Round House Road, Ringmer
Proposal: Erection of 70 residential dwellings; with access and parking, the provision of open space, play space and ecology areas with associated vehicular and pedestrian access and landscaping.
Applicant: Ouse Valley & Ringmer
Ward: BoKlok Housing Ltd
Recommendation: 1. Approve subject to conditions and section 106 legal agreement and an updated road safety audit supported by ESCC Highways.
Contact Officer: **Name:** James Smith
E-mail: james.smith@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liable.

Site Location Plan



1.	Executive Summary
1.1	The council is unable to demonstrate a 5 year supply of housing land within current settlement boundaries. The application site, whilst greenfield, is contiguous with the settlement boundary of Ringmer and falls within a landscape character area identified as having a high capacity for change.
1.2	The site is of relatively low habitat value and suitable mitigation measures can be secured to ensure biodiversity enhancements are provided and species can be translocated to newly formed habitats.
1.3	The layout of the site would foster a cohesive environment and the dwellings would provide good quality living conditions both internally and externally which would be supplemented by amenity infrastructure delivered as part of the development.
1.4	A policy compliant level of affordable housing would also be delivered.
1.5	The development could be safely accessed by vehicle and on foot and, whilst located on the edge of Ringmer, acceptable connectivity to the village is provided.
1.6	<p>Housing Delivery</p> <p>The provision of 70 residential dwellings would contribute to the housing land supply for the District.</p> <p>This would carry <u>significant weight</u> in the planning balance.</p>
1.7	<p>Affordable Housing</p> <p>The development would deliver a policy compliant 40% affordable housing contribution, with a mix of units being provided. The standards of the affordable accommodation would be consistent with the market housing within the scheme and the units provided would be indistinguishable from the wider development.</p> <p>The provision is policy complaint and would carry <u>significant weight</u> in the planning balance.</p>
1.8	<p>Economic Benefits</p> <p>The proposal offers economic benefits in the form of job creation during construction and an increase in population that would likely result in additional use of local businesses and services. The proposed development would not result in constraints to the operation of the nearby business park.</p> <p>This would carry <u>moderate weight</u> in the planning balance</p>

1.9	<p>Placemaking and impact upon urban environment</p> <p>The design and layout of the development creates is provide a strong sense of character, good quality public and private space and an integrated and interactive environment.</p> <p>This would carry <u>moderate weight</u> in the planning balance.</p>
1.10	<p>Landscape impact</p> <p>The site has not been previously developed and the proposed development would therefore result in the loss of greenfield land. However, suitable mitigation in the form of provision of green space, strengthening of field boundaries and facilitation of biodiversity enhancement works would be secured. It is also noted that the site is embedded in a landscape area identified as having capacity for change without causing undue harm to the wider character of the surrounding countryside.</p> <p>This harm to landscape is therefore considered to be well mitigated and, for that reason, carries a <u>minor weight</u> in the planning balance.</p>
1.11	<p>Highways</p> <p>The access arrangements for the development are considered to be suitable and safe. The development would secure highway improvements that would benefit existing and future road users and pedestrians. Modelling data has indicated that traffic generated by the development would not result in unacceptable pressure upon the existing highway network and infrastructure. These comments are subject to a final audit of pedestrian and cycle connections as requested by the ESCC Highways officer.</p> <p>This would carry <u>neutral weight</u> in the planning balance.</p>
1.12	<p>Water Issues</p> <p>The development would utilise a sustainable drainage system allowing for discharge of surface water into the existing watercourse at an agreed rate. Although the Lead Local Flood Authority (LLFA) require further details on the performance of the proposed drainage system there is no objection to the principle or concerns about the ability of the site to control discharge of surface water. The additional details required could be secured through the use of an appropriate pre-commencement condition. Southern Water have informed that there is sufficient capacity in the foul drainage network to serve the development.</p> <p>This should be given <u>neutral weight</u> in the planning balance.</p>

1.13	<p>Air Quality & Contaminated Land</p> <p>Both air quality and contaminated land can be effectively dealt with by condition. Subject to conditions, the environmental health impacts can be acceptably resolved.</p> <p>This should be given <u>neutral weight</u> in the planning balance.</p>
1.14	<p>Quality Living Environment</p> <p>The scheme would provide adequate living standards in terms of local environment and internal and external quality of private accommodation, whilst not harming the amenity of existing properties nearby.</p> <p>This should be given <u>moderate weight</u> in the planning balance.</p>
1.15	<p>Overall, and with reference to the ‘tilted balance’ approach to decision making set out in para. 11 of the NPPF, it is considered that the social, economic and environmental benefits that would be delivered by the development are considered to significantly outweigh the impacts of the development and, therefore, the planning application is recommended for approval, subject to a section 106 agreement and the conditions listed at the end of this report.</p>

2.	Relevant Planning Policies
2.1	<p><u>National Planning Policy Framework</u></p> <ul style="list-style-type: none"> 2. Achieving sustainable development 4. Decision making 5. Delivering a sufficient supply of homes 6. Building a strong, competitive economy 8. Promoting healthy and safe communities 11. Making effective use of land 12. Achieving well-designed places 14. Meeting the challenge of climate change, flooding, and coastal change 15. Conserving and enhancing the natural environment
2.2	<p><u>Lewes District Local Plan:</u></p> <ul style="list-style-type: none"> CP4. Encouraging Economic Development and Regeneration. CP7. Infrastructure CP8. Green Infrastructure CP9. Air Quality

	<p>CP10. Natural Environment and Landscape.</p> <p>CP11. Built and Historic Environment & Design</p> <p>CP12. Flood Risk, Coastal Erosion and Drainage</p> <p>CP13. Sustainable Travel</p> <p>CP14. Renewable and Low Carbon Energy</p> <p>DM14: Multi-functional Green Infrastructure</p> <p>DM20: Pollution Management</p> <p>DM21: Land Contamination</p> <p>DM22: Water Resources and Water Quality</p> <p>DM23: Noise</p> <p>DM25: Design</p> <p>DM24: Protection of Biodiversity and Geodiversity</p> <p>DM25: Design</p> <p>DM27: Landscape Design</p>
2.3	<p><u>Ringmer Neighbourhood Plan:</u></p> <p>4.1 The countryside in Ringmer</p> <p>4.9 Green corridors, ponds, and streams</p> <p>4.10 Maintaining and enhancing biodiversity</p> <p>4.11 Avoidance of light pollution</p> <p>5.1 Employment in Ringmer</p> <p>6.2 Affordable housing numbers and types</p> <p>6.3 Scale of new residential developments</p> <p>RES11 Lower Lodge Farm</p> <p>RES25 Lower Lodge Farm exception site</p> <p>7.5 Outdoor play facilities for children</p> <p>7.6 Outdoor facilities for young people & adults</p> <p>8.1 Access to the local road system</p> <p>8.2 The local road network within Ringmer parish</p> <p>8.3 Provision of adequate off-road parking</p> <p>8.4 Provision of cycle ways and safe routes for cycles and mobility scooters</p> <p>8.5 Road safety</p> <p>8.6 Public transport</p> <p>8.7 Primary & nursery education</p> <p>8.8 Secondary & further education and services for young people</p>

<p>8.9 Health service provision</p> <p>8.10 Water supply</p> <p>8.11 Drainage & sewerage</p> <p>8.12 Waste disposal & recycling</p> <p>9.1 Design, massing, and height of buildings</p> <p>9.2 Making good use of available land</p> <p>9.3 Materials</p> <p>9.4 Housing space standards</p> <p>9.5 Pedestrian movement - twittens</p> <p>9.6 Hard & soft landscaping</p> <p>9.7 Types of residential development</p>

3.	Site Description
3.1	The site comprises a broadly hedgerow enclosed field that flanks The Broyle (B2192) to the north and Caburn Enterprise Park to the west. The site also incorporates part of a larger field to the south which has already been partially developed, with dwellings on Round House Road and Cattle Pen Way occupying the southern edge, and also has a extant outline permission for the development of a care home and affordable housing on the western part of the field. The boundary between the two fields is marked by a drainage ditch. The site topography is characterised by a consistent gentle rise from the south of the site to the north.
3.2	Part of the site falls within the planning boundary, this being the southern end of the southern field. The remainder of the site is outside of the boundary. The southern end of the site falls within the wider RES11 site allocated for residential development in the Ringmer Neighbourhood Plan. The remainder of RES11 has already been developed in the form of Round House Road and Cattle Pen Way. The majority of the site, as well as the remainder of the southern field are included in the 2022 Interim Land Availability Assessment (LAA) under reference 48RG with the site identified as being available and a development of up to 75 dwellings being considered suitable and achievable. The eastern part of the northern field is not included within the LAA designation and has not been assessed for that purpose.
3.3	As stated above, the site is in an edge of settlement location. The shops and services in the centre of Ringmer are approx. 1.6 km to the west. Open countryside, predominantly in the form of agricultural fields, extends to the east and to the north and south beyond the B2192 and the line of dwellings flanking the B2124 respectively. The edge of the South Downs National Park is approx. 900 metres to the south-west. To the south, beyond the Round House Road development, there is a parcel of land on which a community woodland has recently been established. The

	woodland surrounds a pond and supports a range of ecological enhancements.
3.4	Site boundaries flanking the B2192 to the north and the commercial development to the north and west are marked by lines of mature trees and sections of hedgerow. The southern boundary borders Round House Road, where dwellings face outwards towards the site. The eastern boundary is marked by patchy hedgerow within the northern field and by vegetation around the balancing pond serving the Round House Road development within the southern field.
3.5	The site is within flood zone 1 and does not contain any significant water bodies or courses other than the ditch marking the field boundary. There is also a group of ponds at Lower Lodge Farm which is to the south of the site and an attenuation pond to the east of the site that forms part of the SUDs scheme serving the Round House Road development. The site falls within an Archaeological Notification Area. Other than this, and the neighbourhood plan allocations set out above, there are no specific planning designations or constraints attached to the site or the immediate surrounding area.

4.	Proposed Development
4.1	The application seeks full planning permission for the residential development of the site to provide 70 new dwellings and associated infrastructure.
4.2	28 units would be provided as affordable housing, representing approximately 40% of the overall scheme.
4.3	The dwelling mix across the scheme comprises 26 x 2 bed dwellings (37%), 39 x 3 bed dwellings (56%) and 5 x 4 bed dwellings (7%). The affordable housing element would comprise 17 x 2 bed dwellings and 11 x 3 bed dwellings and would be delivered with a tenure mix of 25% shared ownership and 75% affordable rent.
4.4	All dwellings would be two-storey and would be clustered around a spine road running from a new access formed on The Broyle towards the north-eastern corner of the site to the south-western corner of the site close to the eastern end of Round House Road. An additional internal road would run parallel, but set back from, the western and northern boundaries in the north-western corner of the site with the pocket of land formed between this and the spinal road utilised to form a shared amenity area including play equipment, seating and planting.
4.4	As stated above, a new site access from The Broyle would be formed on the northern boundary towards the north eastern corner of the site. The access would take the form of a bell mouth junction with highway

	improvement works being undertaken to create a right-hand turn lane to accommodate traffic arriving from the west entering the development.
4.6	Each dwelling would be provided with 2 x allocated parking bays either on-site (including through tandem parking) or in bays or laybys close to the respective dwelling. An additional 23 x visitor parking bays would be provided, resulting in an overall quantum of 163 x car parking spaces.
4.7	The eastern edge of the site, which roughly comprises the area of the site not included within LAA site 48RG, would be retained for ecological enhancements, informal green space, buffer planting and attenuation ponds associated with the site surface water drainage scheme
4.8	A modular construction method would be used for the development, with buildings being fabricated in sections off site which would then be transported to the site and assembled.

5.	Relevant Planning History:
5.1	LW/15/0542 - Erection of 30 dwellings (including 12 affordable) with associated car parking, landscaping, and community woodland – Approved Conditionally 2 nd November 2016 (neighbouring site to south)
5.2	LW/18/0880 - Development of Land at Lower Lodge Farm to create a village care centre and 16 x affordable housing units, including a new access from The Broyle / B2192 – Outline permission granted 30 th November 2020 (all matters reserved). (neighbouring site to west)

6.	Consultations:
6.1	<p><u>Ringmer Parish Council (RPC)</u></p> <p>The views of RPC are reported in full below</p> <p>At its meeting on 24 May 2022 Ringmer Parish Council voted unanimously to recommend refusal of this application. This speculative development is contrary to several of the policies of Ringmer Neighbourhood Plan. It is unsustainable, it exceeds the “village” scale, it will create a car-dependent estate on the fringe of the Village with no employment opportunities and there are no assurances that Southern Water can deal with the sewerage without adding to the pollution of the Glynde Reach. The inclusion of open spaces within the site is welcome but it falls short of providing sufficient off-road parking as specified in the RNP (8.3) and many of the spaces are tandem bay, contrary to ESCC policy. No comments have yet been received from ESCC Highways about the impact of the development on the local highways network, whilst ESCC Flood Risk Managers have objected and asked for more information.</p>

Unsustainable Development

Part of the adjacent site was approved for the for provision of 16 affordable-rented housing in connection with outline application [LW/18/0880] for a village care centre. This was fully in accordance with the RNP (Key Principle 3.2, policies 5.1 (EMP7), 6.1, 6.2, 6.3, 6.4 (RES25) and the Village Design Statement policies in RNP section 9). Similarly, the development at the neighbouring Round House Road (100% affordable) was also in accordance with the RNP.

A key aim of the RNP is to improve Ringmer' s sustainability by providing additional local employment on existing and newly-allocated sites, to reduce the current level of excessive out-commuting (83% by private motor transport) and by providing within the village more of the affordable housing that many of those already employed in Ringmer need but cannot currently find. These policies have already met with considerable success and demonstrated a high and unmet demand for additional employment space in Ringmer.

This application does not include any provision for employment but is for 70 homes on the edge of the Broyleside settlement. It will be heavily car-dependent, being a 25 minute walk (according Boklok's own figures) from the Village centre and shops, along a busy road with a large volume of HGV traffic on narrow pavements which is very unattractive and unsuitable for anyone using a mobility scooter or wheelchair.

As noted above, the proposed development would be highly car dependent. The nearest bus stop, on Laughton Road, is not served by any bus service useful for employment purposes (5 buses per day). The bus stops on the Broyle itself (No 28 to Lewes and Brighton) are only served by two buses in the morning, two hours apart, and none until the evening. The bus stops to the more regular No 28 service are at Broyleside Cottages and the Green Man, which are distant from the site, and not presently connected to it. Similarly, there is no safe cycle route since the cycleway between Broyleside and Ringmer Village envisaged in the RNP has not been delivered despite two consultations from ESCC and Sustrans. Children arriving to live at this development could not be accommodated at Ringmer' s Primary or Nursery schools, or any other schools accessible by sustainable transport. This would further increase the car-dependence beyond that envisaged in the transport study.

Additional sewage cannot be accommodated at the Neaves Lane WWTW, recently revealed as to be so dysfunctional that, despite improvements completed in 2019, it was still during 2021 releasing untreated Ringmer sewage into a small stream that feeds into Glynde Reach for more than 10% of the time. This explains why Glynde Reach has been identified by the Environment Agency as the most polluted watercourse in Sussex. This application is thus in direct conflict with RNP policy 8.11.

Highways Issues – Earwig Corner

The highways stresses created by Ringmer out-commuting are due almost entirely to peak hour travel from Ringmer via Earwig Corner and the congested A26 junctions to join the main highway network at Southerham

in the morning rush hour, and the reverse journey in the evening peak travel period.

At the time of writing, no comments from ESCC Highways have been published. We note, however that ESCC have made the following comment on another application:

“Currently ESCC is assessing several development applications in the Ringer area as follows:

LW/21/0937 – Broyle Gate Farm [up to 100 units + community facilities]

LW/21/0986 – Harrison’s Lane [200 units]

LW/21/0694 – Land opposite Bishop’s Close, Bishop’s Lane [68 units]

LW/22/0255 – Land between The Broyle and Round House Road [57 units]

LW/22/0282 – Land between The Broyle and Round House Road [larger red site 70 units and access further to north and different applicant]

“These four sites [5 separate applications] will have an impact on the operation of the Earwig Corner junctions (A26/B2192) and the A26 Cuilfail Tunnel. This junction has recently been upgraded to a signalized junction funded by the development in Bishop’s Lane to ensure the associated traffic could be accommodated (LW/14/0127 & LW/15/0152). It is necessary therefore to establish whether further development in Ringmer will have a severe impact on this newly upgraded junction and the A26 southbound to the tunnel – including the junctions along it i.e. A26 Ham Lane, A26/Church Lane and the” snail roundabout”. Any TA should include assessment of each site in isolation and combination. We are mindful of the emerging Local Plan and the potential for further development on this constrained part of the highway network. As such a precautionary approach is required at this time.

“To support this development proposal... the applicant is therefore required to demonstrate the impact of the development and also the cumulative impacts of the four live applications. We recommend that applicants work together to assess the impacts of the development and put forward mitigation as appropriate...”

We are not aware of any such study having been undertaken and as such the applicant’s transport assessment and its conclusion that there will be minimal impact on the surrounding highway network should be disregarded.

Moreover, in addition to cumulative impact of the above listed applications, Earwig Corner and the surrounding road network would have to take account of the 70 new houses at Barcombe Cross (LW/22/0459) as well as the nearby Wealden District approved developments in East Hoathly (205 units) and the over 1,000 currently under construction in Ridgewood, Uckfield.

Other Highways Issues

I note that the traffic assessment includes reference to the speed of traffic along the B2192 at the proposed site entrance. The average speed is recorded as 52.1 mph Eastbound and 60.1 mph Westbound despite this being a 40mph zone. No comment has been received from ESCC Highways and it does not appear that the applicant has sought advice on ways to reduce the high speed of vehicles approaching the new access. A ghost right turn is proposed but will still involve traffic crossing a high-speed carriageway.

The Road Safety Audit suggests that the Ringmer Village gateway sign and speed roundel on the B2192 may impede visibility from the new site entrance. The recommendation is therefore to relocate the signs. It is difficult to see how the gateway sign could be relocated since it marks Ringmer's boundary!

Affordable housing

The Lewes Local Plan requires that affordable housing should be indistinguishable in nature and appearance from the market housing on the same development. Here the majority of the affordable housing is in located in the least attractive parts of the site, nearest to the road on the north side and to the industrial estate on the west.

