

Planning Applications Committee 15 March 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: Tuesday, 7 March 2023

Agenda

1 Minutes (Pages 5 - 8)

To confirm and sign the minutes of the previous meeting held on 15 February 2023 (attached herewith).

2 Appointments

That it be noted that Cllr Jim Lord has been appointed under delegated authority, to replace Cllr Tom Jones, who resigned as a member of the Planning Applications Committee due to ill health.

Councillors are being asked to note Cllr Jim Lord appointment as the formalities that brought into effect this appointment from the 7 December 2022 meeting onwards is the subject of a complaint. The Head of Democratic Services (and Deputy Monitoring Officer) considered that the appointment was made fully in accordance with the Constitution although for the avoidance of doubt, the Committee are asked to formally confirm Cllr Jim Lord's appointment.

3 Apologies for absence/Declaration of substitute members

4 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.

5 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.

6 Petitions

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

7 Written questions from councillors

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

8 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

9 LW/21/1000 - Land west of Oxbottom Lane, Newick, East Sussex (Pages 9 - 46)

10 LW/22/0840 - Bridge Farm, Barcombe Mills Road, Barcombe (Pages 47 - 74)

Planning applications within the South Downs National Park

11 SDNP/22/05011/CND - The Macs Farm, Dumbrells Court Road, Ditchling, East Sussex, BN6 8GT (Pages 75 - 90)

Non-planning application related items

12 Date of next meeting

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 19 April 2023, in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE, commencing at 5:00pm.

General information

Planning Applications outside the South Downs National Park:

Section 2 of each report identifies policies which have a particular relevance to the application in question. Other more general policies may be of equal or greater importance. In order to avoid unnecessary duplication general policies are not specifically

identified in Section 2. The fact that a policy is not specifically referred to in this section does not mean that it has not been taken into consideration or that it is of less weight than the policies which are referred to.

Planning Applications within the South Downs National Park:

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

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

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

Information for the public

Accessibility:

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

Filming/Recording:

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

Public participation:

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

Information for Councillors

Disclosure of interests:

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

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

In the case of a DPI, if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

Councillor right of address:

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

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

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

Democratic Services

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

Email: committees@lewes-eastbourne.gov.uk

Telephone: 01273 471600

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Working in Partnership



Planning Applications Committee

Minutes of the meeting held in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE on 15 February 2023 at 5:00pm

Present:

Councillor Sharon Davy (Chair)

Councillors Laurence O'Connor (Vice-Chair), Graham Amy, Jim Lord, Sylvia Lord, Imogen Makepeace, Nicola Papanicolaou, Steve Saunders and Richard Turner

Officers in attendance:

Marc Dorfman (Senior Specialist Advisor, Planning First), Sarah Lawrence (Committee Team Manager, Democratic Services), Jennifer Norman (Committee Officer, Democratic Services), Leigh Palmer (Head of Planning First), Elaine Roberts (Committee Officer, Democratic Services), Joanne Stone (Principal Planning Solicitor) and Claire Tester (Principal Planning Officer, SDNPA)

85 Minutes

The minutes of the meeting held on the 7 December 2022 were submitted and approved and the Chair authorised to sign them as a correct record.

86 Apologies for absence/Declaration of substitute members

Apologies for absence were received from Councillors Christoph von Kurthy and Milly Manley.

87 Declarations of interest

There were none.

88 Urgent items

The Chair set out the issues with the public consultation surrounding Agenda Item 8 - LW/22/0418 - Land west of A275, South Common, South Chailey and apologised to members of the public who had attended for this item. The Committee resolved to defer the item as set out at Minute 92 below.

89 Petitions

There were none.

90 Written questions from councillors

There were none.

91 Officer update

A supplementary report was circulated to the Committee prior to the start of the meeting, updating the main reports on the agenda with any late information (a copy of which was published on the Council's website).

92 LW/22/0418 - Land west of A275, South Common, South Chailey**Resolved:**

That outline planning application LW/22/0418 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, be deferred to a future meeting of the Committee so that a formal 21-day consultation day can be undertaken with the immediate neighbours to the application site.

93 LW/21/1000 - Land west of Oxbottom Lane, Newick, East Sussex

Councillor Robin Penfold spoke on behalf of Chailey Parish Council. David Walmsley (Near Neighbour) and David Campion (Agent on behalf of local residents on Lower Station Road) spoke against the proposal. Fay Goodson (Reside Developments), John Brindley (Agent) and Rob Wilson (Paul Basham Associates) spoke for the proposal. Councillor Isabelle Linington spoke in her capacity as the Lewes District Ward Councillor.

Resolved:

That planning application LW/21/1000 for redevelopment of the site to provide 21 residential dwellings along with parking, open space, and all necessary infrastructure be approved, subject to a S106 Agreement and the conditions set out in the report, and the additional condition as set out in the supplementary report.

94 LW/22/0275 - Seaford Head Lower School, Steyne Road, Seaford, BN25 1AL

The Committee Officer read a speech on behalf of Geoff Johnson (Planning Officer) who was speaking in his capacity as a representative for Seaford Town Council. Mark White (Near Neighbour), Sally Cherriman (Near Neighbour) and Cynthia Griffin (Near Neighbour) spoke against the proposal. Councillor Christine Brett spoke in her capacity as the Lewes District Ward Councillor.

