

Planning Applications Committee 15 February 2023



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, 3 February 2023

Agenda

1 Minutes (Pages 5 - 8)

To confirm and sign the minutes of the previous meeting held on 7 December 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/22/0418 - Land west of A275, South Common, South Chailey
(Pages 9 - 36)**

**9 LW/21/1000 - Land west of Oxbottom Lane, Newick, East Sussex
(Pages 37 - 72)**

**10 LW/22/0275 - Seaford Head Lower School, Steyne Road, Seaford, BN25 1AL
(Pages 73 - 84)**

Planning applications within the South Downs National Park

**11 SDNP/22/05025/FUL - Friars Walk Car Park, Court Road, Lewes
(Pages 85 - 98)**

Non-planning application related items

12 Summary of Planning Appeal Decisions received (Pages 99 - 150)

13 Date of next meeting

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 15 March 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

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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 7 December 2022 at 5:00pm

Present:

Councillor Sharon Davy (Chair); Councillor Laurence O'Connor (Vice-Chair); Councillors Roy Burman (Substitute), Jim Lord, Sylvia Lord, Imogen Makepeace, Milly Manley, Steve Saunders and Richard Turner

Officers in attendance:

Marc Dorfman (Senior Specialist Advisor, Planning First), Jennifer Norman (Committee Officer, Democratic Services), Leigh Palmer (Head of Planning First), Nick Peeters (Committee Officer, Democratic Services), Elaine Roberts (Committee Officer, Democratic Services), James Smith (Specialist Advisor for Planning), Joanne Stone (Principal Planning Solicitor) and Claire Tester (Principal Planning Officer, SDNPA)

73 Minutes

The minutes of the meeting held on the 9 November 2022 were submitted and approved and the Chair authorised to sign them as a correct record, subject to the following amendment, shown underlined below, with resolution for Minute No 71 to read:

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 a S106 agreement, no adverse comment being received from the Health and Safety Executive and the conditions set out in the report and supplementary report.

74 Apologies for absence/Declaration of substitute members

Apologies for absence were received from Councillors Graham Amy, Christoph von Kurthy and Nicola Papanicolaou. It was declared that Councillor Roy Burman would be acting as Substitute for Councillor Papanicolaou for the duration of the meeting.

75 Declarations of interest

For the purposes of transparency, Councillor Richard Turner declared a non-prejudicial interest in Agenda Item 9 (*planning application LW/22/0282*), as he was a member of Ringmer Parish Council.

76 Urgent items

There were none.

77 Petitions

There were none.

78 Written questions from councillors

There were none.

79 Officer update (to follow)

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).

80 LW/22/0153 - Land North of High Street, Barcombe, East Sussex

Councillor Andy Holman (Chair) spoke on behalf of Barcombe Parish Council. Robin St Claire Jones (Neighbour), Alex Lahood (Neighbour) and David Bryce (Planning Consultant) spoke against the proposal. Peter Rainier (Principal Director of Planning, DMH Stallard), Sean Straw (Civil Engineer) and Paul Mephram (Design and Planning Director, Rydon Homes Ltd) spoke for the proposal. Councillor Isabelle Lington spoke in her capacity as the Lewes District Ward Councillor.

Resolved:

That planning application LW/22/0153 for approval of reserved matters for details of appearance, landscaping, layout, and scale relating to outline approval LW/21/0530, for the erection of 26 dwellings, be refused for the following reasons:

1. The development, as a consequence of the layout, siting and proximity of dwellings to the High Street, would appear as an incongruous and

disruptive feature within the street scene and would detract from the rural setting of Barcombe Cross, contrary to LLP1 policies CP2, CP10 and CP11, LLP2 policies BA02 and DM25 and para. 130 of the NPPF.

2. Inadequate information has been provided to satisfy the Local Planning Authority that the proposed layout could accommodate suitable surface and foul water management, resulting in the potential for increased flood risk and discharge of sewage into watercourses contrary to LLP1 policies CP10 and CP12, LLP2 policies BA02, DM20 and DM22 and para. 167 and 174 of the NPPF.

81 LW/22/0282 - Land Between The Broyle and Round House Road, Ringmer

Councillor John Kay spoke on behalf of Ringmer Parish Council. Eleanor Robins (Neighbour) spoke against the proposal. Lydia Whitaker (Applicant) and Sam Sykes (Agent) spoke for the proposal. Councillor Johnny Denis and Councillor Emily O'Brien spoke in their capacity as the Lewes District Ward Councillors.

Resolved:

That planning application LW/22/0282 for the 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, be refused for the following reasons:

1. The location and layout of the scheme by reason of its largely car dependant design is contrary to LPCP13.
2. The scheme by reason of its location and size outside of existing defined settlement boundary does not meet the aims of this settlement and is therefore contrary to policy DM1 of Lewes Local Plan Part 1, 6.3 of Ringmer Neighbourhood Plan and the settlement design guidance set out in Section 9 of the Ringmer NP, particularly Key Aspect 4 "The evolving settlement pattern" and also NPPF section 11 "Making effective use of land" and section 12 "Achieving well-designed places".
3. The scheme will put at risk drainage and flood management contrary key NPPF paragraphs 174 and 185 Local Plan Policy CP10 and policy 8.11 of the Ringmer Neighbourhood Plan.

82 LW/20/0609 - Former Hamsey Brickworks, South Road, South Common, South Chailey, East Sussex

There were no registered public speakers on this application.

Resolved:

That outline planning application LW/20/0609 for up to 12 custom-build homes and supporting infrastructure, all matters reserved except access, be approved,

subject to the conditions set out in the report and supplementary report and a S106 legal agreement to cover self-build status of the scheme, a review mechanism to require a financial contribution towards the provision of off-site affordable housing (in the event of surplus profit) and to require the owner to meet the costs of the reviews including the cost to the council in considering them.

83 SDNP/22/03583/FUL - The Forecourt, Court Road Car Park, Court Road, Lewes

There were no registered public speakers on this application.

Resolved:

That planning application SDNP/22/03583/FUL for use of land for vehicle rental, erection of temporary office and ancillary facilities be approved, subject to the conditions set out in the report and an additional condition, as set out below. The Committee also added an informative in respect of pollution and businesses adhering to current environmental registration.

Additional condition:

Within three months of the date of this permission details of how surface water drainage shall be managed shall be submitted to and approved by the Planning Authority. These details shall include measures to ensure that any pollutants from vehicle washing do not enter nearby watercourses.

Reason: To prevent pollutants from the site entering local watercourses in accordance with policy SD17 of the South Downs Local Plan.

84 Date of next meeting

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

The meeting ended at 8:00pm.

Councillor Sharon Davy (Chair)

Agenda Item 8

Report to: Planning Applications Committee
Date: 15th February 2023
Application No: LW/22/0418
Location: Land west of A275, South Common, South Chailey
Proposal: Outline application with all matters reserved except access for the erection of up to 56 dwellings (including 40% affordable housing), public open space, landscaping, and sustainable drainage systems and vehicular access point.
Applicant: Gladman Developments Ltd
Ward: Chailey, Barcombe and Hamsey

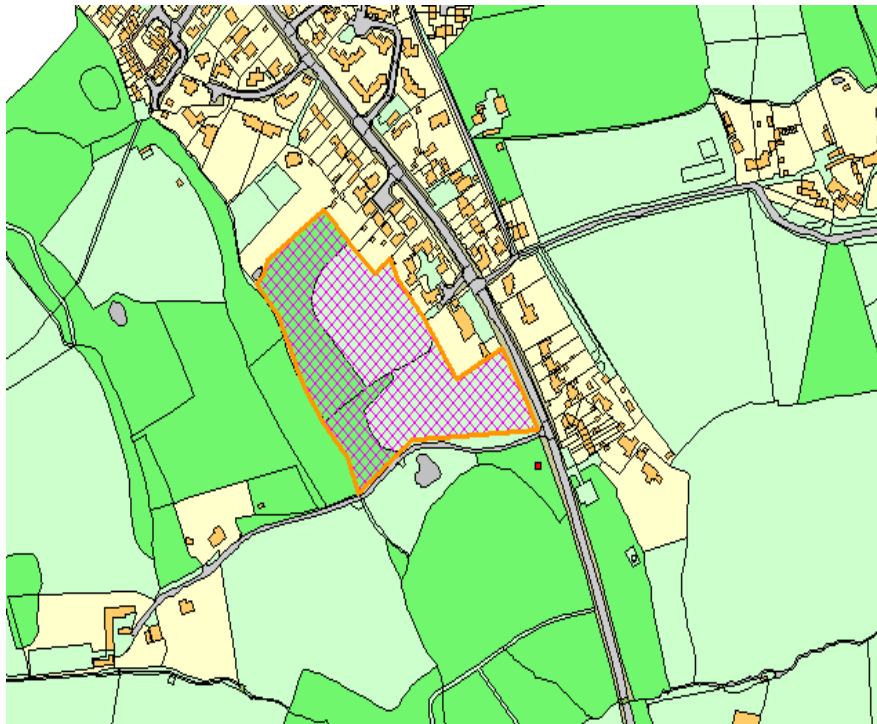
Recommendation:

1. After the expiry of the press advert and site notice and subject to no new issues arising then the application be delegated to the Head of Planning to approve subject to conditions and s106 to secure 40% affordable housing, off-site biodiversity works highway and transport works and children's' play space.
2. If the S106 is not substantially completed within 3 months, then the application be refused on the lack of certainty on the infrastructure needed to support/mitigate the development.

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	<p>The application seeks outline permission to develop the site. A detailed access drawing is provided and will be assessed. All other matters are reserved and, therefore, the planning assessment is based on the access arrangements alone as well as the overall principle of the development of the scale and nature proposed being accommodated on the site.</p>
1.2	<p>Housing Delivery</p> <p>The provision of up to 56 residential dwellings, of which 40% (23 units) would be affordable housing which will include 25% First Homes (6 units), would contribute to the housing land supply for the District.</p> <p>This would carry <u>significant</u> weight in the planning balance.</p>
1.3	<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>
1.4	<p>Placemaking and impact upon surrounding environment</p> <p>Change in the landscape would be limited to the immediate site area due to the self-contained nature of the site, sympathetic screening, and disconnection from the wider rural/agricultural landscape. The scale of the development would be comparable with that on the northern edge of the settlement. The northern and eastern boundaries are contiguous with existing residential development whilst the western and end southern extent of the development does not project beyond the existing western and southern edges of the settlement as a whole.</p> <p>The ESCC Landscape Architect has raised an objection focussing on loss of trees within the site and concerns about the strength of the landscape buffer on the southern boundary. This is based on the indicative plan provided with the application and it is important to note that layout and landscaping are determined at reserved matters stage and the objection could be addressed/mitigated, at that stage.</p> <p>Nevertheless, the layout and landscaping of the scheme would be dictated by the quantum and layout of the new dwellings provided and, as such, it is likely that any development of the site would lead to potential localised landscape impact, which is assessed as being of medium to low value/sensitivity and is not a 'valued landscape' as per the definitions of the NPPF.</p> <p>Overall, it is considered that the development would result in overall <u>moderate</u> landscape harm and this should be attributed moderate weight in the planning balance.</p>

	<p>Heritage Assets</p> <p>There is a Grade II Listed Building (Swan House) adjacent to the site. Development of the site would impact upon the rural backdrop to the building and would therefore have some impact on its setting, although this could be mitigated by use of sympathetic design and landscaping.</p> <p>Overall, it is considered that the development could be carried out with less than substantial harm being caused to the significance of the heritage asset. It is considered that this should be attributed <u>moderate</u> weight.</p>
1.5	<p>Biodiversity Net Gain</p> <p>The proposed development would deliver biodiversity enhancements on and off site with a cumulative net gain of 10%.</p> <p>This would carry <u>moderate</u> weight in the planning balance.</p>
1.6	<p>Highways</p> <p>The site access arrangements have been accepted by ESCC Highways who have also confirmed that the development would not generate an increase in traffic of a degree that would result in disruption or congestion on the surrounding highway network.</p> <p>It is considered that this should be attributed <u>moderate</u> weight.</p>
1,7	<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. Sustainable drainage methods would be used, and full details can be secured by an appropriately worded condition.</p> <p>This should be given <u>neutral</u> weight in the planning balance.</p>
	<p>Loss of Agricultural Land</p> <p>The proposed development would involve the loss of approx. 2.6 hectares of agricultural land. There is no evidence that the fields are currently in agricultural use. They are relatively small, partially shaded by woodland and surrounding development, somewhat isolated from the wider network of large agricultural fields and are adjacent to residential development. As a result, it is considered that they are of limited value to agriculture.</p> <p>It is therefore considered <u>moderate</u> weight should be given to the harm to agricultural land supply.</p>

2.	Relevant Planning Policies
2.1	<u>National Planning Policy Framework</u> 2. Achieving sustainable development 4. Decision making 5. Delivering a sufficient supply of homes 8. Promoting healthy and safe communities 11. Making effective use of land 12. Achieving well-designed places 14. Meeting the challenge of climate change, flooding, and coastal change 15. Conserving and enhancing the natural environment 16. Conserving and enhancing the historic environment
2.2	<u>Lewes Local Plan Part 1 (LLP1)</u> CP2 – Housing Type, Mix and Density. CP10 – Natural Environment and Landscape. CP11 – Built and Historic Environment & Design CP12 – Flood Risk, Coastal Erosion and Drainage CP13 – Sustainable Travel CP14 – Renewable and Low Carbon Energy
2.3	<u>Lewes Local Plan Part 2 (LLP2)</u> DM1 – Planning Boundary DM14 – Multi-functional Green Infrastructure DM15 – Provision for Outdoor Playing Space DM16 – Children’s Play Space in New Housing Development DM20 – Pollution Management DM22 – Water Resources and Water Quality DM23 – Noise DM24 – Protection of Biodiversity and Geodiversity DM25 – Design DM27 – Landscape Design DM33 – Heritage Assets
2.4	<u>Chailey Neighbourhood Plan (CNP)</u> HO1 - Design HO2 - Housing mix HO3 - Building materials HO4 - Building height

<p>HO5 - Pedestrian connections</p> <p>HO7 - Historic buildings</p> <p>HO8 - Housing considerations</p> <p>ENV1 - Landscape</p> <p>ENV2 - Wildlife protection</p> <p>ENV3 - Countryside Protection and the village setting</p> <p>ENV5 - Conservation of the environment, ecosystems, and biodiversity</p> <p>ENV6 - Protection of open views</p> <p>ENV7 - Dark night skies</p> <p>TRA1 - Road Safety</p> <p>TRA2 - Adequate and appropriate car parking</p> <p>ECO4 - Sustainability</p>
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3.	Site Description
3.1	The site, which is approx. 2.6 hectares in area, comprises an L-shaped arrangement of two grass fields which are flanked by ancient woodland to the west. The southern field shares its eastern boundary with the public highway whilst the northern field is positioned to the rear of dwellings on Swan Court and Swan Close. A portion of land that originally formed part of the northern field was incorporated into the gardens of 2-6 Swan Close under LW/98/0916. The site wraps around the side and rear boundaries with Swan House, a Grade II Listed Building which was originally used as a public house but has now been converted to use as a residential dwelling.
3.2	A hedgerow runs between the two fields although there is a large opening in it, presumably to allow for farm machinery to move between each field. Boundaries shared with rear gardens are generally marked with timber fencing, with all other boundaries marked by a tree line and/or hedgerow, with a row of ten mature poplars on the southern boundary being of note. A farm track serving Oldbarns Farm runs along the southern boundary. A public right of way follows the course of the track. Overhead power lines cross the lower part of the southern field.
3.3	The site is outside of the settlement boundary, although it does directly flank the northern and eastern edges of the site. There is residential development, already referred to above, in the form of ribbon development along the A275 as well as more modern infill development directly to the north and east of the site. There is a similar mix of residential development to the on the opposite side of the A275 to the site.
3.4	There are no specific planning designations or constraints attached to the site although it is noted that it is identified in the 2022 Interim Land Availability Assessment (LAA) as developable and deliverable (site 27CH). The site falls within Flood Zone 1 and is not identified as being at risk from surface water flooding. There is a ditch that runs along the western site

	boundary which ultimately connects with Bevern Stream to the south. There is also a ditch running along part of the eastern boundary, to the rear of Swan Court, which then crosses the site, following the hedgerow running between the northern and southern fields and then meets the ditch on the western boundary.
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4.	Proposed Development
4.1	<p>The application seeks outline approval for the residential development of the site. All matters other than access arrangements are reserved.</p> <p>The development would comprise up to 56 new dwellings and would incorporate public open space. Indicative plans show the majority of the northern field being developed whilst the southern field accommodates a mix of dwellings, green space, and sustainable drainage infrastructure. The indicative plan also shows green buffers on the southern and western edges of the site being strengthened.</p> <p>The main site access would be positioned on the eastern boundary of the southern field and would take the form of a priority junction. A separate pedestrian/cycle access would be provided to the north of the vehicular access. Offsite highway works to facilitate the site access would include the extending the existing footway, which currently terminates at Swan House, to run up to the farm track to the south of the application site, the provision of a right hand turn pocket for cyclists and the provision of dropped kerb pedestrian crossing points to the north and south of the site access.</p>

5.	Relevant Planning History:
5.1	E/55/0842 – High voltage and low voltage overhead lines – Approved 10 th January 1956

6.	Consultations:
6.1	<p>Chailey Parish Council</p> <p>Chailey Parish Council voted unanimously to object to this application.</p> <ul style="list-style-type: none"> • It is outside the Planning Boundary and the number of dwellings proposed exceeds the number allocated for South Chailey. • The Neighbourhood Development Plan (NDP) vision is to protect and retain Chailey’s ‘quiet, rural character’. A development of this size is likely to impact on the maintenance of this key objective. • As all matters are reserved apart from the vehicular access point the Housing Objectives of the NDP can-not be commented upon. However; there are concerns that the mix of dwellings is unlikely to meet its Objectives 1, 3a and 3b. Objective 1 requires any ‘new housing development, through location, quality and design, to

	<p>preserve and enhance the existing character of the village and its environment. Objective 3a requires that new housing development in the Parish comprises dwellings with 1, 2, or 3 bedrooms suitable for starter homes or for elderly residents downsizing from within the village. Objective 3b requires that new residential development in the Parish is sustainably constructed...'</p> <ul style="list-style-type: none"> • Utility Infrastructure: Residents residing near the site report that there is inconsistent electricity supply with blackouts due to insufficient supply. Residents further support that the water supply is also inconsistent. The demands of a development of this size would exacerbate this situation and it is unlikely that sustainable heating by the means of heat pumps would be achievable. • Community facilities: There are limited community facilities within Chailey Parish. The Development proposal makes minimal attempts to improve this situation, just including as required a small playground within the site. The facilities available are a village shop $\frac{3}{4}$ mile or 1.21 km from the site and the one remaining pub $1\frac{1}{2}$ miles or 2.41 km from the site. Both are situated on the busy A275 with poor access via a footpath requiring the road to be crossed by pedestrians. It is therefore likely that visits to these facilities would be undertaken by car. The Education and Health facilities within the Parish already struggle to meet the needs of current residents. • Transport: The vehicular access proposed is onto the busy A275 road with by the Developers own calculations this is likely to involve multiple cars entering and exiting the site multiple times each day, in addition to delivery vans etc. The proposed access is not adequate for this level of traffic. • Public and sustainable transport. The rural bus service to the Parish is infrequent with no service on Sundays. Train services are only reliably accessible by car. The A275 is a 40 mph or 60 mph speed limit road and there are no cycle paths within the parish. Residents are therefore unlikely to use bicycles as regular transport. As stated above local amenities and facilities are likely to be accessed by car. • Environmental Impacts: Doubts have been raised concerning the ecological survey undertaken by the applicant. The site was extensively cleared in November 2021 approximately 2 months before the survey was undertaken. It is thought that there are some ecologically sensitive areas adjacent to the site, which were not surveyed. Chailey Parish Council recommend that a full independent survey of the site and surrounding areas be undertaken before any permission is granted.
6.2	<p>ESCC Highways</p> <p>No objection.</p> <p>Vehicular access – located approximately 60m north of the lane to New Barn Farm/Footpath 2a. Access width is 5.5m with 6m radii and tactile paving at points of traverse. Driver sightlines are in accordance with actual</p>

	<p>vehicle speeds on the A275 and 130m from a setback point of 2.4m can be achieved.</p> <p>Pedestrian and cycle access provision – a point of access into the site is separately provided approximately 7m north of the vehicular access to connect the A275 and the site. A footway is indicated along the entire frontage to link from the recently installed provision to the south and continuing north it widens between the vehicular access and a dropped kerb section for cyclists to join the A275. The section of cycle and pedestrian provision is 3m wide and the remaining footway is 2m wide, apart from a short pinch point where it is 1.8m wide adjacent to the telephone box. In addition, 2 points are indicated for crossing the A275. These are south of the vehicular access and north of the telephone box position.</p> <p>Highway requirements to accommodate the cycle access is a right turn facility with a protection bollard to safeguard cyclists turning into the site. Road markings are shown on the access plan.</p> <p>The highway related provisions have been subject of a stage 1 road safety audit and the problems outlined by the auditor have received a designer response and it is agreed that the matters outstanding can be addressed through detailed design when submitted as a s278 agreement under the Highway Act.</p>
6.3	<p>Lead Local Flood Authority</p> <p>While the principles of the surface water drainage strategy are acceptable at this stage, we have some concerns regarding the proximity of the proposed attenuation basin to the surface water flow path which runs along the western boundary (associated with the existing ordinary watercourse). Our preference would be that the surface water basin is moved or reduced in size to ensure the volume of attenuation provided will not be compromised in the event of flooding. Alternatively, the risk associated with this surface flow path should be investigated further and evidence should be provided to assure us that the attenuation feature will not be affected.</p> <p>In addition, information provided in the submitted Flood Risk Assessment report suggests there is the potential for minor changes to ground levels around the ordinary watercourse as part of the detailed design. Should this be the case, any reserved matters application for the site should provide information on this aspect of the proposals together with evidence that the changes will not increase flood risk downstream. Depending on the level of modifications, we may wish to see the results of a hydraulic modelling exercise which demonstrate that the proposals will not increase flood risk on or offsite.</p> <p>Notwithstanding the above, we acknowledge this is an Outline Application and consider that the above comments can be addressed as part of the reserved matters application for the site.</p>
6.4	<p>Southern Water</p> <p>Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water</p>

	<p>requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.</p> <ul style="list-style-type: none"> • The 300 mm public foul sewer requires a clearance of 3 metres on either side of the public foul sewer to protect it from construction works and to allow for future maintenance access. • No development or tree planting should be carried out within 3 metres of the external edge of the public foul sewer without consent from Southern Water. • No soakaway, swales, ponds, watercourses, or any other surface water retaining or conveying features should be located within 5 metres of a public foul sewer. • All existing infrastructure should be protected during the course of construction works.
6.5	<p>Nature Space</p> <p>The development falls within the red impact risk zone for great crested newts. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the red impact zone, there is highly suitable habitat and a high likelihood of great crested newt presence.</p> <p>There are 14 ponds within 500m of the development proposal. The closest two being within 10m to the north and south of the site, a further 1 pond within 250m and 11 ponds within 500m of the site.</p> <p>There is direct connectivity between the development and surrounding features in the landscape.</p> <p>A licence is recommended for the proposed works, due to the close proximity of ponds, local great crested newt records and suitable habitat found on and surrounding the site.</p>
6.6	<p>ESCC Archaeology</p> <p>The proposed development is of archaeological interest due to the scale of the development and its position within a landscape with evidence of activity during the Mesolithic/Neolithic, Roman and post-medieval periods. The application is accompanied by a Heritage Desk Based Assessment which has concluded that the application site generally has a very low potential for remains predating the post medieval period but that there is potential for features associated with post-medieval agricultural activity on the site. Whilst we do not wholly disagree with this assessment, we would emphasise that very little prior archaeological investigation has been carried out in the vicinity of the site, and the actual archaeological potential of the site might be better described as unknown.</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</p>

	preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss.
6.7	<p>LDC Contaminated Land Officer</p> <p>I note that the applicant has submitted a preliminary risk assessment report prepared by RSK Geoscience (Report ref: 52349 R1, dated 31st May 2022).</p> <p>Considering the sensitive use of the site, I think an intrusive investigation is required at the site. So, I concur with the report para 7.1.</p> <p>If the LPA is minded to grant a planning permission, then considering the sensitive use of the site and based on the preliminary risk assessment report already submitted with the application, I recommend conditions and an informative are attached.</p>
6.8	<p>ESCC Landscape Officer</p> <p>Objects to the proposal as it is an Outline Application and without precise details there cannot be certainty on the landscape impacts.</p> <p>Notwithstanding this recognises that the long-term effects on the wider landscape character and views could be acceptable...however the development would have some potential significant localised adverse impacts.</p> <p>There is the potential for tree loss within the scheme and a requirement for a substantial landscape buffer to the site to provide a degree of mitigation.</p> <p>If to be approved, then the following conditions to be imposed:</p> <ul style="list-style-type: none"> a) A high-quality design and layout for the built form, which reflects local vernacular. b) A landscape masterplan and full implementation of landscape mitigation measures. c) Detailed planting plans and specifications for proposed planting. d) The retention of category B oak trees and adequate buffers to boundary trees and woodland. e) A long-term management plan to ensure the successful establishment of the planting. f) Existing trees and hedges are retained and protected during construction and reinstated if removed or damaged.
7.	Other Representations:
7.1	<p>77 letters of objection have been received and relevant content is summarised below.</p> <ul style="list-style-type: none"> • Inadequate infrastructure. • Loss of green field/countryside. • Public transport in the area is poor. • Unsustainable, car dependent location.