Inadequate car parking

Car ownership throughout Ringmer is high and is in practice essential for commuting to most employment outside the village, and inadequate provision of off-road parking has been a significant cause of neighbourhood disputes. This village-edge development will be especially car-dependent. For this reason, RNP policy 8.3 requires all new development to provide off-road parking for all the vehicles it is likely to attract. The policy requires the provision of 2 allocated off-road car parking spaces for each 1-bed, 2-bed, or 3-bed home and 3 spaces for each 4-bed or larger home. The applicant has allocated only two spaces for each of the 4-bed homes instead of the three required by the RNP. Similarly, many of the allocated spaces are provided in tandem bays, which is contrary to ESCC policy.

Energy and Sustainability Statement

The developer's intention to install air source heat pumps is welcome. However, it is disappointing that the developer says other renewable energy sources "could be given consideration" (para 9.2). On solar panels, the developer says:

"...there will need to be consideration into whether the energy generated by PV will be beneficial to the tenants as the site will likely not be used during peak sunlight hours.

"A provision for future installation shall be provided during construction to allow for the installation of PV panels by future residents post construction and in isolation from the developer's involvement."

Similar statements are made about solar thermal and wind turbines, whilst CHP has been ruled out for this development.

	<p><u>Noise and Air Quality</u></p> <p>The noise assessment indicates that noise levels for the properties nearest to the B2192 are higher than guideline levels. By way of mitigation windows with additional noise insulation properties are recommended. However, this implies that road noise will be a disturbance to residents when windows are open during the summer months or when they are using their gardens or communal outside space, so calls into question the suitability of the site for residential use. The air quality assessment concentrates of the effects of construction on the ambient air quality rather than measuring the air quality of the site for residents after occupation.</p> <p>In conclusion Ringmer Parish Council decided to recommend refusal of this application as an unsuitable site for development of this scale. No decision should be reached without the further assessment of the highways impact, the effects of the sewerage system and the flood risk assessment.</p>
6.2	<p><u>Southern Water</u></p> <p>Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer</p>
6.3	<p><u>Lead Local Flood Authority</u></p> <p>We consider that insufficient evidence has been provided to assure us that the surface water flood risk affecting the site and the local area has been appropriately considered. The applicant should demonstrate that the proposed residential dwellings and proposed attenuation features are outside the 1 in 1000-year surface water flooding extents as per the Environment Agency's surface water flood risk mapping. If this cannot be proven, we request that detailed hydraulic modelling is undertaken as evidence that the proposed development will not be at risk of surface water flooding and that this risk will not be increased offsite.</p> <p>In regard to the proposed rate of discharge, the greenfield runoff rate calculations should be based on the developable areas of the site only and exclude any large proposed open landscaped areas which can be expected to continue to contribute flows to the watercourse. The discharge rate for the northern parcel should be adjusted accordingly.</p> <p>In addition, we note that the drainage strategy includes several areas of permeable paving, including private driveways. While we encourage the use of permeable paving, areas of private ownership should not be included as part of the overall storage calculations, as it is difficult to ensure these will be maintained throughout the lifetime of the development.</p> <p>OFFICER COMMENT: A response to the request for further information has been submitted although the LLFA have yet to reply to this. It is considered that, in any case, the matter can be dealt with through the use</p>

	<p>of appropriate conditions for the reasons set out in in the assessment below.</p>
6.4	<p><u>ESCC Highways</u></p> <p>Whilst some issues have been overcome, the applicant has still not adequately addressed the issues of pedestrian and cycle connectivity (particularly) onto The Broyle [B2192].</p> <p>Given the nature of the B2192 in this location this is not acceptable and thus my objection dated 27th October 2022 remains. The revised RSA has not been provided despite my request in my telephone conversation with the Transport Agent on 10th November 2022. Until this has been satisfactorily provided I still object to the proposed development.</p> <p>However, if your Committee is minded to approve the application as submitted then I recommend the conditions and mitigation measures [secured through a S106 Agreement] at the end of this report are sought.</p> <p>OFFICER COMMENT: As all other matters have been addressed it is requested that members, if minded to approve the application, then this is conditional upon an updated road safety audit being assessed and approved by ESCC Highways.</p>
6.5	<p><u>LDC Noise Officer</u></p> <p>Noise control is required under this application and with consideration to BS 8233:2014 (for noise insulation within residential premises).</p>
6.6	<p><u>LDC Contaminated Land Officer</u></p> <p>I am aware that a contaminated land phase 1 and phase II site investigation report was prepared by Leap Environmental and submitted with the application (report ref: LP 2827 dated 12 April 2022).</p> <p>The report did not identify any of the contaminants tested for at concentrations considered to pose a risk to future residents, construction workers or controlled waters and concluded that no remediation is required. The report also did not identify any significant risk from ground gases associated with those ponds/landfill and no gas protection measures are deemed necessary. However, the report recognised that there is always the risk of hitherto undetected contamination, and further investigations should be carried out prior to redevelopment.</p> <p>I largely concur with the report findings. However, if LPA is minded granting a planning permission, then I recommend conditions and Informatives.</p>
6.7	<p><u>Natural England</u></p> <p>No Objection.</p>

	<p>Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.</p>
6.8	<p><u>LDC Ecology</u></p> <p>Formal comments awaited, see section 8.12.</p>
6.9	<p><u>Nature Space</u></p> <p>I am satisfied with the ecological report that confirms the presence of GCN on-site and in the surrounding area.</p> <p>Permission can be refused if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on the species and thus meet the requirements of the National Planning Policy Framework (2021), ODPM Circular 06/2005 or the Conservation of Habitats and Species Regulations 2017 (as amended). The Council has the power to request information under Article 4 of the Town and Country (Planning Applications) Regulations 1988 (SI1988.1812) (S3) which covers general information for</p> <p>Due to the confirmed presence of GCN in the pond on-site and in the surrounding area a licence is required for the development.</p> <p>The applicant can either choose to use the district licencing scheme or provide information to satisfy the council that a licence can be granted by NE post planning approval (if approved) this would include all impacts, mitigation, compensation and any monitoring that is required .</p>
6.10	<p><u>ESCC Archaeology</u></p> <p>Based on the excavated evidence immediately adjacent there is no indication that remains of national significance are likely to exist within the application site, but it is likely that remains of local and regional significance will have survived more recent agricultural practices. Such remains and would be unavoidably impacted to varying degrees by the proposed development.</p> <p>In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF (the Government's planning policies for England):</p>
6.11	<p><u>Campaign for the Protection of Rural England (CPRE)</u></p> <p>Objection.</p> <p>Please note that the provisions of Ringmer Neighbourhood Plan policy 8.11 apply to this development. The first part of this policy reads:</p>

	<p>Ringmer Neighbourhood Plan Policy 8.11: New development in the areas of Ringmer served by the Ringmer sewage works will be permitted only when effective mains drainage and sewerage systems are provided and when such development can be accommodated within the capacity of the Ringmer sewage works. New and improved utility infrastructure will be encouraged and permitted in order to meet the identified needs of the community.</p> <p>Please note that, despite an upgrade completed in 2019, Environment Agency data show that during 2021 the Ringmer (Neaves Lane) WWTW, to which the foul sewers from this development would have to connect, had 68 releases of untreated sewage into the Bulldog Sewer and thus into Glynde Reach, which was identified over a decade ago as the most polluted waterway in East Sussex. Untreated sewage was being released into Glynde Reach for an average of over 18 hours per week, which means more than 10% of the time. 10% of the time cannot by any definition be considered "exceptional weather circumstances": it means whenever it rains. This demonstrates beyond any shadow of a doubt that the Ringmer sewage works is already operating far beyond its capacity.</p> <p>Please ensure that the decision makers or this planning application are aware of this situation, and also aware of the consequent conflict between this application and RNP Policy 8.11.</p> <p>It would be helpful if you could also ensure that Southern Water were required to comment on the application; were asked to state what financial provision there is in their current forward investment plan for improvements at the Ringmer (Neaves Lane) WWTW; to indicate at what date they could guarantee any such improvements will be completed; and were required to indicate to what extent they can guarantee any such improvements would reduce the disgusting discharges that are responsible for the current appalling levels of pollution in Glynde Reach.</p>
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7.	Other Representations:
7.1	<p><u>Neighbour Representations:</u></p> <p>A total of 27 letters of objection have been submitted by members of the public. A summary of the material concerns raised in all letters is provided below</p> <ul style="list-style-type: none"> • Improved infrastructure is needed before new houses are built. • Goes beyond the boundary of Ringmer. • There are no safe connections to the village for pedestrians and cyclists. • Increase in pollution. • Increased strain on infrastructure. • Loss of rural land/habitat.

	<ul style="list-style-type: none"> • Large residential development is altering the character of the village into that of a town. • Current sewage infrastructure cannot cope, and development will need to more pollution and discharge into watercourses. • Unsustainable/car dependent development. • Would impede upon operation of nearby employment sites. • Affordable housing should not be concentrated towards the noisiest part of the site. • Limited employment opportunities for future occupants in the village will lead to out commuting. • Harm to landscape/negative impact upon setting of the SDNP. • Light pollution as a result of external lighting. • Insufficient recreation space provided. • Concern that surface water drainage has not been addressed. • Inappropriate architecture.
7.2	<p><u>Other Representations:</u></p> <p>None</p>

8.	Appraisal:
8.1	<p><u>Key Considerations</u></p> <p>The main considerations relate to</p> <ul style="list-style-type: none"> • the principle of the development. • the impact upon the character and appearance of the area • neighbour amenities, • impacts upon highway/pedestrian safety • flood risk, • the quality of the accommodation to be provided • the degree to which it meets identified housing needs • 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:

The site falls partially within the planning boundary although large parts to the north and east are outside of it.

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.

As LLP1 is now over 5 years old, the housing delivery target set out in policy SP1 (approx. 275 net dwellings per annum) is obsolete and the target now worked towards is therefore based on local housing need calculated using the standard method set out in national planning guidance as per para. 74 of the National Planning Policy Framework (NPPF). This has resulted in the delivery target rising to 782 dwellings per annum. This figure reduces to 602 dwelling per annum when the residential units likely to be developed within the National Park are disaggregated.

Due to this increase in housing delivery targets, Lewes District Council is no longer able to identify a 5-year supply of specific deliverable sites for housing. Para. 11 (d) of the NPPF states that, where a Local Planning Authority is unable to identify a 5 year supply of housing land, permission for development should be granted unless there is a clear reason for refusal due to negative impact upon protected areas or assets identified within the NPPF or if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

This approach effectively adopts a 'tilted balance' in favour of development.

In response to the need to consider large scale residential development outside of the previously established planning boundaries in order to deliver a sufficient supply of housing land, the Council has adopted an interim housing policy which sets out a raft of criteria which seek to direct any such development to areas where it would be most sustainable, contiguous with existing development, sympathetic to the natural environment and would not adversely impact upon highway safety or the free flow of traffic. It should, however, be noted that this policy carries limited weight due it not forming part of the development plan.

Part of the site is located within an area identified as being suitable, available, and achievable in terms of residential development within the LAA. It is important to note that the LAA is a high-level assessment of the suitability of land for development and does not allocate land for development or determine whether a site will be allocated for

	<p>development. As such, the inclusion of a site should not be taken to imply that the site will be allocated for housing or looked upon favourably when determining planning applications.</p> <p>The application will therefore be assessed on the balance of its economic, social and environmental merits in full accordance with the principle of supporting sustainable development as set out in paras 8, 11 and 12 of the Revised National Planning Policy Framework alongside any aligned development plan policies relating to design, amenity impact, carbon reduction, landscaping, pollution control and ecological enhancements.</p>
8.3	<p><u>Planning Obligations</u></p> <p>Affordable Housing</p> <p>The proposed scheme represents major development (more than 10 new dwellings) and, as such, there is a requirement for affordable housing to be provided, at a rate of 40% of the total number of units as per Policy CP1 of the LLP1 and the SPD for affordable housing. For an overall development of 70 dwellings this equates to the provision of 28 x dwellings as affordable units.</p> <p>The applicant has confirmed that affordable housing would be provided in compliance with the requirements of CP1. The dwelling mix would comprise 17 x 2 bed dwellings and 11 x 3 bed dwellings. A section 106 agreement would be used to secure the provision of affordable housing as well as a timetable/trigger for its delivery. This will also include an element of First Homes depending on the advice from the Councils Housing advisor.</p> <p><u>Highway/Biodiversity works</u></p> <p>Highway works requested by ESCC Highways and off-site ecological enhancements approved by the County Ecologist would also be secured within the agreement.</p> <p>The highway works/contributions requested by ESCC are as follows: -</p> <ol style="list-style-type: none"> 1. Bus stop clearway markings required at Round House Road east and west bound bus stops on B2124 [Laughton Road]. 2. Bus consultation contribution of £1,000 for the administrative costs of progressing bus consultations for the bus stop clearways at the bus stops on Laughton Road and The Broyle. 3. A contribution of £25,000 towards real time passenger information signs – one at each stop on Laughton Road. 4. A contribution of £58,300 (£1100 per dwelling unit) is required towards the East Sussex Bus Service Improvement Plan [which aligns with the Governments new national bus strategy] towards the provision of an increased daytime service and new evenings and weekends provision for the 143 bus service [and/or its replacement] and/or towards improving the Sunday 29 service. 5. A £5,000 contribution towards the administrative costs of progressing a Traffic Regulation Order for any possible alterations to the speed limit and any extension of the speed limit within the site.

	<ol style="list-style-type: none"> 6. Travel Plan Statement developed in accordance with ESCC Travel Plan Guidance for developers (Feb 2020). 7. Access from The Broyle (B2192) including road markings etc as shown illustratively on submitted plans 8. A new 2 metres wide continuous footway along the eastern side of the B2192 [The Broyle] from the proposed pedestrian/cycle site access to Broyle Lane together with uncontrolled crossing/s facility on The Broyle and to include footway extended around the full radii of the East Sussex Highways Depot. 9. The bus stops on The Broyle (known as The Yeomans stops – north east and south west bound) to be improved to provide a hardstanding, pole, flag, bus stop clearway and a bus shelter. 10. Widening/extension of the footway on the western side of The Broyle to enable access to/from the north eastbound [Yeomans] bus stop. 11. Pedestrian/cycle access to be provided from the site onto The Broyle [B2192]. <p><u>Play space</u></p> <p>The legal agreement would also be used to secure suitable play equipment and a management and maintenance plan for its retention throughout the lifetime of the development.</p>
8.4	<p><u>Noise Impacts</u></p> <p>The site is relatively close to Caburn Enterprise Park and adjacent land allocated for employment development in the Ringmer Neighbourhood Plan, albeit there is an extant permission for development of that land to provide a residential care home/affordable housing as well as a current application for a scheme comprising purely C3 use.</p> <p>Para. 187 of the NPPF states that planning decisions should ensure that new development can be integrated effectively with existing businesses.... Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business.... could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.’</p> <p>The application is accompanied by a noise assessment that was carried out over a 24-hour period commencing 15:15 on Thursday 10th February. The assessment established that the main source of noise experienced from within the site was not from employment related noise, but noise generated by traffic on the B2192.</p> <p>Mitigation measures, which will be discussed in greater detail later in this report, would be incorporated to ensure noise levels within houses and private outdoor amenity areas would be controlled at a suitable level and, therefore, it is considered that, with these measures in place, it is unlikely</p>

	<p>that occupants of the proposed development would make noise complaints that would threaten the ongoing operation of businesses on the commercial site.</p> <p>It is also noted that the site would be provided with a designated access and would therefore not compromise any future access works provided to serve the allocated employment land to the west of the site, should the extant approval not be implemented and a commercial scheme comes forward in its place.</p> <p>The Council's noise officer is satisfied with this arrangement, subject to confirmation of its effectiveness to be provided in the form of noise monitoring prior to the occupation of any part of the development.</p>
8.5	<p><u>Transport and Parking:</u></p> <p>The proposed site access is onto a section of road operating at national speed limits. ESCC Highways are satisfied that the access can operate safely provided suitable visibility splays are maintained and this will be secured by condition. The access includes a dedicated right-hand turning bay which would help reduce the risk of shunt collisions between through traffic and vehicles turning in to the site.</p> <p>Traffic modelling assessments of Earwig Corner and the two junctions on the A26 (Church Lane and Cuilfail tunnel roundabout) have been provided. These demonstrate that the development can be accommodated on the highway network along without severe impact shown. These assessments include the live and committed development applications as required by ESCC Highways.</p> <p>The applicant has not assessed the impact of the development on the B2192 (The Broyle)/B2124 (Laughton Road) mini-roundabout junction to the south west. However, the trip distribution and number of trips have been given with the junction assessment above. This demonstrates that 31 trips would be generated in the AM and PM peaks to/from the south west, equating to just 1 vehicular trip every 2 minutes during the peak hours which is considered immaterial in terms of traffic increase.</p> <p>There are currently no pedestrian links between the site and the current bus stops on the B2192 or to the village. In response to this, a legal agreement would be used to secure a new public footway along the B2192, as well as a footway link around the bell mouth of the access point and along the internal access road to connect the site to bus stops and the village centre and, therefore, encourage and facilitate the use of more sustainable modes of transport. The site layout also includes a separate pedestrian/cycle access, avoiding the main junction.</p> <p>The ESCC parking demand tool indicates that the total number of parking spaces that should be provided is 163 spaces. The proposed scheme incorporates a total of 173 spaces including allocated parking for occupants and ban appropriate level of visitor parking. The quantum of</p>

	<p>parking provided is therefore considered acceptable. A condition will be attached, requiring all parking spaces to meet East Sussex County Council's minimum dimension of 2.5m x 5m. (with an extra 50cm on each dimension as necessary if the space is adjacent to a wall or fence.)</p> <p>The layout of the development would allow for domestic and servicing vehicles to safely traverse the site and to enter and leave in forward gear. A suitable footway network within the site would allow pedestrians to move through the development without being brought into dangerous conflict with vehicular traffic. A pedestrian connection would be maintained between the development and the Round House Road scheme to the south, promoting interaction between communities and encouraging access to the community woodland. Appropriate obstructions would need to be maintained in place to prevent use of this connection by vehicles as this would potentially lead to a rat run between The Broyle and Laughton Road being formed.</p> <p>The ESCC Highway Officer is satisfied with general arrangements for the development but has an objection in place as they require a road safety audit to be carried out on the pedestrian/cycle access on to Broyle Side in order to identify and potential risks and required design solutions. As such, if members are minded to approve, it is requested this matter is delegated back to officers to resolve prior to any decision being issued.</p>
8.6	<p><u>Visual Impact</u></p> <p>Para. 126 of the NPPF states that 'the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.'</p> <p>Para. 127 states that design policies should be 'grounded in an understanding and evaluation of each area's defining characteristics.'. Area-wide, neighbourhood or site-specific design codes or guides are identified as a means to fulfil these objectives.</p> <p>Lewes District Council does not currently have any adopted design code or guide and, in such instances, para. 129 of the NPPF instructs that national documents should be used to guide decisions on applications. The Ringmer Neighbourhood Plan includes a village design statement (section 9), and this will be referred to in the assessment of the application.</p> <p>The National Design Guide and National Model Design Code Part 2 Guidance Notes both identify context as an important consideration when looking at how a development would impact upon the character of an area.</p> <p>Para. 39 of the National Design Code states that well designed places are 'based on a sound understanding of the features of the site and the surrounding context, integrated into their surroundings so they relate well</p>