Resolved:

That planning application LW/22/0275 for replacement of existing boundaries

with fence to improve safeguarding measures be refused for the reasons set out below:

1. The proposed replacement fencing around the school site, playing fields boundary and fronting onto the rear of the Listed Corsica Hall, with green metal mesh fencing, does not sufficiently respect and positively contribute to the open character and distinctiveness of the site. The replacement fencing, would appear unduly prominent, overbearing and unneighbourly, it would be detrimental to the streetscene, (particularly on Steyne Road), and, would also lead to an unacceptable loss of outlook across the site. This would be contrary to LP Part 1 CP 11 Built and Historic Environment and High Quality Design and LP Part 2 DM25 Good Design.

95 SDNP/22/05025/FUL - Friars Walk Car Park, Court Road, Lewes

There were no registered public speakers on this application.

Resolved:

That planning application SDNP/22/05025/FUL for erection of changing place facility next to existing public toilet be approved, subject to the conditions set out in the report and supplementary report, and an additional condition as set out below:

1. Notwithstanding the submitted plans, prior to the installation of the proposed bollards details of their exact placement shall be submitted to and approved by the Planning Authority.

Reason: To ensure that the bollards are set sufficiently apart to allow wheelchair access.

96 Summary of Planning Appeal Decisions received

The Committee received the report which requested that Members note the outcome of appeal decisions summarised in Section 2 and Key Issues set out in Sections 3 - 6.

The Senior Specialist Advisor (Planning) summarised the report, highlighting key issues and planning appeal decisions received by the Authority from April 2021 through March 2022 and April 2022 through December 2022, respectively.

Resolved: That the report be noted.

97 Date of next meeting

It was noted that the next meeting of the Planning Applications Committee was 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.

The meeting ended at 8:00pm.

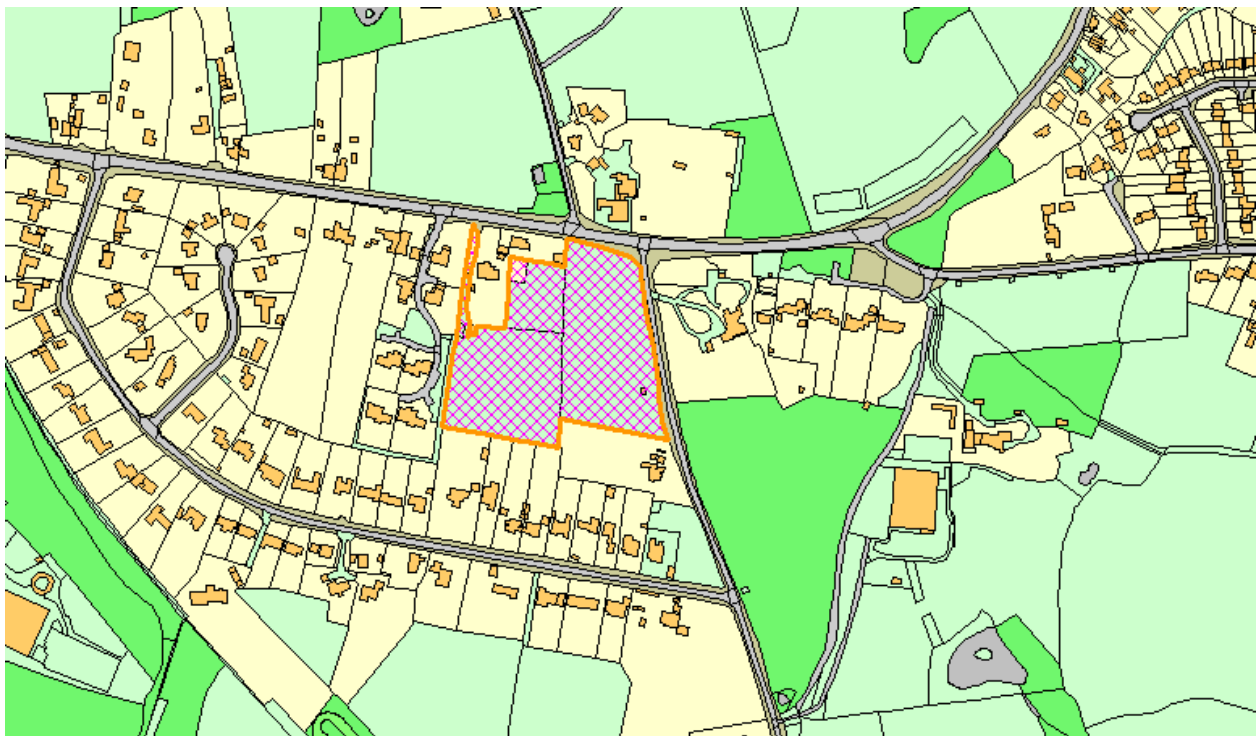
Councillor Sharon Davy (Chair)

Agenda Item 9

Report to: Planning Applications Committee
Date: 15th March 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
1.0	<p>Members will be aware that this application was reported to Planning Applications Committee (PAC) in February.</p> <p>Following legal advice this case is being reported back to committee for a fresh resolution to be made.</p> <p>The information reported via the addendum at the PAC in February has been included in paragraph 6.9 and 10.29 and any further responses received will be reported via the addendum report.</p> <p>Save for the changes reported above the report below is a facsimile of the one reported to PAC</p>
1.1	<p>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.</p>
1.2	<p>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.</p>
1.3	<p>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.</p>
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 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 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	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

	<p>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	<p>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.</p>
4.3	<p>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.</p>
4.4	<p>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.</p>
4.5	<p>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.</p>
4.6	<p>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.</p>

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 school provision has been provided in the plans. Newick Primary School is already oversubscribed.</p>
6.2	<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:</p>

(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.