	<ul style="list-style-type: none"> • Site is on an unsafe stretch of road with narrow footways. • Negative impact upon the setting of Grade II Listed Swan House. • Density of development would be too high. • Loss of habitat. • Unsuitable location for affordable housing due to lack of local services. • Neighbouring residents will lose privacy and rural outlook. • The site was cleared prior to the application being submitted. • Loss of habitat. • Exceeds the allocated number of new dwelling for South Chailey. • Would result in light pollution. • Would set a precedent for further greenfield development. • Surrounding roads are not cycle-friendly. • The site was formerly part of the gardens of the Swan Inn and was accessible to the public. • Increase in traffic will result in pollution. • Contrary to the Council's declaration of a climate emergency. • There would not be enough space available for recreation and parking. • No obvious job opportunities in the surrounding area. • Small starter homes needed not large dwellings. • The land on and around the site suffers from subsidence. • Will exacerbate existing surface water drainage issues. • Construction works will cause sustained disruption to neighbouring residents. • There are no gas mains in the village. • Water quality in the area is poor. • Recent nearby developments are not fully occupied, indicating more houses are not needed;
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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</p>

	<p>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 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	<p><u>Principle of Development</u></p> <p>Para. 11 of the National Planning Policy Framework (NPPF) (2021) states that decision taking should be based on the approval of development proposals that accord with an up-to-date development plan without delay.</p> <p>Section 5 of the Framework sets out policies aimed at delivering a sufficient supply of houses and maintaining the supply to a minimum of five years' worth (Paragraph 73).</p> <p>Spatial Policy 1 (Provision of housing and employment land) states that in the period between 2010 and 2030, a minimum of 6,900 net additional dwellings will be provided in the plan area (this is the equivalent of approximately 345 net additional dwellings per annum).</p> <p>This has been reviewed given the age of the local plan and the application of the standard methodology has been used to derive a housing need figure of 782 homes per year.</p> <p>This has been further disaggregated to reflect to housing delivery of the South Downs national Park resulting Lewes District housing figure of 602 homes per annum</p> <p>The Council currently has a supply of deliverable housing land equivalent to 2.73 years outside the South Downs National Park (SDNP).</p> <p>As the Council cannot identify sufficient housing land to meet the 5-year demand, a 'tilted balance' must be applied when assessing applications for new housing, as per para. 11 d) of the NPPF. This approach directs the Council to only refuse schemes where the harm caused would significantly outweigh any benefit seen in the context of the aims and objectives of the NPPF and relevant development plan policies.</p>

	<p>It is acknowledged that the scheme promotes policy compliant affordable housing which includes 25% First Homes. Housing delivery and affordable housing delivery weigh positively in the planning balance.</p> <p>The application will therefore be assessed on this basis in the main body of this report.</p>
8.3	<p><u>Impact on Landscape Character</u></p> <p>The site lies to the immediate south of the settlement of South Chailey. The Landscape Capacity Study notes that the edges of the village are typically bordered by large, predominantly pastoral fields as well as pockets of relatively dense woodland. The open nature of the surrounding countryside results in it being sensitive to change, as development in such a setting would likely result in artificial subdivision of fields that are exposed to high levels of views from surrounding downland.</p> <p>The study does, however, identify there is scope for development of smaller parcels of land adjacent to existing development to the south of Mill Lane. The application site comprises fields that are small in comparison to those found in the wider surrounding countryside and are also relatively disconnected from the wider rural landscape on account of being flanked by existing development to the south and east as well as being screened by woodland to the south and west.</p> <p>Whilst development in South Chailey may originally have followed a linear pattern along the A275 there has been an established pattern of infill development, particularly to the northern part of the settlement, and this development now forms part of the established character of the village. The proposed development would not extend beyond the well-defined western edge of the village, which includes properties on Hornbuckles Close, Whitegates Close and Mill Brooks. The southern extent of the development, whilst increasing the southerly projection of development on the western side of the A275, would not extend as far south as development on the opposite side of the road.</p> <p>The indicative plan submitted with the application illustrates that development could be focussed away from the ancient woodland to the south and west of the site and include capacity for strengthening of green buffers around the site. Other site boundaries also benefit from existing sympathetic screening in the form of trees and hedgerow.</p> <p>On approaching South Chailey from the south, the strongest sense of transition from the rural environment to the urban environment occurs on the emergence from a section of road that passes through the woodland to the north of Little Exceat Farm. Development on the eastern side of the A275, which is set back behind mature landscaping, is immediately apparent. It is considered that the proposed development, which is set further back from the approach woodland, would effectively mark a natural continuation of the rural/urban transition from the south to the north and would therefore not appear disruptive or incongruous provided the built form conforms to the semi-rural characteristics of the settlement as a whole. The transition would continue, and intensify, as the road continues</p>

	<p>to the north and passes Swan Court, Swan Close and other minor residential roads that branch off to the east and west.</p> <p>Whilst gaps would need to be formed in the hedgerow flanking the highway to allow for pedestrian/cycle and vehicular access the bulk of the hedgerow would be retained and would play an important role in filtering views of any development and maintaining a semi-rural setting. The gap in the hedgerow formed for the access would also be consistent with gaps formed at frequent intervals to serve farm tracks and minor residential roads as the A275 traverses the settlement.</p> <p>The density of the development would be approx. 21.5 dwellings per hectare, this being towards the lower end of the suggested appropriate density range for a village setting of 20-30 dwellings per hectare, as defined in LLP1 policy CP2. Whilst the density would be marginally higher than seen on Swan Court and Swan Close, these neighbouring appear more dense when viewed from the road due to the orientation of buildings and proximity to the road. Development further to the north on roads such as Kilnwood Lane and Mill Brook is often at a higher density to that of the proposed scheme. It is also considered that the scale of the development is comparable to existing development of the northern edge of the settlement and that the development would not compromise the overall character of South Chailey as a rural village provided the layout and appearance of any submitted scheme is suitably informal and that soft landscaping is integral to the layout.</p> <p>It is noted that policy HO4 of the Chailey Neighbourhood Plan states that all new houses should be restricted to two-storeys in height (not precluding use of the roof space). It is considered that there is ample space within the site to prevent the need for tall buildings, which would clearly appear out of character with the scale of the development across the settlement. A condition would be attached to any approval to ensure this policy is complied with.</p> <p>It is considered that in more distant views, particularly those emanating from downland to the south, the proposed development would effectively knit in with the existing settlement, reinforcing the western boundary and not appearing to encroach into the wider countryside.</p> <p>ESCC Landscape Officer comments that any harm would be local and therefore it is considered that the site could accommodate development of the scale and nature proposed provided the buildings are appropriate in terms of design, scale and positioning and that a robust landscaping scheme is in place. This could all be appropriately addressed at the reserved matters stage and appropriate conditions.</p>
8.4	<p><u>Loss of Agricultural Land</u></p> <p>The site is greenfield and would appear to have historical pastoral use although no evidence of ongoing farming was found at the time of the site visit. The fields are relatively small and somewhat disconnected from the</p>

	<p>wider surrounding agricultural environment, which is characterised by large, interconnected fields.</p> <p>Given the relatively small size of the fields, their isolation from surrounding farmland and their proximity to residential development it is considered that they serve a limited purpose in terms of agriculture.</p>
8.5	<p><u>Access Arrangements</u></p> <p>There is currently a field access to the site taken from the farm track to the south. The application seeks approval for a new site access that would serve the development. The scheme put forward includes a priority junction being formed on the eastern boundary, serving a two-way access road. A separate pedestrian and cycle access would be formed further to the north and would connect with a footpath/cycle path within the development.</p> <p>The speed limit at the point of the road where the site access would be formed is 40 mph. Speed restrictions are removed approx. 150 metres to the south of the site. Speed surveys submitted with the application show that 85 percent of vehicles passing the site are travelling at, or below, 46 mph. Visibility splays of 130 metres each way are considered necessary due to the speed of passing traffic and these can be provided across land that is under the control of ESCC Highways. It is therefore considered that the proposed access layout would allow drivers adequate visibility of oncoming traffic and pedestrians when turning out of the site and, as such, it is not considered that turning vehicles would present a highway hazard.</p> <p>ESCC Highways anticipate that a development of 56 dwellings would generate approximately 275 trips per day, with 27 of those being within the AM peak period (8am-9am) and 36 in the PM peak period (5pm-6pm). ESCC Highways consider that this increase in traffic is not significant and would not result in unacceptable levels of traffic on the A275.</p> <p>The separate pedestrian and cycle access would connect to a new footway which would extend northwards to the existing footway and southwards where it would connect with the new footway that runs from the Hamsey Lakes development towards South Chailey. It would also provide access to the public right of way that passes across the southern boundary of the site. A crossing point would be provided to allow pedestrians to access the bus stop opposite Swan House.</p> <p>It is therefore considered that the access arrangements for the proposed development would function safely for motorists, cyclists and pedestrians and suitable connectivity would be provided to encourage the use of public transport and walking to local destinations such as the school, South Chailey Surgery and the local shop/post office to the north.</p> <p>The development is therefore considered to be in accordance with CNP policies HO5</p>
8.6	<p><u>Residential Amenity</u></p> <p>A large proportion of the eastern site boundary adjoins the rear of properties on Swan Close and Swan Court as well as the rear garden of Swan House. The Swan Close gardens have been extended and are relatively lengthy.</p>

	<p>It is considered that the size and shape of the site would allow for dwellings to be orientated so that that would back onto neighbouring dwellings, allowing for a suitable buffer to be provided between properties to ensure privacy is protected, that new dwellings would not appear overbearing and that there would be no unacceptable overshadowing would be generated.</p> <p>The residential use of the site would be consistent with surrounding development as would its intensity, noting the residential density is comparable with that of neighbouring development.</p> <p>Similarly, roads and parking areas servicing the development could be positioned away from site boundaries so as to prevent neighbouring residents from being subject to unacceptable levels of noise, light, and air emissions.</p>
8.7	<p><u>Impact upon heritage assets</u></p> <p>The site is adjacent to Swan House, a Grade II Listed dwelling. The building was used as a public house up until around 15 years ago when it was converted to a dwelling. The application site does not form part of the traditional curtilage of the building, with historic mapping documenting a historic use as pastoral fields/meadow. The building itself is set within a large landscaped plot which is enclosed by a mix of flint walling and hedgerow.</p> <p>The proposal would introduce development to the rear of Swan House which would impact upon its setting by way of altering the agricultural/rural backdrop. However, it is considered that this could be mitigated to an extent by sympathetic planting, ensuring there are trees and hedgerow directly to the rear of the building. With such measures in place, and with dwellings directly to the rear of the building being designed to appear subservient to Swan House and similar in materiality, it is considered that any harm to the significance of the dwelling would be less than substantial.</p> <p>It is therefore considered that, provided the details submitted at the reserved matters stage show an arrangement that is sympathetic to the setting of the Grade II Listed Building, there would be no unacceptable adverse impact upon its character or setting.</p>
8.8	<p><u>Living Conditions for Occupants</u></p> <p>It is considered that dwellings could be delivered on site with suitable space retained for private and communal amenity use. The southern part of the site would have a street frontage and it is considered that this would allow development within the site to engage with the wider community. The size and shape of the site would allow for dwellings to be arranged in a manner that would allow them to interact well with one another, creating a sense of place, whilst also allowing suitable separation for private space to be formed and to ensure that residents would not be subject to any unacceptable overbearing or overshadowing impact.</p> <p>The quality of the living environment provided would be properly assessed at the reserved matters stage, should outline permission be granted.</p>

8.9	<p><u>Drainage and Wastewater</u></p> <p>The site is currently 100% permeable, there are no buildings or areas of hardstanding present.</p> <p>The surface water drainage strategy for the development of the site rules out the use of infiltration drainage due to the soil type not being suitable. It is proposed that surface water would be directed to an attenuation basin that would be positioned towards the south-western corner of the site. From there, surface water would be discharged at a managed rate into the existing watercourse running along the western edge of the site. The strategy estimates that the depth of the attenuated water would be 0.8 metres and discharge rate would be limited to 7.43l/s for all events up to a including the 1 in 100 year plus 40% climate change event (the greenfield discharge rate in such an event being 27.9 l/s).</p> <p>The Lead Local Flood Authority (LLFA) is supportive of the approach in principle subject to the relocation or reduction in size of the attenuation basin being considered and further details being provided as to how changes in site level would impact upon the flow of the existing course, with evidence required to demonstrate that there would not be an increase in flood risk downstream.</p> <p>The LLFA are satisfied that such matters could be addressed by condition and/or at the reserved matters stage.</p> <p>There is a public foul sewer running through the upper part of the southern field, close to where the proposed pedestrian and cycle access would be positioned. The sewer runs parallel to the southern boundary of Swan House before turning at right angles and crossing the rear gardens of Swan House, Swan Court and Swan Close. The proposed layout will need to account for the presence of the sewer, with an appropriate easement provided to allow for continued access and maintenance.</p>
8.10	<p><u>Landscaping and Ecology</u></p> <p>The site interior comprises predominantly neutral grassland. Significant landscape features such as trees and hedgerow are concentrated towards the fringes of the site. As such, it is considered that the majority of these features could be retained and enhanced as part of any development.</p> <p>There would, however, be some loss of hedgerow on the eastern boundary (approx. 13 metres) to allow for the formation of the site access and sections of the same hedgerow may also require trimming in order for visibility splays to be maintained.</p> <p>There is also a hedgerow running between the northern and southern fields and sections of this may need to be cut back to allow for access to be provided between the two fields. It is noted that there is already a fairly sizeable gap in place to allow for farm machinery to move between the fields.</p> <p>A medium population of slow worm was 4.58 confirmed on Site during surveys undertaken between March and May 2022. A peak count of 22 slow worms was recorded using the grassland habitat on Site. Low</p>

	<p>numbers of grass snake and common lizard also appear to be utilising the Site as part of an occasional dispersal/foraging route.</p> <p>Appropriate mitigation would be controlled via conditions and by securing of biodiversity net gain (including off-site works) through the section 106 process, including maintenance and monitoring of enhancement works.</p>
	<p><u>Sustainability</u></p> <p>South Chailey is categorised as a local village in the settlement hierarchy set out in table 2 of LLP1. There are limited services within the immediate vicinity although it is noted that the development would have pedestrian connectivity with the school and GP surgery on Mill Lane.</p> <p>There are bus stops immediately adjacent to the site which are on a route between Lewes and Newick although the service is not particularly frequent. The service calls at Cooksbridge where there is a main line station. There is also a less frequent service to Burgess Hill and Uckfield.</p> <p>There is a local shop/post office approx. 1.2 km to the north of the site which can be reached by footway. It is therefore considered that car dependency would be reduced to an extent, although there would be more of a reliance in regard to travel to places of employment and retail.</p> <p>Occupants of the development are likely to support local shops and services, thereby improving their viability and delivering a clear economic benefit.</p> <p>It is therefore considered that the site is in a sustainable location on the edge of an established village settlement and it is noted that the development would deliver some measures that would improve the sustainability of the village as a whole in the form of improved pedestrian connectivity and provision of enhancements to the bus infrastructure in the form of seating, shelters and real time information boards at the nearest two bus stops.</p> <p>The application is in outline form and, as such, it is not possible for all sustainability measures to be detailed at this stage. It is, however, noted that the development would utilise sustainable drainage systems that includes the formation of an attenuation pond that will also provide an amenity and habitat asset. This, as well as other open green space within the overall site area is considered to support the delivery of multi-functional green infrastructure as required by LLP2 policy DM14.</p> <p>Any application for approval of reserved matters would need to include a sustainability statement that confirms compliance with the aims and objectives of the recently adopted TANs for Circular Economy, Sustainability in Development and Biodiversity Net Gain. This would include, but not be limited to, details on how water consumption would be kept to 100-110 litres per person per day, renewable energy and carbon reduction measures, building layouts that maximise access to natural light, support for sustainable modes of transport, provision of electric vehicle charging points (minimum of one per dwelling), and facilities to support working from home.</p>
8.9	<u>Planning Obligations:</u>

	<p>Any outline approval granted would be subject to the following planning obligations: -</p> <ul style="list-style-type: none"> • 40% affordable housing provision. • Off-site biodiversity enhancements and associated management plan. • An extension to the footway on the west side of the A275 to provide connectivity to the footway proposed as part of the Hamsey Lakes development to the south. • A crossing point is proposed in two places to reach bus stops on the opposite side of the A275 • Cycle access markings in the carriageway. • Bus stop infrastructure improvements are requested at the 2 closest bus stops to include shelters, seating, kerbs, and real time information boards • Travel plan and associated audit fee • Children's Play Space <p>The site does not fall within 7km of the Ashdown Forest and the development would therefore not be liable to SANGs and SAMMs contributions.</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>The proposed site access would function safely and is of a suitable capacity to serve a development of the scale proposed. The development would not generate a level of traffic that would compromise the free flow of the surrounding highway network.</p> <p>It is considered that a development of the scale proposed could be accommodated within the site without compromising the established character of the village or the wider rural landscape.</p> <p>Although there would be an element of car dependency, the site is considered sustainable and there are local shops and services within a suitable walking/cycling distance as well as access to public transport. The development would deliver infrastructure improvements that would improve the sustainability of the site as well as the settlement as a whole.</p> <p>The development would deliver a significant social benefit by way of providing 56 new dwellings (including 40% affordable housing), thereby helping to meet the housing need of the district.</p>

	<p>The development would deliver economic benefit by providing construction jobs, accommodation for workforce associated with nearby businesses and by increasing potential custom/use of nearby businesses and services.</p> <p>The development would provide environmental benefit through facilitating on and off-site biodiversity enhancements and by delivering sustainable drainage. Further measures to reduce carbon emissions and energy use could be secured by condition.</p>
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9.	Recommendations
9.1	<p>1. Approve subject to conditions and s106 to secure 40% affordable housing, off-site biodiversity works, highway and transport works and children's' play space.</p> <p>2. If the S106 is not substantially completed within 3 months, then the application be refused on the lack of certainty on the infrastructure needed to support/mitigate the development</p>

10.	Conditions:
10.1	<p>Time Limit</p> <p>The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters, as defined in condition 2; to be approved, whichever is the later.</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>Reserved Matters</p> <p>No development shall commence until details of the:</p> <ul style="list-style-type: none"> a) Layout (including site levels) b) scale c) appearance d) landscaping <p>(hereinafter called "the Reserved Matters") have been submitted to and approved in writing by the Local Planning Authority. Application for the approval of the Reserved Matters shall be made within three years of the date of this permission. The development shall accord with the approved details.</p> <p>Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).</p>

10.3	<p>Access Technical Details</p> <p>The development shall not commence until technical details of the highway scheme [which shall include footway/cycleway, access points, crossing points, right turn lane facility for cyclists, frontage treatment for sightlines] have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the development hereby permitted shall not be occupied until the construction of the highway scheme has been completed in accordance with the agreed technical details.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway</p>
	<p>Visibility Splays</p> <p>The access shall not be used until visibility splays of 2.4m by 130m are provided in both directions and maintained thereafter.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway</p>
	<p>Road Condition Survey</p> <p>No development shall take place, including demolition, on the site until an agreed pre-commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.</p> <p>Reason: In the interests of highway safety and the amenities of the area</p>
	<p>Surface Water Drainage</p> <p>Prior to the commencement of any development a detailed surface water drainage plan shall be submitted to and approved by the Local Planning Authority in conjunction with the Lead Local Flood Authority. The plan must respond to the following requirements: -</p> <ol style="list-style-type: none"> 1. The principles of the submitted surface water drainage strategy should be carried forward to detailed design. The detailed design of the drainage network should demonstrate how rainfall events up to the 1 in 100 (+40% for climate change) annual probability of occurrence are managed without increasing flood risk offsite. Evidence of this (in the form hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should consider the connectivity of the different surface water drainage features. 2. The details of the outfall of the proposed attenuation pond and how it connects into the watercourse should be provided as part of the detailed design. This should include cross sections and invert levels. 3. The condition of the ordinary watercourse which will take surface water runoff from the development should be investigated before discharge of surface water runoff from the development is made.

	<p>Any required improvements to the condition of the watercourse should be carried out prior to construction of the outfall.</p> <p>4. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.</p> <p>The development shall thereafter be carried out and maintained in full accordance with the approved details.</p> <p>Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policies CP10 and CP12, LLP2 policy DM22 and paras. 163 and 165 of the NPPF.</p>
	<p>Completion of Drainage Works</p> <p>Prior to the first occupation of the development hereby approved, 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 policies CP10 and CP12, LLP2 policy DM22 and paras. 163 and 165 of the NPPF.</p>
	<p>Drainage Management and Maintenance Plan</p> <p>Prior to the commencement of any development, a maintenance and management plan for the entire drainage system should be submitted to and approved by the local planning authority in conjunction with the Lead Local Flood Authority in order to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan should cover the following:</p> <ul style="list-style-type: none"> a) 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. b) Provide evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority. <p>Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policies CP10 and CP12, LLP2 policy DM22 and paras. 163 and 165 of the NPPF.</p>
	<p>Proof of Drainage Implementation</p> <p>Before the development proceeds past dampproof course level, evidence (including photographs) shall 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>

10.4	<p>Foul and Surface Water Drainage</p> <p>Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.</p> <p>Reason: In order to ensure drainage is managed correctly and surrounding water bodies are protected from pollution in accordance with LLP1 policies CP10 and CP12, LLP2 policy DM22 and paras. 163, 165 and 174 of the NPPF.</p>
	<p>Building Height</p> <p>No buildings or structures within the development shall exceed two storeys in height.</p> <p>Reason: In order to control the scale of the development in the interest of visual amenity and landscape impact in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM25, DM27 and DM33, sections 15 and 16 of the NPPF and CNP policies HO1, HO4 and ENV1.</p>
10.5	<p>Contaminated Land Remediation</p> <p>No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing by the local planning authority:</p> <ul style="list-style-type: none"> a) Additional site investigation scheme, based on preliminary investigations already undertaken (Ref: RSK Geoscience report dated 31 May 2022) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. b) The results of the site investigation and the detailed risk assessment referred to in (a) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved. <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 LLP1 policies CP10 and CP11, LLP2 policies DM20 and DM22, para. 170, 178 and 170 of the NPPF and CNP policy ENV5</p>

10.6	<p>Verification Report</p> <p>No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall include any plan (a long-term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance, and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.</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 LLP1 policies CP10 and CP11, LLP2 policies DM20 and DM22 para. 170, 178 and 170 of the NPPF and CNP policy ENV5.</p>
	<p>Unsuspected 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 the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.</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 LLP1 policies CP10 and CP11, LLP2 policies DM20 and DM22, para. 170, 178 and 170 of the NPPF and CNP policy ENV5.</p>
	<p>Construction Management Plan</p> <p>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</p>

	<p>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, • Measures to control noise, dust, and light emissions during works • Measures to prevent discharge of dirt/mud onto the public highway • Measures to prevent flood risk both on and off-site during construction works • Site waste management plan • Parking arrangements for site operatives and visitors • The loading and unloading of plant, materials, and waste, • 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. • The erection and maintenance of security hoarding, • The provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders), • Details of public engagement both prior to and during construction works. <p>Reason: In the interests of highway safety and the amenities of the area in accordance with LLP1 policies CP10 and CP12, LLP2 policies DM20, DM22, DM23 and DM25 and paras. 108, 109, 110 and 174 of the National Planning Policy Framework (NPPF).</p>
10.7	<p>Construction Hours</p> <p>Construction work and deliveries in association with the development hereby permitted shall be restricted to between the hours of 0800 and 1800 Mondays to Fridays and from 0830 until 1300 on Saturdays. No works in association with the development hereby permitted shall be carried out at any time on Sundays or on Bank/Statutory Holidays.</p> <p>Reason: In the interests of the residential amenities of the neighbours having regard to LLP1 policy CP11, LLP2 policies DM20 and DM23 and para. 174 of the NPPF.</p>
	<p>Earthworks</p> <p>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</p>

	<p>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>
	<p>External Lighting</p> <p>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.</p> <p>Reason: To protect the amenity and character of the surrounding countryside and to prevent disturbance of nocturnal species having regard to LLP1 policy CP10, LLP2 policies DM20 and DM24, paras. 170, 175 and 180 of the NPPF and CNP policy ENV7.</p>
10.8	<p>WSI (Archaeology)</p> <p>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 LLP1 policy CP11 and para. 192 – 194 of the NPPF.</p>
10.9	<p>Archaeological Works Report</p> <p>No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition.</p> <p>Reason: To enable the recording of any items of historical or archaeological interest in accordance with LLP1 policy CP11 and para. 192 – 194 of the NPPF.</p>

	<p>Landscaping and Tree Protection</p> <p>Prior to the commencement of any development the following details shall be submitted to and approved by the Local Planning Authority in conjunction with the ESCC Landscape Architect.</p> <ul style="list-style-type: none"> a) A landscape masterplan and full implementation of landscape mitigation measures b) Detailed planting plans and specifications for proposed planting. c) Details of measures to protect and maintain the health of all retained trees and compensatory planting to mitigate the loss of any trees that are to be removed. d) A long-term management plan to ensure the successful establishment of the planting <p>Reason: In order to ensure the development integrates with and preserved its semi-rural setting and to provide suitable sympathetic screening to minimise visual impact upon the wider rural landscape in accordance with LLP1 policy CP10, LLP2 policy DM27, CNP policies ENV3, ENV5 and ENV6 and para. 174 of the NPPF.</p>
11.	Informative
11.1	<p>Waste Removal</p> <p>All waste material arising from any site clearance, demolition, preparation, and construction activities at the site should be stored, removed from the site, and disposed of in an appropriate manner.</p>

12.	Plans:
12.1	This decision relates solely to the following plans:

	<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
	SITE LOCATION PLAN	13.06.2022	CSA/5782/116
	PROPOSED SITE ACCESS ARRANGEMENT	16.12.2022	21-T155-02 Rev E
	PRELIMINARY SITE RISK ASSESSMENT	13.06.2022	52349 R01 (02) Rev 02

12.	Appendices
12.1	None.

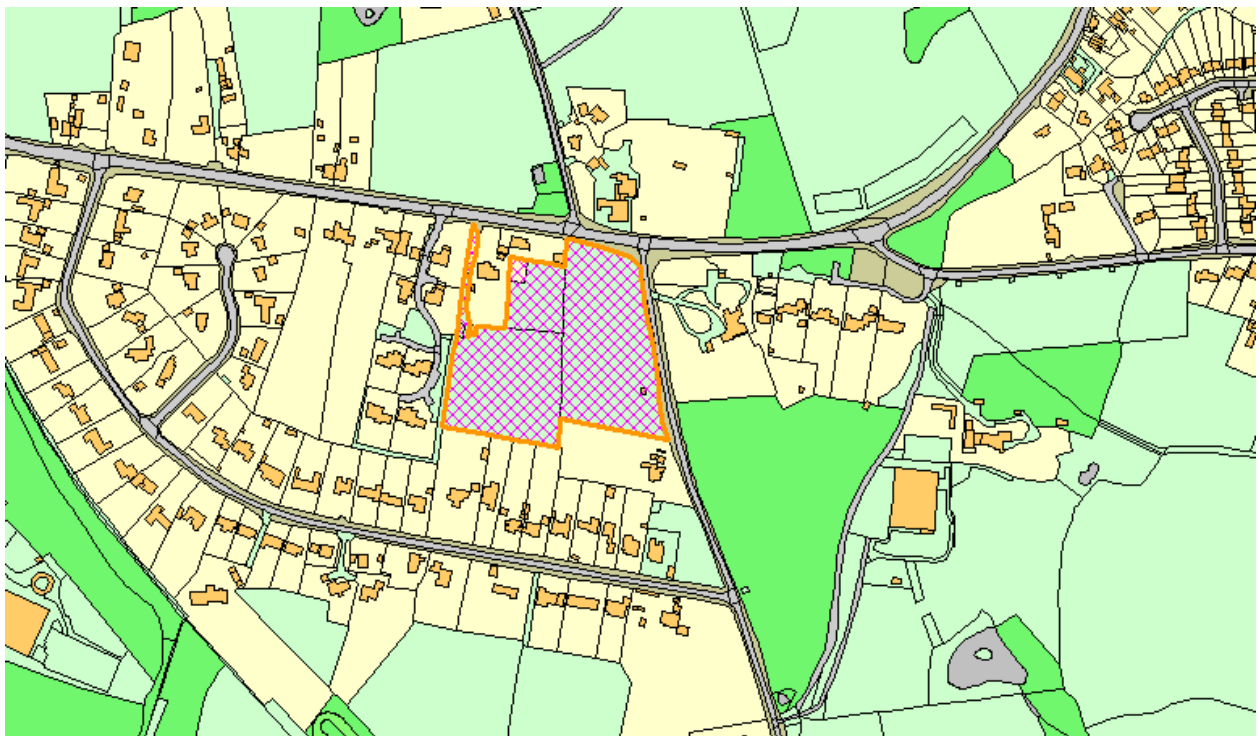
13.	Background Papers
13.1	None.