	<p>to them, influenced by and influence their context positively and responsive to local history, culture and heritage.'</p> <p>The application site represents greenfield land on the edge of the settlement of Ringmer which connects with the wider rural field network extending away from the settlement to the east.</p> <p>The site is flanked by commercial development to the west and by recently completed residential development to the south. The development would be well contained within the existing field pattern, with hedgerows retained and strengthened and an area of greenspace to the east providing a buffer between the edge of the built form and the wider countryside.</p> <p>The eastern extent of the development would not project upon the existing eastern edge of development on the approach to Ringmer from the west that is defined by buildings on Laughton Road, Lower Lode Farm itself and the Round House Road development.</p> <p>Criteria 1, 2 and 7 of the Interim Housing Policy require development to be contiguous with an existing settlement boundary, appropriate in scale in the context of the adjoining settlement and respectful of any surrounding rural setting and it is considered that the proposed scheme complies in all regards.</p> <p>The site is relatively flat and featureless, save for the mature vegetation on the boundaries. It was assessed in the LDC and SDNP Landscape Capacity Study (2012) (reference D01) which concluded that the site was of ordinary/poor landscape quality and was consequently of medium/low value. Sensitivity to change was seen as low due to the enclosure provided on two sides by the business parks (the housing at Round House Road had not been built at the time of the study) and mitigation opportunities such as strengthening existing boundary tree lines were identified. As such, the landscape on and around the site was considered to provide a high capacity for change.</p> <p>It is therefore considered that the proposed development would not appear as an isolated or intrusive form of development within the natural/rural landscape due to the context provided by existing development and the capacity available to strengthen existing sympathetic boundary planting and, thereby, manage a suitable transition from the urban environment to the west to the rural environment to the east.</p>
8.7	<p><u>Neighbour Amenity:</u></p> <p>Given the residential nature of the development, the presence of good levels of outdoor amenity space and the relatively low residential density, it is considered that the nature and level of activity associated with the proposed development would be consistent with that of the existing residential environment to the south and would not be disruptive or cause unacceptable nuisance.</p>

	<p>The vehicular access to the development would be from The Broyle, to the north, meaning that there would be no increase in vehicular traffic on Round House Road. Parking and turning areas would also be positioned well away from existing dwellings.</p> <p>The only neighbouring dwellings within the immediate vicinity of the site are on Round House Road, to the south, which face out to the north, towards the street. A row of dwellings within the proposed scheme (plots 55 to 62) back onto Round House Road. However, a minimum of approximately 42 metres is maintained between buildings and, along with boundary treatment and planting, it is considered that a suitable buffer would be provided to prevent the proposed development from having an unacceptable adverse impact upon amenities of neighbouring residents.</p> <p>The western site boundary flanks Ringmer Neighbourhood Plan allocated site RES25, a rural exception site intended to accommodate 8 dwellings. The proposed development includes dwellings that back onto site RES25. A buffer of a minimum of approximately 12 metres, which widens from south to north, would be maintained between the proposed dwellings on the western edge of the development and the site boundary and screening would be provided by boundary treatment and planting. It is therefore considered there is suitable mitigation in the layout of the proposed development to ensure that future residential development of site RES25 is not prejudiced on the grounds of amenity impact.</p> <p>Within the site itself, it is considered that the proposed dwellings are arranged or orientated in a suitable way to prevent any future occupants being subject to unacceptable overlooking or overshadowing impact or for any dwellings to be overbearing towards neighbouring properties.</p> <p>It is noted that rear garden areas would be predominantly enclosed by 1.2-metre-high cleft chestnut fencing. Whilst this means that garden areas would be subject to increased levels of overlooking as opposed to if they were enclosed using more traditional 1.8-metre-high fencing, it does ensure that they are clearly delineated and separable from public space. Furthermore, although lower fencing would allow gardens to be more easily accessed from public areas it is considered that the increased levels of surveillance provided would ensure that there would be a strong deterrent to trespass or anti-social behaviour. Notwithstanding the comments made above, a condition will be used to ensure the development incorporates suitable secured by design measures, to be approved by Sussex Police.</p>
8.8	<p><u>Density:</u> The density of the proposed development would be approx. 16.6 dwellings per hectare, when including the area used for ecological enhancements and the green corridor linking with the community woodland to the south in the equation. The density is approx. 21.9 dwellings per hectare if the figure is derived using only the area of the site where dwellings and vehicular access are concentrated. The density of the proposed development is therefore consistent with that of the neighbouring development to the</p>

	<p>south (approx. 20 dwellings per hectare increasing to 23 dph if the area used for the attenuation pond is omitted). Furthermore, the proposed development falls within the suggested parameters for residential development density of 20-30 dwellings per hectare, as per policy 9.2 of the Ringmer Neighbourhood Plan. This figure is also consistent with the suggested parameters for development in villages as per LLP1 policy CP2</p>
8.9	<p><u>Design & Appearance:</u></p> <p>Para. 134 of the NPPF states that ‘development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design</p> <p>The dwellings on the neighbouring site to the south incorporate elements of contemporary design, including the use of large glazing panels and asymmetrical frontages. There is variation in materiality, scale, mass, and orientation. The proposed development is considered to continue these general characteristics, allowing for a smooth visual transition between the two developments.</p> <p>The scale, mass and footprint of the proposed dwellings is also considered to be consistent with the neighbouring development.</p> <p>No buildings would exceed two-storeys in height and, as such, they would be screened to a significant degree by the existing hedgerow, which would be enhanced by additional planting, ensuring the screening remains sympathetic to the surrounding rural environment.</p> <p>Policy 9.1 of the Ringmer Neighbourhood Plan states ‘houses of more than two storeys are generally inappropriate in a village setting. A degree of design variety within a development is essential but it must consider the design and detailing of adjacent buildings and the spatial, visual and historical context in which it resides.’</p> <p>It is considered that the proposed development is compliant with the objectives of policy 9.1 as well as design policies within the Development Plan and the NPPF.</p> <p>It is considered that footway connectivity with the neighbouring development would help provide cohesiveness, promoting interactions between occupants, as would the layout of the scheme, with all new dwellings facing towards neighbouring properties and engaging well with each other and the wider street scene and secluded pockets of development being avoided.</p> <p>A communal amenity area is also provided towards the centre of the site. It is considered that these attributes would generate an inclusive environment as encouraged by para. 92, 93 and 130 of the NPPF.</p>

	<p>The creation of links between the neighbouring development and to the centre of the village through the implementation of off-site highway works also accords with policy 9.5 of the Ringmer Neighbourhood Plan.</p> <p>The development on Round House Road currently has a certain sense of isolation and detachment from the surrounding built environment on account of frontages facing out towards open fields and it is considered that the proposed scheme would provide a stronger sense of community and place whilst also increasing the definition of the urban edge.</p> <p>The proposed planting scheme is consistent with the recommendations made in the landscape capacity study. It would strengthen screening and would create a green buffer that would clearly mark the transition between the built environment to the west and the rural environment to the east</p> <p>It is considered that the design of the proposed dwellings is appropriate, with dwellings having distinctive frontages that engage well with the street and a suitable amount of variety in terms of orientation, materiality, and roof form. The two-storey scale is considered appropriate for an edge of village settlement and is consistent with the height of nearby buildings.</p>
8.10	<p><u>Living Conditions for Future Occupants:</u></p> <p>Space standards & Ventilation Para. 126 of the National Design Guide (2019) 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.’ Policy 9.4 of the Ringmer Neighbourhood Plan states that ‘dwellings should be of sufficient size to allow all occupants to live and eat comfortably together.’</p> <p>The Technical housing standards – nationally described space standard (2015) defines minimum levels of Gross Internal Area (GIA) that should be provided for new residential development, based on the number of bedrooms provided and level of occupancy.</p> <p>Floor plan drawings and measurements confirm that all units would meet or exceed minimum GIA.</p> <p>Each dwelling is considered to have a clear and easily navigable layout, with awkwardly sized rooms and overly large or long circulation areas being avoided. All primary habitable rooms would be served by clear glazed windows that would not have any immediate obstructions to outlook. These windows would allow for access to good levels of natural light as well as providing effective natural ventilation.</p> <p>Garden Size LLP2 policy DM25 states that developments of 10 or more dwellings should demonstrate how the ‘Building for Life 12’ criteria have been considered and would be delivered by the development. One of the recommendations made in Building for Life 12 is that rear gardens are at</p>

least equal to the ground floor footprint of the dwelling. The occupants of each dwelling would have direct access to a suitable sized private garden area.

The garden area is generally equal to, or in excess of the footprint of the dwelling although there are occasional plots where this is not the case. None of the gardens would be smaller than approx. 40 m² (at plot 51) and this is considered a suitable size for a 2-bed household, providing approx. 83% of space in comparison to the building footprint.

All of the smaller gardens are broadly rectangular in shape, maximising their functionality and adaptability. There is a small amount of triangular or tapering gardens, but all of these are large in comparison to dwelling footprint and, as such, the constraints resulting from the shape of the gardens are mitigated by their size.

The private garden spaces would be supplemented by public amenity areas within the site which would include play equipment, seating, and green space.

Surveillance

Secluded and/or isolated areas that may create an environment for anti-social and criminal behaviour, or foster a sense of risk of such behaviour, are avoided. All dwellings would face towards neighbouring properties and it is considered that, along with the surveillance provided, this would also encourage a sense of community and increase interactions between neighbours, creating a healthy, inclusive and stimulating environment, as supported by para. 92 of the NPPF, para. 35, 38 and 72 of the National Design Guide and P2 of the National Model Design Code Part 2 Guidance Notes.

Proximity to employment site

The site is within close proximity of commercial activity taking place on existing employment site to the west. The northern site boundary is also flanked by The Broyle (B2192) and road noise was identified by the Noise Assessment accompanying the application.

In response, mitigation measures have been identified which would ensure that noise levels experienced within dwellings and in private amenity areas are compliant with criteria set out in BS8233:2014 - Guidance on sound insulation and noise reduction for buildings.

Mitigation measures include the use of sound insulation incorporated into the fabric of dwellings as well as the provision of 1.8 metre high acoustic fencing in place of the 1.2 metre fencing generally used, for gardens of dwellings on the northern part of the site (plots 1-17).

It is, however noted, that opening windows would compromise sound insulation and that this introduces a tension within some dwellings in regard to the balance of need for aural and thermal comfort. In their own right, however, the proposed mitigation measures would provide a suitable

	<p>sound buffer without compromising the amenities of neighbouring residents or the overall character and appearance of the development.</p> <p>It is therefore considered that the proposed development complies with policy CP2 of LLP1, policy DM15, DM16 and DM25 of LLP2 and section 8 of the NPPF.</p>
8.10	<p><u>Flooding</u></p> <p>The site is located in Flood Zone 1 and is therefore not deemed as being susceptible to tidal or fluvial flood risk. Surface water mapping shows small parts of the site, primarily around the existing drainage ditch, as being at low risk of surface water flooding with the remainder of the site at very low risk.</p> <p>It is noted that the majority of the Caburn Business Park, which flanks the northern part of the site, is at high risk of surface water flooding. A bridge would be formed over the drainage ditch to allow it to ensure it would continue to function whilst also allowing for access to the southern part of the site.</p> <p>Surface water associated with the existing development on Round House Road and Cattle Pen Way is currently discharged into this ditch at a maximum rate of 5 litres per second, controlled through the use of an attenuation pond to the east of the application site.</p> <p>The site, being greenfield, is currently entirely permeable, with surface water either infiltrating or flowing down slope towards the drainage ditch which crosses the site.</p> <p>The proposed development will introduce impermeable features that would have the potential to result in increased surface water run-off which may then impact upon the occupants of the development, occupants of neighbouring properties and the highway.</p> <p>A Flood Risk Assessment and Surface Water Design Strategy has been submitted with the application. The document notes that the topography of the site means that surface water that doesn't infiltrate currently flows towards the ditch and the strategy notes that the layout of the development and site levels would be designed to prevent obstruction of overland flows towards the ditch.</p> <p>The strategy follows the sustainable drainage hierarchy set out in para. 080 of the Planning Practice Guidance for Flood Risk and Coastal Change.</p> <p>Use of infiltration, which is regarded as the most sustainable method, is discounted due to the inconsistent permeability of the soil and high groundwater levels. The next method on the hierarchy involves discharge of surface water into an existing water course. The strategy includes arrangements for this to occur, with attenuation ponds and permeable</p>

	<p>paving used to attenuate surface water and allow for discharge into the existing ditch crossing the site. Discharge rates would therefore be controlled so as to prevent overload of the watercourse.</p> <p>The Lead Local Flood Authority (LLFA) have not objected to the principle of the submitted drainage scheme although have requested detailed hydraulic modelling is undertaken unless it can be demonstrated that the site is wholly outside the 1 in 1000 year surface water flooding extents as per the Environment Agency's surface water flood risk mapping and also that greenfield runoff rate calculations be based on the developable areas of the site only and exclude any large proposed open landscaped areas which can be expected to continue to contribute flows to the watercourse.</p> <p>The applicant has issued a response including mapping confirming the site is outside of the 1 in 1000-year surface water flooding extent. Whilst a response has not yet been received from the LLFA it is considered that this can be adequately addressed as part of a condition securing full details of drainage infrastructure.</p> <p>The LLFA have also raised concerns that permeable paving within private areas, which would contribute towards surface water attenuation, could not be relied upon as it may potentially be resurfaced by a site owner. These concerns are acknowledged, and it is considered that they can be addressed through the use of a condition removing permitted development rights that allow householders to hard surface areas of their properties.</p>
8.11	<p><u>Water Quality:</u></p> <p>Southern Water have provided a response stating that they can provide foul sewage disposal to serve the development, subject to a formal application for connection.</p> <p>The applicant has stated that foul water would be discharged by gravity to the existing pumping station at the Round House Road development, with extra capacity provided to allow for this.</p> <p>The Council has adopted 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.</p> <p>LP1 policy CP10 (4) states that planning decisions will ensure that water quality is improved where necessary or maintained when appropriate (including during any construction process) and that watercourses (including groundwater flows) are protected from encroachment and adverse impacts in line with the objectives of the South East River Basin Management Plan.</p> <p>Southern Water have been made aware of this motion and officers requested they provide comments in response. A response has yet to be received but, previous requests relating to applications of a similar scale to</p>

the proposed scheme have been met with the following response, shown in the paragraphs below

‘Storm overflows occur in older areas where the sewer system combines wastewater from customers properties, and rainwater from roofs and road drains. During times of heavy rainfall this ingress of rainwater can overwhelm the sewage system and require the need for Combined Storm Overflow (CSO) releases, which are used to prevent flooding to homes, hospitals, schools, and businesses. Newer sewer systems have a separate surface water line, that discharges rainwater, which doesn’t need treating, into a local waterway, and wetlands. However, the Victorian sewer system featured in urban areas across the home counties and country as a whole, takes the rainwater as well. With climate change, and further population growth, this challenge needs to be answered, and a solution developed.

Although storm overflows are legal, and part of the design of the sewage system in the UK, we accept that this is out of step with the expectation from our customers and stakeholders. We fully support the revised Environment Bill and welcome the opportunity to accelerate improvements beyond our current regulatory obligations.

Southern Water is going to reduce the use of storm overflows by 80% by 2030 and drop pollution incidents overall to 0 by 2040. In order to do this, Southern Water have set up a new team called the Storm Overflow Task Force.

The task force is central to Southern Water’s drive towards reducing the use of storm overflows. The establishment of the task force indicates Southern Water’s commitment to this ambitious target and is a highly important work stream within the business.

The task force is responsible for working collaboratively with local authorities, and other organisations, to deliver five ground-breaking projects over the next two years. The establishment of these partnerships will be key to ensuring the project’s success. These projects are essentially pilot projects that seek to help us develop and test solutions that can be rolled out across the region to reduce the use of storm overflows. They will look at various methods, including:

- Ways to the ‘slow the flow’ of rainwater that runs off roofs and roads such as through the installation of SuDS (Sustainable Drainage Systems) e.g. planters, rain gardens and swales.
- Digitising the sewer network to better monitor and control flows and help to optimise capacity of the system.
- Assessing the structure of the network including looking at where parts of it need to be upgraded or replaced.
- Educating the public on small-scale solutions to help reduce the pressure on the drainage system through

	<p>the use of water butts to recycle rainwater or reducing the amount of pavement in gardens.</p> <p>We'll be publishing the results of our initial findings this coming summer, which will provide more detail on how we plan to proceed.</p> <p>We're also planning to invest in our infrastructure, including more resilient sewers, and larger storm capacity. However, we feel the best long-term solution is to tackle the root cause of the problem. Increasing network capacity and upgrading our treatment works comes with a large environmental cost, and carbon footprint, while only buying limited time as the population continues to grow, and the climate becomes more unpredictable'.</p> <p>It is therefore considered that surface water run-off generated by the development can be adequately managed without unacceptable risk of flooding within the development or on neighbouring land. The development is therefore considered the comply with policy CP12 of LLP1 and paras. 163 And 165 of the NPPF.</p> <p>It is therefore considered that surface water run-off generated by the development can be adequately managed without unacceptable risk of flooding within the development or on neighbouring land. The development is therefore considered the comply with policy CP12 of LLP1 and paras. 163 And 165 of the NPPF</p>
8.12	<p>Landscape, Ecology & Biodiversity:</p> <p>Criterion 6 of the Interim Housing Policy requires adverse impacts of development upon ecology to be mitigated and for biodiversity net gain to be delivered in line with the Council's Biodiversity Net Gain Technical Advice Note (TAN).</p> <p>The TAN is based on the 2021 Environment Bill (Now an Act of Parliament) which includes a subsection for all major development to facilitate a biodiversity net gain of a minimum of 10% which will be formally activated in 2023 and is also supported by para. 174 of the NPPF.</p> <p>The site largely comprises semi-improved grassland which has become overgrown due to a lack of any significant management over the last few years. The Preliminary Ecological Appraisal (PEA) submitted with the application found the composition of the site to be a mixture of scrub, ruderal vegetation and semi-improved grassland, a mixture of ruderal vegetation and semi-improved grassland, a mixture of trees and scrub, scrub, standing water (drainage ditch), piles of vegetation and marshy grassland. Targeted surveys were recommended for Great Crested Newt, reptiles, and bat roosts. These were carried out and used to inform an Ecological Assessment also submitted as part of the application.</p> <p>The Ecological Assessment sets out a range of mitigation and enhancement measures to offset loss of existing habitat and to achieve biodiversity net gain, with the assessment noting that the site is currently</p>

largely covered by species poor semi-improved grassland. The net gain delivered on site would be 8.18% with the applicant intending to increase this to 13% through off site biodiversity works that would be secured as part of the section 106 agreement. This approach is acceptable where it is assured that efforts to provide net gain on site have first been maximised, as is considered to be the case with the proposed application.