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 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. 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.’

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.

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.

‘preserve the character of Oxbottom Lane’ (D and A statement page 16)

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.

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.

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.

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.
6.3	Southern Water A connection agreement is required for foul drainage.
6.4	LDC Ecology 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. Further details relating to sensitive lighting, ecological design and landscaping, and ongoing management and monitoring should also be submitted prior to commencement of development. As above, this is also important for species, including reptiles.
6.5	LDC Air Quality Officer 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.
6.6	LDC Contaminated Land Officer 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.
6.7	Lead Local Flood Authority Awaiting formal response to alterations in drainage scheme to utilise the highway drain.
6.8	ESCC Highways 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. 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. 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

	<p>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 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><u>A consultation and objection letter</u> has been received that raises concerns that the officer report has not attached appropriate weight to LLP2 policy DM1 when making the recommendation. Policy DM1 relates to development and settlement boundaries. The policy states that: -</p> <p><i>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.</i></p> <p>The proposed development site lies outside of the settlement boundaries. The impact of the development on the distinctive character and quality of the countryside is assessed in the officer report and included in the planning balance. The spatial objectives of the policy, (focussing of development in side settlement boundaries), is afforded “limited weight” due to <u>“the failure of the Council to demonstrate a 5 year housing land supply, and the sustainable location and features of the proposed scheme”</u>, as explained in the report.</p> <p><u>The letter</u> goes on to state that the officer adopted the tilted balance approach without referring to ‘footnote 6’ policies as set out in para. 11 d) i) of the NPPF. For information, these policies <u>are now listed as ‘footnote 7’</u> following the updates to the NPPF made in 2021. The footnote policies relate to habitats sites (and those sites listed in paragraph 180) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 67); and areas at risk of flooding or coastal change.</p>

	As stated in para. 3.5 of the officer reports, there are none of the Footnote 7 specific planning designations or constraints attached to the site or the immediate surrounding area. General consideration of potential impact to habitat and flood risk is included in the officer report and in the planning balance. As such, the decision to adopt the tilted balance is the correctly assessed by the officer's report. NPPF para.11 d) i) is therefore not applicable.
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.

	<ul style="list-style-type: none"> • Landscaping would be expensive to implement and maintain. • 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	<p><u>Visual Impact</u></p> <p>Para. 126 of the NPPF states that ‘the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.’ 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.</p> <p>The National Design Guide and National Model Design Code Part 2 Guidance Notes both identify context as an important consideration when looking at how a development would impact upon the character of an area. 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.’</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>
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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>

	<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.</p> <p>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.</p> <p>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.</p> <p>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</p> <p>It is therefore considered that the proposed development would not result in any unacceptable harm toward the amenities of neighbouring residents.</p>
8.7	<p><u>Living Conditions for Future Occupants</u></p> <p>Para. 134 of the NPPF states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.</p> <p>Para. 126 of the National Design Guide (2019) states that 'well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.'</p> <p>The Technical housing standards – nationally described space standard (2015) defines minimum levels of Gross Internal Area (GIA) that should be provided for new residential development, based on the number of bedrooms provided and level of occupancy. The GIA of all of the dwellings and flats exceeds the minimum area specified in the space standards for their respective classifications.</p> <p>Each dwelling and flat is considered to have a clear and easily navigable layout, with awkwardly sized rooms and overly large or long circulation areas being avoided. All primary habitable rooms would be served by clear glazed windows that would not have any immediate obstructions to outlook. These windows would allow for access to good levels of natural</p>

	<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 found, 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>
10.29	<p>Surface Water Drainage “No development approved by this permission shall be commenced until full details of surface water drainage, which shall follow the principles of sustainable drainage as far as practicable, have been submitted to and approved by the Local Planning Authority. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development 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</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
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12.	Appendices
12.1	None.

13.	Background Papers
13.1	None.

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Report to: Planning Applications Committee

Date: 15th March 2023

Application No: LW/22/0840

Location: Bridge Farm, Barcombe Mills Road, Barcombe

Proposal: Erection of one workshop comprising 4 modular units with associated car parking on the established rural employment site.