Agenda Item 9

Report to: Planning Applications Committee
Date: 15th February 2023
Application No: LW/21/1000
Location: Land west of Oxbottom Lane, Newick, East Sussex
Proposal: Redevelopment of the site to provide 21 residential dwellings along with parking, open space, and all necessary infrastructure
Applicant: Reside Developments
Ward: Chailey, Barcombe and Hamsey
Recommendation: Approve conditionally subject to section 106 to secure affordable housing, Local and Ecological Management Plan (LEMP), Local Equipped Area for Play (LEAP) and highway works.
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 proposal is considered to represent sustainable development in that the site would provide a social benefit in meeting an identified need for housing, including affordable homes, which would be located within close proximity to an established settlement, an economic benefit in providing homes for workers and additional custom for local businesses and services and an environmental benefit in creating ecological enhancements achieving demonstrable biodiversity net gain.
1.2	The development is considered to be sympathetic to the surrounding built and natural environment as well as the amenities of neighbouring residents and would provide good quality living and amenity space for future occupants.
1.3	It is therefore recommended that the application is approved subject to relevant conditions and a section 106 agreement securing policy compliant affordable housing provision LEAP, and highway works.
1.4	<p>Housing Delivery</p> <p>The provision of up to 21 residential dwellings, of which 40% would be affordable housing, 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>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>
1.6	<p>Change in the landscape would be limited to the immediate site area due to the self-contained nature of the site. The scale and density of the development would be comparable with surrounding development and the design incorporates significant green buffers.</p> <p>Overall, it is considered that the development would result in limited landscape harm and this should be attributed <u>limited weight</u>.</p>
1.7	<p>Biodiversity Net Gain</p> <p>The proposed development would deliver on site biodiversity enhancements with a cumulative net gain in excess of 10% (10.6% gain in habitat units and a 23.51% gain in hedgerow units)</p> <p>This would carry <u>moderate weight</u> in the planning balance.</p>
1.8	<p>Highways</p> <p>The site access arrangements have been accepted by ESCC Highways who have also confirmed that the development would not generate an</p>

	<p>increase in traffic of a degree that would result in disruption or congestion on the surrounding highway network.</p> <p>It is considered that this should be attributed <u>moderate weight</u>.</p>
1.9	<p>Water Issues</p> <p>The applicant intends for surface water to be discharged into the highway drain to the north of the site at a managed rate. A condition will be used to ensure capacity of the highway drain is confirmed and a connection agreement is in place.</p> <p>This should be given <u>neutral weight</u> in the planning balance.</p>
1.10	<p>Loss of Agricultural Land</p> <p>The proposed development would involve the loss of approx. 2.3 hectares of agricultural land. Abandoned shelters suggest that the fields were used for grazing in the past but there is no evidence that the fields are currently in agricultural use, the eastern field having become overgrown, and they are not connected to any wider field system.</p> <p>It is therefore considered <u>moderate weight</u> should be given to the harm to agricultural land supply.</p>

2.	Relevant Planning Policies
2.1	<p><u>National Planning Policy Framework (NPPF)</u></p> <p>2. Achieving sustainable development</p> <p>4. Decision making</p> <p>5. Delivering a sufficient supply of homes</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>
2.2	<p><u>Lewes Local Plan Part 1 (LLP1)</u></p> <p>CP2 – Housing Type, Mix and Density.</p> <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>
2.3	<p><u>Lewes Local Plan Part 2 (LLP2)</u></p> <p>DM1 – Planning Boundary</p>

	<p>DM14 – Multi-functional Green Infrastructure</p> <p>DM15 – Provision for Outdoor Playing Space</p> <p>DM16 – Children’s Play Space in New Housing Development</p> <p>DM20 – Pollution Management</p> <p>DM22 – Water Resources and Water Quality</p> <p>DM23 – Noise</p> <p>DM24 – Protection of Biodiversity and Geodiversity</p> <p>DM25 – Design</p> <p>DM27 – Landscape Design</p>
2.4	<p><u>Chailey Neighbourhood Plan (CNP)</u></p> <p>HO1 - Design</p> <p>HO2 - Housing mix</p> <p>HO3 - Building materials</p> <p>HO4 - Building height</p> <p>HO5 - Pedestrian connections</p> <p>HO7 - Historic buildings</p> <p>HO8 - Housing considerations</p> <p>ENV1 - Landscape</p> <p>ENV2 - Wildlife protection</p> <p>ENV3 - Countryside Protection and the village setting</p> <p>ENV5 - Conservation of the environment, ecosystems, and biodiversity</p> <p>ENV6 - Protection of open views</p> <p>ENV7 - Dark night skies</p> <p>TRA1 - Road Safety</p> <p>TRA2 - Adequate and appropriate car parking</p> <p>ECO4 - Sustainability</p>

3.	Site Description
3.1	The site comprises two enclosed fields, the easternmost of which flanks Station Road to the north, Oxbottom Lane to the east and the northern boundary of the residential property at Chailey End to the south. The neighbouring field flanks the boundaries of Fir Tree Cottage and Fairseat on Station Road to the north and west, Bag End, Patterdale, Chigley and Acorn House on Lower Station Road to the south and the recently completed development at Upper Station Gardens to the west.
3.2	The eastern field is enclosed by hedgerow and tree lines as is the western field, with the exception of the boundaries shared with Fir Tree Cottage

	and Fairseat, which are marked by fencing. Fir Tree Cottage is Grade II Listed as is Holly Grove which is to the east of the site, set back from Station Road.
3.3	The fields themselves appear to have been used for grazing in the past but have become overgrown. There is a collection of small shelter structures positioned towards the south-eastern corner of the site. There are trees on site subject to 3 separate Preservation Orders (TPO No. 8, 9 and 10 – all issued in 2013). These trees are primarily located on the western site boundary, shared with Upper Station Gardens, along with a small group in the south-eastern corner of the western field.
3.4	The site lies outside of the settlement boundary, positioned between Newick, the edge of which is approx. 350 metres to the east, and North Chailey, the edge of which is approx. 1.1 km to the west. The settlements are linked by the A272 Station Road along which ribbon development of residential development has taken place over time along with around the former site of Newick Station on Lower Station Road. More recently, infill residential development has taken place including on the neighbouring site at Upper Station Gardens and nearby at Freeland Close.
3.5	The Reedens Meadow SANG is approx. 130 metres to the north-east of the site. There are no specific planning designations or constraints attached to the site or the immediate surrounding area. It is noted that the site falls approx. 180 metres southwest of the Ashdown Forest 7km zone of influence. The site is identified in the Lewes District Council Interim Land Availability Assessment (LAA) as site 21CH. The LAA concludes that the site is that the site is deliverable and is suitable for 20 dwellings although it must be noted that this is a general assessment of the site and does not override the need for a full planning assessment to be carried out or carry the same weight as an allocation in any local or neighbourhood plan.

4.	Proposed Development
4.1	<p>The application seeks full planning permission for the residential development of the site to provide 21 new dwellings and associated infrastructure. The dwelling mix would comprise 4 x 1 bed flats (19%), 4 x 2 bed dwellings, 2 of which would be bungalows (19%), 8 x 3 bed dwellings (38%) and 4 x 4 bed dwellings (19%) and 1 x 5 bed dwelling (5%).</p> <p>8 units (38%) would be provided as affordable housing, these being all of 4 x 1 bed flats, 2 x 2 bed dwellings and 2 x 3 bed dwellings.</p>
4.2	The development would have a broadly horizontal Y-shaped layout, with the north-western corner of the site, which abuts Fir Cottage and Fairseat, being maintained as an Ecological Enhancement Area which would also accommodate an attenuation pond. A further attenuation pond and a pumping station would be positioned in the south-western corner of the site. Attenuated surface water would ultimately discharge into the existing drainage ditch on the western boundary of the site.

4.3	All dwellings would have pitched roofing and be of relatively traditional design. All dwellings would be two-storey with the exception of the 2 x bungalows. None of the proposed dwellings include the provision of rooms within the roof space.
4.4	Each dwelling and flat would be allocated 2 x car parking bays. Most of the bays would be positioned to the front/side of the dwelling although a small amount would be to the rear or on adjacent land. The majority of bays are provided side by side although a small amount of tandem parking is included. The majority of dwellings would also be provided with an attached or detached garage. In addition, 10 x visitor parking bays would be provided in laybys distributed across along the length of the internal road network.
4.5	Vehicular access to the site would be provided from Oxbottom Lane, with a new widened bellmouth opening being formed in the position of the existing field access. There is no footway on Oxbottom Lane and, in response to this, a pedestrian access would be provided to the north of the site, connecting with the existing footway on the southern side of Station Road. A package of highway improvements/mitigation measures have been incorporated including the widening of Oxbottom Lane to 4.8 metres between the junction with Station Road and the site access, the widening of the existing footway on Station Road/Western Road eastward between the junction with Oxbottom Lane and the junction with Allington Road to 1.8 metres, the widening of the existing footway on Station Road westward between the junction with Oxbottom Lane and Upper Station Gardens to 2 metres, provision of a new tactile paved crossing on Oxbottom Lane, relocation of the existing bus stop on the southern side of Station Road so that it is opposite the bus stop on the northern side and provision of a pedestrian crossing with a central refuge bay and provision of a new pedestrian footway between the bus stop on the northern side of Station Road and Jackies Lane.
4.6	The ecological enhancement would include amenity greenspace, informal open space, and designated play areas. Planting would include the formation of an orchard in the north-western corner of the site.

5.	Relevant Planning History:
5.1	E/56/0207 - Outline Application to erect five dwellinghouses – Refused 30th April 1956
5.2	E/60/0783 - Outline Application for residential development – Refused 10 th October 1960
5.3	E/67/0439 - Outline Application for residential development – Refused 5 th June 1967

5.4	LW/81/0627 - Outline Application for the laying of roads and the residential development of the site by the erection of detached two storey houses with garages – Refused 19th May 1981. Appeal Dismissed – 17th May 1982
5.5	LW/15/0299 - Outline planning application for residential development of up to 30 family and affordable homes including access on Oxbottom Lane and associated landscaping, open spaces, pedestrian cycle links and ancillary development – Refused 23 rd November 2015

6.	Consultations:
6.1	<p>Chailey Parish Council</p> <p>Objection.</p> <p><u>Access on to Oxbottom Lane:</u></p> <p>Oxbottom Lane is already a busy road, and the impact of extra traffic on Oxbottom Lane, Cinder Hill and the A272 will exacerbate the infrastructure problem further. The only way of managing extra traffic is to widen both Oxbottom Lane and Cinder Hill which would do boundless ecological damage and spoil the character of the lane.</p> <p><u>Drainage:</u></p> <p>CPC stand by the same response they submitted to the Public Consultation, and that is that there is a risk of serious flooding on the site and to surrounding areas that would become even more damaged if a greater area was concreted over. The example of Upper Station Gardens has been mentioned in the previous application (LW/21/0942) and the same example is relevant with this application. CPC reiterate that the whole drainage system needs to be reviewed before any application is accepted.</p> <p>To note, residents living near to the proposed development site have had to clear the culvert themselves that goes under the road at Lower Station Road – ESCC have never shown any interest nor accepted any responsibility in clearing and maintaining. CPC will draw Cllr Matthew Milligan’s attention to this matter and ask him to interject with Highways.</p> <p><u>Erosion of the gap between Newick and Chailey:</u></p> <p>The gap between the distinct villages of Chailey and Newick would disappear, and to repeat, neither parish wish to see a coalescence of the two villages, specifically mentioned in national as well as local planning policies as undesirable and not intended.</p> <p>The Appeal decision for a nearby site in Oxbottom Lane (May 2018) found that the “appeal site is outside of any built-up area boundary as defined in the Local Plan and is, in policy terms, in the countryside, falling between the villages of North Chailey and Newick”</p> <p>This development (and LW/21/0942) associate themselves with Newick, however neither are building any community infrastructure. No extra</p>

	<p>school provision has been provided in the plans. Newick Primary School is already oversubscribed.</p>
<p>6.2</p>	<p>Newick Parish Council</p> <p>Newick Parish Council wishes to register their objection to this application for the ‘Redevelopment of the site to provide 21 residential dwellings along with parking, open space and all necessary infrastructure’. Although the applicant describes the Land West of Oxbottom Lane as being located in Newick it is in fact in North Chailey. However, as it is so close to the Parish boundary, inevitably it will impact more upon Newick than North Chailey and is a significant site which will erode the green gap between the 2 villages. DM1 of the local plan part 2 (LLP2) recognises the importance of this stating that:</p> <p>“Within the planning boundaries, as defined on the Policies Map, new development will be permitted provided that it is in accordance with other policies and proposals in the development plan. Outside the planning boundaries, the distinctive character and quality of the countryside will be protected and new development will only be permitted where it is consistent with a specific development plan policy or where the need for a countryside location can be demonstrated.”</p> <p>Furthermore, in reaching decisions on recent planning appeals, PINS Inspectors have emphasised the need to retain open space between the two villages. The following are examples of those decisions.</p> <p>In February of 2021, an appeal for development of a nearby site at Mitchelswood Farm located on the Newick side of the Chailey boundary (APP/P1425/W/15/3119171), was conducted by Mr Andrew Lynch and the appeal was dismissed by the Secretary of State. The grounds for dismissal were:</p> <p>‘Planning balance and overall conclusion</p> <p>23.For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with Policies DM1, CP10(1), and EN1 of the development plan, and is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.</p> <p>24.As the Secretary of State has concluded that the authority is unable to demonstrate a five year housing land supply, paragraph 11(d) of the Framework indicates that planning permission should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.</p> <p>25.The proposed development would have a seriously damaging impact on the character and appearance of the local landscape, and there would be substantial visual harm to the character and appearance of the landscape and village setting. This harm carries substantial weight. The conflict with national policy in the Framework (NPPF 170) in terms of</p>

failing to recognise the intrinsic character and beauty of the countryside, and in the loss of woodland carries moderate weight, and the lack of positive accordance with the NNP's general aims and strategy carries limited weight against the scheme.

27. The Secretary of State considers that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. Overall, he considers that the material considerations in this case indicate a decision in line with the development plan – i.e. a refusal of permission.

28. The Secretary of State therefore concludes that the appeal should be dismissed, and planning permission refused.'

Just over two years ago another application, LW/19/0106, to build houses at a location a short distance along Station Road to the west was rejected by LDC and also at Appeal. The reasons for its rejection remain equally valid for this site over two years later.

'the proposed development will, by reason of the siting and location of the application site, represent an incursion of development and urbanisation of residential curtilage outside of the planning boundary in this rural location, resulting in harm to the rural and natural character of the landscape...'

Both decisions highlighted the significance of maintaining the identity of individual settlements and maintaining the character of the countryside in accordance with NPPF 170 and we urge that a consistent approach be taken in consideration of this application also.

With regard to environmental considerations, Core Policy 2 seeks to:

"conserve and enhance the high quality and character of the district's towns, villages, and rural environment by ensuring that all forms of new development are designed to a high standard and maintain and enhance the local vernacular and 'sense of place' of individual settlements."

In line with national policy, LDC has declared a climate emergency and has a strong environmental agenda that includes reducing car dependency and thus harmful emissions. This site is car dependent for travel. It has limited public transport, bus services although regular are infrequent on weekdays and do not operate at all on Sundays. The A272 (where the proposed site is situated and also the road which links North Chailey with Newick) is an extremely busy, single carriageway that does not encourage safe cycling or walking. Consequently, journeys for travel to and from school, to a medical centre and shops etc will be conducted largely by car, thereby increasing environmental harm. To develop a new car dependent site, particularly one contrary to the Local Plan cannot be justified, regardless of what mitigation might be argued by the Applicant. The fact that 55 cycle spaces have been allocated on the site is folly as bikes cannot safely be used and the design and access statement sections 2.2 and 2.3 are therefore incorrect when stating.

'The site is surrounded by a variety of amenities. These include parks, open green spaces, and leisure facilities all within a safe walking and cycling distance from the site. The site is well located for public transport to local facilities and services, which help to reduce the need to use a car.

	<p>There are a series of bus stops along Station Road which connect the site to the wider transport network. The site is also located within a 2-mile radius from Newick High Street, which includes pubs, small shops, and restaurants. The site is considered to be well served by transport infrastructure and in close proximity to nearby villages and amenities.'</p> <p>The road safety audit is unfit for purpose. It is described as being a mainly desktop study with a site visit of 45 minutes which was carried out on Friday 10th December 2021, between the hours of 2pm and 2:45pm. This is totally inadequate for such a busy main road when the quietest time of the day was chosen and for such a short period of time.</p> <p>The proposed site is bounded to the north by the busy A272 as described above but to the east where the planned vehicular entrance is to be sited is a quiet narrow country lane. 78 car parking places are included in the proposal, suggesting a huge increase of vehicles which will either destroy the lane towards South Chailey or Barcombe, or increase the congestion of the A272 at peak times. Hardly a plan which claims to.</p> <p>'preserve the character of Oxbottom Lane' (D and A statement page 16)</p> <p>In conclusion, the site is located outside the development boundary of Chailey and subject to Countryside Policies. No specific need for development outside that boundary has been demonstrated, nor has a need, sufficiently robust to override the policies and constraints relevant to Countryside development been established, to justify the proposed development.</p> <p>Finally although situated just outside the Newick Parish Boundary, it is disappointing to note that the application makes no reference to NPC having a highly regarded and robust Neighbourhood Plan (NP) made in 2015 and pays scant regard for Chailey also having a NP which was made in 2021. The proposal is contrary to DM1 of the LLP2 and is also contrary Core Policy 2.</p> <p>NPC strongly object to this application and recommend it be refused. Should the need arise we ask that this application is considered by LDC Planning Committee.</p> <p>OFFICER COMMENT: The appeal decisions referred to are noted, the suitability of the site to accommodate the type of development proposed will be assessed on its own merits. It is noted that a previous scheme (LW/15/0299) for a more dense form of development (30 dwellings) was refused but potential for coalescence was not referred to either by the case officer or the LDC landscape officer.</p>
6.3	<p>Southern Water</p> <p>A connection agreement is required for foul drainage.</p>
6.4	<p>LDC Ecology</p> <p>Works should be undertaken in accordance with the details contained within the Ecological Impact Assessment, accompanying PEA and protected species survey reports (to include the updated Reptile Survey Report, August 2022), BNG assessment and additional recommendations.</p>

	<p>Further details relating to sensitive lighting, ecological design and landscaping, and ongoing management and monitoring should also be submitted prior to commencement of development.</p> <p>As above, this is also important for species, including reptiles.</p>
6.5	<p>LDC Air Quality Officer</p> <p>Further to receipt of the air quality assessment reference: J10/12572A/10/1/F2 and dated 16 December 2021 submitted by Air Quality Consultants Ltd in support of the above planning application, I would recommend approval subject to conditions.</p>
6.6	<p>LDC Contaminated Land Officer</p> <p>A preliminary site investigation report has been prepared by Soil Limited (Report dated October 2021, Report ref: 19589/PIR_R26). The report did not identify any historic land contamination issue at the site. If there is a structure at the site require demolition, then an asbestos survey is pertinent. Conditions recommended.</p>
6.7	<p>Lead Local Flood Authority</p> <p>Awaiting formal response to alterations in drainage scheme to utilise the highway drain.</p>
6.8	<p>ESCC Highways</p> <p>This application seeks approval for the redevelopment of the site to provide 21 dwellings with new access via Oxbottom Lane. An outline application (LW/15/0299) on the site was previously given highways approval for the erection of 33 houses.</p> <p>Although the principle of development has already been accepted the mitigation measures put forward have not adequately addressed the concerns raised within the Stage 1 Road Safety Audit. As this is a full application it is considered that these should be addressed at this stage. Further information and a plan are therefore required to demonstrate that suitable running widths on the A272 can be provided.</p> <p>Data obtained from the TRICS database has suggested that the proposed development will generate approximately between 12 and 11 two-way trips during the AM and PM peak periods with approximately 99 trips per day. I am satisfied that the methodology used to calculate trip rates provides an accurate description of the vehicle movements likely to be associated with the proposed development. The applicant has assessed the impact of the existing traffic movements at the junction of Oxbottom Lane with the Station Road with a survey of turning movements and queues. Although the applicant has not added the development trips to this assessment, given the existing queue lengths and size of development this is not considered necessary. The development is unlikely to have a detrimental impact on the surrounding highway network in terms of traffic generation and will function without risk of congestion.</p> <p>For a development of 4x one-bed units, 4x two-bed units, 8x three bed units, 4x four-bed units; and 1x five-bed units the parking requirement is 49 spaces (42 allocated and 7 unallocated visitor spaces). This is based on each unit having 2 allocated spaces. 40 allocated parking spaces have</p>

	<p>been provided with 10 visitors spaces. In addition, 1-2 garages have been provided for units 9-21. The parking provided is therefore considered adequate in terms of number.</p> <p>OFFICER COMMENT: Additional plans have been provided and informally accepted subject to final details of tracking arrangements for the remodelling of the junction with Jackies Lane being provided. This will be addressed as part of the works secured by the section 106 agreement.</p>
6.9	<p>Maria Caulfield MP</p> <p>Objection.</p> <ul style="list-style-type: none"> • Further erosion of the green gap between the parishes of Chailey and Newick. • The A272 is a busy, single carriageway road not conducive to walking and cycling. • This will be a car dependent development, contrary to the environmental objectives of Lewes District Council. • There are ongoing issues in relation to surface water drainage affecting the residents of Lower Station Road. These should be resolved before further development is permitted. • Previous planning applications close to this application have been refused and the refusal has been upheld at appeal;
7.	Other Representations:
7.1	<p>25 letters of objection have been received; a summary of relevant planning content raised is provided below: -</p> <ul style="list-style-type: none"> • Increase in flood risk. • Field ditch would not be able to cope with drainage. • Loss of habitat including to wildlife displaced by neighbouring development. • Would introduce light pollution/loss of dark skies. • Increased traffic on rural roads/hazard to pedestrians/cyclists/horse riders. • Would lead to coalescence of Chailey and Newick. • Increased noise disturbance. • Harmful landscape impact. • Would overlook neighbouring residential property. • Works may damage existing boundary trees. • Residential development of the site has been consistently refused over time. • Increased pressure on infrastructure. • Smaller, affordable homes are needed, not large homes. • The site was rejected in the most recent local plan. • Would create an isolated community. • Demand for new housing is slowing. • Landscaping would be expensive to implement and maintain.

	<ul style="list-style-type: none"> • Construction works will cause damage and disruption to local residents, property, and infrastructure.
7.2	<p>2 letters of representation have been received and are summarised below:</p> <p>-</p> <ul style="list-style-type: none"> • Would like to see all the footpaths renewed from this development not only from Oxbottom Lane as per design layout, but along the A272 Eastbound & Westbound to both bus stops. • Section 106 agreement should include protection of ecological corridors.