Primary ecological works involve the creation of approx. 1.6 hectares of new species rich habitats on the eastern part of the site. This would include new native tree and hedgerow planting and the formation of scrub, grassland, and open water. Works would also be carried out to the existing drainage ditch, involving a reprofiling of the banks and suitable planting.

When carrying out the recommended surveys, a breeding population of great crested newts was recorded in the drainage ditch as well as a high population of common lizard. Slow worm and grass snake were also recorded throughout the Site. In response to this, the applicant has proposed a translocation and exclusion exercise to be undertaken prior to the commencement of works. This would be to ensure that the construction area is free of reptiles and amphibians.

A dedicated receptor site within the ecological enhancement area would be created to facilitate translocation. New scrub planting would be undertaken along the splinter of land that connects the site to the ponds to the south where there is an amphibian breeding site.

Nature Space have confirmed they are satisfied with this approach in regard to Great Crested Newts, subject to the necessary licenses being issued post planning approval.

It is important that external lighting within the development is carefully controlled in the interest of habitat protection and also to prevent light pollution that compromises the night time rural setting in the immediate area as well as the dark sky reserve status of the nearby South Downs National Park. A condition would be attached to any approval given to secure full details of any external lighting to be installed, with these details to be reviewed by the Council's Ecologist.

Trees and hedgerow are generally concentrated towards site boundaries, with examples in the site interior largely limited to small, straggly elements. The overall landscaping strategy for the development is to utilise boundary trees and hedgerow as a sympathetic screen and to enhance these features through additional planting. However, some trees would need to be removed to facilitate pedestrian and vehicular access works and the maintenance of visibility splays. The most notable removal would be a 9-metre oak tree on the northern boundary, with other removals generally involving smaller trees that form parts of a group. A storm damaged pine tree would also be removed, and a recommendation has been made for the removal of a Poplar as it is inhibiting the growth of an adjacent tree (although this is not directly related to the development).

	<p>There are also a small number of trees which would have part of their root protection area (RPA) encroached by hard surfacing. The method statement submitted with the application includes details of mitigation measures, such as hand digging in RPA's so as to prevent damage to roots and the monitoring of the health of affected trees post construction. Measures to prevent damage to retained trees during construction works is also included.</p> <p>It is considered that the removal of trees has been kept to a minimum and that the overall landscaping scheme for the site can adequately compensate for their loss.</p> <p>The applicant has been working with the LDC ecologist to devise a strategy for ecological enhancements and off-site biodiversity works and, whilst formal comments are yet to be received, an informal agreement has been reached and formal comments and a and additional recommended conditions will be provided in the supplementary report.</p> <p>Overall, it is considered that the development itself contains a good mix of formal and informal green space, a suitable green buffer to provide a sympathetic transition between urban and rural environments and sympathetic green screening. Tree planting within the site would help provide cooling during summer months whilst the use of deciduous species would allow for light permeation during winter months.</p> <p>It is therefore considered that the development complies with policy CP10 of LLP1, policies DM24 and DM27 of LLP2 and paras. 170 and 175 of the NPPF.</p>
8.13	<p><u>Pollution Management</u></p> <p>The site has traditionally been in agricultural use and there is no record of any activities taking place in the past that would have caused potential contamination. A Phase I and II site investigation report has been provided which confirms that risk of contamination is low, and this conclusion has been supported by the Council's Contaminated Land Officer. Conditions will be used to ensure that, if any contaminants are unexpectedly discovered on site, appropriate remediation measures will be exercised.</p> <p>The proposed development would result in an increase in air emissions in the locality, primarily generated by vehicular traffic. An Air Quality Assessment has been submitted with the application which sets out mitigation measures, such as use of air source heat pumps, electric vehicle charging points at each dwelling as well as for 20% of the visitor parking bays, implementation of a travel plan encouraging the use of sustainable travel methods, support for work at home through the delivery of fibre broadband and cycle storage facilities. The Council's Air Quality Officer has stated that they consider these measures would provide suitable mitigation and that the development would not harmfully impact upon the nearby Air Quality Management Area in Lewes.</p>

	<p>Any drainage scheme for the development would need to include appropriate measures to prevent contaminants from being discharged into nearby watercourses or from leaching into groundwater.</p> <p>As stated in sections 8.8 and 8.10 respectively, it is considered that noise and light emissions can be adequately mitigated and controlled by condition.</p> <p>A Construction Management Plan would be secured by condition if the application is to be approved. This plan would set out details of how noise, light, and air emissions as well as vibration would be controlled during construction works in the interest of environmental and residential amenity.</p>
8.14	<p><u>Sustainability</u></p> <p>The development would utilise sustainable drainage systems that including the formation of attenuation ponds that would also provide an amenity and habitat asset. This, as well as the creation of green buffers on site boundaries and a green corridor linking the proposed reptile and amphibian receptor site and the ponds to the south is considered to support the delivery of multi-functional green infrastructure as required by LLP2 policy DM14.</p> <p>The applicant has stated that electric vehicle charging points would be provided. A condition will be used to ensure that each dwelling has a minimum of 1 x allocated operational charging point is provided for use by the occupants of each dwelling, as per the requirements of the Electric Vehicle Charging Points Technical Guidance Note.</p> <p>The application is accompanied by an Energy and Sustainability Statement which sets out measures to be incorporated into the development to improve energy efficiency and reduce carbon emissions.</p> <p>Each dwelling would be served by an air source heat pump and would be constructed in thermally efficient materials. The orientation of dwellings, window configurations and site layout would allow for each dwelling to benefit from good levels of natural light and ventilation, reducing the demand for use of artificial, energy consuming sources. Passive infrastructure to support the installation of roof mounted solar panels would be provided although the panels themselves would not be. Water efficient appliances and fixtures would be utilised in each dwelling.</p> <p>The proposed landscaping scheme would comprise native, predominantly deciduous, species that would provide cooling when in leaf in spring and summer whilst allowing additional natural light permeation when not in leaf in autumn and winter.</p> <p>The modular construction method which is to be used is recognised to be more efficient than traditional construction in terms of waste generation and energy use. By constructing off site in a factory environment, materials usage can be more closely controlled and leftover materials retained for future use. Although each module would be delivered by road this would</p>

	<p>be offset by the reduction in amount of deliveries of materials to the site. It would also mean less overall disruption on the site and shortened on site build time, which would be beneficial to the local environment.</p>
8.15	<p><u>Archaeology</u></p> <p>The site falls within an Archaeological Notification Area that was designated in 2019 after archaeological works associated with the Round House Road development that made discoveries which demonstrate that the local area was the scene of significant prehistoric settlement and funerary activity.</p> <p>The County Archaeologist has remarked that a number of identified archaeological features demonstrably run into the application site and it is likely that further evidence of in the form of buried ditches, pits, structures, artefacts and in-situ human remains could also survive. They consider it likely that remains of local and regional significance will have survived more recent agricultural practices and that these would be unavoidably impacted upon by the construction of the proposed development.</p> <p>To mitigate this, the County Archaeologist has requested a programme of archaeological works that would enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. These works would be secured by way of a planning condition.</p> <p>It is therefore considered that the proposed development complies with policy CP11 of LLP1, DM33 of LLP2 and section 16 of the NPPF.</p>
8.16	<p><u>Human Rights Implications</u></p> <p>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.</p>

9.	Recommendations
9.1	<p>It is recommended that permission is granted subject to the conditions listed below and a Section 106 Agreement securing a policy compliant affordable housing contribution, highway works, off site biodiversity and children's play space.</p>

10.	Conditions:
1.	<p>INTERNAL ROAD DETAILS: Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed roads, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with the Highway Authority</p> <p>Reason: In the interests of highway safety and for the benefit and convenience of the public at large in accordance with para. 110 and 112 of the NPPF.</p>
2.	<p>VISIBILITY SPLAYS: No part of the development shall be first occupied until visibility splays of 2.4 metres by 215 metres in both directions have been provided/maintained at the junction of the access with The Broyle (B2192) in accordance with the approved plans. These visibility splays shall thereafter be kept free of all obstructions over a height of 600mm.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving Arundel Green Road and proceeding along the highway.</p>
3.	<p>PEDESTRIAN VISIBILITY: Development shall not commence until such time as details of pedestrian visibility splays at the access works have been submitted to and approved by the Local Planning Authority. The splays shall thereafter be provided and maintained in accordance with those details throughout the lifetime of the development.</p> <p>Reason: In the interests of road safety.</p>
4.	<p>CYCLE PARKING: The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles</p> <p>Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development</p>
5.	<p>PARKING DIMENSIONS: The proposed parking spaces shall measure at least 2.5m by 5m with an extra 0.5m to either or both dimensions where spaces abut a wall, fence, or hedge.</p> <p>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</p>
6.	<p>ACCESS GRADIENT: The completed access shall have maximum gradients of 2.5% (1 in 40) from the channel line and 11% (1 in 9) thereafter</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway</p>

7.	<p>CONSTRUCTION MANAGEMENT PLAN: 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,</p> <ul style="list-style-type: none"> • 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, • Other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders), • Details of public engagement both prior to and during construction works. • Details of measures to prevent surface water flooding during construction works • Hours of working • Demonstration that best practicable means have been adopted to mitigate the impact of noise and vibration from construction activities. • Details of the use of protective fences, exclusion barriers and warning signs. • Details of the location and appearance of the site offices and storage area for materials, including a bunded area with solid base for the storage of liquids, oils, and fuel. • Details of any external lighting. <p>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.</p>
8.	<p>HARD & 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:</p> <ul style="list-style-type: none"> • Details of all hard surfacing. • Details of all boundary treatments (including provision of mammal gates to allow for foraging animals to cross the site).

	<ul style="list-style-type: none"> • 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. <p>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.</p> <p>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 CP10, LLP2 policies DM24 and DM27, para. 174 of the NPPF RNP policy 9.6.</p>
9.	<p>ELECTRIC VEHICLE 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 as well as for 20% of the visitor parking bays 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.</p> <p>Reason: To encourage alternative, more sustainable modes of transport and to reduce local contributing causes of climate change in accordance with LLP policy CP13 and para. 112 of the NPPF</p>
10.	<p>BIN & CYCLE STORAGE: Prior to the first occupation of any part of the development hereby approved, secure bin and cycle storage facilities shall be installed in accordance with details to be submitted to and approved by the Local Planning Authority and shall be maintained in place thereafter throughout the lifetime of the development.</p> <p>Reason: In the interest of environmental amenity and in order to encourage the use of sustainable modes of transport in accordance with LLP1 policy CP13, LLP2 policies DM20 and DM26 and para. 112 of the NPPF.</p>
11.	<p>EXTERNAL MATERIALS: No external materials or finishes shall be applied until a schedule of materials has been submitted to an approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with those details and maintained as such unless otherwise agreed in writing by the Local Planning Authority.</p>

	Reason: In the interest of visual amenity and sustainability in accordance with LLP1 policy CP11, LLP2 policy DM25, para. 130 of the NPPF and RNP policy 9.3.
12	<p>UNEXPECTED CONTAMINATION: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority.</p> <p>The remediation strategy shall be implemented as approved and verification report should be submitted to the Local Planning Authority</p> <p>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.</p>
13	<p>SOIL IMPORTATION: No soils shall be imported or re-used within the development site until the developer has submitted details of the chemical testing and assessment of the soils which demonstrates the suitability of the soils for the proposed use. The assessment shall be undertaken by a suitably qualified and competent person and full details shall be submitted to and approved in writing by the local planning authority</p> <p>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.</p>
14	<p>WRITTEN SCHEME OF INVESTIGATION: No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To enable the recording of any items of historical or archaeological interest in accordance with Core Policy 11 in the Lewes District Local Plan Part 1; Joint Core Strategy 2010 – 2030; coupled with the requirements of section 16 of the National Planning Policy Framework 2021 and RNP policy 4.8.</p>
15	<p>ARCHAEOLOGICAL WORKS REPORTING: No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results</p>

	<p>and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the approved written scheme of investigation.</p> <p>Reason: To enable the recording of any items of historical or archaeological interest in accordance with Core Policy 11 in the Lewes District Local Plan Part 1; Joint Core Strategy 2010 – 2030; coupled with the requirements of section 16 of the National Planning Policy Framework 2021 and RNP policy 4.8.</p>
16	<p>EXTERNAL LIGHTING: No external lighting or floodlighting shall be installed on the buildings or the road and parking areas hereby permitted without the prior written approval of the local planning authority and/or in accordance with an external lighting strategy to be submitted to and approved by the Local Planning Authority.</p> <p>Reason: To protect the amenity and character of the surrounding countryside and to prevent disturbance of nocturnal species having regard to Policy CP10 of the Lewes District Local Plan part one, policies DM20 and DM24 of the Lewes District Local Plan part two, paras. 170, 175 and 180 of the NPPF and RNP policy 4.11</p>
17	<p>AIR QUALITY: Prior to the first occupation of any part of the development hereby approved all relevant mitigation measures set out in section 6 of the accompanying Air Quality Assessment relating to that part of the development shall be in place and operable. Following completion of the development all mitigation measures set out in section 6 of the Air Quality Assessment shall be maintained in place thereafter.</p> <p>Reason: In the interest of protecting air quality in accordance with LLP2 policy DM20 and para. 181 of the NPPF.</p>
18	<p>EARTHWORKS: Prior to the commencement of the development hereby permitted details of earthworks shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading of land area including the levels and contours to be formed and showing the relationship to existing vegetation and neighbouring development. Development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure a satisfactory development and in the interests of amenity and landscape character in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM25 and DM27 and section 15 of the NPPF.</p>
19	<p>SURFACE WATER DRAINAGE: No development approved by this permission shall be commenced until full details of surface water drainage, which shall follow the principles of sustainable drainage as far as practicable, have been submitted to and approved by the Local Planning Authority. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development</p>

	<p>shall be take place until the approved works have been completed. The surface water drainage system shall be retained as approved thereafter.</p> <p>Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and paras. 163 and 165 of the NPPF.</p>
20	<p>DRAINAGE MAINTENANCE & MANAGEMENT: A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site to ensure the designed system considers design standards of those responsible for maintenance. The management plan should cover the following:</p> <p style="padding-left: 40px;">a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details.</p> <p style="padding-left: 40px;">b) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.</p> <p>Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and paras. 163 and 165 of the NPPF.</p>
21	<p>COMPLETION OF DRAINAGE WORKS: The approved scheme shall be carried out or supervised by an accredited person. An accredited person shall be someone who is an Incorporated (IEng) or Chartered (CEng) Civil Engineer with the Institute of Civil Engineers (ICE) or Chartered Institute of Water and Environmental Management (CIWEM). The implementation of the surface water drainage scheme shall thereafter be carried out in accordance with the approved details prior to the occupation of the dwelling hereby approved.</p> <p>Prior to occupation of the development, evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.</p> <p>Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and paras. 163 and 165 of the NPPF.</p>
22	<p>NOISE MITIGATION MEASURES: No part of the development shall be occupied until the acoustic fence has been installed in the locations shown on the approved plans in accordance with a full specification which is to be submitted to and approved by the Local Planning Authority. The fencing shall thereafter be maintained in accordance with the approved details throughout the lifetime of the development.</p>

	Reason: In order to ensure noise transmission is controlled in accordance with LLP2 policy DM23 and para. 174 and 185 of the NPPF.
23	<p>NOISE LEVELS: All residential premises shall be designed in accordance with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the following noise levels:</p> <p style="padding-left: 40px;"><u>DAYTIME NOISE (07:00 – 23:00)</u></p> <p style="padding-left: 40px;">Living rooms and bedrooms - 35 dB LAeq (16hr) Outdoor Amenity - 55 dB LAeq (1hr)</p> <p style="padding-left: 40px;"><u>NIGHTTIME NOISE (23:00 – 7:00)</u></p> <p style="padding-left: 40px;">Bedrooms - 30 dB LAeq (8hr)</p> <p style="padding-left: 40px;">A test shall be carried out prior to the discharge of this condition to show that the required noise levels have been met and the results submitted to the Local Planning Authority for approval.</p> <p>Reason: To obtain required sound insulation and prevent noise nuisance in accordance with LLP1 policy CP1, LLP2 policies DM20 and DM23 and para. 185 of the NPPF.</p>
24	<p>PLAY AREAS: Prior to the first occupation of the development hereby approved, the children's play areas shall be provided along with seating for adults in accordance with details to be submitted to and approved by the Local Planning Authority.</p> <p>These details shall include, but not be limited to, surfacing, drainage, landscaping, and ongoing management and maintenance arrangements for any play equipment/area provided.</p> <p>Reason: To provide a healthy living environment in accordance with policies DM15 and DM16 of LLP2, RNP policy 7.5 and section 8 of the NPPF.</p>
25	<p>CONSTRUCTION HOURS: Construction work shall be restricted to the hours of 0800 to 1800 Monday to Fridays and 0830 to 1300 on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.</p> <p>Reason: In the interest of residential amenities of the neighbours having regard to Policy DM25 of the Lewes District Local Plan.</p>
26	<p>SUSTAINABILITY: 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 full details of all renewable/carbon saving/energy (including vehicle charging points) and water efficiency measures to limit consumption to 110 litres per person per day to be incorporated into the scheme. All measures approved shall thereafter be provided prior to the occupation of any individual dwelling and maintained in place thereafter throughout the lifetime of the development.</p> <p>Reason: In order to ensure suitable sustainability measures are incorporated into the development and maintained in accordance with</p>

	section 14 of the Revised National Planning Policy Framework, policies CP13 and CP14 of the Lewes District Core Strategy and LDC Sustainability in Development Technical Advice Note
27	<p>REMOVAL OF PERMITTED DEVELOPMENT RIGHTS: 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-F 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.</p> <p>Reason: To enable the Local Planning Authority to regulate and control the development of land in the interest of visual and residential amenity and Flood Risk in accordance with LLP1 policy CP11 and CP12, LLP2 policy DM22 and DM25, para. 130, 163 and 165 of the NPPF and RNP policy 9.1.</p>

11.	Plans:
11.1	This decision relates solely to the following plans: NOTE: Further plans/documents to be added subject to formal approval by LDC Ecologist and ESCC drainage and highways.