Applicant: Mr M Stroude

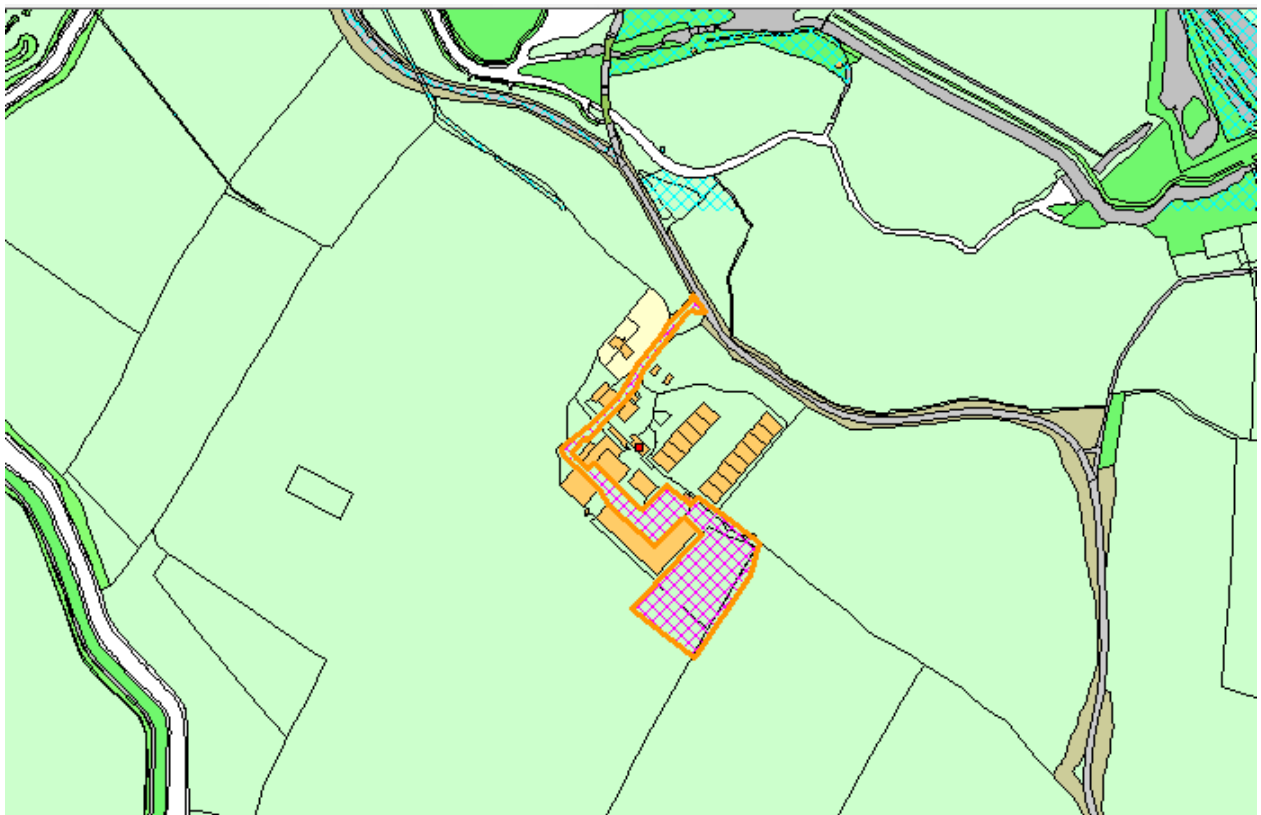
Ward: Ouse Valley and Ringmer

Recommendation: Subject to no adverse comments being received from ESCC Highways then the application be delegated to the Head of Planning to approve subject to conditions, including requirement of a footpath diversion order.

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

IMPORTANT NOTE: This scheme is not CIL Liable.

Site Location Plan:



1.	Executive Summary
1.1	The proposed development involves an expansion of an existing rural business estate outside of the area of previously developed land. The business estate is recognised in the Ringmer Neighbourhood Plan (NP) Policy 5.1 (EMP23) as a site that would help...” ensure there are sufficient suitable employment sites available to support economic growth throughout the planning period” (2010-30). The NP also explains that...” more intensive use of (this) site and the upgrading of ...facilities, will be supported”
1.2	Farm diversification and rural employment development are supported as a means to improve the rural economy. However, this support is caveated by a need, amongst other considerations, to “preserve the character and quality of the surrounding rural environment”.
1.3	The proposed scheme would sit outside the agreed employment site boundary, but it would be contiguous to that boundary.
1.4	The scheme would result in some loss of agricultural land. Natural England macro scale mapping suggests that this is Grade 3 land and it is noted the portion that would be lost is modest in comparison to the overall scale of the field, is awkwardly shaped, is subject to shading due to being positioned between existing buildings and the hedgerow and has become divorced from the remainder of the field, with planting not being carried out on it over recent years.
1.5	The scheme is not needed for essential employment retention, but, is proposed for economic and employment growth and demand for which there is some evidence.
1.6	Overall, the scheme would not unacceptably impact on residential neighbour amenity or on the neighbouring rural countryside character.
1.7	The scheme would be designed to be in keeping with the existing business estate and would appear like a growing cluster of farmyard buildings.
1.8	It is likely that there would be no unacceptable impact on the local road network, but final trip rates and therefore impacts are still to be fully understood and agreed. It is important to acknowledge however that the previous scheme (a larger development) did not receive an objection from the ESCC Highways.
1.9	Overall, the scheme is supported for recommendation. Should Committee support this recommendation, officers advise that the application is delegated for approval to the Head of Planning once the Highway Authority is satisfied with agreed trip rates and that these would not unacceptably impact on the rural network.

2.	Relevant Planning Policies
2.1	<u>National Planning Policy Framework (NPPF)</u> 2. Achieving sustainable development 4. Decision making 6. Building a strong, competitive economy 8. Promoting healthy and safe communities 9. Promoting sustainable transport 11. Making effective use of land 12. Achieving well-designed places 14. Meeting the challenge of climate change, flooding, and coastal change 15. Conserving and enhancing the natural environment 14. Conserving and enhancing the historic environment
2.2	<u>Lewes Local Plan Part 1 (LLP1)</u> SP1 – Provision of Housing & Employment Land CP4 – Economic Development & Regeneration CP10 – Natural Environment & 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 DM9 - Farm Diversification DM10 - Employment Development in the Countryside DM11 - Existing Employment Sites in the Countryside DM14: Multi-functional Green Infrastructure DM18 - Recreation and Rivers DM19 - Protection of Agricultural Land DM20 – Pollution Management DM21 - Land Contamination DM22 – Water Resources and Water Quality DM23 – Noise DM24 – Protection of Biodiversity and Geodiversity DM25 – Design