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, the quality of the accommodation to be provided and 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.</p>
8.2	<p><u>Principle of Development</u></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 figure is disaggregated from the delivery from the National Park resulting in 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>The NPPF does not recognise settlement boundaries, instead stating that decisions should avoid the development of isolated homes in the countryside (para. 80).</p> <p>In response to this situation, the Council has adopted an Interim Housing Policy Statement that accepts development may need to be allowed on sites outside of settlement boundaries but sets out a list of criteria that should be addressed when such sites are being assessed. These criteria will be identified in the relevant sections of this report and will be afforded suitable weight within the overall planning balance.</p> <p>It is recognised that the Interim Housing Policy Statement is not ‘policy’ in the Local Plan context and can only be guidance and does not supersede or trump adopted policy.</p> <p>Policies CP2 of the Lewes District Local Plan part one provides a list of objectives to be applied to new housing development within the district. This includes a requirement for housing development that meets the needs of the district to be accommodated in a sustainable way, to conserve and enhance the character of the area in which it will be located, to maximise opportunities for re-using suitable previously developed land and to plan for new development in highly sustainable locations. Development should incorporate a suitable mix of accommodation and be socially inclusive.</p> <p>The site is identified within the Council’s Interim Land Availability Assessment (LAA) as being suitable for a development of 20 dwellings, with the assessment concluding that the development would be deliverable and achievable.</p> <p>The proposed development is therefore considered to be acceptable in principle and, as such, will 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 as well as NPPF considerations and 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>The proposed scheme represents major development (more than 10 new dwellings) and, as such, there is a requirement for affordable housing to be provided, at a rate of 40% of the total number of units as per Policy CP1 of the Lewes District Core Strategy. This amounts to a provision of 8.4 units. In order to fully comply with the standards, set out in the Lewes District Council SPD for affordable housing, 8 units would need to be incorporated into the development with the remaining 0.4 unit required being secured as a pro-rata commuted sum. This approach is compliant with the appropriate use of commuted sum as set out in para. 5.2 of the LDC Affordable Housing SPD. The commuted sum will be calculated using</p>

	<p>the Affordable Housing Commuted Sum Table provided in the Affordable Housing SPD.</p> <p>The applicant has confirmed that affordable housing would be provided in compliance with the requirements of CP1 and a Section 106 legal agreement has been drafted to secure this. The mix comprises 4 x 1 bed flats (50%), 2 x 2 bed dwellings (25%) and 2 x 3 bed dwellings (25%). A section 106 agreement would be used to secure the provision of affordable housing as well as a timetable/trigger for its delivery.</p> <p>Any section 106 would also be used to secure any highway improvements necessary to mitigate the impact of the development, details of which are as follows: -</p> <ul style="list-style-type: none"> • Bus shelter and seating for the bus stop located on the south side of the A272, subject to the agreement of the Parish Council. Raised kerbs to comply with accessibility obligations, seating, new flag poles, hardstanding areas and timetables at the two nearest bus stops on the A272. It also may be necessary to reposition the bus stop on the northern side of the A272 further to the west, so as to reduce potential site line conflict for vehicles emerging from Jackie's Lane. In addition to carrying out the bus stop improvements the Highway Authority would wish to secure a contribution to cover the administrative costs involved in the Bus Stop Clearway. A contribution of £750 is therefore sought for these works. • Improvements/widening of the existing footway on the southern side of the A272 along the site frontage then to the east as far as Allington Road to improve facilities for residents to reach facilities in Newick and to include dropped kerbs and tactile paving. • New section of footway on the northern side of the A272 from the repositioned bus stop to Jackie's Lane. • An uncontrolled crossing point on A272 between the repositioned bus stops. • A contribution of £5,000 towards the Traffic Regulation Order (TRO) to reduce the speed limit in Oxbottom Lane. As any TRO is open to public objection and ultimately decided upon by ESCC Planning Committee the alterations of any restrictions cannot be guaranteed. <p>Any section 106 would also be used to secure the provision of a LEAP.</p> <p>The site falls outside of the 7km Ashdown Forest Zone of Influence and, as such, no contributions towards SANGs or SAMMs measures would be required.</p>
8.4	<p><u>Site Access</u></p> <p>There is an existing field access to the site from Oxbottom Lane. The proposed development would utilise this access, with it being widened and improved to meet ESCC Highways standards for access to a residential development. These works would require the removal of short sections of trees and hedgerow either side of the existing access. Oxbottom Lane would be widened to 4.8 metres between the site access and the A272 in order to allow suitable width for more frequent two-way use.</p>

Although Oxbottom Lane is subject to the national speed limit, speed surveys taken around the access confirm the average speed of vehicles on the approach to the site access was 32.9 mph for northbound traffic and 30.3 mph for southbound traffic. This is likely to be due to the proximity to the junction with the A272 and the narrow width of the lane. Suitable visibility splays, informed by the speed survey data, would be provided to allow for safe use of the turning. Occasional cutting back of trees and hedgerow flanking Oxbottom Lane would be required in order for these splays to be maintained.

Criterion 3 of the Interim Housing Policy states that new development should provide safe and convenient pedestrian and cycle access to key community facilities and services within the adjacent settlement.

As there is no footway on Oxbottom Lane, pedestrian access would be provided from the north of the site where it would connect with the existing footway on the southern side of Station Road/Western Road which provides connectivity with Newick to the east and North Chailey to the west. Widening works would be carried out on sections of the existing footway to improve safety and accessibility and improved access to bus stops would also be provided. The internal footway would not extend to the junction between the internal road and Oxbottom Lane. This measure was recommended in the Road Safety Audit as a means to discourage residents from walking from the development onto Oxbottom Lane where there is no footway nor the capacity to introduce one.

It is anticipated that the proposed development would generate 12 additional vehicular trips during weekday the morning traffic peak hour (08:00 to 09:00) and an additional 11 vehicular trips within the evening peak (17:00 – 18:00). It is not considered that this would result in any unacceptable increase in traffic on the surrounding highway network, or excessive queuing at the junction between Oxbottom Lane and the A272. It is noted that ESCC Highways supported the previous scheme for 30 dwellings on the site (LW/15/0299), subject to highway mitigation works similar to those proposed for the current application, and that traffic flows have reduced since that time.

Tracking plans have been submitted as part of the Transport Statement and these demonstrate that a 12 metre long refuse vehicle could the full extent of the external road network and that suitable turning points are available to ensure that the refuse vehicle would be able to enter, travel through and leave the development in forward gear.

It is therefore considered that the submitted site access arrangements provide sufficient capacity to serve the development and would not result in an unacceptable highway or pedestrian safety hazard. The proposed scheme is therefore considered to comply with LLP1 policies CP7 and CP11, LLP2 policy DM25 and paras. 110, 111 and 112 of the National Planning Policy Framework (NPPF).

8.5

Visual Impact

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.’ 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. 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 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. 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 to them, influenced by and influence their context positively and responsive to local history, culture and heritage.’

Criterion 1 of the Interim Housing Policy Statement maintains that new development outside settlement boundaries contiguous with an adopted settlement planning boundary, as defined on the Local Plan Policies Map.

Criterion 2 requires the scale of development to be appropriate to the size, character, and role of the adjacent settlement whilst criterion 3 stipulates that development must not result in the actual or perceived coalescence of settlements either individually or cumulatively.

Finally, criterion 7 requires development to make the best and most efficient use of the land, whilst responding sympathetically to the existing character and distinctiveness of the adjoining settlement and surrounding rural area.

The proposed development would be positioned close to, but not adjacent to the settlement boundary of Newick, which is delineated by the road and curtilage of properties on The Ridings, approx. 400 metres to the west of the site. However, the plot falls within a wider parcel of land that occupies that is enclosed by the A272 to the north, Oxbottom Lane to the east and Lower Station Road to the south and west.

This parcel has been developed over time, with an established cluster of dwellings on Lower Station Road and Great Rough and the recently completed development at Upper Station Gardens, which is adjacent to the eastern site boundary.

The only parts of the land parcel that are yet to be developed are land to the rear of Camelia Cottage (on which a development of 7 dwellings has been recommended for approval under LW/21/0942) and the application site itself.

The development would not project further than the extent of existing development in any direction. Given this, and the strong sense of containment provided by the roads bordering the site and mature tree lines and hedgerow on the site boundary, it is considered that the proposed

development would visually amalgamate with neighbouring residential development and would therefore not appear isolated or disruptive within the immediate landscape.

It is noted that the area falls within the 'land south of Allington Road' designation within the Landscape Capacity Study which regards this land as the preferred area for development around Newick from a landscape perspective, making reference to the natural defensible boundaries to development provided by mature hedges.

The effective screening of the site would also prevent the development from having any unacceptable impact upon the setting of neighbouring Grade II Listed Buildings at Fir Tree Cottage and Holly Grove.

In allowing appeals against the refusal of development at the Upper Station Gardens site (LW/15/0154 and LW/17/1027), the Inspectorate noted the sympathetic screening provided by mature landscaping and the effective role this would play in preventing visual degradation to the surrounding rural environment. It was also noted that development would consolidate with the existing low-density residential development in the immediate surrounding area.

Turning to the potential for coalescence of the settlement of Newick and North Chailey, it is important to appreciate the existing context, with a long-established ribbon of development along Station Road stretching between the two settlements. Nevertheless, the site is currently undeveloped and represents an enclosed green space directly flanking the southern side of Station Road. There is an enclave of low-density residential development on the opposite side of Oxbottom Lane in the form of Oxbottom Close, which is well screened from Station Road/Western Road by mature landscaping. Beyond this are areas of green space around Allington Road to the south and at the Reedens Meadow SANG on the northern side of Western Road, which provide a buffer between the edge of the settlement of Newick which is to the east.

The development site itself is well contained due to the presence of mature boundary treatment. In addition, dwellings would be set well back from site boundaries allowing this landscaping to be strengthened to form green buffers around along all boundaries that would act to significantly soften the visual impact of the development when viewed from neighbouring streets as well as the wider surrounding countryside.

It is therefore considered that the proposed development, whilst not directly contiguous with any settlement boundary, would effectively amalgamate with well-established existing development and would not result in any unacceptable coalescence of Newick and North Chailey given the presence and extent of existing ribbon development on Station Road and the maintenance of a landscaped gap between the east of the site and Newick.

A previous scheme for the erection of 30 dwellings on the site was refused on the grounds that it fell outside of the settlement boundary (which can no longer be supported due to the failure of the Council to demonstrate a sufficient supply of housing land) and because the density of the development was considered to be too high when seen in context with the

	<p>low density development comprising the surrounding built environment. The proposed scheme reduces the density to approx. 9.4 dwellings per hectare. Whilst this reduction is, in part, achieved through the provision of a sizeable green space/ecological enhancement area in the north-western corner of the site, the density of the developed part of the site remains low at approx. 12.5 dwellings per hectare.</p> <p>Where the proposed development abuts neighbouring residential development to the west and south the dwellings provided would be in the form of large detached buildings on large plots that would be broadly consistent with neighbouring development on Upper Station Gardens and Lower Station Road in terms of character and density. Whilst the size of plots and separation between dwellings does reduce towards the north east of the site this is achieved through a gradual transition from the lower density development to the south west, thereby preventing presence of higher density development from appearing overly jarring or unsympathetic.</p> <p>It is important that the development does include a proportion of smaller plots/higher density development in order that a suitable dwelling mix can be provided, particularly in relation to the delivery of affordable housing for which demand is skewed towards smaller units.</p> <p>The proposed dwellings would be of traditional design, with relatively steep pitched roofing and predominantly brick external finishing.</p> <p>There would be a good degree of variety in the design of building present.</p> <p>The internal road would incorporate bends and dwellings would be arranged informally around it.</p> <p>All dwellings would have landscaped areas to the front which would flank the internal road and provide connectivity with the green space in the north-western corner of the site.</p> <p>It is considered that the above attributes would combine to generate a verdant, semi-rural character and appearance that would be in-keeping with the surrounding environment.</p> <p>It is therefore recommended that the proposed development would not appear invasive or incongruous within the wider rural landscape and would be sympathetic towards the character and intensity of surrounding residential development.</p>
8.6	<p><u>Impact upon amenities of neighbouring residents</u></p> <p>The proposed dwellings would be set well away from site boundaries shared with neighbouring residential properties.</p> <p>Dwellings backing onto the southern site boundary, shared with properties on Lower Station Road, would be positioned a minimum of 20 metres from the site boundary and would back on to the long rear gardens of neighbouring dwellings. Approx. 25 metres would be maintained between dwellings facing towards the western site boundary and the development at Upper Station Gardens.</p> <p>The closest proximity of any dwelling within the development and a neighbouring dwelling would be approx. 45 metres between plot 11 and</p>

the dwelling at 'Chailey End'. The relationship between the two dwellings would be side to side and it is noted that plot 11 is to be occupied by a bungalow dwelling.

It is considered that the scale of the proposed dwellings and the level of separation maintained between dwellings within the proposed development and neighbouring dwellings, combined with the presence of mature boundary landscaping, would prevent the proposed development from appearing overbearing towards neighbouring residential properties or from generating unacceptable levels of overshadowing or allowing for unacceptably intrusive views towards those properties.

The site entrance and internal roads would be positioned well away from neighbouring residential development and the internal roads and parking areas would be well screened by site boundary landscaping. It is therefore considered that neighbouring residents would not be subject to unacceptable disruption caused by noise, air or light emissions produced by moving vehicles.

The proposed development is low density, particularly where it backs on to neighbouring residential properties, and all dwellings and flats would be provided with good sized private amenity areas as well as the additional green space positioned towards the south western corner of the site. It is therefore considered that the intensity of activities associated with the development would be relatively low, would be dissipated across the large overall site area and would be broadly consistent with the intensity of activity

It is therefore considered that the proposed development would not result in any unacceptable harm toward the amenities of neighbouring residents.

8.7 Living Conditions for Future Occupants

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.'

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.'

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. The GIA of all of the dwellings and flats exceeds the minimum area specified in the space standards for their respective classifications.

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

	<p>light as well as providing effective natural ventilation. Windows would be installed on multiple aspects of each dwelling and flat and this would allow for exposure to natural light to be prolonged and for more effective natural ventilation, to the benefit of internal living conditions.</p> <p>The occupants of all dwellings would have direct access to a suitable sized private garden area. Each of the flats would also be provided with a good-sized garden. In addition to this, a significant area of green space would be provided within the north-western corner of the site.</p> <p>Whilst areas of this space are set aside for ecological enhancement works, this would include features such as a traditional orchard which would also provide informal amenity space for future occupants.</p> <p>Formal communal amenity space would be provided on grass areas around the larger of the two attenuation ponds whilst play equipment would also be installed within the greenspace. The green space adjacent to the larger attenuation pond would be subject to good levels of natural surveillance from dwellings on plots 18-21.</p> <p>Whilst the development does not engage directly with Oxbottom Lane or Station Road, the internal layout ensures dwellings within the development interact well with one another and it is considered that this, along with the provision of communal amenity space, would help foster a sense of community and promote social interaction.</p> <p>Parking areas benefit from good levels of natural surveillance and are generally within the curtilage of the property they serve. Other than the orchard, whose primary function is to provide biodiversity, the development does not create any isolated or secluded areas that may give rise to crime and anti-social behaviour or a heightened sense of being at risk.</p> <p>A policy compliant mix of affordable housing would be provided, ensuring that the development is accessible to a wide range of the community. Two bungalows would also be provided, these being more easily accessible to less mobile people.</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>
8.8	<p><u>Flooding and Drainage</u></p> <p>The proposed development would be built on a site which is almost entirely permeable and would introduce a significant level of hard surfacing. The site falls within flood zone 1 and is therefore not identified as being at risk of flooding from fluvial/tidal sources. Environment Agency mapping also shows that the risk of surface water flooding on the site and immediate surrounding land is low. However, the site is identified as being at vulnerable to groundwater flooding.</p>

	<p>A drainage strategy has been submitted, following the sustainable drainage hierarchy set out in para. 080 of the Planning Practice Guidance for Flood Risk and Coastal Change. Infiltration drainage is at the top of the hierarchy, but its use has been discounted due to the lack of soil permeability due to groundwater levels. The next step on the hierarchy involves discharge into an existing water body. There is a ditch running along the western boundary of the site which feeds into another ditch which runs between the rear boundaries of properties on Upper Station Gardens and Great Rough and those on Lower Station Road. This has been discounted for the preference of a connection to the Local Highway Drain.</p> <p>Surface water generated by the proposed development would therefore be directed into attenuation ponds which would store the water and allow for its release into the existing highway drain to the north of the site at a similar rate to the current greenfield rate, with a 40% increase in rainfall as a result of climate change taken into account. This would be subject to confirmation of capacity which would be provided by ESCC contractors and can be secured by condition.</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 to comply with policy CP12 of LLP1 and paras. 163 And 165 of the NPPF.</p>
8.9	<p><u>Foul Water Disposal</u></p> <p>The Council has approved 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>LLP1 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>A condition will be attached to ensure that an approved connection is in place prior to any development commencing and that details of suitable phasing are also required if the statutory undertaker needs to upgrade the sewerage system to accommodate the development.</p> <p>It is noted that Southern Water have made very little comment apart from that a formal connection agreement would be required.</p>
8.10	<p><u>Landscape and Ecology</u></p> <p>The site is within relatively close proximity of two Sites of Special Scientific Interest (SSSIs), these being Chailey Common, approx. 1.3km to the west</p>

of the site, and a disused quarry at Scaynes Hill approx. 2.5km to the north-west of the site. There are a number of Local Wildlife Sites and pockets of ancient woodland within a 1km radius of the site but none immediately adjacent to it.

A Preliminary Ecological Assessment of the site was undertaken in 2020 and this informed a programme of surveys for the presence of protected species which are included in a detailed Ecological Impact Assessment completed during 2021 and submitted as part of the application.

The value of the scrub and tree lines on the site boundaries in supporting nesting birds is noted within the assessment and as well as a small population of hazel dormice. The grassland of the western field, and tall ruderal vegetated area of the eastern field were found to support slow worms.

The majority of the tree line, hedgerow and scrub would be retained and enhanced and would therefore continue to provide habitat. Additional scrub planting would be provided to provide additional habitat for dormice and also to act as a barrier to domestic pets that may predate on wild animals. It is stated that higher quality grassland would be retained, and the loss of reptile habitat would be mitigated through the creation of wildflower grassland in the north-western corner of the site as well as the provision of hibernacula. Reptile translocation will be carried out as part of the development.

A sensitive lighting scheme would be installed so as to retain the quality of undeveloped parts of the site for use by foraging bats. All trees with bat roosting potential are also to be retained.

Biodiversity net gain would be achieved through the retention and enhancement of green corridors, creation of new habitats in the north-western corner of the site, including fruit bearing trees and hedgerow, provision of bat and bird boxes, creation of a 'hedgehog highway' between gardens and ongoing habitat management secured as part of a Landscape and Ecological Management Plan (LEMP). This could be required by condition

NatureSpace have provided comments confirming they are satisfied that there would be no adverse impact upon Great Crested Newts provided mitigation and avoidance measures set out in application documents are put into place. This will be secured by way of a planning condition.

There are TPO trees on the site, predominantly along the western boundary shared with Upper Station Gardens but also a small group in the south eastern corner of the western field. None of these trees would be removed or cut back to facilitate the development and, as with all retained trees, a suitable protection barrier would be put in place during all construction works in order to prevent risk of damage.

The submitted landscaping details show a large area of green space formed in the north western corner of the site as well as soft landscaping to the front of dwellings and large landscaped gardens. Full details of site landscaping would be secured by condition, including any additional hard

	<p>surfacing and fencing, given that this would need to be sympathetic to the rural character of the surrounding environment.</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>
8.11	<p><u>Sustainability</u></p> <p>The application is accompanied by an Energy, Waste and Sustainability Statement which sets out energy efficiency and waste minimisation which would be incorporated into the development.</p> <p>It is noted that the majority of dwellings face north to south and, where they don't, southern facing aspect include windows serving primary habitable rooms. This orientation/window configuration allows for solar gain to be harnessed, providing a natural source of light and heat to the buildings. The statement draws attention to the need to maintain a balance when utilising solar gain in order to prevent potential for overheating and use of excessive amounts of glazing has been avoided in order to mitigate against this.</p> <p>The site landscaping scheme would also provide shading, and, through the use of deciduous species, this would be most effective in the summer months, when it is needed most, whilst being reduced in winter months when more solar gain is required.</p> <p>All buildings are to be constructed to the maximum feasible airtightness, reducing heat loss and, therefore, energy use. Air source heat pumps will be provided for all properties, meeting all space and water heating needs. Low energy LED lighting would be used internally and externally, and water fixtures would include controls to consumption through either restricted or aerated flows.</p> <p>Recycled materials are to be used where possible, with particular scope for their use in providing material for subbase. Any soil that is affected by earthworks would be retained on site and reused where possible.</p> <p>All dwellings would be provided with electric vehicle charging points in compliance with Council standards. Secure cycle stores would also be provided as a means to encourage the use of the bicycle.</p> <p>The two bed bungalows and all 4 and 5 bed dwellings would be provided with a study which would support home working.</p>
8.12	<p><u>Archaeology</u></p> <p>An Archaeological Assessment of the site has been carried out and a report submitted as part of the suite of documents supporting the application. The report concludes that a review of the available evidence has confirmed that the study site occupied the rural hinterland away from known settlement throughout its history and therefore has a low potential to contain archaeological remains of any date.</p>

	<p>A condition will be used to ensure physical investigations are carried out and reported back to County Archaeology to ensure potential impact upon archaeology is established.</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>
8.13	<p><u>Local Equipped Area for Play</u></p> <p>As a requirement of Local Policy (policies DM15 and DM16) the development should provide a LEAP</p> <p>The design and delivery of the LEAP will be control by the S106.</p>
8.14	<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>
8.15	<p><u>Conclusion.</u></p> <p>It is considered that the proposed development would deliver a significant benefit in the form of housing delivery whilst harm would be minimal as a result of the low density of the development and the sympathetic screening provided, the low density of the development, accessibility of the site and delivery of highway improvements and biodiversity enhancements.</p>

9.	Recommendations
9.1	It is recommended that the application is approved subject to the attached conditions and a section 106 legal agreement securing obligations set out in para. 8.3.

10.	Conditions:
10.1	<p>Time Limit</p> <p>The development hereby permitted shall be begun either before the expiration of three years from the date of this permission.</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>External Lighting</p> <p>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.</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</p>

	and DM24 of the Lewes District Local Plan part two and paras. 170, 175 and 180 of the NPPF.
10.3	<p>Visibility Splays</p> <p>No part of the development shall be occupied until visibility splays of 2.4 metres by 43.5 metres to the north and 49 metres to the south have been provided at the site vehicular access onto Oxbottom Lane in accordance with the approved drawings.</p> <p>Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.</p> <p>Reason: In the interests of road safety</p>
10.4	<p>Cycle Parking</p> <p>The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of 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 policy CP13 of LLP1 and para. 102 of the NPPF.</p>
10.5	<p>Road Condition Survey</p> <p>No development shall take place, including demolition, on the site until an agreed pre-commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.</p> <p>Reason: In the interests of highway safety and the amenities of the area</p>
10.6	<p>Construction Management Plan</p> <p>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</p>

	<p>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, • the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders), • details of public engagement both prior to and during construction works. <p>Reason: In the interests of highway safety and the amenities of the area in accordance with LLP2 policies DM20, DM23 and DM25 and paras. 108, 109 and 110 of the National Planning Policy Framework (NPPF).</p>
10.7	<p>Travel Plan</p> <p>No part of the development shall be occupied until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.</p> <p>Reason: To encourage and promote sustainable transport in accordance with LLP1 policy CP14 and section 9 of the NPPF.</p>
10.8	<p>Earthworks</p> <p>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>

10.9	<p>Air Quality</p> <p>That all recommendations set out in S8.1 of the approved air quality assessment shall be implemented prior to the first occupation of any part of the development.</p> <p>Reason: Reason: In the interests of the living conditions of occupiers of nearby properties and future occupiers of the site and to manage air quality in accordance with NPPF 181</p>
10.10	<p>Boilers (if installed)</p> <p>If any boilers are installed then details shall be submitted to and approved by the local planning authority prior to the first occupation of the development to confirm that these would be Ultra-Low NOx boilers with maximum NOX emissions less than 40 mg/kWh (or a zero emission energy source). The details as approved shall be implemented prior to the first occupation of the development and shall thereafter be permanently retained.</p> <p>Reason: In the interests of the living conditions of occupiers of nearby properties and future occupiers of the site and to manage air quality in accordance with NPPF 181</p>
10.11	<p>Asbestos Survey</p> <p>Prior to demolition of any structures, a full asbestos survey must be carried out on the building to be demolished. Any asbestos containing materials (ACMs) must be removed by a suitable qualified contractor and disposed off-site to a licenced facility. A copy of the report should be provided to the local planning authority together with a mitigation plan that removes the risk to future occupiers of exposure to asbestos.</p> <p>Reason: To ensure that risks from asbestos to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [n accordance with National Planning Policy Framework</p>
10.12	<p>Unsuspected 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 the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.</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 LLP1</p>

	policies CP10 and CP11, LLP2 policies DM20 and DM22, para. 170, 178 and 170 of the NPPF and CNP policy ENV5.
10.13	<p>Construction Environmental Management Plan</p> <p>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:</p> <ul style="list-style-type: none"> a) risk assessment of potentially damaging construction activities. b) identification of “biodiversity protection zones”. c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). d) the location and timing of sensitive works to avoid harm to biodiversity features. e) the times during construction when specialist ecologists need to be present on site to oversee works. f) responsible persons and lines of communication. g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. h) use of protective fences, exclusion barriers and warning signs. <p>The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.</p> <p>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 2016</p>
10.14	<p>Ecological Design Strategy</p> <p>No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity has been submitted to</p>

	<p>and approved in writing by the local planning authority. The EDS shall include the following:</p> <ul style="list-style-type: none"> a) purpose and conservation objectives for the proposed works. b) review of site potential and constraints. c) detailed design(s) and/or working method(s) to achieve stated objectives. d) extent and location /area of proposed works on appropriate scale maps and plans. e) type and source of materials to be used where appropriate, e.g. native species of local provenance. f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development. g) persons responsible for implementing the works. h) details of initial aftercare and long-term maintenance. i) details for monitoring and remedial measures. j) details for disposal of any wastes arising from works. <p>The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.</p> <p>Reason: 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 CP10 of the Lewes District Local Plan 2016.</p>
10.15	<p>Landscape and Ecological Management Plan</p> <p>A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:</p> <ul style="list-style-type: none"> a) description and evaluation of features to be managed. b) ecological trends and constraints on site that might influence management. c) aims and objectives of management. d) appropriate management options for achieving aims and objectives. e) prescriptions for management actions. f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period). g) details of the body or organisation responsible for implementation of the plan. h) ongoing monitoring and remedial measures. <p>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</p>

	<p>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.</p> <p>Reason: 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 CP10 of the Lewes District Local Plan 2016.</p>
10.17	<p>Tree Protection</p> <p>The development shall be carried out in full adherence to the approved arboricultural method statement, with the tree protection measures set out therein to be in place at all times.</p> <p>Reason: In the interests of the amenity and the landscape character of the area in accordance with LLP1 policy CP10, LLP2 policy DM27 and section 15 of the NPPF.</p>
10.18	<p>Construction Hours</p> <p>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>
10.19	<p>Landscaping</p> <p>Prior to the completion of 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). • 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 related to each property shall be completed in accordance with the approved scheme prior to first occupation of that property and shall be completed in its entirety prior to the completion 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 development 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</p>

	<p>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 and para. 174 of the NPPF</p>
10.20	<p>Surface Water Drainage</p> <p>No development approved by this permission shall be commenced until full details of surface water drainage, have been submitted to and approved by the Local Planning Authority. This will need to include confirmation that there is capacity for the highway drain to serve the development and that a connection agreement is in place. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development 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>
10.21	<p>Drainage Management and Maintenance</p> <p>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> <ul style="list-style-type: none"> 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. 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>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>
10.22	<p>Drainage Installation</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>