<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
<u>Location Plan</u>	<u>22nd April 2022</u>	<u>TBR-ECE-XX-XX-DR-A-SL-5010 P03</u>
<u>Site Plan</u>	<u>22nd April 2022</u>	<u>TBR-ECE-XX-XX-DR-A-SL-5012 P05</u>
<u>Block Plan</u>	<u>22nd April 2022</u>	<u>TBR-ECE-XX-XX-DR-A-SL-5011 P03</u>
<u>Plans, Elevations & Sections - Houses 1-4, 22-25, 38-39, 45-46, 55-56 & 69-70</u>	<u>30th April 2022</u>	<u>TBR- ECE- T01- ZZ- DR- A- XX-5101 P03</u>
<u>Plans, Elevations & Sections - Houses 49-51</u>	<u>30th April 2022</u>	<u>TBR- ECE- T02- ZZ- DR- A- XX-5102 P03</u>
<u>Plans, Elevations & Sections - Houses 8-11</u>	<u>30th April 2022</u>	<u>TBR- ECE- T03- ZZ- DR- A- XX-5103 P03</u>
<u>Plans, Elevations & Sections - Houses 18-21</u>	<u>30th April 2022</u>	<u>TBR- ECE- T05- ZZ- DR- A- XX-5105 P03</u>
<u>Plans, Elevations & Sections - Houses 35-37</u>	<u>30th April 2022</u>	<u>TBR- ECE- T06- ZZ- DR- A- XX-5106 P03</u>

	<u>Plans, Elevations & Sections - Houses 40-44</u>	<u>30th April 2022</u>	<u>TBR- ECE- T07- ZZ- DR- A- XX-5107 P03</u>
	<u>Plans, Elevations & Sections - Houses 57-62</u>	<u>30th April 2022</u>	<u>TBR- ECE- T08- ZZ- DR- A- XX-5108 P03</u>
	<u>Plans, Elevations & Sections - Houses 5-7 & 28-30</u>	<u>30th April 2022</u>	<u>TBR- ECE- T02- ZZ- DR- A- XX-5109 P03</u>
	<u>Plans, Elevations & Sections - Houses 52-54</u>	<u>30th April 2022</u>	<u>TBR- ECE- T09- ZZ- DR- A- XX-5110 P02</u>
	<u>Phase I Desk Study & Phase II Site Investigation Report</u>	<u>22nd April 2022</u>	<u>LP2827 Issue 2</u>
	<u>Preliminary Ecological Appraisal</u>	<u>22nd April 2022</u>	<u>10558 Rev 1</u>
	<u>Noise Assessment</u>	<u>22nd April 2022</u>	<u>11072C Rev V2</u>
	<u>Arboricultural Impact Assessment</u>	<u>2nd April 2022</u>	<u>11072 Rev 1</u>

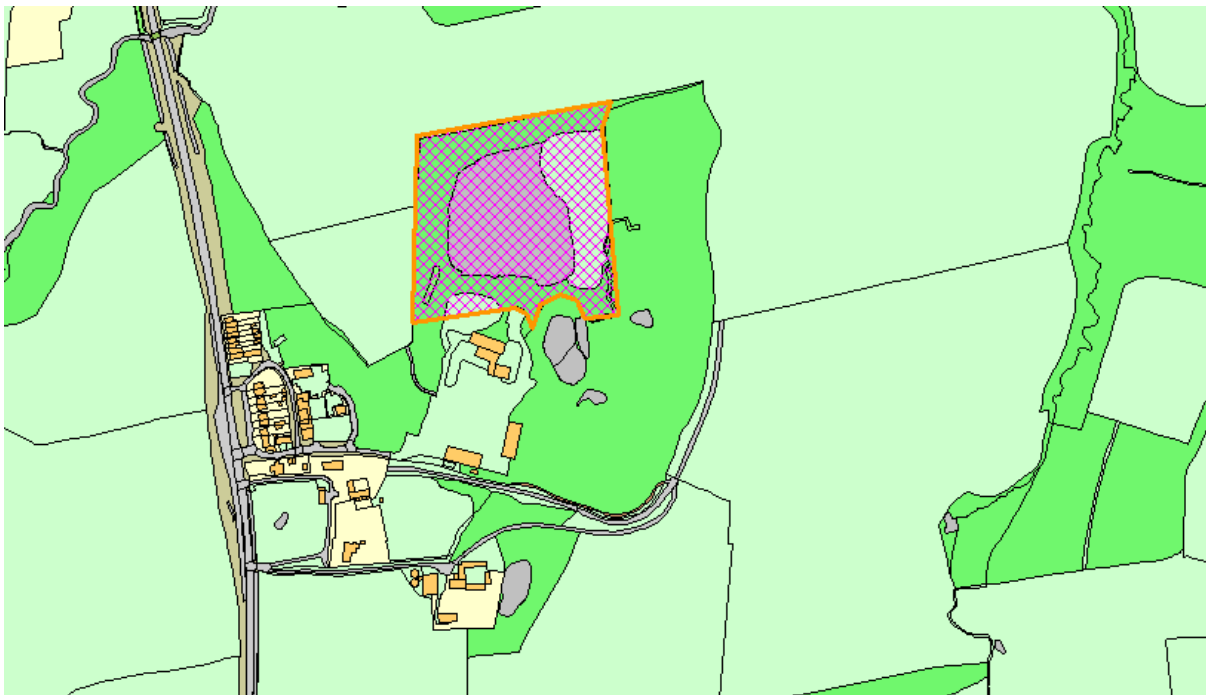
12.	Appendices
12.1	None.

13.	Background Papers
13.1	None.

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Report to: Planning Applications Committee
Date: 7 December 2022
Application No: LW/20/0609
Location: Former Hamsey Brickworks, South Road, South Common, South Chailey, East Sussex
Proposal: Outline application for up to 12 custom-build homes and supporting infrastructure - all matters reserved except access.
Ward: Barcombe and Hamsey
Applicant: EA Strategic Land LLP
Recommendation: Approve subject to conditions and a S106 legal agreement to cover self-build status of the scheme and a financial contribution towards the provision of off-site affordable housing.
Contact Officer: **Name:** James Smith
E-mail: james.smith@lewes-eastbourne.gov.uk

Map Location:



1. UPDATE ON AFFORDABLE HOUSING:

- 1.1 The application was originally heard by committee on 7th July 2021 and a resolution was made to approve subject to a section 106 agreement to ensure the development was carried out in self-build format.
- 1.2 The applicant had cited advice from a barrister that, as the application was self-build, there was no requirement for affordable housing provision. The barrister referenced para. 65 of the NPPF which identifies self-build development being exempt from the national

planning policy baseline requirement of 10% affordable housing provision within major developments.

- 1.3 However, the Council's legal officers disagreed with this position and maintained that the exemption identified related only to on-site affordable housing provision and did not exempt self-built development from the obligation to pay a commuted sum towards affordable housing in lieu of an on-site provision. As a result, the Council challenged the position of the barrister who, ultimately, agreed that the view of the legal officer was correct.
- 1.4 In order to comply with relevant policies relating to affordable housing, the developer is therefore required to pay a commuted sum to be allocated to the delivery of affordable housing, this being the agreed mechanism identified in the hierarchy set out in para. 4.5 of the Affordable Housing SPD where on-site provision is discounted.
- 1.5 As with on-site provision, the commuted sum sought would be based on a delivery of 40% of the scheme as affordable housing. The calculation of the commuted sum is based on the development cost within an equivalent development to construct affordable housing.
- 1.6 The applicant maintained that a requirement for a policy compliant (40%) commuted sum would render the development unviable and submitted details, in the form of a Financial Viability Assessment (FVA) to substantiate this claim, noting extraordinary construction costs associated with the constraints of the site.
- 1.7 As per the requirements of the affordable housing SPD, the content of the FVA was independently reviewed by a Chartered Surveyor, in accordance with the RICS Professional Statement Financial Viability in Planning: conduct and reporting (1st edition 2019).
- 1.8 The review concluded that, on viability grounds, it would not be possible to make a policy compliant contribution towards affordable housing. However, it did conclude that it would be viable for all homes to be sold at a discounted rate and remain viable.
- 1.9 It is the opinion of officers that a monetary contribution equivalent to the discounted rate identified by the independent assessor would be of greater benefit to the delivery of affordable housing given the type of units being delivered on the site, even when discounted, would remain high cost and inaccessible to those in greatest need of housing. It is therefore recommended that a section 106 agreement be used to secure a commuted sum payment of £378,564 which would be allocated directly to the provision of new affordable housing within the district.
- 1.10 Members are therefore requested to determine whether they consider this arrangement to be acceptable. It is important to note that the merits of the scheme as a whole were assessed when the application was originally taken to committee and where a resolution was made to approve the application. The scheme has not been altered since that time.

1.11 Attached below is a copy of the report to Planning Committee in July 2021 for ease of reference

2. **Executive Summary**

- 2.1 The proposed development is considered to represent sustainable development. It would provide environmental gains by way of introducing new habitat as part of the site landscaping scheme and reducing pressure to develop surrounding greenfield sites. It would provide social gains by facilitating a net gain of 6 residential units that would be of good quality and in an accessible and sustainable location. It would provide economic benefits by generating additional custom for shops and services.
- 2.2 The two units shown on the indicative layout plan that are positioned closer to the ancient woodland to the west of the site (plots 5 and 6) would not be suitable due to harmful ecological impact. The same applies for the proposed path through the woodland buffer. As such, the application description has been modified to apply to UP TO 12 units. This means there is an opportunity to revise the indicative layout to include the 2 units in a more appropriate position at the reserved matters stage. If this cannot be achieved then the wording of the outline permission would apply to a development of reduced size.
- 2.3 It is therefore recommended that the application is approved subject to relevant conditions.

3. **Relevant Planning Policies**

National Planning Policy Framework 2019

- 2. Achieving sustainable development
- 4. Decision making
- 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

Lewes District Local Plan (Parts 1 and 2)

- LDLP: – CP2 – Housing Type, Mix and Density;
- LDLP: – CP10 – Natural Environment and Landscape;
- 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 Energy
- LDLP: – DM1 – Planning Boundary

LDLP: – DM20 – Pollution Management
LDLP: – DM22 – Water Resources and Water Quality
LDLP: – DM23 – Noise
LDLP: – DM24 – Protection of Biodiversity and Geobiodiversity
LDLP: – DM25 – Design
LDLP: – DM27 – Landscape Design

3.1 Hamsey Neighbourhood Plan

HNP: – EN2 – Local Green Spaces;
HNP: – EN3 - Protect ecological corridors, landscape features and habitats.
HNP: – EN4 - Trees replaced with suitable trees on a ratio of 3:1 new for old
HNP: – EN5 – Support renewable and low carbon energy
HNP: – EN8 – Protection of Views
HNP: – H3 - SDNP character and ecology protected
HNP: – H5 - Use of green infrastructure
HNP: – H7 – Demonstrate excellence in design
HNP: – H8 – Building design and choice of materials in context
HNP: – H9 - Housing density 20-30 units per hectare
HNP: – H10 – Sustainable design
HNP: – TT3 – Ensure that adequate parking is provided

4. **Site Description**

- 4.1 The site falls outside of the planning boundary. It comprises an approx. 2-hectare horseshoe shaped area of land surrounding a relatively large water body in the form of a disused and flooded clay pit associated with the historic use of the site and land to the south as a brickworks. The land to the waterside is typically bare earth or grassland with patches of scrub and self-seeded tree saplings. There are also trees at the water's edge in places, particularly along the western bank. The outer edges of the site are marked by dense belts of mature trees to the north and west whilst the eastern boundary is marked by the fringe of the ancient woodland known as Kiln Wood. There are smaller bodies of water within this woodland to the south-east of the site.
- 4.2 The site is relatively flat, with its broad level being approx. 30.5 metres above ordnance datum (AOD). The land level slopes upwards on the eastern bank, reaching 33 metres AOD at the edge of Kiln Wood whilst the western bank is relatively flat but is flanked by a tree planted bund that rises to approx. 36 metres AOD. There is also a bund along the northern boundary at approx. 33 metres AOD whilst the area to the south, which is currently being developed, is at a similar level to the site although very slightly raised.
- 4.3 The area of the former brickworks to the south of the site is currently being developed as part of a mixed housing/commercial scheme (49

dwellings and business units). To the south-west of the site are two established rows of dwellings, a terrace of properties originally built to accommodate workers at the brickyard (Bevernbridge Cottages) and a more recent development of semi-detached dwellings (Bevernbridge) which flank the A275. There are sporadic dwellings and agricultural buildings to the north and south of the site. The settlement of South Chailey is approx. 1km driving distance to the north of the site whilst Cooksbridge is approx. 2km driving distance to the south.

- 4.4 There is currently no direct vehicular access to the site from the road although the new development to the south is accessed directly from the A275, which passes to the west of the site and access would be gained through this development.
- 4.5 The overriding characteristic of the wider surrounding area is rural, with the landscape pattern comprising a mosaic of hedgerow enclosed fields and patches of woodland. The edge of the South Downs National Park is approx. 1.5km to the south-west
- 4.6 Kiln Wood is included within the Hamsey Neighbourhood Plan as a Local Green Space.

5. **Proposed Development**

- 5.1 The application seeks outline permission for the erection of 12 self-build dwellings within the site. The application has been submitted in outline form, with all matters other than site access to be dealt with at the Reserved Matters stage. However, a significant amount of material relating to ecological impact and indicative layout and design has been provided given the sensitivity of the site. This includes a Design Code
- 5.2 The site would be accessed from the A275 via an extension to the internal road being constructed as part of the neighbouring development to the south. Indicative layout plans show 5 dwellings to be positioned along the western edge of the water body, a further 5 along the eastern edge and 2 additional dwellings set back from the water body towards the north eastern corner of the road. A separate access spur would be provided for dwellings on each side of the water body. These would be connected by a footpath along the northern edge of the site.
- 5.3 The submitted parameter plan includes a dwelling mix of 4 x 3 bed dwellings, 6 x 2 bed dwellings and 2 x 5 bed dwellings. Dwellings would be split level, the bulk of them being two-storey but with single-storey elements also incorporated. Parking parameters would be a minimum of 2 bays per dwelling, with the 5 bedroom and one of the 4-bedroom dwellings being provided with 3 bays. 2 visitor parking spaces would be provided in laybys. This would deliver an overall quantum of parking of 27 allocated parking spaces and 2 x visitor spaces (29 total parking spaces). It is stated that each dwelling would have one space provided with an electric vehicle charging point.
- 5.4 Due to the self-build nature of the scheme, the development would be phased. Phase 1 would involve the construction of access roads, carrying out of earthworks and delivery of utilities. Phase 2 would

involve the erection of platforms which would support the dwellings, 12 of which would project over the water's edge. Phase 3 would comprise landscaping associated with each development plot. Phase 4 would involve the construction of each dwelling on a plot by plot basis and phase 5 would comprise final landscaping works including site buffers and a communal landscaped area towards the south-eastern corner of the site.

- 5.5 The submitted design code shows sets parameters for the scale and mass of each dwelling using a block system. Parameters include a maximum height of two blocks for each type of dwelling (6.6 metres overall), a maximum floor space of 120m² for 3 bed dwellings, 160 m² for 4 bed dwellings and 200 m² for 5 bed dwellings. The exact way the mass would be distributed on each dwelling would be established at the reserved matters stage. The height restriction and block massing dictate the use of flat roofing on each dwelling. The split-level design set out in the design code would also allow for parking to be provided in undercroft form. A materials palette is also set out in the design code, restricting external finishes to timber cladding with glass balustrading on balconies/terraces and metal framed windows. It is stated that the cube design approach would facilitate the use of modular construction.

6. Relevant Planning History

- 6.1 **E/73/0745** – Extraction of Minerals (into Kiln Wood, east of application site) – Approved by ESCC – 2nd November 1973
- 6.2 **LW/00/2193** - Demolition and removal of buildings. Construction of site compound treatment plant and parking for Lloyds. Use of land as waste management centre for receipt, storage, treatment and recycling of liquid waste transfer. Erection of 3800 sqm of B2/B8 space and the provision of internal roadways, landscape features and parking – Approved Conditionally by ESCC – 16th January 2003 (ref: LW/319/CM)
- 6.3 **LW/03/0605** - Section 73 application to carry out development without compliance with conditions. Revised conditions proposed (variation of conditions 3,4,5,6,12,21 & 31 deletion of conditions 29 & 34) – Approved by ESCC – 22nd June 2004 (ref: LW/380/CM)
- 6.4 **LW/04/2535** - Non-hazardous and stable non-reactive hazardous waste landfill site and materials recovery facility – Withdrawn 29th July 2005 (ESCC Ref: LW/424/CM)
- 6.5 **LW/11/0726** - Variation of condition 5 of planning permission LW/380/CM to allow changes to the approved access road – Refused by ESCC – 24th February 2012 (ref: LW/668/CM)
- 6.6 **LW/14/0712** - Redevelopment of industrial estate with 8 x B1 (business) units and enabling residential development of 37 open market houses and 12 affordable dwellings – (Outline) Approved Conditionally – 17th November 2015
- 6.7 **LW/18/0849** - Details of the appearance, landscaping, layout and scale relating to the redevelopment of industrial estate with 8 x B1(business)

units and enabling residential development of 37 open market houses and 12 affordable dwellings pursuant to condition 1 of outline permission LW/14/0712 – Approved Conditionally – 23rd January 2019

7. Consultations

External Consultations:

Planning Policy

The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

In considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout.