	DM26 - Refuse and Recycling DM27 – Landscape Design DM33 – Heritage Assets
2.4	<u>Ringmer Neighbourhood Plan (RNP)</u> 4.1 The countryside in Ringmer 4.4 The River Ouse banks between Lower Stoneham and Barcombe Mills 4.5 Access to the countryside: public footpaths 4.6 Accessible countryside and natural or semi-natural greenspace 4.9 Green corridors, ponds, and streams 4.10 Maintaining and enhancing biodiversity 4.11 Avoidance of light pollution 5.1 Employment in Ringmer EMP23 Bridge Farm, Barcombe Mills 8.2 The local road network within Ringmer parish 8.3 Provision of adequate off-road parking 8.5 Road safety 8.10 Water supply 8.11 Drainage & sewerage 8.12 Waste disposal & recycling 9.1 Design, massing, and height of buildings 9.2 Making good use of available land 9.3 Materials 9.6 Hard & soft landscaping

3.	Site Description
3.1	The site is located outside of, but contiguous to the planning boundary and occupies a wedge-shaped portion of an agricultural field which does not appear to have been planted with crops recently and is partially covered by bramble and overgrowth.
3.2	The employment site has 7 main buildings. The site is accessed from Barcombe Mills Road which connects with a network of hard surfaced internal access roads. Hard surfaced parking areas are provided within the site.
3.3	The existing employment site occupies low lying land to the east of the river Ouse. Other than a pair of semi-detached houses to the immediate north of the site the surrounding landscape is largely undeveloped, comprising a network of predominantly arable enclosed fields with

	Barcombe Mills and reservoir relatively close by to the north. A public footpath, RIN/7/2 directly flanks the eastern site boundary, running north towards Barcombe Mills and south towards Upper Wellingham.
3.4	The majority of the existing business estate falls within the area identified as an Employment Site under EMP23 of the Ringmer Neighbourhood Plan. However, the site itself just outside of this designation, lying to the south-east of it. The site falls wholly within the area subject to policy 4.4 of the Ringmer Neighbourhood Plan which seeks to encourage recreational and tourist use of the riverbanks between Chalkham Farm and Barcombe Mills.
3.5	The site itself is identified as being at very low risk of tidal, fluvial, or surface water flooding. However, it is noted that the site access falls within Flood Zone 3 (high risk of tidal/fluvial flooding) and part of the wider business site to the north falls within Flood Zone 2 (medium risk of tidal/fluvial flooding). The site also falls within an Archaeological Notification Area.
3.6	Other than those mentioned above, there are no specific planning designations or constraints attached to the site or the immediate surrounding area.

4.	Proposed Development
4.1	The proposal involves the erection of a single workshop building which would be subdivided into 4 x self-contained units. The building would measure approx. 55 metres in length. The building frontage would be staggered increasing from 21 metres depth on the northern side of the building to 28 metres on the southern side. The ridge line of the roof would be at 6.1 metres. The roof would have a gable form that would be asymmetrical due to the staggered frontage with the eaves height on the eastern elevation being a constant 4.875 metres and the eaves increasing to 5.488 metres on the western elevation on the narrower parts of the building. The overall floor area provided would be 1,289.22 m ² at ground floor level. It is noted that mezzanines have been installed in some of the existing units, but no mezzanine level would be included within the proposed building.
4.2	Openings provided would comprise roof lights installed in both the east and west facing roof slopes, full height shutter doors and adjacent solid personnel doors for each unit on the western (front) elevation and a single solid personnel door for each unit on the eastern (rear) elevation.
4.3	A hard-surfaced parking, turning and access area would be provided to the front of the building. 21 parking bays provided, 3 of which would be of suitable dimensions for use by people with disabilities.
4.4	It is proposed that the existing footpath flanking the east of the site would be diverted to the opposite side of the hedgerow marking the boundary between the site and the field to the east. This would require a footpath

	diversion order to be agreed with East Sussex County Council. The aim of the diversion would be to maintain to some extent its pastoral character.
4.5	A surface water attenuation pond would be formed to the south of the building and tree and hedge planting would be included on the eastern boundary and to the south of the building where it would be in the form of a 5-10 metre wide belt of trees and hedging intended to provide screening.

5.	Relevant Planning History:
5.1	LW/11/0124 - Change of use of farm buildings to business uses (B1 & B8) – Approved Conditionally 31st March 2011
5.2	LW/15/0456 - Change of use from agricultural building to a flexible commercial use under Class R – Approved Conditionally 10th August 2015
5.3	LW/16/0506 - Erection of new B1/B8 workshops – Approved Conditionally 24th November 2016
5.4	LW/17/0257 - Amendment to planning approval LW/16/0506 (Erection of new B1/B8 workshops) to alter the elevations to provide translucent panels – Approved Conditionally 3rd April 2017
5.5	LW/19/0923 - Erection of two B1/B8 workshops on established rural employment site – Approved Conditionally 3rd April 2020
5.6	LW/21/1005 - Erection of one workshop comprising 6 modular units with associated car parking on the established rural employment site – Refused 9th September 2022

6.	Consultations:
6.1	<u>Ringmer Parish Council:</u> Support.
6.2	<u>Barcombe Parish Council (Note: The application site is in Ringmer Parish but adjacent to Barcombe Parish)</u> Over development of the site. The existing size and level of activity on the site is sufficient. Unacceptable increase in traffic volume Road safety hazard Road damage caused by increased traffic Unacceptable impact on the dark sky policy from site lighting Possible flood risk from increase in hard surfaces.