10.23	<p>Wastewater reinforcement</p> <p>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 NPPF</p>
10.24	<p>Electric Vehicle Charging Points</p> <p>Prior to the first occupation of any individual unit within the development hereby permitted, a minimum of 1 x electric vehicle charging point shall be provided for that unit 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>
10.25	<p>Sustainability Measures</p> <p>The proposed development shall not be occupied until full details of all renewable/carbon saving/energy and water efficiency measures to be incorporated into the scheme have been submitted to and approved by the Local Planning Authority. All measures approved shall thereafter be provided prior to the occupation of any dwelling and maintained in place thereafter throughout the lifetime of the development.</p> <p>Reason: In order to ensure suitable sustainability measures are incorporated into the development and maintained in accordance with LLP1 policy CP14, LLP2 policy DM20 and para. 152 of the NPPF.</p>
10.26	<p>External Materials</p> <p>No external materials or finishes shall be applied until a schedule of materials has been submitted to and 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> <p>Reason: In the interest of visual amenity and sustainability in accordance with LLP1 policy CP11, LLP2 policy DM25 and para. 130 of the NPPF</p>
10.27	<p>Written Scheme of Investigation</p> <p>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</p>

	the requirements of paragraphs 189 - 199 of the National Planning Policy Framework 2018.
10.28	<p>Archaeological Report</p> <p>No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the 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 paragraphs 189 - 199 of the National Planning Policy Framework 2018.</p>
11.	Informative
11.1	<p>Waste Removal</p> <p>All waste material arising from any site clearance, demolition, preparation, and construction activities at the site should be stored, removed from the site, and disposed of in an appropriate manner.</p>

12.	Plans:
12.1	This decision relates solely to the following plans:

	<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
	Location Plan	16/3/22	6975-PL-001 Rev D
	Proposed Site Plan	16/12/22	6975-PL-003 Rev M
	Proposed Details Site Plan	16/12/22	6975-PL-004 Rev C
	Plots 01 and 02 Floor Plans	24/12/21	6975-PL-010 Rev B
	Plots 01 and 02 Elevations	24/12/21	6975-PL-011 Rev C
	Plots 05 and 06 Floor Plans	24/12/21	6975-PL-012 Rev B
	Plots 05 and 06 Elevations	24/12/21	6975-PL-013 Rev C
	Plots 03 and 04 Floor Plans	24/12/21	6975-PL-014 Rev B
	Plots 03 and 04 Elevations	24/21/21	6975-PL-015 Rev C
	Plots 07 and 08 Floor Plans	24/12/21	6975-PL-016 Rev B
	Plots 07 and 08 Elevations	24/12/21	6975-PL-017 Rev C

	Plots 09 and 10 Floor Plans	24/12/21	6975-PL-018 Rev B
	Plot 09 Elevations	24/12/21	6975-PL-019 Rev B
	Plot 10 Elevations	24/12/21	6975-PL-020 Rev B
	Plots 11 and 12 Floor Plans	24/12/21	6975-PL-021 Rev C
	Plots 11 and 12 Elevations	24/12/21	6975-PL-022 Rev B
	Plots 13 and 14 Floor Plans	24/12/21	6975-PL-023 Rev B
	Plots 13 and 14 Elevations	24/12/21	6975-PL-024 Rev B
	Plots 15 and 18 Floor Plans	24/12/21	6975-PL-025 Rev C
	Plot 15 Elevations	24/12/21	6975-PL-026 Rev B
	Plot 18 Elevations	24/12/21	6975-PL-027 Rev B
	Plots 16 and 17 Floor Plans	24/12/21	6975-PL-028 Rev C
	Plots 16 and 17 Elevations	24/12/21	6975-PL-029 Rev B
	Plot 19 Floor Plans	24/12/21	6975-PL-030 Rev C
	Plot 19 Elevations	24/12/21	6975-PL-031 Rev B
	Plot 20 Floor Plans	24/12/21	6975-PL-032 Rev C
	Plot 20 Elevations	24/12/21	6975-PL-033 Rev A
	Plot 21 Floor Plans	24/12/21	6975-PL-034 Rev A
	Plot 21 Elevations	24/12/21	6975-PL-035 Rev A
	Proposed Street Scenes Sheet 1	24/12/21	6975-PL-040 Rev B
	Proposed Street Scenes Sheet 2	24/12/21	6975-PL-041 Rev B
	Proposed Garages	24/12/21	6975-PL-050 Rev A
	Tree Retention and Protection Plan	16/12/22	LLD2132-ARB-DWG-002 Rev 02
	Flood Risk Assessment and Drainage Statement	16/12/22	184.5001/FRA&DS/3 Rev 3
	RSA Designers Response dated 22 September 2022	16/12/22	2003017-02 Rev A

12.	Appendices
12.1	None.

13.	Background Papers
13.1	None.

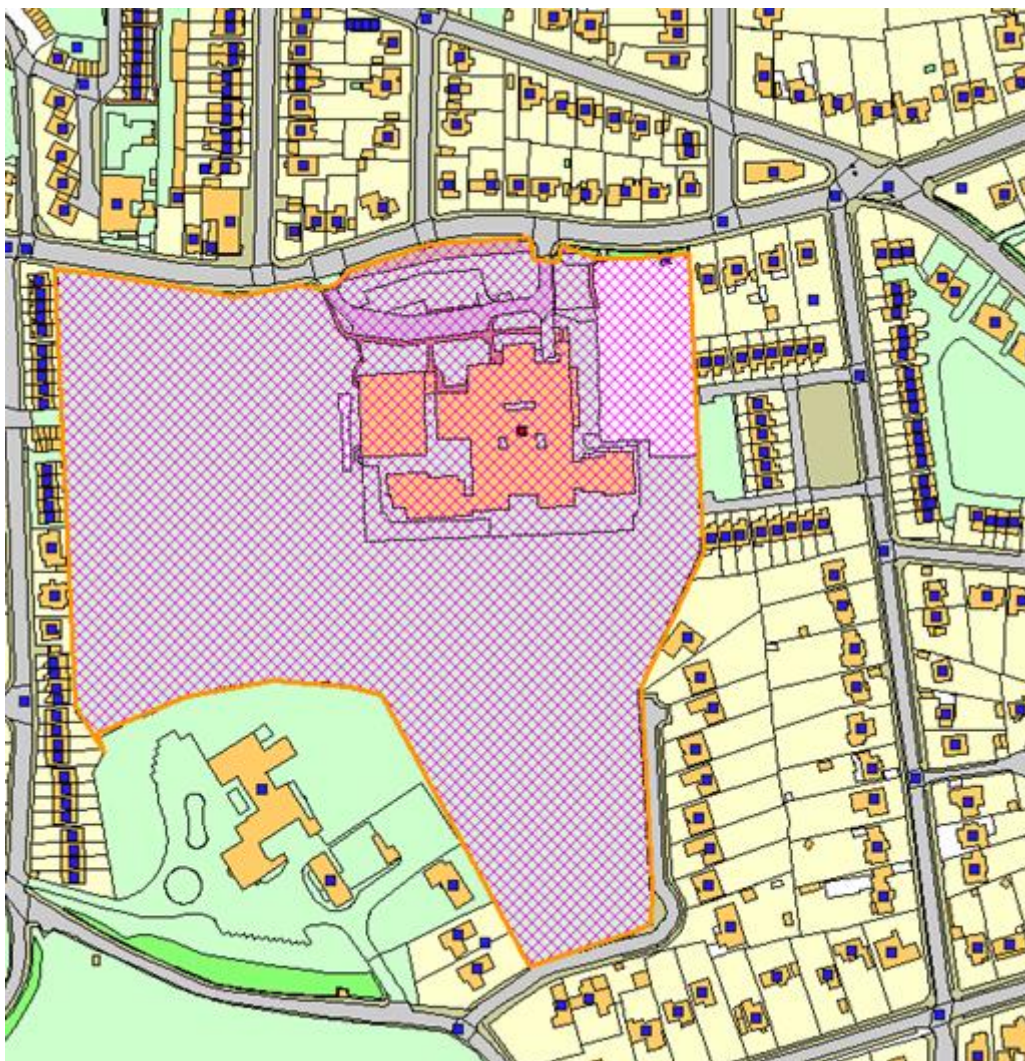
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Agenda Item 10

Report to: Planning Applications Committee
Date: 15th February 2023
Application No: LW/22/0275
Location: Seaford Head Lower School, Steyne Road, Seaford, BN25 1AL
Proposal: Replacement of existing boundaries with fence to improve safeguarding measures.
Applicant: Ms S Laidlaw, Seaford Head School Academy Trust
Ward: Seaford South
Recommendation: Grant Planning Permission subject to conditions.
Contact Officer: **Name:** Julie Cattell
E-mail: julie.cattell@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is not CIL Liable.

Site Location Plan:



1.	Executive Summary
1.1	The proposed new fence is required by the school to improve security around the site. Following the receipt of amendments to the height of the fence in some locations and additional information about the impact of the works on the special character and setting of the adjoining listed building, the proposal is considered to be acceptable, and approval is recommended.

2.	Relevant Planning Policies
2.1	<u>National Planning Policy Framework</u> 4. Decision making 8. Promoting healthy and safe communities 12. Achieving well-designed places 15. Conserving and enhancing the natural environment 16. Conserving and enhancing the historic environment
2.2	<u>Lewes District Local Plan:</u> CP10 (Natural Environment and Landscape) CP11 – Built and Historic Environment & Design DM24: Protection of Biodiversity and Geodiversity DM25 – Design DM33 – Heritage Assets
2.3	<u>Seaford Neighbourhood Plan:</u> SEA5: - Areas of Established Character (Corsica Hall)

3.	Site Description
3.1	<p>The application site, Seaford Head Lower School, is located on Steyne Road, Seaford and covers an area of 5.3ha. It is bounded by Steyne Road to the north, the rear of gardens to Cricketfield Road to the west, the rear of Corsica Hall and some properties in Corsica Close to the south-west, facing Corsica Close to the south, and rear of properties in Fitzgerald Avenue to the east.</p> <p>The area is within an Archaeological Notification Area. Corsica Hall is a grade II listed building and is within its own Area of Established Character. The eastern-most boundary of the Seaford Town Centre Conservation Area is approximately 300m to the west of the site.</p> <p>Much of the existing boundary treatment comprises a mix of low, unpainted rendered walls, chain link fencing and timber fencing which are in a poor state of repair. There is hedging along some lengths of the fencing. Along the eastern boundary, is a combination of masonry retaining walls and timber fencing, which is in a fair condition and is to be retained. The existing fencing dates from 1986.</p>

4.	Proposed Development
4.1	Full planning permission is sought to replace all sections of walls and fencing, except that to the top part of the eastern boundary. The application has been amended at the officer's request to reduce the height of the fence from 2.4m to 2.030m and 1.83m at rear of rear gardens along Cricketfield Road. The applicant also confirmed that the proposed fence colour will be green, not black.
4.2	<p>The proposed works to existing boundary treatment at each location around the school boundary are as follows:</p> <ul style="list-style-type: none"> • Northern (front) boundary with Steyne Road – remove all sections of existing damaged rendered concrete wall, brick wall and chain line fencing. Replace with 2m high welded open mesh system, finished in green (RAL 6005) with new controlled double entrance gates and one manual gate to match fencing system. • Eastern boundary with properties in Fitzgerald Park (off Fitzgerald Avenue) – retain existing timber panelled fence. • Eastern boundary with Corsica Close (opposite front of properties) – remove existing 1.4m chain link and concrete post fencing. Replace with 2m high welded open mesh system, finished in green (RAL 6005). • South/western boundary with Corsica Hall (grade II listed) – remove existing 1.5m high chain link fence. Replace with 2m high welded open mesh system, finished in green (RAL 6005). • Western boundary with Cricketfield Road. Replace with 2m high welded open mesh system, finished in green (RAL 6005) – erect 1.83m high welded open mesh system, finished in green (RAL 6005).
4.3	In addition, the embankments along part of the northern (front) boundary will be stabilised.

5.	Relevant Planning History:
5.1	LW/86/0722 - Erection of a black 1.4-metre-high chain link fence and Hawthorn / Buckthorn Hedge. Deemed approved conditionally by ESCC – No objection from LDC.

6.	Consultations – (Officer Responses to the Consultations are also set out (OR), after each key consultation comment)
6.1	<p><u>ESCC Archaeology:</u></p> <p>Does not believe that any significant archaeological remains are likely to be affected by these proposals and has no recommendations to make.</p>

6.2	<p><u>Green Consultancy – Contaminated Land:</u></p> <p>Recommend the following condition and informative:</p> <ul style="list-style-type: none"> • Unsuspected land contamination. • Removal of waste materials <p><i>OR: appropriate conditions recommended</i></p>
6.3	<p><u>Green Consultancy - Ecology:</u></p> <p>Works should only be undertaken under a precautionary approach and in accordance with the recommendations in the Preliminary Ecological Appraisal (Aval Consulting Group, July 2022) and in the additional advice given above. There is the opportunity to incorporate habitat enhancements on site as part of the development.</p> <p>Details of habitat and species enhancement measures should be included into the plans and submitted prior to commencement of works.</p> <p><i>OR: appropriate conditions recommended</i></p>
6.4	<p><u>Conservation and Heritage Officer</u></p> <p>Notwithstanding the fact that there is already a fence similar to that which is proposed, in the setting of Corsica Hall - the proposed new fence would harm the setting of the Grade II building, because, it would be...."incongruous, and a somewhat prison like enclosure" ...adjacent to the building which looks down onto open land.</p> <p>Views into and out of the building would be compromised by the proposed "security fence". A more traditionally detailed barrier would be preferable to delineate ownership if that is needed.</p> <p>Some concern about the impact on the setting of the Seaford Conservation Area.</p> <p><i>OR: The heritage officer view is significantly contested. The proposed fence would be open mesh and painted green. It would be "see-through" and at middle distances would often disappear in long views. The open space to be enclosed is large with few large or tall buildings, so the open sky and character of the space are the most prominent aspect of views, and these would not be affected. The fence would present at the rear of the listed building. It would present as a positive and "newly well looked after" environmental signal, resulting in a contribution to the local area.</i></p>
6.5	<p><u>Environment Agency:</u></p> <p>No response.</p>
6.6	<p><u>Seaford Town Council:</u></p> <p>OBJECTS to the application. While it was acknowledged that it was Government policy to provide and improve safeguarding and security at schools and the policy was supported 'in principle', it was considered in the case of the proposals for this school there were several compelling issues which outweighed the need to implement this scheme. These were: -</p> <p>a) The provision of 2.4 m fencing tight to the western boundary would create an unacceptable form of enclosure to the rear of properties in</p>

	<p>Cricketfield Road which currently had the benefit of wide-open views to the downland to the east. <i>OR: The open mesh proposed green fence would not prevent any views. Rather the fence would signal a “well looked after” environment.</i></p> <p>b) Considering the short rear gardens of those properties the fencing would be overbearing and seriously detrimental to residential amenities and would cause fire safety problems by restricting exit from the rear of the properties <i>OR: The proposed fence would not be a safety risk. It would be climbable with support. It would not pose a barrier to emergency vehicles. Its open mesh design means it would not be overbearing or overshadowing.</i></p> <p>c) There had been no consultation with the residents most affected by the proposals. <i>OR: Consultation has been undertaken through the planning application process</i></p> <p>d) The school buildings were already relatively secure with a caretaker living on-site and it was considered that additional security could be achieved with far less intrusive measures than those proposed. <i>OR: The open mesh fencing would reinforce the image and behaviour that the school is well looked after, is safe and secure – important community safety values.</i></p> <p>e) The new boundary fencing to the south would be likely to interfere with access to existing badger setts. <i>OR: An appropriate planning condition is proposed to safeguard wildlife and biodiversity.</i></p> <p>f) The town is a 'low crime' area and the nature and number of incidents at the school did not justify the type of scheme proposed. <i>OR: The open mesh fencing would reinforce the image and behaviour that the school is well looked after, is safe and secure – important community safety values.</i></p>
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7.	Other Representations:
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7.1	<u>Neighbour Representations:</u> 1 representation of support was received:
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Fully understand why the school need to do this work and support their application.

48 objections were received from local residents including Cllrs Brett and Lambert, on the following grounds:

- Neighbours and students would feel penned in and enclosed, would affect enjoyment of gardens, claustrophobic, detrimental to mental health, especially those who work from home or are housebound because of health issues repressive atmosphere to school, will look like a prison camp.

OR: The proposed fence would be new compared to the existing which is in poor repair and gives a poor impression. The proposed new fence would be open mesh, so would be see through. The size of the green open space would mean there would be no feeling of “enclosure/claustrophobia” – but rather, a “feeling of controlled safe space and an appropriate warning to keep out, unless invited in”.

- There is low security risk and no vandalism at the school, no safeguarding issues, Seaford has a low crime rate – school has not given a valid reason why the fence is necessary, there are no reports from the police of security breaches to the school this is about security not safeguarding, fence is unnecessary and disproportionate response – should not be on all boundaries, only along public roads, there is already a security fence.

OR: The school has identified security/safeguarding risks in consultation with Sussex Police. In addition, the proposed new fence presents an image of environmental pride and looked after space, which is an important behaviour for communities to learn.

- Loss of view across school grounds, loss of view and sense of openness

OR: There is no loss of view or openness since the proposed fence is open mesh, which from a distance, often disappears as the eye concentrates on middle distant buildings and views.

- Loss of light

OR: the open mesh fence means there would be no loss of light

- Loss of property value

OR: not a planning issue

- Inability of neighbours to escape in case of fire

OR: see OR answers above to concerns by Seaford Town Council

- Concern about subsidence

OR: replacement fence would not cause subsidence

- Most properties along Cricketfield Road have rear fences and trellis

OR: The school wants control over its boundary. The scheme would not be environmentally damaging.

- Concern about noise of wind through the fence

OR: unlikely to be noise, because the proposed fence is open mesh

- Out of character with the area, impact on Corsica Hall

OR: See OR response to Heritage Officer comments above.

- Concern about cost of fence from the public purse

OR: Not a planning issue

- Badgers and foxes have been seen on the site, new fence will block existing 'tunnels' that allow them to move off the site, wildlife would be blocked from entering the site, impact on wildlife

OR: an appropriate condition is proposed.

- Fence should be no more than 1.8m

OR: The applicant has reduced the proposed height of the fence to 1.83m on the western boundary with properties in Cricketfield Road.

- Fence will attract graffiti

OR: Open mesh fencing is a very difficult surface for graffiti

- Trees would be a better solution

OR: Trees/hedges would present problems of maintenance, and trees could potentially cut out light to small rear gardens and take away from the open aspect of the site which is one of its important characteristics.

- Concern about loss of historic boundary walls to the school wall to front

OR: no evidence that the northern boundary has any historic value. Not listed and not in the Seaford Town Centre Conservation Area.

- Chain link fence would be a better solution

	<p><i>OR: A new open mesh fence would be secure and retain open aspect character of the area.</i></p> <ul style="list-style-type: none"> - SDNP should have consulted as views would be impeded <p><i>OR: The SDNP is almost 3km away from the site. No impact.</i></p>
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8.	Appraisal:
8.1	<p><u>Key Considerations:</u></p> <p>The main considerations are the impact on the visual character of the area, on the setting of the Grade II listed Corsica Hall/Area of Established Character, the Seaford Town Centre Conservation Area the impact on the amenity of neighbouring properties that bound the site.</p>
8.2	<p><u>Principle:</u></p> <p>There is no in principle objection to the proposal to replace the existing fence.</p>
8.3	<p><u>Design</u></p> <p>The proposed fence is an open mesh design, the dimensions of the apertures being approximately 200mm x 50mm. It is of a superior and a more robust design to the existing chain link fence and is widely used in public-facing areas around schools and other educational institutions. The proposal does not raise any conflict with policies CP11 and DM25 in terms of design.</p>
8.4	<p><u>Impact on Heritage Assets:</u></p> <p>The County Archaeologist has no objection to the proposal.</p> <p>The Heritage officer has objected to the proposal – see 6.4 above.</p> <p>Corsica Hall - this building is set on a grassy slope that is higher than the level of the school playing fields and the windows to the flats in the east facing windows have an elevated view over them. The existing 1.5m high chain link fence along this boundary has been in place for nearly 40 years. The difference in impact of the setting of Corsica Hall between the existing and proposed fences would be minimal. There have been no representations from any of the residents in Corsica Hall.</p> <p>Conservation Area - the boundary is 300m to the west of the boundary of the site, at the junction with Crouch Road and Steyne Road. Looking eastwards from this junction, the view is dominated by the houses on either side of Steyne Road; there are no distant views of the school or the existing boundary from this point. Equally, the views towards the conservation area from the school would not be impacted.</p> <p>It is considered that the proposed fence would have a neutral impact on these heritage assets, and that the proposal would not be in conflict with policies CP11, DM33 or SEA5.</p>
8.5	<p><u>Impact on amenity</u></p> <p>As has been noted above, the fence is not solid, with apertures of 200mm x 50mm. In comparison, the apertures of the chain link fence are 50mm x</p>

	50mm. The level of visibility through each type of fence is very similar, so there will be no loss of view, daylight, or sunlight to the gardens of the affected properties, most of which are in Cricketfield Road.
8.6	<u>Ecology and Biodiversity:</u> In accordance with the comments by the council's ecologist and the submitted PEA, conditions will be added to ensure that the works are carried out 'under 'a precautionary approach', and to secure biodiversity enhancements.
8.7	<u>Planning Obligations:</u> Not applicable.
8.8	<u>Human Rights Implications:</u> The neighbours do not have a right to a view. It has been noted above that the open mesh fence would have no more impact on existing outlook, daylight, or sunlight to rear gardens than a chain link fence.
8.9	<u>Conclusions:</u> The proposal is considered to be acceptable and to meet all relevant national and local planning policies. Approval is recommended subject to conditions.

9.	Recommendations
9.1	Grant planning permission

10.	Conditions:
10.1	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. 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).
10.2	Biodiversity enhancements The works approved shall not be carried out until a programme of biodiversity enhancements have been submitted to and approved by the Local Planning Authority and the works carried out in full as approved. The enhancements shall include, but not restricted to, the following: <ul style="list-style-type: none"> • Provision of wildlife boxes for bees, birds, and bats • Hibernacula for reptiles and amphibia • Create 'gateways' in the fences for free movement of badgers, foxes and hedgehogs • Removed or modified flora to be re-established and enhanced with native species where appropriate.

	<p>A management/maintenance plan should also be included in the submission.</p> <p>Reason: to provide a net gain for biodiversity having regard to policies CP10 and DM24 of the Lewes District Local Plan, the NPPF and Section 40 of the Natural Environment and Rural Communities Act 2006.</p>
10.3	<p>Precautionary approach</p> <p>A precautionary approach should be followed prior and during all development stages of the works. All undergrowth, vegetation patches, hedges and trees that require removal should be checked beforehand for evidence of birds, reptiles, amphibians, badgers, hedgehogs, and any other protected species. If evidence is found during the development, work must cease immediately, and advice sought from a fully qualified and experienced ecologist.</p> <p>The applicant should refer to the PEA and the Council's Ecologist's comments for further detailed advice.</p> <p>Reason: In order to protect potential habitats of protected species on the site during the works having regard to policies CP10 and DM24 of the Lewes District Local Plan, the NPPF and Section 40 of the Natural Environment and Rural Communities Act 2006.</p>
10.4	<p>Unexpected 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 the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.</p> <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers,</p> <p>neighbours and other offsite receptors in accordance with Policy DM21 of the Lewes District Local Plan and the National Planning Policy Framework.</p>
10.5	<p>Informative</p> <p>All waste material arising from any site clearance, demolition, preparation, and construction activities at the site should be stored, removed from the site, and disposed of in an appropriate manner.</p>

11.	Plans:		
11.1	This decision relates solely to the following plans:		
	<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
	General	20 July 2022	Preliminary Ecology Appraisal

	Photographs	20 April 2022	Photo Schedule
	Design & Access Statement	30 November 2022	Revised Design & Access Statement
	Proposed Section(s)	26 April 2022	P06 Existing Embankment Sections/Elevations (South and North)
	Proposed Section(s)	26 April 2022	P07 Proposed Embankment Reconstruction Typical Sections/Elevations
	Proposed Section(s)	26 April 2022	P03 Rev 02 - Proposed Boundary Wall Section
	Location Plan	20 November 2022	P02 Rev 01 - Site Location Plan
	Proposed Section(s)	26 April 2022	P05 Rev 02 - Proposed Embankment Reconstruction Sections
	Proposed Section(s)	26 April 2022	P04 Rev 02 - Proposed Embankment Reconstruction Section
	JUST - Justification / Heritage Statement	12 January 2023	Heritage Statement
	Photographs	12 January 2023	Additional photos

12.	Appendices
12.1	None.

13.	Background Papers
13.1	None.

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Report to: Planning Applications Committee
Date: 15th February 2023
Application No: SDNP/22/05025/FUL
Location: Friars Walk Car Park, Court Road, Lewes
Proposal: Erection of changing place facility next to existing public toilet.
Applicant: Mr P Hastings - Lewes District Council
Ward: Lewes Bridge
Recommendation: Grant Permission subject to conditions.
Contact Officer: **Name:** Robin Hirschfeld
E-mail: Robin.Hirschfeld@lewes-eastbourne.gov.uk

Site Location Plan:



1.	Executive Summary
1.1	This application is being reported to Planning Committee as the Applicant is Lewes District Council.
1.2	The development proposals would not have a significant harmful impact on landscape character, public safety, or the highway network.

2.	Relevant Planning Policies
2.1	<u>National Planning Policy Framework</u> 2. Achieving sustainable development 4. Decision making 9: Promoting sustainable transport 12. Achieving well-designed places 15. Conserving and enhancing the natural environment 16. Conserving and enhancing the historical environment
2.2	<u>South Downs Local Plan 2019</u> Policy SD1 Sustainable Development Core Policy SD2: Ecosystem Services Strategic Policy SD5: Design Strategic Policy SD12: Historic Environment; Development Management Policy SD15: Conservation Areas Strategic Policy SD19: Transport and Accessibility Development Management Policy SD21 Highway Design Development Management Policy SD22: Parking Provision Strategic Policy SD48: Climate Change and Sustainable Use of Resources Strategic Policy SD49: Flood Risk Management Development Management Policy SD50: Sustainable Drainage Systems
2.3	<u>Lewes Neighbourhood Plan:</u> Policy HC3 A Heritage Protection of Landscape and Townscape Policy PL2 Architecture & Design Policy PL3 Flood Resilience Policy AM3 Car Parking Strategy

3.	Site Description
3.1	Friars Walk Car Park, Lewes, has approximately 70 car parking spaces and five disabled car parking spaces.
3.2	The site is within the South Downs National Park and the Lewes Conservation Area.
3.3	The site has an existing vehicular access off the main road.