The Housing and Planning Act 2016 inserted a legal duty on LPAs to, “give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority’s area arising in each base period”. The Act confirms that the demand for self-build and custom housebuilding arising in an authority’s area is the demand as evidenced by the number of entries added to the register kept by the authority during a base period. A base period is 12 months running from 31 October to 30 October each Year. At the end of each base period, relevant authorities have 3 years in which to permission an equivalent number of plots which are suitable for self-build and custom housebuilding.

30 October 2019 marks three years since the end of the first register base period. By this date, the legislation requires that authorities must have granted development permissions for enough serviced plots suitable for self and custom build to meet the demand for the period of 1 April 2016 to 30 October 2016.

Lewes District Council have 38 entries on the Self Build Register for this base period. Between the same period the Council approved 43 dwellings which were later granted CIL self-build relief. Several appeals have ruled it is incorrect to deduct these consents from the need identified in the Self Build Register. To qualify as a self-build scheme to go against the register the consent needs to be formally secured through a mechanism such as condition or a more secure s106 to guarantee the occupation for 3 years etc. Only then these would be ‘self-build’ dwelling in planning terms as far as the Act is concerned.

Therefore to date LDC have not met this identified need as defined by the Custom and Self Build Register.

Paragraph 61 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and

reflected in planning policies, including people wishing to commission or build their own homes.

Neither LPP1 nor LPP2 contain policies specifically related to custom or self-build proposals.

The application would provide the opportunity for 12 custom/self-builders in the District to build their own homes, which would go some way to meeting the needs of this sector within the area. Therefore the provision of the self-build housing should be given significant weight in consideration of the application.

Paragraph 62 of the NPPF states that provision of affordable housing should not be sought for residential development that are not major developments. Paragraph 64 goes further to state that where major development involving the provision of housing, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, but provides certain criteria which would be exempt from this requirement including where development is proposed to be by people who wish to build or commission their own homes.

In this instance it is agreed that as the development is proposed to be 100% self-build then the development is not liable for an off-site affordable housing contribution.

ESCC Ecology

It is recommended that the scheme is amended to remove or relocate plots 5 and 6 and to remove the proposed woodland path through the ancient woodland buffer zone. Reserved Matters will need to be informed by updated survey information. However, provided the recommended measures are implemented, the proposed outline application can be supported from an ecological perspective.

ESCC Archaeology

Based on the information supplied I do not believe that any significant archaeological remains are likely to be affected by these proposals.

Southern Water

Southern Water requires a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.

ESCC Highways

Phase 1 of the development under Planning permission LW/14/0712 includes off site highway works to be carried out including a new right turn lane on the A275 at the access road junction. The applicant has similarly assessed these additional residential trips using this access track. The proposal is likely to generate around 7 trips in the AM and 9 in the PM peak hours thus 1 trip only every 7 to 8 minutes in the peak hours. The applicant has satisfactorily demonstrated that the right turn lane would operate within capacity and that there would be no impact on the highway network.

At detail stage the applicant would need to satisfy the Highway Authority that sufficient on-site car parking and turning area are to be provided. The Highway Authority has concerns over the illustrative proposals and potential area for car parking. Although the parking layout is not acceptable as shown

it is agreed that the layout at reserved matters stage could be altered to accommodate further on plot parking areas and additional visitor spaces, thus the principle in this OUTLINE form is acceptable.

Specialist Advisor – Arboriculture

With regards the existing trees the principle area of concern relates to two of the three separate blocks of woodland which are designated Ancient Semi-natural Woodland (Natural England), located on the eastern side of the plot. I am in broad agreement with the tree survey, arboricultural impact assessment and the tree protection plan together with the stated intention to remove a select few trees to facilitate the development.

Secured by Design

Lighting throughout the development will be an important consideration and where it is implemented it should conform to the recommendations within BS 5489-1:2013. SBD considers that bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

OFFICER COMMENT: A balance will need to be achieved with regards to external lighting in order to ensure there is no harmful impact upon habitat. A number of other comments made in the consultation relate to the design and layout of the scheme, which is a reserved matter and, therefore, will be addressed at that stage.

Hamsey Parish Council

Hamsey Parish Council Objects on the grounds that the site's sustainability objectives cannot be met without a pathway south to Cooksbridge - this needs to be resolved to mitigate the effect of additional road traffic and so that more residents are not left cut off during future lockdowns. Existing community benefits agreed in relation to the adjacent site inc. business units and woodland management plan have not yet materialised. As with Rural Exception sites, some element of affordable housing should be included on this green space where houses would not normally be built. A minimum of 2 units should be made available to local, low income residents. Car-free travel south to the rest of their community centre and railway station at Cooksbridge must be a prerequisite of any site within Hamsey Parish, let alone one so strongly marketed as having eco credentials.

8. Neighbour Representations

A total of 9 letters of objection have been received, material planning objections contained therein are summarised below:-

- Harm to wildlife/wildflowers. Loss of habitat;
- Inadequate access road;
- Continued disturbance due to construction works;
- Local community used to enjoy access to the lagoon;

- Will harm character of area;
- Will result in noise and light pollution;
- Will result in loss of access to countryside;
- Inadequate public transport;
- Will involve building on ancient woodland;
- Insufficient road/footpath width results in danger to pedestrians;

OFFICER COMMENT: The proposed development does not encroach into designated ancient woodland. Layout of the development would be agreed at reserved matters stage and it would be expected to allow for public access to surrounding countryside. A number of comments raised relate to the site access which was approved as part of the development of the neighbouring site to the south. The access would not be modified by the proposed development and ESCC Highways have stated that they are satisfied it has the capacity to accommodate the small number of additional trips that would be associated with the proposed development.

Key Considerations

- 8.1.1 The main considerations relate to the principle of the development, the impact upon the character and appearance of the area and neighbour amenities, impacts upon highway/pedestrian safety and flood risk and ecological impacts within the site and the adjacent Ancient Woodland. This feeds into an assessment of the overall merits of the scheme in terms of the balance of economic, environmental and social objectives that comprise sustainable development.

Principle

- 8.1.2 The site, along with the wider former brickworks site, is included as a safeguarded site in the East Sussex County Council Waste and Minerals Plan (2013) under policy WMP6. As a suitable access for use by frequent HGV traffic could not be formed to serve the waste management centre due to the need to use land outside of the control of the applicant to provide suitable width. In the absence of any alternative means of access, the use of the site for waste management could not be brought forward. Subsequently and having regard to this fundamental issue, permission was granted for a mixed-use housing/employment scheme approved under LW/14/0712 and LW/18/0849. This development is now under construction.
- 8.1.3 The site is located outside of the planning boundary as defined by policy DM1 of the Lewes District Local Plan part 2. However, as confirmed by the 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.

- 8.1.4 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. If the Council is unable to demonstrate a five-year supply of deliverable housing sites, it is acknowledged that the planning boundaries may need to be breached in order to help meet local housing needs.
- 8.1.5 The development plan does not contain any specific policy on self-build housing. Section 1 (A1) of the Self-build and Custom Housebuilding Act 2015 (as amended) defines self-build and custom housebuilding as involving building or completion by 'individuals, associations of individuals, or persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals. Para. A2 states that it does not include the 'building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.'
- 8.1.6 The proposed development is outline only and includes a phasing approach allowing individuals to acquire a plot and build a dwelling to their own specifications, although in conformity with the design code and parameter plans that set overarching principles for the development in the interest of the character and amenities of the surrounding environment. It is therefore considered to represent self-build development.
- 8.1.7 Para. 2A states that a Local Planning Authority 'must give suitable development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each base period.' Section 2, para. 6(a) states that demand for self-build and custom housebuilding arising in an authority's area is the demand as evidenced by the number of entries added to the register kept by the authority during a base period. A base period is 12 months running from 31 October to 30 October each Year. At the end of each base period, relevant authorities have 3 years in which to permission an equivalent number of plots which are suitable for self-build and custom housebuilding. This requirement is recognised within the NPPF where para. 61 instructs that housing needed for different groups in the community should be provided, with a specific reference made to people wishing to commission or build their own homes.
- 8.1.8 Lewes District Council have 38 entries on the Self Build Register for this base period. Between the same period the Council approved 43 dwellings which were later granted CIL self-build relief. Several appeals have ruled it is incorrect to deduct these consents from the need identified in the Self Build Register. To qualify as a self-build scheme to go against the register the consent needs to be formally secured through a mechanism such as condition or a more secure s106 to guarantee the occupation for 3 years etc. Only then these would be 'self-build' dwelling in planning terms as far as the Act is

concerned. Therefore to date LDC have not met this identified need as defined by the Custom and Self Build Register.

- 8.1.9 Para. 11 (d) of the NPPF states that, where there are no relevant development plan policies in relation to a submitted scheme, permission should be granted other than where NPPF policies that protect areas or assets of particular importance provide a clear reason for refusing or where any adverse impacts generated by a development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. The current application will therefore be assessed on this basis, with reference also to all development plan policies that align with the aims and objectives of the NPPF.

Design and Impact upon Character of Surrounding Area

- 8.1.10 The site is located outside of the planning boundary. The NPPF does not recognise planning boundaries (other than the green belt) but does state in para. 79 that planning decisions should avoid the development of isolated homes in the countryside. Whilst the site does not fall within, or on the edge of, any established settlement, it is positioned adjacent to a recently approved housing development, and the groups of dwellings at Bevernbridge and Bervenbridge Cottages. The villages of South Chailey and Cooksbridge (which is on the main Eastbourne to London railway line) are relatively close, and there are bus stops on the A275 adjacent to the site that are served fairly regularly by a bus service that connects with Newick to the north and Lewes to the south. It is therefore considered that the proposal would not result in the provision of new homes in an unacceptably isolated location.
- 8.1.11 Due to the proximity to neighbouring development to the south as well as the number of dwellings that would be included within the development and the sense of openness the site would have, with indicative layout, parameter plans and design code showing dwellings all facing towards the central water body it is not considered that occupants of the development would feel secluded nor would there be an oppressive sense in the surrounding environment as dwellings would engage well with each other as well as with neighbouring development.
- 8.1.12 The site is considered to be self-contained, with screening provided by dense arrangements of mature trees to the north, east and west as well as by raised bunds. The southern boundary is open but this part of the site would link to the housing development to the south. Whilst not qualifying as previously developed land, the site is clearly not part of the general tapestry of fields and woodland that characterise the surrounding rural area. It is therefore considered that the proposed development would not appear as an incongruous or disruptive feature that would disrupt or compromise the visual and spatial characteristics of the surrounding countryside.
- 8.1.13 The density of the development would be low at approx. 6 dwellings per hectare. Whilst higher density is generally encouraged as per para. 122 of the NPPF, it is important to note the constraint of the

site, these being its awkward shape, the space needed to provide access and the need to protect nearby sensitive habitat areas including the water body itself and the ancient woodland at Kiln Wood, as well as its location on the periphery of the wider site. It is therefore considered that the low-density development proposed is acceptable in this instance.

- 8.1.14 As the application is in outline form, full details of design, scale, layout and landscaping of the development have not been provided. Given the rural setting of the site it is considered to be sensitive to visual and environmental impact. The design code and parameter plans provided are therefore vital in establishing overarching characteristics and requirements that any submission for approval of reserved matters would have to adhere to. An illustrative layout plan also provides details of the only feasible way to provide access to all parts of the site.
- 8.1.15 The design code and parameter plans include measures to restrict the overall height of each dwelling to a maximum of 6.6 metres as well as to dictate maximum floor space and footprint (due to control over platform sizes). A palette of acceptable materials is set out and this is limited to timber cladding and glazed screening. It is considered that buildings that comply with these general characteristics could be accommodated within the site without resulting in a harmful impact upon the character of the surrounding area as it is considered the scale of the buildings would allow for effective and sympathetic screening to be provided by existing landscape features whilst the external materials, particularly the use of timber cladding, would support visual integration with the surrounding woodland.
- 8.1.16 It is considered that this provides sufficient assurance to allow for outline approval to be granted, with the reserved matters stage allowing for a mechanism for the exact design and scale of each dwelling to be assessed and adjusted if necessary. The amount of glazing would, in particular, have to be carefully controlled in order to minimise risk of light spill that would detract from the tranquillity of the dark sky rural environment.
- 8.1.17 The parameter plan includes details of platforms on which each dwelling would be positioned. These would partially jut out over the water. The majority of the water body would be undisturbed and the use of platforms would prevent the need for any infilling whilst ensuring there is room on the relatively narrow banks of the water body to allow for access routes, parking and amenity space.
- 8.1.18 The parameter plan includes provision of parking largely in undercroft format. This would ensure parked cars are well screened and do not form a visually dominant feature within the development that may undermine the rural nature that it is considered the site will retain due to its location and low density.
- 8.1.19 The proposed access road would run close to the western site boundary where it would be screened by the existing tree belt which is growing on a raised bund. The road serving dwellings on the

eastern bank would be stepped well away from Kiln Wood so as to minimise impact on the ancient woodland by way of noise, light and air pollution and disturbance of root protection areas. It is noted that ESCC Highways have suggested additional visitor parking spaces are provided, including on the western access which occupies a narrower part of the site. It is considered there is adequate space to allow for this to be achieved in a sympathetic way that can be addressed at reserved matters stage.

- 8.1.20 A footpath would be formed to provide access to the woodland area and waterbody within the south eastern corner of the site, providing an amenity function and facilitating public access to Kiln Wood, as encouraged in section 7.9 of the Hamsey Neighbourhood Plan.

Impact upon Amenities of Neighbouring Residents:

- 8.1.21 The parameter plans and design code that form part of the application dictate the general positioning of each dwelling and also set thresholds for overall scale. It is considered that the parameters set for the height and mass of each dwelling would ensure that they do not appear overbearing towards neighbouring residents of the development to the south, where dwellings will be of similar height. It is considered that natural screening of the site as well as the degree of separation maintained would prevent any harmful impact upon the amenities of occupants of dwellings at Bevernbridge and Bevernbridge Cottages.
- 8.1.22 The proposed development would be accessed via a spur taken from the access road being constructed to serve the development to the south. ESCC Highways anticipate a trip rate increase of approx. 7 trips during AM peak hours and 9 trips during PM peak hours. Given the relatively low increase in trips, it is not considered that additional traffic would have an unacceptable impact upon the amenities of residents occupying the development to the south or those occupying properties at Bevernbridge which are adjacent to the shared access from the A275.
- 8.1.23 It is therefore considered that the proposed development could be delivered without resulting in unacceptable adverse impacts upon the amenities of neighbouring residents.

Living Conditions for Future Occupants

- 8.1.24 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.
- 8.1.25 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. Although design and scale of the development are reserved matters, the parameter plans allow for a maximum floor space of 120m² for 3 bed dwellings, 160 m² for 4 bed dwellings and 200 m² for 5 bed dwellings. These figures all exceed the minimum area for each form of dwelling as set out in the space standards.

- 8.1.26 There is ample space within the development site to provide outdoor amenity space in the form of private gardens as well as terrace areas that extend over the water's edge. In addition, the occupants of the development would have access to the woodland walk being formed in the south-eastern corner of the site.

Parking Demand and Highway Impact

- 8.1.27 The development would utilise the access from the A275 and internal road network of the adjoining development to the south in order to provide vehicular access to the site. ESCC highways have reviewed the submitted plans and have stated they are satisfied that increase in trip rates would not be excessive (additional 7 trips per day at AM peak time and 9 trips per day at PM peak time). They have also confirmed that the right turn lane being provided on the A275 to serve the development to the south of the site would have the capacity to accommodate any increase in frequency of vehicles turning into the site.
- 8.1.28 A total of 29 x car parking spaces would be provided to serve the proposed development. Each plot would have either 2 or 3 allocated spaces and an additional 2 spaces would be provided as visitor parking. ESCC Highways have stated that 30 car parking spaces should be provide and that visitor parking would need to be provided on both sides of the water body rather than only on the eastern side as shown on the indicative layout plan. It is considered that the site has the capacity to allow for an additional parking space to be formed without causing a detrimental impact upon visual and environmental amenities.
- 8.1.29 Indicative layout plans demonstrate that a footway can be provided alongside the vehicular access road. This footway would link would also provide a pedestrian link between the western and eastern access roads along the northern bank of the water body. The extension into the woodland buffer may not be acceptable, see comments made on ecological impact in section 7.9. Vehicle tracking plans have been included to show that an 11.2-metre-long refuse vehicle could enter and turn within the site using the turning heads provided at the end of each access. It is therefore considered that the site has the capacity to accommodate a layout that would allow for the safe access and movement of pedestrians and vehicles and would ensure no vehicles have to reverse out of the site onto neighbouring roads.
- 8.1.30 It should be noted that ESCC Highways require a demonstration that an 11.97-metre-long refuse vehicle can access all dwellings and turn within the site and, therefore, an amended tracking plan would be needed at the reserved matters stage.

Flooding and Drainage

- 8.1.31 The site is located in Flood Zone 1 and, as such, is at low risk from tidal and fluvial flooding. The presence of the water body means that risk of surface water flooding within the site is low although there are areas within Kiln Wood and on the development site to the south where the risk of surface water flooding is higher. Surface water within the site is currently directed towards the water body. There is an overflow control device in place in the south-western corner of the water body in the form of pipes and a ditch/swale that direct overflow to a watercourse to the west of the site that, ultimately, flows into Bevern Stream which is to the north of the site. It is intended for surface water to be discharged into the water body via attenuation tanks, oversize pipes and flow control devices that would regulate the rate of discharge. The overflow mechanism is currently being modified as part of the development to the south of the site but would continue to allow for overflow from the water body to be released into Bevern Stream. A small balancing pond would be provided in the south eastern corner of the site to allow for drainage of surface water from the south-eastern part of the site.
- 8.1.32 By utilising existing water bodies, it is considered that the proposed scheme has adopted sustainable drainage principles. Para. 80 of the Planning Practice Guidance for Flood Risk and Coastal Change identifies a hierarchy of drainage options based on sustainability, these being 1: Infiltration, 2: Use of a surface water body, 3: To a surface water sewer, highway drain or another drainage system and 4: To a combined sewer. The use of infiltration has been discounted due to the impermeable clay soil structure beneath the site and, as such, the use of existing water bodies is the most sustainable option that is feasible.
- 8.1.33 The platforms on which the proposed dwellings would be positioned would project over the water, with the ground floor of the dwelling site on it being cantilevered over the water's edge. The platform would ensure the ground floor of each dwelling is set at 300mm above the design flood level for the site taking into account a 1 in 100-year extreme water level as well as climate change.
- 8.1.34 It is stated that foul drainage would be managed by way of connection to the sewers serving the adjacent development to the south.
- 8.1.35 Final drainage details would be secured at the reserved matters stage in order to ensure that the drainage layout is compatible with the development.