	<p>The Parish council also requests that conditions from the previous development (LW/16/0506) are reviewed as light fittings appear not to be hooded/subject to motion detection triggers. It is also reported that lights are on late into the evening.</p>
6.3	<p><u>ESCC Highways</u></p> <p>Comments are yet to be provided for the current scheme.</p> <p>The 1952 m² scheme approved under LW/19/0923 was assessed by ESCC Highways who estimated that it would generate additional vehicular movements at a rate of approx. 1 per 2 minutes during peak hours and that this level of increase would not significantly impact upon highway safety and the free flow of traffic and that no further modelling of the impact upon nearby junctions would be required.</p>
6.4	<p><u>LDC Ecology</u></p> <p>Comments are yet to be provided for the current scheme. Comments provided for the previous, larger scheme (LW/21/1005) are provided below.</p> <p>It is considered that sufficient information has been provided to be able to assess the ecological impacts of the proposed development. Works should only be undertaken under a precautionary approach and in accordance with the recommendations in the Preliminary Ecological Appraisal (Phlorum, June 2021) and in the additional advice given above. Further details of habitat and species enhancement measures should be submitted prior to commencement of development. These could be included within an Ecological Design Strategy (EDS) or similar document.</p>
6.5	<p><u>Environment Agency</u></p> <p>No objection.</p>
6.6	<p><u>ESCC Archaeology</u></p> <p>The proposed development is within an Archaeological Notification Area associated with a small Roman town. Recent archaeological investigations undertaken as part of the Culver Archaeological Project has identified evidence for an extensive Roman settlement centred on the junction between two Roman roads to the west of Bridge Farm, possibly overlain by a rectilinear double-ditched enclosure which may be of military origin. Further afield, additional evidence for Roman occupation is present, including a villa complex and a number of industrial and religious sites. Evidence for prehistoric activity has also been identified in the wider environs of the site, including waterlogged Bronze Age remains.</p> <p>The present application is accompanied by a comprehensive Archaeological Desk Based Assessment prepared by the Culver Archaeological Project. This has concluded that the site has high potential to contain archaeological deposits or features related to the nearby Roman settlement and recommends that the proposal site is subject to archaeological evaluation in advance of construction. We concur with this assessment.</p> <p>In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area</p>

	<p>affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF (the Government's planning policies for England):</p>
6.7	<p><u>ESCC Rights of Way</u></p> <p>This application proposes that the units will be positioned closer to the existing route of Footpath Ringmer 7b than was proposed under the previous application (LW/21/1005). A diversion of the path will therefore be all the more essential if consent is granted.</p> <p>Need for the diversion process to be pursued at an early stage if the application is approved, since an order under Section 257 of the Town and Country Planning Act 1990 must be made prior to the development being substantially completed.</p>

7.	Other Representations:
7.1	<p>9 letters of support have been received. A summary of comments made is provided below: -</p> <ul style="list-style-type: none"> • There is high demand for modern purpose-built commercial units • Supports local businesses and provides employment. • Lack of similar units available elsewhere. • Would provide high quality units on a well-run employment site • Planting to be provided will improve the environment and provide screening • The site has good transport links • Rural businesses need rural employment sites • Increase in vehicle traffic will be minimal
7.2	<p>9 letters of objection have been received. A summary of comments made is provided below: -</p> <ul style="list-style-type: none"> • Application is the same as the previously refused scheme apart from one modification. • Previous reason for refusal has not been addressed. • Noted that the ditch adjacent to the site filled up quickly during flooding in January 2023 • Loss of greenspace/habitat.

	<ul style="list-style-type: none"> • Unsympathetic to the open character of the countryside. • Increase in traffic • Unsympathetic lighting would impact upon dark night skies. • Increase in light pollution • Harmful impact upon neighbour amenities • Creates a precedent for further expansion of site into countryside • Sceptical of ability to enhance biodiversity • Increase in noise pollution. • Lack of footpath links for pedestrians and position of site access close to bend in road causes a highway hazard. • The LVIA is misleading in depiction of screening provided by landscaping. • Increased flood risk due to hard surfacing. • Harmful impact upon the amenity value of the passing public footpath • Would encroach upon archaeological remains that are still being uncovered. • LDC planning policy objected to previous expansion of the site
7.3	One neutral letter received. The letter requested that any approval prohibits use of translucent panels on the elevation walls of the buildings, if approved, in order to control light emissions from the buildings.

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, upon green infrastructure and the wider landscape, neighbour amenities, highway/pedestrian safety and flood risk with the ultimate consideration being the balance any harms and benefits caused by the scheme on the context of the economic, environmental and social objectives that comprise sustainable development.</p> <p>The demand for additional employment facilities will be considered as well as the current availability of land/existing facilities to meet this demand.</p>
8.2	<p><u>Principle of Development</u></p> <p>The site is located outside of the settlement boundary. Policy DM1 of the Lewes District Local Plan (part two) adopts a strict approach to development within the countryside, stating that 'outside the planning boundaries, the distinctive character and quality of the countryside will be</p>

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.

Para. 84 (b) of the National Planning Policy Framework (NPPF) states that planning policies and decisions should support the development and diversification of agricultural and other land-based rural businesses.

Para. 85 goes on to state that 'Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'

Policy CP4 of the Lewes District Local Plan Part 1 states that 'in order to stimulate and maintain a buoyant and balanced local economy through the rural economy and ensuring that the district's economy does not become reliant on one or two sectors, the local planning authority will take a flexible and supportive approach to economic development.'