4.	Proposed Development
4.1	<p>The application seeks planning permission to remove three of the car parking spaces (located to the north of the car park, adjacent to the public toilets), relocate the existing covered cycle shelter to another car parking space and erect an accessible shower, toilet and changing facility next to the existing public toilets.</p> <p>Following the submission of an initial scheme amendments to the proposed materials were requested due to the impact of the design on public safety and the impact of the materials on the Lewes conservation area.</p>
4.2	<p>Materials are proposed to be:</p> <ul style="list-style-type: none"> - Untreated Sweet Chestnut lab timber cladding -this will acquire a patina with age - Metal door in RAL 6021 'Pale green' - Black timber upstand - Black timber fascia and soffit boards - Grey EPDM roof
4.3	It will measure approximately 4.8 m wide, 3.5 m deep and 2.8 m high.

5.	Relevant Planning History:
5.1	SDNP/14/03483/FUL - Installation of a covered cycle shelter to accommodate 6 bikes utilising Sheffield stands, the cycle shelter will occupy one car parking space - Approved 09.10.2014

6.	Consultations:
6.1	<p><u>Lewes Town Council - No Objection</u></p> <p>Councillors support this application and would recommend a green roof.</p>
6.2	<p><u>ESCC - Highways</u></p> <p>No comments received</p>

6.3	<u>Environment Agency</u> No comments received
6.4	<u>Design and Conservation Officer</u> No objection received

7.	Other Representations:
7.1	<u>LCAAG Rec: No Objection</u> Prefabricated modular building with composite timber-effect cladding. May be acceptable on this site. *It should be noted that this comment was received prior to the amendments to the proposed scheme materials.
7.2	<u>Neighbour Representations:</u> None Received.

8.	Appraisal:
8.1	<u>Key Considerations:</u> 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. The NPPF also advises that there is a presumption in favour of sustainable development. The site is located within the South Downs National Park and therefore determine by the SDNPA who further to the presumption in favour of sustainable development and sec 38 (4) of the statutory purposes and duty of the National Park are: <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	<u>Design and Landscape Character</u> Policy PL2: Architecture & Design of the Lewes Neighbourhood Plan states that:

1) *All new developments should be built to a high standard of design, having regard to the design principles set out in the Design Guidance Principles Inset Box (pages 106 — 107) and improve and enhance the built environment of the neighbourhood area.*

2) *Support will be given for proposals that balance environmental considerations with a respect for traditional scale and materials, in the Lewes Conservation Area and in the Malling Deanery Conservation Area. Development proposals in the conservation areas should have regard to the relevant Character Appraisal and Management Plan.*

4) *Where appropriate, buildings should be orientated to benefit from passive solar heating. The planning and design of new developments will anticipate the effects of climate change and be built according to best principles of robustness and resilience, including flood protection and water storage. Retrofitting will be supported in existing developments.*

5) *Proposals that demonstrate an imaginative sense of context and place, respecting and not overpowering the surrounding buildings, landscape and townscape will be supported.*

8) *Flat roofs on industrial and commercial buildings should be green and/or support solar power generation, where possible, provided the panels are nonreflective and will not harm views of Lewes from the surrounding Downland. Roofs of all new buildings should be of a design and use materials that will enhance and not harm views of Lewes from the surrounding Downland.*

Strategic Policy SD4: Landscape Character of the South Downs Local Plan states that:

1. *Development proposals will only be permitted where they conserve and enhance landscape character by demonstrating that:*

a) *They are informed by landscape character, reflecting the context and type of landscape in which the development is located;*

b) *The design, layout and scale of proposals conserve and enhance existing landscape and seascape character features which contribute to the distinctive character, pattern, and evolution of the landscape.*

c) *They will safeguard the experiential and amenity qualities of the landscape*

Strategic Policy SD5: Design of the South Downs Local Plan states that:

1. *Development proposals will only be permitted where they adopt a landscape-led approach and respect the local character, through sensitive and high-quality design that makes a positive contribution to the overall character and appearance of the area. The following design principles should be adopted as appropriate:*

- a) *Integrate with, respect, and sympathetically complement the landscape character by ensuring development proposals.*
- c) *Contribute to local distinctiveness and sense of place through its relationship to adjoining buildings, spaces, and landscape features, including historic settlement pattern.*
- d) *Create high-quality, clearly defined public and private spaces within the public realm;*
- f) *Utilise architectural design which is appropriate and sympathetic to its setting in terms of height, massing, density, roof form, materials, night, and day visibility, elevational and, where relevant, vernacular detailing.*
- i) *Ensure development proposals are durable, sustainable, and adaptable over time, and provide sufficient internal space to meet the needs of a range of users.*
- j) *Give regard to improving safety and perceptions of safety, and be inclusive and accessible for all; and*
- k) *Have regard to avoiding harmful impact upon, or from, any surrounding uses and amenities.*

Strategic Policy SD6: Safeguarding Views of the South Downs Local Plan states that:

1. *Development proposals will only be permitted where they preserve the visual integrity, identity, and scenic quality of the National Park, in particular by conserving and enhancing key views and views of key landmarks within the National Park.*
2. *Development proposals will be permitted that conserve and enhance the following view types and patterns identified in the Viewshed Characterisation & Analysis Study:*
 - a) *Landmark views to and from viewpoints and tourism and recreational destinations;*
 - b) *Views from publicly accessible areas which are within, to and from settlements which contribute to the viewers' enjoyment of the National Park;*
 - c) *Views from public rights of way, open access land and other publicly accessible areas*

Strategic Policy SD48: Climate Change and Sustainable Use of Resources of the South Downs Local Plan states that:

1. *The Authority will encourage all new development to incorporate sustainable design features, as appropriate to the scale and type of development.*

The application site lies within the North corner of Friars Walk car park in Lewes and the proposed building would be sited within the space of 2

	<p>existing parking spaces. In addition, the existing cycle storage shelter would be re-sited to the right of the proposed building, in place of another existing parking space, and the space utilised for access to the proposed building.</p> <p>The application site will be partially visible from Railway Lane to the East and Court Road to the South but would be seen in the wider context against the rear of commercial buildings that front the A2029 and Lewes High Street.</p> <p>The proposed development would also be sited next to an existing toilet block within Friars Walk car park and, as such, would not be out of character within the existing views.</p> <p>Following amendments to the scheme materials the development would have a simple and traditional design that incorporates sustainable materials. The external elevations will be lap clad in untreated Sweet Chestnut; a material that will acquire a patina with age. The metal door will be pale green (RAL 6021) in colour with a black timber upstand, black timber fascia and soffit boards and grey EPDM roof. The ridge of the roof would measure approximately 2.8 metres at its highest point.</p> <p>Following officer concerns, the proposed building was rotated, and the existing pedestrian walkway kerb dropped, to enable safe pedestrian access to and from the building and to prevent the door opening out onto the vehicle manoeuvring lane of the car park. In addition, four bollards will be installed to ensure that the pedestrian access space to the front of the building is protected from vehicular access.</p> <p>As such, it is considered that the proposal will provide essential accessible shower, changing and toilet facilities for pedestrians and consumers within the Lewes area and, in terms of the scale, form and design, the proposal would relate to the existing building and surrounding area in visual terms without appearing unduly dominant or discordant.</p>
8.3	<p><u>Impacts on Highway Network or Access:</u></p> <p>Policy AM3 Car Parking Strategy of the Lewes Neighbourhood Plan states that:</p> <p><i>1) New developments across the plan area will be supported where they have regard to and safeguard strategic car parking projects in the neighbourhood area.</i></p> <p>Strategic Policy SD19: Transport and Accessibility of the South Downs Local Plan states that:</p> <p><i>1. Development proposals will be permitted provided that they are located and designed to minimise the need to travel and promote the use of sustainable modes of transport.</i></p> <p>Development Management Policy SD21: Public Realm, Highway Design and Public Art of the South Downs Local Plan states that:</p>

1. Development proposals will be permitted provided that they protect and enhance highway safety and follow the principles set out in the document, Roads in the South Downs, or any future replacement.

3. Site layout must be designed to protect the safety and amenity of all road users. The design and layout of new development must give priority to the needs of pedestrians, users of mobility aids, cyclists, and equestrians. Movement through the site must be a safe, legible, and attractive experience for all users, with roads and surfaces that contribute to the experience rather than dominate it.

4. Street design and management proposals must be context-sensitive, responding to the specific character, activities, heritage, built form and layout, materials, and street furniture of the location. Highway design must pay particular attention to the role and location of buildings, doors, and entry points.

Development Management Policy SD22: Parking Provision of the South Downs Local Plan states that:

2. Development proposals will be permitted if they provide an appropriate level of private cycle and vehicle parking to serve the needs of that development in accordance with the relevant adopted parking standards for the locality. Wherever feasible, electric vehicle charging facilities must also be provided.

The proposal will result in the loss of 3 parking spaces and it is noted that these are in addition to the single parking space that was lost through the installation of a covered cycle shelter as part of approved planning application SDNP/14/03483/FUL. The existing cycle storage shelter will be removed from its current position and re-sited 3 parking spaces away.

Whilst the gross loss of 4 parking spaces is regrettable, due to the continued promotion of a sustainable mode of transport with the re-siting of the cycle shelter alongside the provision of accessible facilities for Lewes residents and visitors, it is considered that, on balance, the overall reduction is justifiable and acceptable.

As noted above, due to the siting of the proposed building and positioning of the door as part of the initial scheme, concerns were raised by the planning officer. The proposal was subsequently amended to rotate the building and install four bollards to prevent any undue impact on the safety of both the facility users and vehicular users of the car park.

8.4

Impact Upon Character and Setting of a Conservation Area:

Policy HC3 A Heritage Protection of Landscape and Townscape of the Lewes Neighbourhood Plan states that:

2) New development that contributes to the preservation or enhancement of the conservation areas of Lewes, including the distinctive townscape of the historic core of Lewes, Cliffe and Old Malling (defined on the Town Plan) will be supported. Developments that include the palette of materials identified in the relevant Conservation Area Appraisal will be supported.

Strategic Policy SD12: Historic Environment of the South Downs Local Plan states that:

1. Development proposals will only be permitted where they conserve and enhance the historic environment, including through the safeguarding of heritage assets and their setting.

2. Applicants will be required to provide a Heritage Statement sufficient to allow an informed assessment of the impact of the proposed development on the significance of the heritage asset(s).

3. Development proposals which affect heritage assets (whether designated or non-designated), or their setting will be determined with regard to the significance of the asset, including the long-term conservation and enhancement of that asset.

Development Management Policy SD15: Conservation Areas of the South Downs Local Plan states that:

1. Development proposals within a conservation area, or within its setting, will only be permitted where they preserve or enhance the special architectural or historic interest, character, or appearance of the conservation area.

The councils design and conservation officer was consulted and an objection was raised to an initial proposal due to the impact of the proposed materials on the Lewes conservation area.

Following negotiations between the design and conservation officer, the planning officer and the applicant, an amended scheme was received that addressed the concerns raised.

Following a re-consultation with the design and conservation officer no objection was raised to the amended scheme.

Whilst the proposed works would be partially visible within the surrounding streetscene, following the aforementioned amendments to incorporate timber cladding, timber detailing and a neutral colour palette, it is considered that the proposal will not have a detrimental impact on the character or historical value of the Lewes Conservation Area

8.5

Sustainable drainage considerations

Policy PL3: Flood Resilience of the Lewes Neighbourhood Plan states that:

1) New or additional residential, commercial or other development which would materially add to water discharge generally in the neighbourhood area, and into the River Ouse in particular, should address any or all of the following matters which are relevant to its location and the particular proposal:

- potential flood risk from the River Ouse; and/or*
- rising sea levels; and/or*
- groundwater levels; and/or*
- or*
- surface water run-off.*

2) Development proposals including roads and pathways should increase flood resilience throughout and around the town and surrounding communities. Wherever possible, development proposals should use permeable surfacing materials for parking areas, hardstanding areas and pathways.

3) Development proposals should not increase the flood risk on adjacent areas of the town or up or down stream.

4) Sustainable Urban Drainage Systems (SUDS) should be incorporated into new development proposals as described in the first paragraph of this policy and into any public realm improvements.

Strategic Policy SD49: Flood Risk Management of the South Downs Local Plan states that:

1. Development proposals will be permitted that seek to reduce the impact and extent of all types of flooding through:

c) Flood protection, mitigation and adaptation measures necessary and appropriate to the specific requirements of the proposal, the development site and other areas potentially impacted

Development Management Policy SD50: Sustainable Drainage Systems of the South Downs Local Plan states that:

1. Development proposals will be permitted where they ensure that there is no net increase in surface water run-off, taking account of climate change

The application site is within Flood Risk Zone 2. To minimise the risk of flooding and prevent an increase in surface water run-off the applicant proposes to install guttering and downpipes to the proposed building. This will connect to the existing on-site mains system.

	An appropriate condition is recommended to ensure that the works are carried out in accordance with these details.
8.6	<p><u>Other considerations:</u></p> <p>Ecosystem Services</p> <p>In order to meet the requirements of policies SD2 and SD9 of the Local Plan the applicant has submitted an Ecosystem Services Statement setting out the following measures:</p> <ul style="list-style-type: none"> -The installation of a low-flow WC, taps and shower -The changing places facility will make the town centre more accessible for people with disabilities
8.7	<p><u>Planning Obligations:</u></p> <p>There are no S106 Planning obligations associated with this proposal.</p>
8.8	<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>
8.9	<p><u>Conclusion:</u></p> <p>It is considered that, on balance, the development proposals are acceptable and would not have a significant harmful impact on the landscape character, public safety, or highway network.</p>

9.	Recommendations
9.1	In view of the above the proposed development is recommended for approval.

10.	Conditions:
10.1	<p>Time Limit The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).</p>

10.2	<p>Approved Plans 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>External Materials The materials used in the construction of the development hereby approved shall be as detailed on the approved drawing RADPT.0001 Rev 4 - Proposed Elevations, Existing and Proposed Layout, Block and Location Plan - and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation.</p> <p>Reason: To safeguard the appearance of the building and the character of the area.</p>
10.4	<p>Construction Hours Construction work and deliveries in association with the development hereby permitted shall be restricted to between the hours of 0800 and 1800 Mondays to Fridays and from 0830 until 1300 on Saturdays. No works in association with the development hereby permitted shall be carried out at any time on Sundays or on Bank/Statutory Holidays.</p> <p>Reason: In the interests of the residential amenities of the neighbours having regard to policies SD5 and SD7 of the South Downs Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.</p>
10.5	<p>No External Lighting No external lighting shall be installed 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 night-time amenity, tranquillity and protect and conserve the International Dark night Skies.</p>
10.6	<p>Water Run-off Notwithstanding the plans hereby approved, all water run-off from the new roof shall be dealt with using rainwater goods installed on the host building and no surface water shall be discharged onto the car park surface, and thereafter shall be retained as such.</p> <p>Reason: To ensure that surface water is dealt with appropriately within the application site and not affect the surrounding area by way of localised flooding or encroachment.</p>
10.7	<p>In Accordance with Ecosystems Services Statement The development hereby permitted shall be implemented in accordance with the Ecosystem Services Statement submitted and maintained as such thereafter.</p> <p>Reason: In order to enhance the natural capital and biodiversity of the site, in accordance with Ecosystem Services objectives.</p>
10.8	<p>Notwithstanding the approved plans, prior to their installation further details of the bollards 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 details and maintained as such for the lifetime of the development, unless otherwise approved in writing by the Local Planning Authority.</p>

	Reason: To safeguard the appearance and character of the area and to enable the Local Planning Authority to properly consider the development in accordance with South Downs Local Plan policies SD4, SD5, SD6, SD12 and SD15.
11.	Informative:
11.1	It is recommended that the applicant seeks to install a green roof on the proposed building in order to provide further sustainable measures in accordance with South Downs Local Plan policy SD48 (Climate Change and Sustainable Use of Resources)

12.	Plans:
12.1	This decision relates solely to the following plans:

	<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
	PROPOSED ELEVATIONS, EXISTING AND PROPOSED LAYOUT, BLOCK AND LOCATION PLAN	25.01.2023	RADPT.0001 Rev 4
	ECOSYSTEMS SERVICES STATEMENT	15.11.2022	
	AMENDED DESIGN AND ACCESS STATEMENT	27.01.2023	

13.	Appendices
13.1	None.

14.	Background Papers
14.1	None.

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Agenda Item 12

Report to: Planning Applications Committee

Date: 15 February 2023

Title of report: Summary of Planning Appeal Decisions received:
a) April 2021 to March 2022 (18 decisions in 12 months)
b) April 2022 to December 2022 (24 decisions in 9 months)

Recommendation: To note the outcome of appeal decisions summarised in Section 2 and Key Issues comments set out in Sections 3-6.

Contact Officer: **Name:** Marc Dorfman
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Tel: 07415 798422

1.	Executive Summary
1.1	The attached table (Appendix 1), ordered by date of decision, provides Members with a summary and brief commentary on the appeal decisions received by the Authority between April 2021 and December 2022, divided into financial years. (A summary of the last reporting period October 2020 to March 2021 is also provided for comparison purposes). Appendix 1 covers appeals dealt with by the Lewes District Council for the Lewes District Council area but not those dealt with by Lewes District Council on behalf of the South Downs National Park Authority.
2.	Previously Reported – October 2020 to March 2021
2.1	21 appeal decisions, of which 16 were dismissed (76%) and 5 allowed (24%). 1 application for award of costs (included above) which was approved. The Authority’s appeal performance in the financial year was 65% of appeals being dismissed (17 dismissed, 9 approved). No Judicial Reviews
2.2	This Report – April 2021 to March 2022 (18 decisions in 12 months) 18 appeal decisions, of which 16 were dismissed (89%) and 2 allowed (11%). This equates to the financial year performance. 1 application for award of costs (included above) was made <u>and not supported</u> . Of the 18 decisions

	<ul style="list-style-type: none"> - 13 Delegated Refusal. - 1 Committee Refusal. - 3 Committee Overturns - 1 Non – Determination <p>No Judicial Reviews were received</p>
2.3	<p>This Report – April 2022 to December 2022 (24 decisions in 9 months)</p> <p>24 appeal decisions, of which 14 were dismissed (58%) and 10 allowed (42%). This equates to the financial year (2022-23) to date performance</p> <p>5 applications for award of costs (included above) were made. 3 were not supported and 2 were partially awarded. The Council agreed to pay a total of £3,2875</p> <p>Of the 24 decisions</p> <ul style="list-style-type: none"> - 17 Delegated Refusal. - 1 Committee Refusal. - 3 Committee Overturns - 4 Non – Determination <p>No Judicial Reviews were received</p>

3.	Summary of Key Issues
3.1	<u>Lack of a 5-year housing land supply (5yls)</u> More appeals are being submitted since Central Government altered the NPPF resulting in the Local Planning Authority's (LPA) Lewes Local Plan being considered to be out of date and therefore having to use/apply the Standard Methodology for housing need. As a result of this the LPA cannot show a 5year land supply (5yls). It is currently running at 2.73 years
3.2	<u>More Appeals are being Allowed/Lost:</u> More appeals have been allowed in 2022-23, (to date), than in the two previous financial years, because of the reasons set out in 3.1 above
3.3	<u>More Hearings and Public Inquires – and More Costs:</u> There were no Hearings or Public Inquiries in 2021-22. To date in 2022-23 there have been 4 Hearings, and 4 Public Inquiries. And there are 2 Hearings and 4 Public Inquires in the pipeline for the rest of 22-23 and 23-24.
3.4	<u>Public Inquiries</u>

	<p>22/23 No 16 - LW/22/0754, South Road Wivelsfield, 45 UNITS ALLOWED</p> <p>22/23 No 20 - LW/21/0937, Broylegate Farm, Ringmer, 100 UNITS ALLOWED</p> <p>22/23 No 21 - LW/21/0262, Nolands Farm, Plumpton, 86 UNITS ALLOWED</p> <p>LW/21/0729, Ditchling Road Wivelsfield, 96 UNITS LIVE</p>
3.5	<p><u>Hearings</u></p> <p>22/23 No 22 - LW/21/0660, Sutton Road Seaford, 37 UNITS DISMISSED</p> <p>22/23 No 23 - LW/21/0967, Sutton Road Seaford, 36 UNITS ALLOWED</p> <p>22/23 No 24 - LW/21/0700, Telephone Exchange, Newick, 36 UNITS ALLOWED</p> <p>LW/22/0104, Chamberlains Lane Ringmer, 68 UNITS LIVE</p>
3.6	<p><u>Pipeline Public Inquiries</u></p> <p>LW/21/0694 Bishops Close Ringmer, 68 UNITS LIVE</p> <p>LW/22/0175 Bennetts Car Park Falmer, 555 UNITS LIVE</p> <p>LW/21/0986 Harrisons Lane Ringmer, 200 UNITS LIVE</p> <p>LW/22/0472 Harrisons Lane Ringmer, 75 UNITS LIVE</p>
3.7	<p><u>Pipeline Hearings</u></p> <p>LW/20/0104, Downland Park Newhaven, Caravan Site LIVE</p> <p>LW/20/0011, Averys Nursey Site, A26, 53 homes and employment LIVE</p>

4.	<p>Committee Overturns and Appeal Costs: Committee Overturns, over the survey period as a whole, (and including for all types of application), have been limited in 2021-22 and 2022-23 (to date) and have not necessarily resulted in appeals being allowed. This shows careful planning considerations by Committee Members</p>
4.1	<p>However, going forward, officers advise members to be increasingly and appropriately aware of overturn appeal cases in the pipeline, particularly those related to significant housing schemes on the boundaries of designated settlements. These are at risk of being “allowed/lost” and are likely to include further applications for awards of costs – again for the reasons set out in 3.1 above.</p> <p>Whilst cost issues should not be a decision-making issue, they are certainly indicative of real and serious policy tensions Lewes is experiencing on the lack of a 5 year land supply and the nationally agreed importance the Planning Inspectorate is according larger housing schemes. Officers, therefore, ask Committee members to consider this matter carefully, in their deliberations.</p>
4.2	<p>For background information, members should note that costs associated with defending these larger appeals, is currently running at £323,546 - not including the cost for the ‘pipeline’ appeals. This cost is being covered directly from Council reserves. This will become an increasing cause for concern if the appeals continue at the same frequency and cost, and be “allowed/lost”.</p>
4.3	<p>For appeals administered by way of a written representations and hearings that are small in nature and complexity - these are normally covered by direct staffing costs.</p>
4.4	<p>For those appeals administered by way of Public Inquiry and Hearing that are large scale schemes often outside the settlement boundaries then the costs include: Legal representation (barrister), expert witnesses (planning, landscape etc), venue hire and printing.</p>
4.5	<p>As noted above the costs to date do not include the pipeline cases and amount to an average cost of £54,000 per case and this does not include staff costs in supporting the process.</p>

5.	<p>Lewes “Character and Appearance”:</p> <p>On small housing schemes (1 – 4 dwellings), and where “character and appearance” is argued, Inspectors are generally finding in favour of good design over minor housing supply. However, on large housing schemes, that could make a significant difference to the Council’s housing supply, PINs is increasingly, (because of the lack of a 5yls), putting “housing before character and valued landscapes”.</p> <p>See paragraphs 3.4 and 3.5 above for decided Hearings and Public Inquiries. And therefore, Officers are concerned, in this regard, about the Pipelines described in paragraphs in 3.6 and 3.7.</p>
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6.	<p>Good Design:</p> <p>Since the government has produced more guidance and policy on “good design”, including changing the National Planning Policy Framework, (NPPF para 8 and Section 12), Inspectors are not only valuing designated Buildings, streets and landscapes, but also the “everyday character” of Lewes’s varied environment. This is generally supported by officers and Committee. This has also meant that Planning Inspectors have felt freer to get involved in design matters. So, whilst LW/21/03344 and 21/0996, were both dismissed on “character and appearance”, at 22/0051, the Inspector felt a “denser design” would be acceptable.</p> <p>22/23 No 9 – LW 21 03344, 11a Nutley Ave, Saltdean, 2 new homes DISMISSED 22/23 No 15 – LW 22 0051, Chyngton La Nth, Seaford, 2 new homes ALLOWED 22/23 No 19 – LW 21 0996, Haywards Hth Rd, Nth Chailey, new home DISMISSED</p>
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7.	<p>Legal Implications</p> <p>Considering “costs”. As a general rule, it is appropriate for members to be cognisant of costs risks in decision making. Case law has established that the risk of adverse costs is not in itself a material consideration when considering individual planning applications. This means Committee should not use costs information to make a different decision to the one that would have otherwise been made. However, as indicated at paragraph 4.1 of the report, “allowed/lost appeals and associated costs”, particularly with similar type/size applications, is a strong indication that the Planning Inspectorate views these Lewes decisions as being at some risk. Decision makers should therefore appreciate these indicative signals, and focus on the importance of having reasons for refusal that can stand up to scrutiny on the planning merits, supported by robust evidence, and up to date National and Local policy.</p>
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8.	<p>Recommendation</p>
8.1	<p>Members to note the content of this report.</p>

9.	Appendices
9.1	Appendix 1 - Summary findings of appeal decisions
10.	Background papers
10.1	None.

Planning Appeals Analysis

Below follows a summary of the appeal decision received for the following two periods

April 2021 to March 2022 (18 Appeal Decisions in 12 months)

April 2022 to December 2022 (24 Appeal Decisions in 9 months)

There are three types of appeal reported and summarised as follows

WR – Written Representations

IH - Informal Hearing

PI - Public Inquiry

21/22 - 01 Planning Application No	Site	Description of Development	Decision
LW/ ENFORCEMENT EN/19/0154 issued 27-2-20 APP/P1425/C/20 3249900	Land at Workshop, 18A Valley Road, Peacehaven BN10 8AE	Change of use from car repairs (B2 Use Class) to mixed use for car repairs and residential use of a static caravan	DISMISSED & UPHOLD ENFORCEMENT 16 April 2021 Delegated Refusal And Enforcement Notice
WR		Costs Sought No Costs Awarded/Not Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector's Reasoning

- Issues – Is site suitable for residential location? Countryside location. Effect, (disturbance) of car repairs on living condition of occupiers of a caravan
- Site in countryside outside settlement of Peacehaven. Between urban edge of Peacehaven and boundary of South Downs National Park. Importance of the “valley area as a rural character and contributor to SDNP... and as a buffer to the urban area of Peacehaven”. So, site not a “suitable location” for residential.