8.2 Biodiversity

- 8.2.1 The site is positioned adjacent to ancient woodland, this being Kiln Wood which is directly to the east of the site. Whilst the development would not intrude into the ancient woodland area it would impact upon the environment immediately adjacent to it and it is important to ensure that habitat connectivity is not interrupted or the quality of habitat degraded as a result of the proposed works.

- 8.2.2 The application is accompanied by an Ecological Assessment which states that a 15-metre buffer would be maintained between the edge of the development and the ancient woodland in order to minimise impact upon it. The buffer zone utilise suitable planting to complement the woodland edge. This would include dense planting of thorny native species such as hawthorn, dog rose and blackthorn as a means to control access to the woodland. A condition will be used to secure a Construction Environmental Management Plan (CEMP) in order to ensure the woodland is not adversely affected by dust, noise or other forms of pollution or damage during construction works.
- 8.2.3 The County Ecologist has raised concerns that the indicative plan shows a mown path passing through these buffer zones. This would not be appropriate and, as such, the footpath would have to be removed or realigned at the reserved matters stage. Units 5 and 6 are also positioned too close to the woodland on the indicative plan and would therefore also need to be repositioned or omitted. As layout is a reserved matter this can be resolved at that stage. There is no objection to the positioning of the access, the road or any of the other units shown on the indicative plan.
- 8.2.4 Site surveys have also identified encroachment by bramble into potential habitats and the development allows for the potential for this to be controlled as part of the landscaping/biodiversity enhancement scheme. Water planting and wet grassland planting would be used to form new habitats around the pond. Invasive species (Canadian Waterweed and New Zealand Pigmyweed) have also been identified on the banks of the water body and these would be removed as part of the development.
- 8.2.5 The Ecological Assessment includes the results of surveys carried out to establish the presence, or lack of, protected species on site. Surveys carried out discount the presence of dormice and badger. No evidence of Great Crested Newts was found, with the presence of fish in the waterbody being a likely contributing factor for this. The site was not considered suitable for reptiles due to the extensive grazing of grassland areas by rabbits and Canada geese. The woodland fringes were however recognised as providing potential sites for hibernation. A variety of bat and bird activity was identified on and around the site.
- 8.2.6 The site survey did not identify any trees within the site that would provide suitable opportunities for bat roosting, with bats observed likely roosting in the ancient woodland area.
- 8.2.7 The assessment does not consider the development would have an adverse impact upon bats provided external lighting is strictly controlled. It notes that the low density of the development would allow bats to continue to commute easily over the site and that additional planting and habitat creation would support insect species that are a food source for bats. Furthermore, new roosting opportunities for bats would be provided through the installation of bat boxes in appropriate locations.

- 8.2.8 The application includes a lighting plan suggesting external lighting would be restricted to low level bollard lighting on the access road. This would need to be confirmed with the final layout at the reserved matters stage, with input from the County Ecologist. The amount of glazing used on the proposed dwellings will also need to be evaluated at the reserved matters stage, with appropriate mitigation measures being put in place to reduce light spill from internal lighting.
- 8.2.9 Habitat for birds would be maintained, with enhancement made to the water body and surrounding woodland protected and supplemented by additional tree planting, with a focus on fruit and nut bearing species. Bird boxes would also be installed in appropriate locations. A range of sizes and designs would be used in order to appeal to a broad range of bird species.
- 8.2.10 The County Ecologist has concluded that the landscaping scheme, as presented on indicative plans and documents would achieve a modest biodiversity net gain. Full details of all ecological enhancement measures would be secured at the reserved matters stage along with the result of any additional surveys necessary, bearing in mind those referred to in the ecological assessment date from 2018/2019. This will include a requirement for it to be demonstrated that biodiversity net gain achieved is a minimum of 10%, as required by the Biodiversity Net Gain Technical Advice Note (TAN). New planting should recognise the need for any trees removed to be replaced at a ratio of 3:1 as per policy EN4 of the Hamsey Neighbourhood Plan.

8.3 Sustainability in Development

- 8.3.1 The submitted design code places an emphasis in using locally sourced building materials. The design of the dwellings themselves support the use of modular building techniques, enabling them to be built off-site and thereby reducing wastage and the impact of construction works on the surrounding environment. It is considered that the custom build nature of the scheme would incentivise site owners to utilise energy efficient materials in the design stage as it would help reduce energy costs once the dwelling is occupied. The development would not be connected to the gas network and so would rely on electricity and/or air source heat pumps for heating.
- 8.3.2 Notwithstanding the above, a comprehensive sustainability assessment would be required to be submitted for each phase of the development in order to ensure that each dwelling incorporates suitable carbon reduction and water efficiency measures. These measures would need to align with the requirements and objectives of the Sustainability in Development TAN.

8.4 Circular Economy

- 8.4.1 The design brief, that will inform the design of all buildings within the development, supports the use of modular construction that would allow buildings to be constructed off-site, minimising wastage. There is an incentive for modular buildings to be constructed by a local company in order to reduce delivery costs.

- 8.4.2 It is considered that modular buildings would be easier to remove from the site when they come to the end of their useful life without extensive damage to the site and surroundings. This would also assist with the recycling of building materials. The permanent platform provided for the buildings would remain in place following any removal, allowing for a new building to be installed with minimum disruption. This introduces a good level of adaptability and flexibility to the site, ensuring it can remain in use without the need for significant redevelopment for a lengthy period of time.
- 8.4.3 The self-build nature of the development would allow for bespoke designs that meet the needs of homeowners, providing a good level of flexibility to the scheme as a whole and the opportunity to cater for a range of needs.

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 and a S106 agreement to secure the self-build status of the units.
- 10.2 Should the S106 not be completed within 6 months of the date of the committee resolution is it recommended that permission is refused under delegated powers if there is no meaningful progress towards completion of the agreement.
- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the approval of the last of the reserved matters as defined in condition 2 below, whichever is the later.
- Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 92 of the Town and Country Planning Act 1990.
- 2) Details of the reserved matters set out below (“the reserved matters”) shall be submitted to the Local Planning Authority for approval within three years from the date of this permission. These details relate to:-
- layout of internal road and communal areas;
 - size and position of plots which will be subject to the subsequent approval of the County Ecologist;
 - landscaping of communal areas;
 - ecological Appraisal

When creating semi-natural habitats, all species shall be locally native species of local provenance. The reserved matters shall comply with the parameters set out for access established by this outline permission and be carried out as approved. Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To enable the Local Planning Authority to control the development in detail.

- 3) The development hereby permitted shall be carried out in accordance with the following approved drawings

PLAN TYPE	DATE RECEIVED	REFERENCE
Location Plan	8 th September 2020	18096-SBR-SW-XX-DR-A-80099 Rev 1
Access Plan	10 th June 2021	18096-SBR-SW-XX-DR-A-80200 Rev 1
Arboricultural Report	8 th September 2020	AR/49416
Design & Access Statement and Design Code	8 th September 2020	18096-SBR-ZZ-XX-RP-A-80201 Rev 5
Ecological Assessment	8 th September 2020	5785.EcoAss.vf1

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

- 4) A phasing plan for the development shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the development in detail.

- 5) Details of the appearance, landscaping, layout, and scale for each phase or sub-phase of the development shall be submitted to and approved in writing by the local planning authority before any development begins within that phase or sub-phase and the development shall be carried out in accordance with the details as approved.

Reason: To enable the Local Planning Authority to control the development in detail.

- 6) All phases of the development hereby approved shall comply with the parameters and criteria set out in the approved Design & Access Statement and Design Code - 18096-SBR-ZZ-XX-RP-A-80201 Rev5.

Reason: To ensure the design, layout and scale of the development is appropriate in the context of its surroundings in terms of visual, environmental and residential amenity in accordance with policies DP10 and CP11 of the Lewes District Local Plan Part 1, Policy DM25 of the Lewes District Local Plan Part 2 and policies H3, H7 and H8 of the Hamsey Neighbourhood Plan.

- 7) A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of the development. The content of the LEMP shall include the following:
- i. description and evaluation of features to be managed;
 - ii. ecological trends and constraints on site that might influence management;
 - iii. aims and objectives of management;
 - iv. appropriate management options for achieving aims and objectives;
 - v. prescriptions for management actions, together with a plan of management compartments;
 - vi. preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - vii. details of the body or organisation responsible for implementation of the plan;
 - viii. ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details..

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features in accordance with policy CP10 of Lewes District Local Plan Part 1, policy DM24 of the Lewes District Local Plan Part 2, policies EN3 and H3 of the Hamsey Neighbourhood Plan, section 15 of the NPPF and the Biodiversity Net Gain Technical Advice Note.

- 8) No development shall take place until an ecological design strategy (EDS) addressing protection of retained habitats including the on-site waterbody and adjacent ancient woodland, provision of a semi-natural buffer zone to the woodland, mitigation for the loss of woodland, scrub and grassland habitats and enhancement of the site for biodiversity has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
- i. purpose and conservation objectives for the proposed works;
 - ii. review of site potential and constraints;

- iii. detailed design(s) and/or working method(s) to achieve stated objectives;
- iv. extent and location /area of proposed works on appropriate scale maps and plans;
- v. type and source of materials to be used where appropriate, e.g. native species of local provenance;
- vi. timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- vii. persons responsible for implementing the works;
- viii. details of initial aftercare and long-term maintenance;
- ix. details for monitoring and remedial measures;
- x. details for disposal of any wastes arising from works.

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

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework, and Core Policy 10 of the Lewes Local Plan.

- 9) No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- i. risk assessment of potentially damaging construction activities;
 - ii. identification of “biodiversity protection zones”;
 - iii. practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - iv. the location and timing of sensitive works to avoid harm to biodiversity features;
 - v. the times during construction when specialist ecologists need to be present on site to oversee works;
 - vi. responsible persons and lines of communication;
 - vii. the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - viii. use of protective fences, exclusion barriers and warning signs.

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

Reason: To ensure that any adverse environmental impacts of development activities are mitigated, to avoid an offence under the Wildlife and Countryside Act 1981, as amended, The Conservation of Habitats and Species Regulations 2017, as amended, and the Protection of Badgers Act, 1992, and to address Core Policy CP10 of the Lewes District Local Plan Part 1.

- 10) No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,
- the anticipated number, frequency and types of vehicles used during construction,
 - measures to prevent harm to wildlife and habitat
 - means of reusing any existing materials present on site for construction works,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.
 - address noise impacts arising out of the construction;
 - demonstrate that best practicable means have been adopted to mitigate the impact of noise and vibration from construction activities;
 - include details of the use of protective fences, exclusion barriers and warning signs;
 - provide details of the location and appearance of the site offices and storage area for materials, including a bunded area with solid base for the storage of liquids, oils and fuel;
 - details of any external lighting.

Reason: In order to safeguard environmental and residential amenity and in the interests of highway safety and the wider amenities of the area having regard to Policy CP11 of the Lewes District Local Plan

part one, policies DM20 and DM23 of the Lewes District Local Plan part 2 and the Circular Economy Technical Advice Note.

- 11) The arboricultural tree protection measures (Tree Report AR/49416 prepared by The Mayhew Consultancy Ltd) submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision by a suitably qualified tree specialist. This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during demolition and subsequent construction operations

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with policy CP10 of the Lewes District Local Plan Part 1, policy DM27 of the Lewes District Local Plan Part 2 and section 15 of the NPPF.

- 12) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development process and up until completion and full occupation of the buildings for their permitted use within 5 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with policy CP10 of the Lewes District Local Plan Part 1, policies DM24 and DM27 of the Lewes District Local Plan Part 2 and section 15 of the NPPF.

- 13) The approved tree pruning works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality in accordance with policy CP10 of the Lewes District Local Plan Part 1, policy DM27 of the Lewes District Local Plan Part 2 and section 15 of the NPPF

- 14) No development shall commence [including demolition/ground clearance] until the vehicular access and offsite highway improvements approved under Planning Permission LW/14/0712 serving the development have been carried out and completed.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with para. 110 of the NPPF.

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

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with para. 110 of the NPPF.

- 16) The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls). The proposed garage[s] shall measure at least 3m by 6m (internally)

Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with para. 110 of the NPPF.

- 17) No individual phase of the development shall be occupied until secure and covered cycle parking areas to serve that phase have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles

Reason: To promote the use of more sustainable forms of transport in accordance with paras. 108 and 109 of the Revised NPPF and policy CP13 of the Lewes District Local Plan Part 1 and the Lewes District Council Electric Vehicle Charging Points Technical Guidance Note and Sustainability in Development Technical Advice Note.

- 18) Prior to the commencement of any construction works, full details of the proposed means of surface water disposal for each sub-phase of the development has been submitted to and approved in writing by the Local Planning Authority. The approved drainage works for each sub-phase of the development shall be completed prior to the completion or occupation of any dwelling that forms part of that sub-phase.

Reason: To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding, in accordance with para. 163 of the Revised NPPF and Policy CP12 of the Lewes District Local Plan Part 1.

- 19) Each dwelling shall be provided with a minimum of 1 x electric vehicle charging facility and this shall be installed and operable prior to its first occupation. These facilities shall thereafter remain in place and in an operable condition throughout the lifetime of the development.

Reason: To promote the use of more sustainable forms of transport in accordance with paras. 108 and 109 of the Revised NPPF and policy CP13 of the Lewes District Local Plan Part 1, policy H10 of the Hamsey Neighbourhood Plan, the Lewes District Council Electric

Vehicle Charging Points Technical Guidance Note and Sustainability in Development Technical Advice Note.

- 20) Prior to occupation, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

Reason: Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation having regard to Policy CP10 of the Lewes District Local Plan part one, policies DM20 and DM24 of the Lewes District Local Plan part two, policies EN3 and H3 of the Hamsey Neighbourhood Plan and paras. 170, 175 and 180 of the NPPF.

- 21) 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.

- 22) Reserved Matters shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of bats, badgers, dormice, amphibians and reptiles, and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved outline application, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development.

Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: As species are mobile and habitats can change and become more or less suitable, it is important that the surveys reflect the situation at the time on any given impact occurring to ensure adequate mitigation and compensation can be put in place and to ensure no offences are committed.

23) No development above ground floor slab level shall take place until a detailed Sustainability Assessment Report which includes details of how the development and each dwelling will incorporate measures to reduce carbon energy use, facilitate renewable energy installations, and lower household water consumption, have been submitted to and approved in writing by the local planning authority. The approved measures shall be put in place prior to the first occupation of each of the residential units, and shall be retained as such thereafter.

Reason: In order to reduce locally contributing causes of climate change in accordance with policy CP14 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework.

Informatives

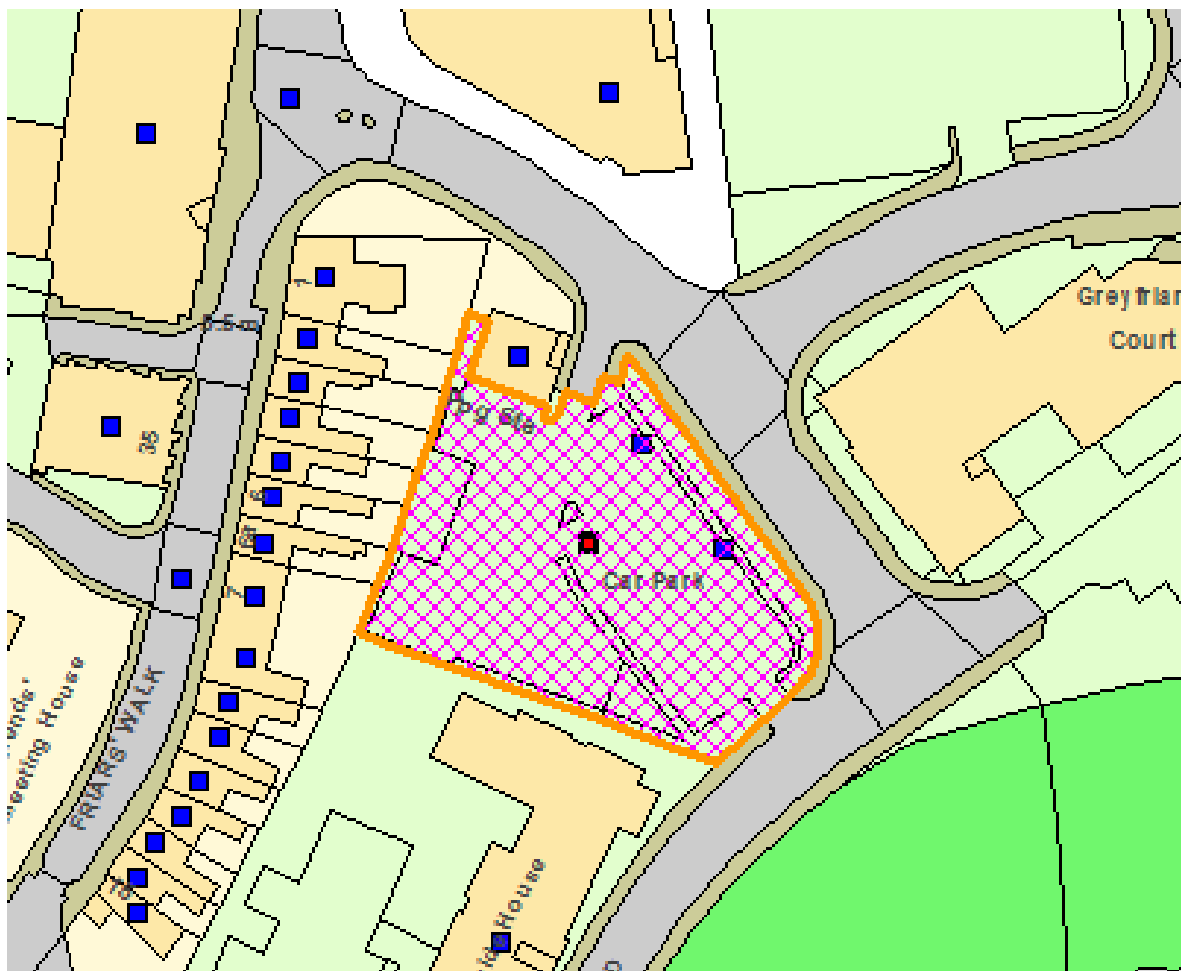
1. The Local Planning Authority has acted positively and proactively in determining this application by engaging with stakeholders, visiting an existing business site to get a better understanding of the operation, identifying matters of concern and negotiating acceptable amendments. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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Report to: Planning Applications Committee
Date: 7th December 2022
Application No: SDNP/22/03583/FUL
Location: The Forecourt, Court Road Car Park, Court Road, Lewes
Proposal: Use of land for vehicle rental, erection of temporary office and ancillary facilities.
Applicant: Mr R Emery
Ward: Lewes Bridge Ward
Recommendation: Grant Temporary Permission subject to conditions.
Contact Officer: **Name:** Claire Tester
E-mail: Claire.Tester@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liable.