Policy DM9 of Local Plan Part 2 (LLP2) identifies development which forms part of a farm diversification scheme or otherwise helps maintain the viability of farm businesses engaged in sustainable land management as acceptable within a rural location provided the following criteria are met.

- i. the proposed development will stimulate new economic activity with a use appropriate to its rural location.
- ii. wherever possible, new or replacement buildings are located within or adjoining an existing group of buildings.
- iii. any new building responds sensitively to its rural setting, in terms of its scale, layout, design and use of materials.
- iv. the proposed development would not create an unacceptable impact on the local road network or require highway improvements that would harm the landscape or ecological value of rural roads in the area.

LLP2 policy DM11 supports redevelopment and intensification of existing employment sites. Outward expansion of a site can be supported where it can be demonstrated that "retention of an employment use" is needed and that there is no suitable alternative site.

The bulk of the existing development falls within an area designated as an employment site under EMP23 of the Ringmer Neighbourhood Plan. The site itself does not fall within this designation, but sits contiguous to it.

The general principle of rural employment development is therefore considered to be acceptable. And whilst DM 11 is likely not to be met in full, since the application is for "economic growth", on balance, because of

	the limited impact on the countryside setting of the scheme, the principle of the development is supported.
8.3	<p><u>Planning Obligations</u></p> <p>None required although a footpath diversion order would need to be put in place to secure the realignment of the footpath on the eastern boundary of the site.</p>
8.4	<p><u>Visual Impact</u></p> <p>The site is within a rural setting where, other than the cluster of buildings that make up the existing business estate and neighbouring dwellings, there is no development within the immediate surroundings and development in the wider landscape is restricted to sporadic clusters of agricultural buildings and rows of dwellings that generally flank roads and do not intrude significantly into the countryside.</p> <p>The business estate has grown towards Barcombe Mills Road, with purpose-built buildings being erected, most recently in 2020.</p> <p>The proposed development would represent a further outward expansion of the estate. This would bring the development within 6 metres of the hedgerow that marks the field boundary. Unlike the recent development to the north of the site, which occupies an area which had been partially developed in the past in the form of chicken sheds and a slurry lagoon, the proposed development would be built over land which is outside of the confines of the original farmyard and previously served as a green buffer, forming part of the field that originally extended around the western, southern and eastern edges of the farm yard.</p> <p>The application follows a previous scheme, submitted under LW/21/1005 which involved a new building in a similar position although of significantly greater length, resulting in it extending beyond the southern 'edge' of the existing development and into the open arable field to the rear. The application was recommended for refusal on the basis of disruptive and cluttered appearance a projection into the open countryside would have entailed and this recommendation was endorsed by members of the planning committee.</p> <p>Impact on Countryside</p> <p>Whilst the proposed scheme would extend the existing development further to the east of the site. It would respect the existing northern and southern edges of the development whilst the eastern expansion would not compromise existing field boundaries, which are marked by mature hedgerows. Crucially, the development would not extend into the open field behind the existing buildings and it is therefore considered that the nucleated character of the overall development would be maintained, with no introduction of sprawl into the wider rural environment.</p>

Dark Skies

As with the existing buildings on site, the proposed building would be a metal clad structure with relatively few openings. Where openings are provided, they would be in the form of metal shutter doors and solid metal personnel doors, with no significant glazing introduced other than modestly sized roof lights that would provide natural light to the internal area. It is considered that the general appearance of the building is comparable to that of a large agricultural barn that would be expected to be present in a rural environment and, therefore, would not represent an overly urbanising impact within the rural setting. The lack of any significant glazing reduces potential for light spill from within buildings. It is, however, considered that a condition should be used to ensure any external lighting is kept to a minimum and requires approval from the LPA to ensure that it is sympathetically positioned and designed and is proportionate to the essential needs of the site.

Public Right of Way – Footpath

The eastern wall of the proposed development would flank the course of the passing public footpath and, with little space maintained between the wall of the building and the hedgerow on the field boundary, it is considered that the quality of the footpath, particularly the sense of passing through an open rural environment, would be compromised.

In response, an alternative route for the footpath has been put forward by the applicant. This would involve the path moving to the other side of the hedgerow where it passes the site, running along the edge of the open field to the east. Whilst it is noted that the proposed development would remain visible from the footpath, particularly in winter months, it is considered that the visual impact would be significantly reduced in comparison with the previous scheme due to the length of the building being approx. 36.5 metres shorter and the building therefore aligning with the northern and southern edges of existing, visible development when viewed from the footpath. The Public Rights of Way Officer at ESCC considers the revised course of the footpath to be acceptable in principle, based on comments submitted in response to the previous scheme (LW/21/1005). The length of the footpath would remain comparable to current footpath as would the topography and environment it passes through.

The diversion would require a formal application for a footpath diversion order, including public consultation, to be submitted and authorised by the Council pursuant to Section 257 Town and Country Planning Act 1990.