21/22 – 02 Planning Application No	Site	Description of Development	Decision
LW/20/0372 APP/P1425/W/20/ 3271601	Brickyard Farm, Green Lane, Ringmer BN8 5AD	Restoration of old clay pits to reclaim a parcel of land to be put back into agricultural use – and whether this can be done under permitted development rights (Class A, Part 6, Schedule 2 of General Permitted Development Order)	DISMISSED 27 April 2021 Delegated decision – Not Permitted Development
WR		Costs Sought No Costs Awarded/Not Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector's Reasoning

- Issues and Conclusion - The proposed restoration of old clay pits would not be carried out on agricultural land comprised in an agricultural unit, and so would not fall within the definitional scope of Class A of Part 6 to Schedule 2 of the GPDO. The land was not solely agricultural land as defined by the PD limitations.

21/22 - 03 Planning Application No	Site	Description of Development	Decision
LW/20/0377 APP/P145/W/20 3262362	The Briars, 93 Firle Road Seaford BN25 2JA	New 3 bed dwelling, with garden and parking areas	DISMISSED 6 May 2021 Delegated decision
WR		Costs Sought No Costs Awarded/Not Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector's Reasoning

- Issues – Character and appearance of area (Area of Established Character) and host property
- 93 Firle fronts onto Firle Road, but its long rear garden fronts onto Royal Drive. Proposal looks to use the end of the long garden and create a new home onto Royal Drive. Inspector refers to importance of LP part 2 DM25 and Seaford NP SEA5 seeking to ensure “sympathetic developments, responding to their surroundings”, (landscape design, height, scale, proportions, roofscape, boundary treatments).
- Inspector recognised importance of need to make “efficient use of land” however, not at the cost of good quality character and policies designed to protect good character. Inspector noted that under PD development could be built in rear garden, but, concluded that this would be smaller and ancillary to main house. In the balance between need for houses and character/appearance, the Inspector found in favour of character/appearance.

21/22 – 04 Planning Application No	Site	Description of Development	Decision
LW/0242 APP/P1425/W/20/ 3271609	80-82 South Coast Road, Peacehaven BN10 8SJ	Demolitions of public house and erection of block of flats, (18 flats), office space and parking	DISMISSED 10 May 2021 Delegated decision
WR		Costs Sought No Costs Awarded/Not Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector's Reasoning

- Issues – a previous scheme for 17 flats approved on appeal in 2020. This then was a “fallback” opportunity. Inspector, on the proposed “18 unit” scheme considered a) neighbouring amenity; b) access and car parking
- On neighbouring amenity, (CP11 and DM25), the scheme failed. On highway safety and levels of car parking, the scheme passed. Appeal dismissed.

21/22 – 05 Planning Application No	Site	Description of Development	Decision
LW/20/0604 APP/P1425/W/20 3266081	64 Rodmell Ave, Saltdean BN2 8PG	Extension and alterations, including remodelling of roof, all to an existing dwelling	DISMISSED 6 th May 2021 Delegated decision
WR		Costs Sought No Costs Awarded/Not Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector's Reasoning

- Issues – impact on character and appearance of the area, and impact on neighbour amenity (privacy). LP Part 2 DM25 Design and DM 28 Extensions. Policies aim to ensure character and appearance of host and neighbour buildings are respected and no unacceptable harm to amenity.
- The Inspector found in favour of appellant on “character and appearance” but against on “neighbourhood amenity”. So, Dismissed. (Inspector would have liked to have found a “split decision”, but the offending terrace integral to whole scheme – and so refusal of all).

21/22 – 06 Planning Application No	Site	Description of Development	Decision
LW/20/0452 APP/P1425/W/20 3263505	Land at the front of 5 Greenhill Way, Peacehaven BN10 7UL	New 2 bed bungalow (at the front of an existing home)	ALLOWED 21 June 2021 Delegated decision
WR		Costs Sought No Costs Awarded/Not Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector's Reasoning

- Issues – Suitable location for housing, having regard to character and appearance and travel requirements. Valley area of Peacehaven. SDNP 300m away. In the countryside, but is it “isolated”?
- Overall the Inspector felt the proposed scheme would not be isolated and would be similar in character to the “valley area”, (i.e. well screened by trees and no impact on the neighbouring “open countryside of the Valley area...and would not unduly interfere with the transition to SDNP and AONB”. Inspector found the scheme “not fully in accordance with DM1, yet would conserve the intrinsic qualities of the Valley area”. (Saved Policy PT20 Lewes Local Plan 2003).
- Inspector acknowledged Lewes “did have” a 5yls at this point, but explained that, “a single dwelling would in any case be only a modest benefit in this respect”. (Worth noting for “character and appearance” appeals once Lewes no longer had a 5yls – this argument of “little contribution”, continued to be made on very small housing schemes, but not on large ones).

21/22 – 07 Planning Application No	Site	Description of Development	Decision
LW/19/0496 APP/P1245/W/20/ 3271285	44 Lincoln Ave, Peacehaven BN10 7JU	Change of use of workshop/office/warehouse and van depot (sui generis) to children’s nursery school	DISMISSED 5 August 2021 Delegated decision
WR		Costs Sought No Costs Awarded/Not Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector’s Reasoning

- Issues – the living conditions of nearby occupiers; whether proposal would support reducing impact of climate change and whether existing use remains economically viable
- Proposed nursery use, which, despite proposed acoustic fencing would cause noise harm from children’s play and activity levels. (Existing use properly marketed with no takers, therefore not viable and proposed nursery scheme would incorporate some anti climate changes measures, but not reason for refusal). Dismiss on amenity grounds, (ST3, CP11 and CP13)

21/22 – 08 Planning Application No	Site	Description of Development	Decision
LW/20/0210 APP/P1425/W/20 3265944	Land to north of Theobalds Road, Burgess Hill RH15 0SS	3 new detached dwellings, with garages and landscaping	DISMISSED 20 September 2021 Delegated decision
WR		Costs Sought No Costs Awarded/Not Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector's Reasoning

- Issues – suitable location for development in terms of character and appearance of the area and setting of Grade II listed building. Also issues of neighbour amenity – overlooking/privacy. By September 2021 Lewes did not have a 5yls.
- Site not in settlement boundary where Lewes policy aims to locate new housing. Previously a plant nursery, still its character is “rural”, even though in a “transition zone”. Site opposite Grade II listed building, whose character and setting must be afforded great weight, and is rural in character.
- Inspector notes that DM1 and 2 policies offer the main criteria for new housing outside boundaries – but these exception criteria not fully addressed by the applicant. Though Inspector does use March 2021 Interim Policy Statement for Housing Delivery (IPS), he prefers LP Part 2 Planning Boundaries para 4.5-4.7 as criteria for harm, (i.e. “protect character and beauty of the countryside; reduce the need to travel; focus growth in sustainable locations; function and pattern of settlements/their character; need to conserve designated areas of national landscape, ecological, geological or historic importance” – these along with DM2-DM13, plus “renewable energy and essential infrastructure), since these are part of adopted LP.
- Inspector found “tilted balance” (support for housing in a “without 5yls” situation), outweighed by heritage harm; found no neighbour amenity harm and refused on “character and appearance and heritage”. (Note the LPA withdrew objection/refusal reason on issues of “surface water drainage and sewer network capacity”).

21/22 – 09 + 10 Planning Application No	Site	Description of Development	Decision
(09) LW/18/0351 PINS – 3271620 (10) LW/20/0298 PINS - 3268428	Former Woods Fruit Farm, Goldbridge Road Newick BN8 4QP	Demolition of Oakside, (host dwelling site) and the development of 69 dwellings, along with access, car and cycle parking, refuse/recycling storage, landscaping, and infrastructure	(09) – DISMISSED (10) – DISMISSED 27 October 2021 Committee decision in both cases. Both times an officer recommendation for approval was overturned to refuse.
WR		Costs Sought No Costs Award/Not Yes Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Yes Deleg Refusal Non Determ.

Inspector's Reasoning

- Issues – “suitable location” for both appeals. The eastern boundary of the proposed site is located beyond the Newick settlement boundary and is therefore, in policy terms considered to be in the countryside. Part of the application site is also located in the Ashdown Forest Special Protection Area (SPA). The site is not a “valued landscape” in terms of NPPF OR THE East Sussex Landscape Character Assessment.
- The Inspector concluded that, the development proposals would...” erode and diminish the verdant character and beauty of the rural type of gap between ‘The Gables’, (a neighbouring house) and ‘Oakside’. The Inspector further explained that, “notwithstanding the appellants’ ‘LVA’ or the contiguous location adjacent to the settlement boundary, the appeal site provides a soft and important buffer space at the settlement edge between the surrounding built form and the countryside beyond”, and therefore should be protected. Both appeals dismissed. (Contrary to policies CT1 and DM1).

21/22 – 11 Planning Application No	Site	Description of Development	Decision
LW/20/0737 APP/P1425/D/21/ 3276502	10 Chene Road Peacehaven BN10 8XG	House holder application for installation of a fence and landscaping, including laying a patio, forming pergolas, and retaining walls	ALLOWED 4 November 2021 Delegated decision
WR		Costs Sought No Costs Awarded/Not Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector's Reasoning

- Issues – impact on local character and appearance. Impact on neighbour amenity from pergola and fencing. If fencing would impact on biodiversity.
- A timber fence found by the Inspector to be in character. Same with the pergola, and both would be linked to the main dwelling. Inspector found no impact of these features on neighbour amenity; he also saw there were other gaps in boundary for wildlife to gain passing access. Allowed, supported by policies CP11 and DM25.

21/22 – 12 Planning Application No	Site	Description of Development	Decision
LW/21/0357 APP/P1425/D/21 3283786	9 Carlton Road Seaford BN25 2LE	Development of a balcony	DISMISSED 24 December 2021 Delegated decision
WR		Costs Sought No Costs Award/Not Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector's Reasoning

- Issues – impact on neighbours' amenity/living conditions.
- Area is residential character. Detached and semi-detached homes. Proposal was to use rear flat roof as a balcony area, including opaque glazed side screen.
- The Inspector concluded unacceptable impact on neighbour living conditions, (inordinate overlooking and loss of privacy”), contrary to Policy DM25 LP Part 2 and Seaford NP SEA2.

21/22 – 13 Planning Application No	Site	Description of Development	Decision														
LW/21/0303 APP/P1425/D/21/ 3283912	21 Cliff Close Seaford BN25 1BW	Erection of 2 storey side extension; alteration to glazing and creation of an enclosed balcony	DISMISSED 30 December 2021 Committee decision														
WR		<table border="0"> <tr> <td>Costs Sought</td> <td>No</td> </tr> <tr> <td>Costs Award/Not</td> <td></td> </tr> <tr> <td>Council Spend</td> <td>Normal staff costs</td> </tr> </table>	Costs Sought	No	Costs Award/Not		Council Spend	Normal staff costs	<table border="0"> <tr> <td>Cttee Refusal</td> <td></td> </tr> <tr> <td>Cttee Overturn</td> <td></td> </tr> <tr> <td>Deleg Refusal</td> <td>Yes</td> </tr> <tr> <td>Non Determ.</td> <td></td> </tr> </table>	Cttee Refusal		Cttee Overturn		Deleg Refusal	Yes	Non Determ.	
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Inspector's Reasoning

- Issues – character and appearance and illumination
- Despite permission having previously been granted for a similar scheme (LW/18/0004), that permission had lapsed, and the authority was given a second chance to consider it. This time the LPA refused, and the applicant appealed. However, despite acknowledging the likely appellant's disappointment, the Inspector agreed with the refusal.
- The Inspector concluded that the proposed very large extension (63% increase in floor space) and the enclosed balcony on an exposed site close to the SDNP would be out of character and that "light spill" from the enlarged home would be contrary to the policy of "dark skies". Dismissed, contrary to DM20, 25 and 28.

21/22 – 14 Planning Application No	Site	Description of Development	Decision
LW/21/0093 APP/P1425/D/21 3273632	82 Hurdis Road, Seaford BN25 2TQ	Proposed Prior Approval/Permitted Development Right: 1 st floor extension with pitched roof over; 2 windows in north-west elevation and 1 window in south-west elevation	DISMISSED 27 January 2022 Delegated decision
WR		Costs Sought No Costs Awarded/Not Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector's Reasoning

- Issues – impact on neighbour amenity and satisfactory external appearance of the changes to design of the house. Site is a detached bungalow, in a row of bungalows. The construction of an additional storey would create a house.
- On neighbour amenity, the Inspector found harm. On design, the Inspector found there to be support for “upward extensions” and did not agree a “house would be unsympathetic and incongruous”.
- Dismissed on neighbour amenity matters alone.

21/22 – 15 Planning Application No	Site	Description of Development	Decision
LW/20/0642 APP/P1425/W/21/ 3273883	Land at Coldharbour Lane, North Chailey, Lewes BN8 4HJ	Outline application for the development of 18 affordable dwellings, access, parking, and landscaping. (Layout and access details to be considered with the remaining matters as outline)>	DISMISSED 4 February 2022 Delegated decision
WR		Costs Sought No Costs Awarded/Not Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Non Determ. Yes

Inspector's Reasoning

- Issues – suitable ground conditions; affordable housing (entry level); character and appearance in relation to North Chailey/Newick, including close to but outside settlement boundaries; highway design and access; surface water drainage.
- On “ground conditions”, the Inspector found the applicant provided insufficient contamination and mitigation information.
- On “affordable housing”, the Inspector found the proposal was for affordable housing which is a development that could be accepted in the countryside, however, because it was not otherwise in a “sustainable location” (i.e. not in easy distance to communal facilities), the Inspector did not accept the location as suitable.
- On “character and appearance” the Inspector found the site’s “green gap” between North Chailey and Newick too important and so found against in terms LPP2 DM1 and LPP1 CP10.
- On Highways and access, lack of a Road Safety Audit and poor layout details contributed to the Inspector failing this matter.
- On “surface water drainage”, given the slope of the site and no applicant “on – site infiltration testing or ground water monitoring”, the Inspector could not be sure of an operable surface water strategy

21/22 – 16 Planning Application No	Site	Description of Development	Decision
LW/20/0819 APP/P1425/W/21 3278635	340 South Coast Road Peacehaven BN10 7EW	Extensions to 2 existing ground floor flats and a first floor to provide a further 2 flats	DISMISSED 4 February 2022 Delegated decision
WR		Costs Sought No Costs Award/Not Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector's Reasoning

- Issues – impact on the character and appearance of the area; neighbour amenity and living conditions of future residents. Existing building is a 2-storey building with a single storey rear addition. Existing building contains 7 flats, proposed to go to 9 self-contained flats.
- “Neighbour Amenity” – Inspector did not support Council, who argued “overlooking, overshadowing and overbearing”.
- “Future residents living conditions” – Inspector found no harm.
- “Character and appearance” – Inspector did not find “overdevelopment”. But Inspector found against a proposed “external staircase” on design grounds (LP part 2 DM25 and DM28), and dismissed the appeal on this basis alone.

21/22 – 17 Planning Application No	Site	Description of Development	Decision														
LW/20/0659 APP/P1425/W/21/ 3277416	Land rear of 6-12 Tarring Close, South Heighton, Newhaven BN9 0QU	Demolition of double garage and development of a new 2 bed dwelling with car and cycle parking and landscaping	DISMISSED & NO COSTS AWARDED 4 February 2021 Committee Decision														
WR		<table border="0"> <tr> <td>Costs Sought</td> <td>Yes</td> </tr> <tr> <td>Costs Not Awarded</td> <td>Yes</td> </tr> <tr> <td>Council Spend</td> <td>Normal staff costs</td> </tr> </table>	Costs Sought	Yes	Costs Not Awarded	Yes	Council Spend	Normal staff costs	<table border="0"> <tr> <td>Cttee Refusal</td> <td></td> </tr> <tr> <td>Cttee Overturn</td> <td>Yes</td> </tr> <tr> <td>Deleg Refusal</td> <td></td> </tr> <tr> <td>Non Determ.</td> <td></td> </tr> </table>	Cttee Refusal		Cttee Overturn	Yes	Deleg Refusal		Non Determ.	
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Cttee Overturn	Yes																
Deleg Refusal																	
Non Determ.																	

Inspector's Reasoning

- Issues – impact on neighbour amenity
- Inspector found that the proposal due south of neighbouring properties would create a shadow impact and be unacceptably overbearing. Inspector quoted LP Part 2 DM 25, design, and DM 30 backland.
- On the “Application for Costs”, the Inspector found the Council had NOT acted unreasonably. The applicant argued that the officer’s report recommended approval and the height of the development was mis represented at Cttee. The Inspector did not agree and supported Cttee’s overturn of officer report.

21/22 – 18 Planning Application No	Site	Description of Development	Decision
LW/21/0078 APP/1425/W/21/ 3281707	Land north of Brickyard Lane, (opp “Namron”), Brickyard Lane South Chailey BN8 4AD	2 bed, 2 storey cottages, (2 nd storey set within the roof/dormer) and 2 on-site parking spaces. (During appeal process, applicant changed dormer to a rooflight)	DISMISSED 31 March 2022 Delegated decision
WR		Costs Sought No Costs Award/Not Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector’s Reasoning

- Issues – impact on character and appearance of the area; living conditions of future occupiers; and issues of sustainability and biodiversity. Site is outside settlement boundary, and so in policy terms, is in the countryside. Site is within Minerals Safeguarded Area/Chailey Brickworks.
- Inspector found the proposal would be out of character of the “local beauty of the countryside”. (This point more important than “outside settlement boundary”, and Inspector emphasised that purpose of DM1 (settlement boundary) was to protect countryside qualities).
- Living Conditions – insufficient evidence that future occupiers will not be reasonably protected from neighbouring business brickworks noise and activities
- Minerals – site would compromise the Minerals Safeguarded Area
- Biodiversity – scheme satisfied the Inspector
- Inspector agreed lack of a 5yrs was significant, but not so important as to outweigh the harmful impact on countryside, disturbance from the Brickworks and the compromising of the brickwork business. Dismissed.

22/23 – 01 & 02 Planning Application No	Site	Description of Development	Decision														
(1) LW/21/0278 PINS – 3284565 (2) LW/21/0712 PINS - 3290793	Easemore House 3 Homefield Road Seaford BN25 3DG	(1) Proposed extensions at the lower ground, ground, and 1 st floors. And demolition of existing garage and boundary wall, and then the construction of a new garage and boundary wall (2) Proposed extensions at lower ground, ground and 1 st floors, and internal 1 st floor alterations. Application for costs made against the LPA on both applications/appeals	BOTH APPEALS DISMISSED (1) PARTIAL COSTS AWARDED (2) COSTS NOT SUPPORTED 21 April 2022 Delegated decision														
WR		<table border="0"> <tr> <td>Costs Sought</td> <td>Yes on both</td> </tr> <tr> <td>Costs Awarded</td> <td>Partial Yes on (1) and No on (2)</td> </tr> <tr> <td>Council Spend</td> <td>Normal staff costs</td> </tr> </table>	Costs Sought	Yes on both	Costs Awarded	Partial Yes on (1) and No on (2)	Council Spend	Normal staff costs	<table border="0"> <tr> <td>Cttee Refusal</td> <td></td> </tr> <tr> <td>Cttee Overturn</td> <td></td> </tr> <tr> <td>Deleg Refusal</td> <td>Yes</td> </tr> <tr> <td>Non Determ.</td> <td></td> </tr> </table>	Cttee Refusal		Cttee Overturn		Deleg Refusal	Yes	Non Determ.	
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Inspector's Reasoning

- Issues – character and appearance and impact on neighbouring conservation area (East Blatchington) and The Star House a grade II listed building. The site/host property is the substantial detached Easemore House (Edwardian villa), set in spacious grounds, which can be seen from Homefield Road.

(1) LW/21/0278

- The Inspector found the proposed extension near Homefield Road, would be, "a disproportionate addition relative to the host dwelling and its scale and bulk would be unduly dominant in the street scene of Homefield Road....excessive scale and would not be subservient to the host building", contrary to SEA2 Seaford NP and LP Part 2 DM25 and 28

- The Inspector supported the proposed boundary wall, but did not support the proposed garage, which he concluded would harm the setting of the neighbouring listed building, (“The Star House”), contrary to DM33.
- Application for Costs: supported by the Inspector because an element of the planning and design assessment was incorrect, (incorrect understanding of height of a boundary wall). LDC paid £1000.

(2) LW/21/0712

- The Inspector continued to find the proposed extension near Homefield Road unacceptable, including additionally proposed “turrets”. The Inspector concluded the turrets were “excessive in scale and overly assertive” and would impact on neighbour amenity/living conditions. Overall, would harm the streetscene.
- Application for Costs: not supported.

22/23 – 03 Planning Application No	Site	Description of Development	Decision														
LW/14/0703 APP/P1425/C/21/ 3277579	128 and 130 Court Farm Road, Newhaven	Appeal against an Enforcement Notice...” without planning permission, erection of a fence and gate” and “these should be removed”	DISMISSED 27 April 2022 Delegated decision														
WR		<table border="0"> <tr> <td>Costs Sought</td> <td>No</td> </tr> <tr> <td>Costs Awarded</td> <td></td> </tr> <tr> <td>Council Spend</td> <td>Normal staff costs</td> </tr> </table>	Costs Sought	No	Costs Awarded		Council Spend	Normal staff costs	<table border="0"> <tr> <td>Cttee Refusal</td> <td></td> </tr> <tr> <td>Cttee Overturn</td> <td></td> </tr> <tr> <td>Deleg Refusal</td> <td>Yes</td> </tr> <tr> <td>Non Determ.</td> <td></td> </tr> </table>	Cttee Refusal		Cttee Overturn		Deleg Refusal	Yes	Non Determ.	
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Inspector’s Reasoning

- Inspector supported the enforcement notice.
- On Ground (e) – The Inspector found the enforcement notice had been correctly serviced
- On Ground (f) – The Inspector found it reasonable for the LPA to require fence and gate to be removed. (Inspector advised appellant that he should have appealed on Ground (a), then he could argue that the “fence and gate should be granted permission”)
- On Ground (g) – The Inspector did not agree with the appellant that “compliance time should be extended to 2 years, which would be the equivalent to a temporary permission”.

22/23 – 04 Planning Application No	Site	Description of Development	Decision														
LW/21/0515 APP/P1425/D/21/ 32866080	14 The Green Newick BN8 4LB	Conversion of outbuilding to ancillary accommodation	DISMISSED 29 April 2022 Delegated decision														
WR		<table border="0"> <tr> <td>Costs Sought</td> <td>No</td> </tr> <tr> <td>Costs Awarded</td> <td></td> </tr> <tr> <td>Council Spend</td> <td>Normal staff costs</td> </tr> </table>	Costs Sought	No	Costs Awarded		Council Spend	Normal staff costs	<table border="0"> <tr> <td>Cttee Refusal</td> <td></td> </tr> <tr> <td>Cttee Overturn</td> <td></td> </tr> <tr> <td>Deleg Refusal</td> <td>Yes</td> </tr> <tr> <td>Non Determ.</td> <td></td> </tr> </table>	Cttee Refusal		Cttee Overturn		Deleg Refusal	Yes	Non Determ.	
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Inspector's Reasoning

- Issues – impact on character and appearance of the conservation area setting (The Green CA) and neighbour listed buildings.
- The proposal would be as follows...” The footprint of the outbuilding and its ridge and eaves heights would not change. The proposal would include a windowless tile hung gabled dormer in the south - east roof slope and 2 gabled dormer windows in the north - west roof slope, which would be as tall as its ridge and nearly as deep as its eaves, as well as a tall flue, and a tall first floor glazed opening and Juliette balcony in its gable end”.
- The Inspector found the proposal would “not be subservient to the existing outbuilding...look built up and cluttered...harm character and appearance of setting of neighbour listed buildings”. Inspector felt there would be harm contrary to LP Part 1 CP11. Part 2 DM25 and 29 and New NP EN1.

22/23 – 05 Planning Application No	Site	Description of Development	Decision
LW/20/0567 APP/P1425/W/22/ 3291162	90 Brighton Road, Newhaven BN9 9NS	New single storey detached dwelling, (with rooms in the roof), on land to the rear of the site, (backland garden site).	DISMISSED 29 April 2022 Delegated decision
WR		Costs Sought No Costs Awarded Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector's Reasoning

- Issues – impact on character and appearance of the area. The proposal is for an additional chalet type dwelling in a long back garden with parking for the new dwelling on to Evelyn Ave and parking for the host homes (90 Brighton Road) on the front, removing its front garden.
- LP Part 2 DM30 Backland development has 3 tests:
 - a) Safe access and parking, causing no unacceptable disturbance, (noise, light or other)
 - b) Not overbearing in design and no loss of privacy to neighbour homes/gardens
 - c) No loss of landscaping, (trees and shrubs) which contribute to the character and appearance of the locality or biodiversity
- The Inspector considered that the scheme met all 3 tests in DM30, but did not meet good design policies of LP Part 2 DM25 and Newhaven NP D1, which both sought..."no harm to character and appearance to surrounding area". The Inspector identified that the scheme would be "incongruous", because of its bulk compared to other neighbour end of garden sheds and because the prevailing neighbour home design was "2 storey", not chalet style. Dismissed.

22/23 – 06 Planning Application No	Site	Description of Development	Decision														
LW/19/0656 APP/P1425/W/22/ 3290196	6 Steyne Road, Seaford BN25 1HA	Development of block of 14 flats. Ground floor car parking. 1 st to 3 rd floors residential. (Amended to 13 flats – no 4 th floor)	APPEAL DISMISSED APPLICATION FOR COSTS NOT SUPPORTED 29 April 2022 Committee Decision (overturn)														
WR		<table border="0"> <tr> <td>Costs Sought</td> <td>Yes</td> </tr> <tr> <td>Costs Awarded</td> <td>No</td> </tr> <tr> <td>Council Spend</td> <td>Normal staff costs</td> </tr> </table>	Costs Sought	Yes	Costs Awarded	No	Council Spend	Normal staff costs	<table border="0"> <tr> <td>Cttee Refusal</td> <td></td> </tr> <tr> <td>Cttee Overturn</td> <td>Yes</td> </tr> <tr> <td>Deleg Refusal</td> <td></td> </tr> <tr> <td>Non Determ.</td> <td></td> </tr> </table>	Cttee Refusal		Cttee Overturn	Yes	Deleg Refusal		Non Determ.	
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Inspector's Reasoning

- Issue – impact on the character and appearance of surrounding area, and on nearby Seaford TC Conservation Area and listed buildings.
- The Inspector agreed with the Committee overturn to refuse and considered the scheme to be “unacceptably overbearing and bulky”. No garden spaces. The scheme would “intrude into” streetscene views, and be unacceptably dominant and obtrusive in the sinuous Steyne Road setting...and would detract from nearby listed buildings”. So contrary to LP Part 2 DM25, (design) and DM33 (impact on heritage assets), and Seaford NP SEA3 and Design Guideline SF01. The Inspector recognised Lewes’s lack of a 5yrs, but design matters more important. (The appellant, whilst accepting the need for a Traffic Order and legal agreement for affordable housing, should the appeal be allowed – nevertheless did not provide these to the Inspector).
- Application for Costs – The applicant applied since the officer originally recommended the scheme to Planning Committee. But the Inspector noted the “decision making” Cttee, carefully considered the officer’s report, the scheme, and representations, came to a different view and justified this view with sound reasons for refusal. Costs not supported.