Site Location Plan



1.	Executive Summary
1.1	The application site is allocated in the Lewes Neighbourhood Plan for housing and the planning permission for 9 dwellings granted under SDNP/16/01618/FUL was legally commenced and therefore remains extant. However, the permission has not been built out and during 2021 a vehicle hire business began to operate from the land. An application to permanently retain this business was refused under SDNP/21/04794/FUL.
1.2	Since the previous refusal the technical objections to the use (highways, drainage, and lighting) have been addressed. The remaining issues are the principle of development, considering the allocation of the site for housing, and the impact of the proposal on the character of the area and the significance of the adjacent Lewes Conservation Area.
1.3	<p>The permanent grant of planning permission for the proposed use would not be acceptable as it would prejudice the delivery of the allocated housing site. However, the temporary use of the site would not prevent this allocation from being implemented in the medium term. This would allow the economic activity on the site to continue whilst the viability issues for the housing allocation are worked through with the site owner.</p> <p>Similarly, the impact of this proposal on the townscape character of this part of Lewes would not be considered acceptable for a permanent development since it does not meet the high landscape-led design standards for the National Park. Nonetheless, this impact must be considered in the light of the fallback positions of either being left vacant or reverting to its original use as a car park. Even if it is still considered to cause harm to the Conservation Area, this harm is less than substantial and must be balanced against the public benefits of the development, giving great weight to the heritage asset's conservation.</p> <p>Local Plan policy SD34 supports develop that fosters the economic and social wellbeing of local communities, which reflects the duty of National Parks and national policy in the NPPF. The national economic situation has deteriorated since the last decision on this site and it considered that keeping the site in economic use that supports 10 jobs in the local area should carry significant weight.</p>
1.4	Overall, it is considered that the temporary use of this site for vehicle hire as set out in the application details is acceptable and should be granted subject to conditions restricting hours of use and lighting.

2.	Relevant Planning Policies
2.1	<p><u>National Planning Policy Framework</u></p> <p>5. Delivering a sufficient supply of homes 6. Building a strong, competitive economy 12. Achieving well-designed places 15. Conserving and enhancing the natural environment 16. Historic Environment</p>
2.2	<p><u>South Downs Local Plan 2019</u></p> <p>Policy SD1 Sustainable Development Core Policy SD2: Ecosystem Services Core Policy SD4: Landscape Strategic Policy SD5: Design Strategic Policy SD7: Relative Tranquillity Strategic Policy SD8: Dark Night Skies Strategic Policy SD12: Historic Environment Development Management Policy SD15: Conservation Areas Strategic Policy SD19: Transport and Accessibility Strategic Policy SD25: Development Strategy Strategic Policy SD26: Supply of Homes Strategic Policy SD34: Sustaining the Local Economy Strategic Policy SD49: Flood Risk Management</p>
2.3	<p><u>Lewes Neighbourhood Plan:</u></p> <p>Policy HC3 A Heritage Protection of Landscape and Townscape Policy PL1 B 36 Land at Magistrates Court Car Park, Court Road</p>

3.	Site Description
3.1	<p>The application site comprises what was formerly the private car park associated with the Magistrates Court. The site is flat, with an area of 0.15 hectares, located on the bend of Court Road, opposite Greyfriars Court; a 3-storey apartment complex. The existing vehicular access is located on the north-eastern boundary. There is another 3-storey apartment complex (Leighside House) immediately to the southwest and a terrace of 2-storey Grade II Listed houses located beyond the western boundary. To the north is the Premier Inn.</p>
3.2	<p>The site is located on the edge of the Lewes Town Centre and the Lewes Conservation Area boundary which both runs along the north and west of</p>

	the site, however the site is not part of the Conservation Area. The site is within Flood Zone 2. There is a Southern Water pumping station adjacent to the north-western corner of the site.
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4.	Proposed Development
4.1	This is a retrospective application for the temporary use of land for vehicle rental, together with temporary office and ancillary facilities to support the business, for a period of three years. The site is leased by Orange Vehicle Rental (OVR) which wishes to stay on the site for a temporary period whilst they grow their operation and search for a larger site. On cessation of the use, the site would revert to its approved state – which is that of a housing site with extant planning permission.

5.	Relevant Planning History:
5.1	SDNP/16/01618/FUL Erection of 9 Residential Dwellings with adjoining outdoor space, car parking and associated works: Approved (various amendments and discharge of conditions also approved). SDNP/19/05748/LDP Lawful Development Certificate for Proposed Development - To determine whether the continuation of works approved under planning permission SDNP/16/01618/FUL for 9 residential dwellings with associated works is lawful: Approved
5.2	SDNP/21/04794/FUL Proposed office and ancillary facilities to support business on site: Application refused for the following reasons: 1. The proposal, by reason of its design, nature and location, would be harmful to and have an unacceptable impact on the landscape character and result in less than substantial harm to and failing to preserve or enhance the Lewes conservation area. The proposal falls within a site (PL1 B 36) allocated for housing in the Lewes Neighbourhood Plan and this proposal does not provide housing to accord with the policy or the housing supply requirements in SD26 of the SDLP. The proposal is therefore contrary to policies SD4, SD5, SD6, SD15 and SD26 of the South Downs Local Plan 2014 - 2033, PL1 B 36 of the Lewes Neighbourhood Plan, the NPPF and the first purpose of the National Park. 2. The proposal does not supply sufficient information to satisfy the LPA that the proposal is acceptable in terms of off-street parking and would therefore give rise to increased hazards to highway users, this is not in accordance with Paragraph 111 of the NPPF and policy SD19 of the South Downs Local Plan. 3. The number of external lights on the site is excessive, and not all measures to mitigate upward light spill has been taken. Therefore, the proposal causes detrimental harm to the dark skies, and not in accordance with SD8 of the South Downs Local Plan 2014 -2033. 4. The proposal has potential to impact on amenities to the neighbouring residential areas, the development would create unacceptable noise and

	<p>disturbance beyond what would be acceptable. Therefore, the proposal is not deemed to accord with SD5(k) of the South Downs Local Plan.</p> <p>5. Insufficient information has been supplied to show how the sites increased impermeable surfaces will impact upon surface water and how it will be managed through drainage measures and therefore the proposal fails to adequately demonstrate a scheme of flood risk management contrary to policy SD49 of the South Downs Local Plan 2014 – 2033.</p>
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6.	Consultations:
6.1	<p>Lewes Town Council noted that with extreme regret work had already started on site without planning approval and strongly object because it is preventing the use of the site for housing and the site was designated as housing in the Lewes Neighbourhood Plan (Policy PL1B, site 36). Objective 5.11 states increased density will be included where appropriate, locating housing near services, making this site highly suitable for meeting the objective (page 29).</p> <p>Concern was raised about the increase of traffic, noise, and highway safety, particularly considering the proximity of sheltered housing accommodation.</p> <p>Members considered it an ill-thought-out application and concur with the objection from East Sussex County Council. SD19 of the Local Plan seeks to minimise the traffic impacts of new developments and this proposal will increase its substantially.</p> <p>Page 86 of the Lewes Neighbourhood Plan states the site should maximise the opportunity to improve the frontage to Court Road and provide a positive interface with woodland to south east of the site and the current proposal dismisses the Neighbourhood Plan. It also states provision should be made for easy access by bicycle and the Committee noted there was no cycle storage included in the proposals. It was unclear as to whether this use was temporary. Therefore, Members strongly object to these proposals.</p>
6.2	<p>East Sussex County Council Highways initially objected on the grounds of insufficient information on LGV car parking and swept path drawings to satisfy them that the proposed development would not have a severe impact on the local highway network. Subsequently commented: “since the site has been in operation for a number of years and there have been no issues, and the proposed development is temporary proposal with a residential development to be constructed in due course, I would wish to withdraw my objection to this application”.</p>
6.3	<p>The Local Lead Flood Authority initially objected on the grounds of insufficient information on drainage. On receipt of further information, they have now confirmed that “the LLFA has no further comments on the above application. The letter provided in response to our objection satisfies our previously raised concerns”.</p>

7.	Other Representations:
7.1	No other representations have been received.

8.	Appraisal:
8.1	<p><u>Key Considerations:</u></p> <p>Sec 38 (6) of the Planning Compulsory Purchase Act 2004 requires that regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p> <p>The NPPF also advises that there is a presumption in favour of sustainable development.</p> <p>The site is located within the South Downs National Park and therefore determine by the SDNPA who further to the presumption in favour of sustainable development and sec 38 (4) of the statutory purposes and duty of the National Park are:</p> <ul style="list-style-type: none"> • Purpose 1: To conserve and enhance the natural beauty, wildlife, and cultural heritage of the area. • Purpose 2: To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. • Duty: To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes.
8.2	<p>The main considerations for this application are whether:</p> <ul style="list-style-type: none"> • The development would prejudice the delivery of the housing site allocated under PL1 B36 of the Lewes Neighbourhood Plan and the housing supply requirements in SD26 of the South Downs Local Plan • The design, nature and location, would be harmful to and have an unacceptable impact on the landscape character and or fail to preserve or enhance the Lewes Conservation Area contrary to

	<p>policies SD4, SD5, SD12 and SD15 of the Local Plan and HC3A of the Neighbourhood Plan;</p> <ul style="list-style-type: none"> • The proposal is acceptable in terms of off-street parking and would therefore give rise to increased hazards to highway users in accordance with policy SD19 of the Local Plan. • The proposed lighting of the site would cause harm to the dark skies of the National Park contrary to policy SD8 of the Local Plan. • The proposal will impact on the amenities of the neighbours due to unacceptable noise and disturbance contrary to policy SD5(k) of the Local Plan; and • Sufficient information has been supplied to show how the development will impact upon surface water and flood risk management in compliance with policy SD49 of the Local Plan.
8.3	<p><u>Principle of Development</u></p> <p>The application site is situated within the settlement boundary of Lewes as defined by policy SD25 of the South Downs Local Plan (SDLP) and as such development is acceptable in principle subject to accordance with other relevant development plan policies.</p> <p>The site is allocated for residential development under Lewes Neighbourhood Plan policy PL1 B (36) and in 2016, planning permission was granted for nine dwellings under SDNP/16/01618/FUL. This permission is still extant as confirmed by a lawful development certificate granted under SDNP/19/05748/LDP. However, the agent states that the permission has not been built out due to viability issues.</p> <p>The permanent grant of planning permission for the proposed use would not be acceptable as it would prejudice the delivery of the allocated housing site. However, the temporary use of the site for an economic purpose whilst the viability issues for the preferred residential use are worked through would not prevent this allocation from being implemented in the medium term. The anticipated housing delivery from this site is relatively low and a delay in its supply will not have a significant impact on the Planning Authority's five-year housing land supply. In the event that planning permission is refused, and successful enforcement action taken to remove the use, there are two potential scenarios:</p> <ul style="list-style-type: none"> a) The site would simply sit vacant until the allocation is delivered; or b) The site would revert to its original use as a car park. <p>These scenarios would also have implications for the character of the area which should be weighed in the balance as realistic fallback situations.</p> <p>Local Plan policy SD34 supports development that fosters the economic and social wellbeing of local communities, which reflects the duty of National Parks and national policy in the NPPF. The national economic situation has deteriorated since the last decision on this site and it is considered that keeping the site in economic use that supports 10 jobs in the local area should carry significant weight.</p>
8.4	<p><u>Impact on Landscape Character and Lewes Conservation Area</u></p>

	<p>Policy SD4 and Policy SD5 supports development that integrates with, respects, and sympathetically complements the landscape character (including townscape). SD12 and SD15 require development to conserve and enhance the historic environment including conservation areas.</p> <p>The majority of the site is laid out as vehicle parking, with a 48 square metre dark grey container/cabin used as a site office located on the southern boundary. A metal railing fence bounds the site on its road frontages.</p> <p>The impact of the vehicle parking on the character of the area, including the adjacent Conservation Area, is not dissimilar to that of the previous car park. The dark colour of the office and the see-through nature of the railings help to mitigate the impact of the structures on the site.</p> <p>In the previous application the case officer considered that a very similar proposal would adversely affect the character and setting of the Conservation Area through the introduction of a building of form, design and alien materials that would erode the character of the area, and she judged that less than substantial harm would be caused to this heritage asset. In these circumstances it is necessary in accordance with paragraph 202 of the National Planning Policy Framework to balance this harm against the public benefits of the development.</p>
8.5	<p><u>Access and Parking</u></p> <p>The revised application includes detailed parking plans showing 19 car parking spaces, 8 Motor Home spaces, 4 electric vehicle spaces, 1 disabled space and 5 cycle storage spaces. These are for the vehicles that are hired out and staff. Customers arriving for collection of vehicles will either be on foot/public transport or will arrive by private motor car (in which case they can park their car in the space to be vacated by the relevant hire vehicle).</p> <p>Court Road at the point of access is subject to a 20mph speed limit at the point of access. Although the exit to the site is located on a bend, visibility round the bend is good, and there are no concerns regarding visibility at the site. Furthermore, there were no accidents reported linked to the access when the site was in operation as a car park between the years 2006 and 2013. The access arrangement for the site is therefore considered acceptable.</p> <p>ESCC Highways has confirmed that it has no objection to a temporary consent.</p>
8.6	<p><u>Dark Skies</u></p> <p>Policy SD8 of the South Downs Local Plan states that development proposals must demonstrate that all opportunities to reduce light pollution have been taken and must ensure that the measured and observed sky quality in the surrounding area is not affected. The whole of the South Downs National Park is designated as dark skies. No lighting is proposed on the submitted plans and a condition is recommended that would restrict any future lighting on site.</p>
8.7	<p><u>Neighbouring Amenities</u></p>

	<p>The proposal has the potential to impact upon the amenities of the neighbouring properties. There are properties closely located to the west and south of the site. The office building is only single storey and would not result in any overbearing, overlooking or overshadowing impacts. The revised scheme ensures that larger vehicles are parked at the front of the site so that they do not impinge on views out of neighbouring properties. The general level of activity associated with the use is lower than the historic use of the site as a car park. Initial complaints were received when the use first started approximately 18 months ago, relating mainly to noise and vehicle operating times. However, these complaints ceased when the parking of motor homes was moved away from the adjacent dwellings and hours reduced to normal business hours. No objections from residents have been received in respect of this application.</p>
8.8	<p><u>Flooding</u></p> <p>Details of surface water drainage were submitted with the application and supplemented with further information at the request of the Local Lead Flood Authority, which has confirmed that it has no further comments on the application and that the details satisfy their previously raised concerns.</p>
8.9	<p><u>Planning Obligations:</u></p> <p>There are no S106 Planning obligations associated with this proposal.</p>
8.10	<p><u>Human Rights Implications:</u></p> <p>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.</p>
8.11	<p><u>Conclusion.</u></p> <p>Since the previous refusal the technical objections to the proposed use (highways, drainage, and lighting) have been addressed. The remaining issues are the principle of development, considering the allocation of the site for housing, and the impact of the proposal on the character of the area and the significance of the adjacent Lewes Conservation Area.</p> <p>The permanent grant of planning permission for the proposed use would not be acceptable as it would prejudice the delivery of the allocated housing site. However, the temporary use of the site would not prevent this allocation from being implemented in the medium term. This would allow the economic activity on the site to continue whilst the viability issues for the housing allocation are worked through with the site owner.</p> <p>Similarly, the impact of this proposal on the townscape character of this part of Lewes would not be considered acceptable for a permanent development since it does not meet the high landscape-led design standards for the National Park. Nonetheless, this impact must be considered in the light of the fallback positions of either being left vacant or reverting to its original use as a car park. Even if it is still considered to cause harm to the Conservation Area, this harm is less than substantial</p>

	<p>and must be balanced against the public benefits of the development, giving great weight to the heritage asset's conservation.</p> <p>Local Plan policy SD34 supports develop that fosters the economic and social wellbeing of local communities, which reflects the duty of National Parks and national policy in the NPPF. The national economic situation has deteriorated since the last decision on this site and it considered that keeping the site in economic use that supports 10 jobs in the local area should carry significant weight.</p> <p>Overall, it is considered that the temporary use of this site for vehicle hire as set out in the application details is acceptable and should be granted subject to conditions restricting hours of use and lighting.</p>
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9.	Recommendations
9.1	In view of the above the temporary use and development is considered to be acceptable and approval is recommended subject to conditions.

10.	Conditions:
10.1	<p>Temporary period</p> <p>The development hereby permitted is granted for a limited period only expiring on 31st December 2025. On or before this date, the development carried out in pursuance of this permission shall be demolished/removed from the site and the land restored in accordance with a scheme which has been submitted to and approved in writing by the LPA.</p> <p>Reason: The use hereby approved is not considered suitable as a permanent form of development and the site has been allocated for residential development under Lewes Neighbourhood Plan policy PL1 B (36).</p>
10.2	<p>Approved Plans</p> <p>The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>

10.3	<p>Hours of use</p> <p>No movement of vehicles into, out of or around the site shall take place outside the following times: -</p> <p style="margin-left: 40px;">a) 08:00 to 18:00; Mondays to Fridays, b) 08:00 to 16:00; Saturdays c) 09:30 to 16:00; Sundays, Bank or Public Holidays.</p> <p>Reason: In the interests of the amenities of neighbouring residents.</p>
10.4	<p>No external lighting</p> <p>No external lighting shall be installed on the building or within the site unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To enable the Local Planning Authority to control the development in detail in the interests of nighttime amenity, tranquillity and protect and conserve the International Dark night Skies.</p>

11.	Plans:
11.1	This decision relates solely to the following plans:

	<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
	LOCATION & BLOCK PLAN	28.07.2022	D2213-100(~)
	SITE PLAN	28.07.2022	D2213-101(~)
	RECEPTION UNIT PLAN & ELEVATIONS	28.07.2022	D2213-200(~)

12.	Appendices
12.1	None.

13.	Background Papers
13.1	None.

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