22/23 - 07 Planning Application No	Site	Description of Development	Decision														
LW/21/0097 APP/P145/D/21/ 3280058	89 Ambleside Ave Peacehaven BN10 7LE	35.47-meter length fence around part of garden at height of 6 ft, of a bungalow.	DISMISSED 21 June 2022 Delegated decision														
WR		<table border="0"> <tr> <td>Costs Sought</td> <td>No</td> </tr> <tr> <td>Costs Awarded</td> <td></td> </tr> <tr> <td>Council Spend</td> <td>Normal staff costs</td> </tr> </table>	Costs Sought	No	Costs Awarded		Council Spend	Normal staff costs	<table border="0"> <tr> <td>Cttee Refusal</td> <td></td> </tr> <tr> <td>Cttee Overturn</td> <td></td> </tr> <tr> <td>Deleg Refusal</td> <td>Yes</td> </tr> <tr> <td>Non Determ.</td> <td></td> </tr> </table>	Cttee Refusal		Cttee Overturn		Deleg Refusal	Yes	Non Determ.	
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Inspector’s Reasoning

- Issues – impact on street scene, Ambleside Ave.
- The property and its neighbours sit in an open, green, and generous street scene, with incidental public and decorative open space. The proposed fence/wall would compromise the street and appear incongruous and intrusive. Dismissed, contrary to LP Part 2 DM25 (design) and NPPF which aims to “achieve well designed places...sympathetic to the local character”.

22/23 - 08 Planning Application No	Site	Description of Development	Decision														
LW/21/0703 APP/P145/D/21/ 3289715	53D Sutton Drove Seaford BN25 3NQ	Wooden shed/outbuilding to use as home office to the front of the property, (in a secluded location). Tree Survey on nearby TPO advises “screw pile foundations” which will not harm trees.	DISMISSED 21 June 2022 Delegated decision														
WR		<table border="0"> <tr> <td>Costs Sought</td> <td>No</td> </tr> <tr> <td>Costs Awarded</td> <td></td> </tr> <tr> <td>Council Spend</td> <td>Normal staff costs</td> </tr> </table>	Costs Sought	No	Costs Awarded		Council Spend	Normal staff costs	<table border="0"> <tr> <td>Cttee Refusal</td> <td></td> </tr> <tr> <td>Cttee Overturn</td> <td></td> </tr> <tr> <td>Deleg Refusal</td> <td>Yes</td> </tr> <tr> <td>Non-Determination.</td> <td></td> </tr> </table>	Cttee Refusal		Cttee Overturn		Deleg Refusal	Yes	Non-Determination.	
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Inspector's Reasoning

- Issues – impact on character and appearance of local area
- Lewes Council did not raise concerns about trees/TPO, (subject to conditions), however, the Inspector concluded the scheme would harm the openness of the front garden to the detriment of the “sense of place”. Such a building would be more typical in a rear garden. Inspector found the proposal contrary to LP Part 2 DM 25 and DM29 and Seaford NP SE2.

22/23 - 09 Planning Application No	Site	Description of Development	Decision														
LW/21/0344 APP/P145/W/21/ 3282572	11A Nutley Ave Saltdean BN2 8ED	Demolition of garage and development of a new 2 storey, 2 bed detached house	DISMISSED 27 June 2022 Delegated decision														
WR		<table border="0"> <tr> <td>Costs Sought</td> <td>No</td> </tr> <tr> <td>Costs Awarded</td> <td></td> </tr> <tr> <td>Council Spend</td> <td>Normal staff costs</td> </tr> </table>	Costs Sought	No	Costs Awarded		Council Spend	Normal staff costs	<table border="0"> <tr> <td>Cttee Refusal</td> <td></td> </tr> <tr> <td>Cttee Overturn</td> <td></td> </tr> <tr> <td>Deleg Refusal</td> <td>Yes</td> </tr> <tr> <td>Non Determ.</td> <td></td> </tr> </table>	Cttee Refusal		Cttee Overturn		Deleg Refusal	Yes	Non Determ.	
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Inspector's Reasoning

- Issues – impact on character and appearance of local area.
- The scheme site is narrow and whilst the proposal would meet space standards, it would appear to the Inspector, "small and cramped...and quirky" which would "jar with the street scene". Dismissed, contrary to LP Part 2 DM25 and NPPF S12 on "well designed places".

22/23 - 10 Planning Application No	Site	Description of Development	Decision
ENFORCEMENT NOTICE APP/P145/C/21/ 3276829	3 Sherwood Road Seaford BN25 3EH	Enforcement Notice alleging development with permission. Erection of outbuilding. Notice requires removal along with all debris. Compliance to be within 3 months	ALLOWED 13 July 2022 Delegated decision
WR		Costs Sought No Costs Awarded Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector's Reasoning

- Issues – impact on character and appearance of the area and living conditions of current and future occupiers of 3 Sherwood, particularly with regard to adequacy of external amenity space.
- The local area comprises a mixture of one and two storey homes, detached and semi-detached on relatively generous plots. The appeal site has had permission for redevelopment into 3 flats and has been let accordingly. LP Part 2 DM 29 allows, subject to good design, outbuildings to be developed ancillary to the host building. The unapproved outbuilding covers 50.4% of the garden. It is considered domestic in appearance by the Inspector, who finds the building acceptable in terms of character and appearance. Inspector quashes the Enforcement Notice and grants permission.

22/23 - 11 Planning Application No	Site	Description of Development	Decision														
LW/21/0966 APP/P145/D/22/ 3296294	25 Marine Drive Bishopstone BN25 2RT	Remodelling of dwelling. Rear extension over 2 floors, under an extended roof with enclosed balcony in a rear gable at 1 st floor and dormer windows. Changes to the windows and doors in all elevations	ALLOWED 24 August 2022 Delegated decision														
WR		<table border="0"> <tr> <td>Costs Sought</td> <td>No</td> </tr> <tr> <td>Costs Awarded</td> <td></td> </tr> <tr> <td>Council Spend</td> <td>Normal staff costs</td> </tr> </table>	Costs Sought	No	Costs Awarded		Council Spend	Normal staff costs	<table border="0"> <tr> <td>Cttee Refusal</td> <td></td> </tr> <tr> <td>Cttee Overturn</td> <td></td> </tr> <tr> <td>Deleg Refusal</td> <td>Yes</td> </tr> <tr> <td>Non Determ.</td> <td></td> </tr> </table>	Cttee Refusal		Cttee Overturn		Deleg Refusal	Yes	Non Determ.	
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Inspector’s Reasoning

- Issues – character and appearance and living conditions of neighbours. Appeal property is a chalet bungalow in a residential area, surrounded by a mix of bungalows and chalet bungalows. Dormer windows are common in the area.
- Character and appearance - Inspector did not agree with Town Council, which argued the proposal “would change a chalet bungalow into a 2-storey house”. Inspector thought the proposal would respect pattern of development in the area, in terms of height, scale, massing and proportions, all supported by DM25 and DM28 as well as Seaford NP Section 12.
- Living conditions – LDC reason for refusal indicates “harm to neighbour amenity”, but not addressed in officer’s report. In any case Inspector could see not harm to neighbour amenity and allowed the appeal and granted permission with conditions

22/23 - 12 Planning Application No	Site	Description of Development	Decision														
LW/21/0774 APP/P145/D/22/ 3295941	83 Strafford Road BN25 1UA	Balcony with privacy screen above existing rear extension, with access from upstairs kitchen	DISMISSED 24 August 2022 Delegated decision														
WR		<table border="0"> <tr> <td>Costs Sought</td> <td>No</td> </tr> <tr> <td>Costs Awarded</td> <td></td> </tr> <tr> <td>Council Spend</td> <td>Normal staff costs</td> </tr> </table>	Costs Sought	No	Costs Awarded		Council Spend	Normal staff costs	<table border="0"> <tr> <td>Cttee Refusal</td> <td></td> </tr> <tr> <td>Cttee Overturn</td> <td></td> </tr> <tr> <td>Deleg Refusal</td> <td>Yes</td> </tr> <tr> <td>Non Determ.</td> <td></td> </tr> </table>	Cttee Refusal		Cttee Overturn		Deleg Refusal	Yes	Non Determ.	
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Inspector's Reasoning

- Issues – living conditions of neighbours, in particular privacy and effect on outlook.
- Semi-detached property in residential area. Site is steeply sloping affording good long views at the rear. The main living accommodation at upper level and bedrooms on the lower level. The appellant wanted to make the most of good views from the living room. However, the Inspector concluded:

“that the balcony with the proposed privacy screens as submitted would result in material harm to the living conditions of the immediate neighbours, with particular regard to overlooking and loss of privacy. This would conflict with Policy DM25 of the Lewes District Local Plan and the National Planning Policy Framework, and in particular paragraph 103 f) which seeks to protect the amenities of existing and future occupants.”
- Character and appearance – notwithstanding the Inspector's dismissal, the design and impact of “privacy screens” on balconies was discussed. The Inspector found that they would not be oppressive – an interesting comment and design issue for Lewes DC to consider.

22/23 - 13 Planning Application No	Site	Description of Development	Decision
LW/21/0969 APP/P145/Z/22/ 3299964	East Brighton Masonic Centre, Seaview Road, Peacehaven BN10 8PX	Advertisement – internally illuminated	DISMISSED 24 August 2022 Delegated decision
WR		Costs Sought No Costs Awarded Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector's Reasoning

- Issues – visual amenity of the local area
- The Inspector found that an illuminated sign was not appropriate in a mainly residential area and disagreed with the Appellant the illuminated sign would be like streetlights

22/23 -14 Planning Application No	Site	Description of Development	Decision														
LW/21/0705 APP/P145/W/22/ 3290795	3 Homefield Road, Seaford BN25 3DG	Householder permission granted, but with a restriction on any further permitted development	ALLOWED 25 August 2022 Delegated decision														
WR		<table border="0"> <tr> <td>Costs Sought</td> <td>No</td> </tr> <tr> <td>Costs Awarded</td> <td></td> </tr> <tr> <td>Council Spend</td> <td>Normal staff costs</td> </tr> </table>	Costs Sought	No	Costs Awarded		Council Spend	Normal staff costs	<table border="0"> <tr> <td>Cttee Refusal</td> <td></td> </tr> <tr> <td>Cttee Overturn</td> <td></td> </tr> <tr> <td>Deleg Refusal</td> <td>Yes</td> </tr> <tr> <td>Non Determ.</td> <td></td> </tr> </table>	Cttee Refusal		Cttee Overturn		Deleg Refusal	Yes	Non Determ.	
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Inspector's Reasoning

- Issues – whether as part of granting a householder permission, (works to lower ground and ground floor, and 1st floor extension and alterations), it was reasonable for the LPA to restrict further permitted development. Impact on character and appearance of the local area.
- The Inspector noted that “planning conditions should be kept to a minimum”. Conditions should be “necessary; relevant; enforceable; precise and reasonable”, and in general should not be used to restrict national permitted development rights, without very good planning reasons.
- Having reviewed the existing site and buildings, the Inspector saw no reason to restrict further permitted development, which itself only allows limited additions and improvements.

22/23 -15 Planning Application No	Site	Description of Development	Decision														
LW/22/0051 APP/P145/W/22/ 3296233	Widmore, Chyngton Lane North, Seaford BN25 3UU	Demolish existing dwelling and build 2 detached 3bed chalet bungalows with parking	ALLOWED 1 September 2022 Delegated decision														
WR		<table border="0"> <tr> <td>Costs Sought</td> <td>No</td> </tr> <tr> <td>Costs Awarded</td> <td></td> </tr> <tr> <td>Council Spend</td> <td>Normal staff costs</td> </tr> </table>	Costs Sought	No	Costs Awarded		Council Spend	Normal staff costs	<table border="0"> <tr> <td>Cttee Refusal</td> <td></td> </tr> <tr> <td>Cttee Overturn</td> <td></td> </tr> <tr> <td>Deleg Refusal</td> <td>Yes</td> </tr> <tr> <td>Non Determ.</td> <td></td> </tr> </table>	Cttee Refusal		Cttee Overturn		Deleg Refusal	Yes	Non Determ.	
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Non Determ.																	

Inspector's Reasoning

- Issues – character and appearance and living conditions of neighbours, and in particular outlook and loss of privacy.
- Existing property is a detached bungalow in a residential area, with mix plot sizes. The LPA was concerned about the narrowness of the plots.
- The Inspector explained that the proposed 2 new homes would not be out of place and would not “clutter” the street scene. The Inspector also found not substantial adverse amenity impact on neighbours, despite the new proposal bring development closer. Appeal allowed, supported by NPPF Section 12, DM25 and Seaford NP SEA2.

22/23 -16 Planning Application No	Site	Description of Development	Decision														
LW/21/0754 APP/P145/W/22/ 3299370	Land at South Road, Wivelsfield Green RH17 7QR	Outline application for 45 homes (40% affordable), open space, new woodland, and new means of access	ALLOWED COSTS NOT SUPPORTED 22 September 2022 Delegated decision														
PI		<table border="0"> <tr> <td>Costs Sought</td> <td>Yes</td> </tr> <tr> <td>Costs Awarded</td> <td>No</td> </tr> <tr> <td>Council Spend</td> <td>Normal staff costs</td> </tr> </table>	Costs Sought	Yes	Costs Awarded	No	Council Spend	Normal staff costs	<table border="0"> <tr> <td>Cttee Refusal</td> <td></td> </tr> <tr> <td>Cttee Overturn</td> <td>Yes</td> </tr> <tr> <td>Deleg Refusal</td> <td></td> </tr> <tr> <td>Non Determ.</td> <td></td> </tr> </table>	Cttee Refusal		Cttee Overturn	Yes	Deleg Refusal		Non Determ.	
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Non Determ.																	

Inspector's Reasoning

- Issues – spatial strategy of the Lewes development plan; the landscape character and appearance of the area and housing land supply.
- The appeal site, (at the southern edge of Wivelsfield Green settlement) is outside the settlement boundary but considered contiguous. It is not allocated for development. The NP allocates sites for some 34 dwellings inside the boundary.
- The Inspector recognised the quality countryside character of the site, (Low Weald valued landscape – grassland, field hedges, hedgerow trees and blocks of woodland). Inspector concluded that the “development would cause harm to the landscape character”, with only some amelioration due to containment of the scheme and scheme landscaping.
- On housing land supply, the Inspector found the 2.73 years supply very significant. The Inspector noted that the Planning Cttee overturned an officer recommendation to approve and that the officer carried out a scheme assessment against the “Lewes Interim Housing Policy Statement” and had found compliance – but still the Planning Cttee refused the scheme. The Inspector supported the officer’s positive assessment, but only gave the “Statement little weight” because it was not formal policy.
- In the planning balance, despite being concerned about landscape harm and the scheme’s conflict with the spatial strategy - the Inspector noted the benefits of the scheme, (affordable housing; economic development; BNG; new open space) and fundamentally found for the need for new homes, because of Lewes’s lack of housing land supply.
- Costs application not supported. Inspector felt Planning Cttee argued for refusal in a reasonable way.

22/23 -17 Planning Application No	Site	Description of Development	Decision
LW/21/0912 APP/P145/D/22/ 3301115	86 Fort Road. Newhaven, BN9 9EJ	Erection of garage with storage above	ALLOWED 29 September 2022 Delegated decision
WR		Costs Sought No Costs Awarded Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector's Reasoning

- Issues – character and appearance of the local area and living conditions of neighbours.
- Site is a semi-detached home in a residential street, with an established character of a variety of houses. Despite the proposal “stepping forward” to some extent of the front building line, the Inspector found it did not compete with the host home and could not be considered an intrusion into the street scene. “The planned scheme would not jar with the eye”. Reference to DM25 and DM29. Appeal allowed.

22/23 -18 Planning Application No	Site	Description of Development	Decision
LW/22/0068 APP/P145/D/22/ 3302855	65 Bevendean Avenue, Salt Dean BN2 8PF	Two gable end side extensions, with raised pitch height, front and rear dormers, garage conversion and widening of the driveway	DISMISSED 12 October 2022 Delegated decision
WR		Costs Sought No Costs Awarded Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector's Reasoning

- Issues – character and appearance of the local area
- Existing property is detached bungalow, hipped roof, small front dormer, and integral garage. Street contains primarily, (but not exclusively) single storey homes.
- The Inspector's main concern was the raising of the height of the roof, (ridge height) and introduction of gables. This all amounted to "excessive bulky appearance". Also, of concern was the new front dormer, (but not the proposed rear dormer). Overall – "incongruous in appearance", in conflict with DM25 and DM28. (Conversion of garage, not an issue for the Inspector).

22/23 -19 Planning Application No	Site	Description of Development	Decision
LW/21/0996 APP/P145/W/22/ 3296130	Site Adj to Bernisdale, Haywards Heath Road, North Chailey BN8 4DP	New 2 storey detached 4 bed dwelling, separate garage, with one bed annexe over the garage	DISMISSED 18 th November 2022 Delegated decision
WR		Costs Sought No Costs Awarded Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector's Reasoning

- Issues – suitable location for new homes in terms of access to local facilities and the character and appearance of the local area and impact on the rural landscape.
- Site is located very close to Chailey Common Site of Special Scientific Interest (SSSI) and a local nature reserve. (A screening direction by SoS directed that an EIA was not required). Site is outside North Chailey village, within a loose knit ribbon of housing extending along A272, west of the village. Site sits between two detached cottages.
- The Inspector refers to DM1 planning boundaries policy. Inspector found services and facilities far away, buses infrequent, pavement for walking narrow and not convenient and cycling would not be easy. Note this test by the Inspector rather than a simple noting that the proposal was “outside village boundary”. Inspector found that whilst the proposal itself would not be isolated, it would be detached from nearest settlement
- Inspector found the scheme would conflict with NPPF para 79, (failure to support vitality of rural communities) and LP Part 2 DM1. Inspector also found the scheme would conflict with important “landscape gaps” along A272, contrary to LP Part 1 CP2, CP10, CP11 and LP Part 2 DM1 and DM25

22/23 -20 Planning Application No	Site	Description of Development	Decision
LW/21/0937 APP/P145/W/22/ 3298993	Land at Broyle Gate Farm, Lewes Road, Ringmer BN8 5NA	100 new homes (40% affordable), community and sports facilities and public open space. Outline application with only access in detail,	ALLOWED 21 November 2022 Delegated decision
PI		Costs Sought No Costs Awarded Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Non Determ. Yes

Inspector's Reasoning

- Issues – spatial strategy (correct location); impact on character, landscape and appearance of local area, (in particular the landscape gap between Ringmer and Broyle) and the South Down National Park (SDNP); impact on Grade II listed buildings and acceptability of sports facilities in this location.
- **Spatial Strategy:** Site located outside planning boundary but “immediately adjacent”. Ringmer defined as a “Rural Service Centre”, quite high up in settlement ranking – implying its allocation for more than minimal growth
- **Landscape, character, and appearance:** Site is open landscape/countryside gap between Ringmer and Broyle. Inspector notes “no specific gap policy in the development plan”. Scheme in Inspector’s opinion likely to result in “moderate adverse landscape impact”, and lead to an “erosion of sense of separation” between Ringmer and Broyle.
- **Heritage and Sports:** Inspector found only “modest harm” to heritage assets. In terms of “sports, the Inspector found significant positive weight.

- **Highways/access:** Inspector found that Parish Council suggestion that the scheme would generate an additional 200 cars unrealistic. Inspector found that Earwig Roundabout and local network would not be adversely affected.
- **Flood risk, drainage and sewerage:** Inspector found that the scheme could ensure built development only in Flood Zone 1 (low flood risk) and that flood management (deculverting works; SUDs and greenfield runoff rates), were possible and agreed with the Local Lead Flood Authority. Whilst the Inquiry agreed there was “currently inadequate foul sewerage capacity”, the Inspector agreed Southern Water had “a duty to provide capacity within 24 months of a permission”, and saw no reason why this could not be done. The Inspector noted Ringmer PC evidence of “untreated sewerage released from WWTW into Glynde Reach – not disputed by appellant”, but indicated SW responsibility for managing this stood, (supported by normal planning conditions)
- **Education and biodiversity:** Neutral impact.
- **Planning balance:** Interim Policy Statement for Housing Delivery – little weight. Benefits of the scheme – housing and 40% affordable, (5yrs short fall considered “substantial” by Inspector); sports facilities; job creation and economic development; biodiversity net gain (BNG), but community landscaping limited weight.

Inspector concluded that DM1 “planning boundaries” was “acting as a barrier against housing provision” in a situation where the District needed many more homes – so the scheme conflict with DW1 given little weight. Inspector acknowledged harm to local landscape, (the gap) and “minor harm to setting o views of SDNP and he concluded that overall, the proposal would conflict with Lewes development plan “taken as a whole”. But despite this, when weighed against the benefits and the substantial need for more homes in locations in/close, (contiguous) to existing settlements and the substantial failure of Lewes to provide a 5yrs – the appeal was allowed, and planning permission granted.

22/23 -21 Planning Application No	Site	Description of Development	Decision
LW/21/0262 APP/P145/W/22/ 3300691	Land at Nolands Farm, Plumpton Green	Development of up to 86 dwellings (40% affordable), access, infrastructure, open space, biodiversity net gain and landscaping	ALLOWED APPLICATION FOR COSTS PARTIALLY SUPPORTED 2 nd December 2022 Committee decision
PI		Costs Sought Yes Costs Awarded Council Spend Normal staff costs	Cttee Refusal Yes Cttee Overturn Deleg Refusal Non Determ.

Inspector's Reasoning

- Issues – character and appearance of area and surrounding countryside; suitable location for development and overall planning balance
- Character and Appearance: Site located on eastern edge of settlement, Plumpton Green. Outside planning boundary. Sits in valued Low Weald landscape, though not designated. Clear views of SDNP. Site has low/medium capacity to change in landscape terms. Proposal would mean a loss of typical small fields on village edge. (County landscape officer supports, with reservations, scheme for 86, having objected to scheme of 45 – Inspector finds this not consistent). Inspector finds scheme in conflict with CP10 and DM25.
- Housing Land Supply: Common ground that Lewes cannot demonstrate 5yrs, meaning, effectively LP out of date and a strong presumption in favour of sustainable development.
- Other Important Matters: Inspector note accessibility not good for GP, employment, and retail, probably requiring access by car, but that this would also be the case for other parts of village, inside the settlement boundary. The Inspector notes that “There are

localised flooding issues relating to foul water. However, these appear to be the result of blockages in the existing sewer system from poor quality pipe materials. Southern Water is aware and is aiming to replace the pipes as part of a separate process”

- Conclusion: Overall, adverse impacts of the development carry up to significant weight in terms of impact on character and landscape. However, the benefits of the scheme, and particularly new housing, (given Lewes’s lack of supply), outweigh the negative impacts and the appeal is allowed and granted permission
- Application for Costs: Because of the late submission of evidence on “affordable housing supply” by the Council, the Inspector agreed a “partial award of costs”. LDC paid £2,875.

22/23 -22 + 23 Planning Application No	Site	Description of Development	Decision
(22) LW/21/0660 3288519 (23) LW/21/0967 3299056	83-89 (Odds) Sutton Road, Seaford BN25 4QH	(22) redevelopment for 37 retirement homes, communal facilities, access, and parking. (23) redevelopment for 36 retirement homes communal facilities, access, and parking.	(22) DISMISSED (23) ALLOWED 12 th December 2022 Non-Determination – Delegated Statement
H		Costs Sought No Costs Awarded Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Non Determ. Yes

Inspector's Reasoning

- Issues – character and appearance of the local area; living conditions of neighbours, particularly 81 Sutton Road and adequate refuse collection.
- Site has 4 Edwardian villas and generous front and back gardens, with a mixture of garage and front parking. Proposal is to demolish all 4 homes and build a single residential 2/3 storey (including roof) block, with a 3-storey projection into the joined rear gardens. (22) for 37 flats and a more severe design at the front and (23) for 36 flats and a more articulated design at the front with setbacks and more dormers and small gables. Inspector felt (23) “appeared as a 2-storey scheme”. Both schemes would have open car parking at the front. Inspector found both schemes would be in conflict with CP11, DM25 and SEA2 Seaford NP, but that the harm of (23) would be....” limited and localised”.
- Inspector found no harm to amenity of No 81 or to surrounding residents. On refuse collection Inspector found no design and access problems.
- Planning Balance: The Inspector found significant concern in Lewes's lack of a 5yrs and therefore supported scheme (23) that had limited design harm.

22/23 -24 Planning Application No	Site	Description of Development	Decision
LW/21/0700 APP/P145/W/22/ 3300813	Land at The Telephone Exchange, Goldbridge Road, Newick BN8 4QP	Development of 36 dwellings, (40% affordable), access, landscaping, and infrastructure,	ALLOWED 14 December 2022 Delegated decision
H		Costs Sought No Costs Awarded Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Yes Deleg Refusal Non Determ.

Inspector's Reasoning

- Issues – character and appearance of the local area and effect on integrity of European site of significance
- Site is inside designated planning boundary of Newick settlement within the Lewes Local Plan and is also designated for housing development in Newick Neighbourhood Plan. Before the appeal scheme, the site had outline permission for 30 homes. The site sits within the 7km zone of influence of the Ashdown Forest SPA and SAC.
- The 36 homes appeal scheme was recommended for approval by an officer report but overturned to a refusal by Planning Committee who felt a lower density would be more appropriate in what was considered to be a transition zone between the village and countryside. The appeal scheme density is 30.9 dwellings per hectare, slightly above LP Part 1 CP2 guidance for villages of 20-30 d/ha.
- The Inspector however concludes that notwithstanding the above Planning Committee thinking, the site to the east (Woods Fruit Farm) is in any case allocated for some housing which would make the Telephone Exchange site not on the edge of the village

and therefore suitable for a higher density – supported by Lewes policies CP2 and CP11 (LP Part 1), DM25 (LP Part 2) and Newick NP.

- The Inspector agrees that the scheme's support and funding for a Suitable Alternative Natural Greenspace (SANG) would be appropriate mitigation for the development of homes within the Ashdown Forest zone, supported by policies CP10 and DM24. Appeal allowed and permission granted.

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