Visual Impact Conclusion

It is therefore considered that the proposed development represents a sympathetic expansion of the existing site that will not intrude into the wider countryside and will maintain the nucleated character of the existing site, which is considered to be comparable with that of a large farm yard

	<p>area in terms of scale, activity and the design of buildings. The proposed development is considered to be consistent with LLP2 policy DM9 in this regard.</p>
8.5	<p><u>Impact Upon Amenities of Neighbouring Residents</u></p> <p>The site is relatively isolated from neighbouring dwellings, with the only residential properties within the immediate vicinity being at 1 and 2 Bridge Farm, some 150 metres to the north of the site, adjacent to the existing employment development.</p> <p>It is therefore considered that the proposed development would not result in any unacceptable adverse impact upon residential amenity due to the relative isolation of the site, provided the use of the proposed building is consistent with the light industrial/storage use of the existing commercial buildings (use classes E (g) and B8) and that there are suitable restrictions on hours of use to prevent sustained vehicular movements around the site entrance, which is adjacent to 1 and 2 Bridge Farm throughout the night as well as noise associated with activities taking place within the building.</p>
8.6	<p><u>Need for Employment Facilities</u></p> <p>The application is accompanied by a statement from Locate East Sussex which maintains that the existing units on the site are in high demand, that enquiries for this type of site are regularly made, that units of this type support small and start-up businesses and assist economic growth in the rural area and that there is currently a lack of supply of good quality and affordable business space, driven partly by the loss of industrial units as part of the North Street Quarter development in Lewes and the delay in business development at Malling Brooks coming forward.</p> <p>The Council's Regeneration Officers estimate that the proposed development would provide up to 39 full time equivalent (FTE) jobs and that this would represent an 8.4% increase in FTE employment available within the parish of Barcombe. As such, they consider that the development supports the LDC objective of building community wealth.</p> <p>The Regeneration Officers also consider that the development is consistent with the national government 'levelling up' strategy to address area-based inequality, given that employment opportunities in rural areas are more restricted than in urban parts of the District.</p> <p>The Local Plan and the NPPF both support rural diversification as do the national government 'levelling up' initiative. Para. 84 a) of the NPPF states that 'the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.'</p> <p>Whilst the proposed development would extend outside of the employment land allocation set out in the Ringmer Neighbourhood Plan, it is considered that the demand for further development of this site is evidenced by the occupancy rate of the existing development, including recently built workshops. Whilst the most recent Employment Land Review (2012) does not identify a quantitative need for new employment space outside of allocations, it does state there is evidence of a need for a qualitative improvement and it is considered that the proposed modern, adaptable</p>

	<p>buildings would address this. It is also noted that a particular need for small sites close to Lewes is identified.</p> <p>Policy DM11 – Existing Employment Sites in the Countryside. This supports redevelopment or intensification where there would be no harm to the rural character, (including traffic impact) and the scheme is likely to create significant jobs well located to neighbouring settlements. The policy however says that “outward expansion”, (and this applies to this application), “will be permitted where retention of employment uses important to the local economy, and there is no suitable alternative site”. This criterion is not met. This application is seeking, on balance, support for an expansion to support economic growth.</p> <p>Need for Employment Conclusion</p> <p>Overall, it is considered that the scheme’s proposed expansion has limited impact on the rural character and local environment, will have a likely limited impact on the rural road network, but will have significant benefit to the local economy and support for local jobs and is therefore recommended for support.</p>
8.7	<p><u>Transport and Parking</u></p> <p>The proposed development would utilise the existing access to the business estate, taken from Barcombe Mill Road and the internal road system would be extended to the east to provide direct access to the site. No designated footways would be provided.</p> <p>A hard-surfaced parking, turning and service area would be provided to the front (west) of the building. A total of 21 car parking bays would be provided within this area to cater for staff and visitor demand.</p> <p>Each building would be fitted with a full height roller shutter door to facilitate deliveries and collections. The areas to the front of each shutter door would be kept free of parking and other obstructions.</p> <p>A condition could be used to prohibit the open storage within the hard-surfaced area in order to ensure accessibility is maintained and pedestrians and vehicles can safely circulate within the site.</p> <p>It is noted that the Highway officer identified a shortfall of additional parking in the previous scheme (LW/21/1005) which provided one space per 59 m² (approx.). However, the officer was satisfied that this shortfall could be addressed by parking provided within the existing development given that it is not currently being fully utilised. The current scheme provides 1 parking space per 61 m² and it is considered that any shortfall could also be addressed by existing parking.</p> <p>The highway officer lodged an objection to the previous scheme on account of the estimated trip rates not being evidenced by a survey of the existing use. The trip rates generated would impact upon the scope of a Travel Plan Statement, which would set out measures to be implemented</p>

	<p>to reduce private car trips to and from the site. Whilst the objection is noted, it is considered that the matter could be addressed by a planning condition for a fully evidenced Travel Plan Statement to be provided prior to commencement of development, were the application to be approved.</p> <p>Transport Conclusions</p> <p>The 1952 m² scheme approved under LW/19/0923 was assessed by ESCC Highways who estimated that it would generate additional vehicular movements at a rate of approx. 1 per 2 minutes during peak hours and that this level of increase would not significantly impact upon highway safety and the free flow of traffic and that no further modelling of the impact upon nearby junctions would be required.</p> <p>The proposed scheme, which provides approx. 1289 m² of additional floor space is approximately two thirds of the size of the previously approved, and constructed, development. On this basis, the proposed development would generate an additional approx. 20 vehicular movements within peak hours, a rate of one per 3 minutes or, cumulatively with the previously approved scheme, approx. one movement per 75 seconds. Formal comments are awaited from highways as to whether the predicted level of additional traffic would justify a requirement for modelling to be carried out on the local highway network and junctions.</p> <p>At this stage, should Committee be minded to approve the scheme, once trip rates are agreed not to unacceptably impact on the surrounding network, Committee would delegate to the Head of Planning the authority to approve.</p>
8.8	<p><u>Flooding and Drainage</u></p> <p>The site is located within Flood Zone 1 and, therefore, not identified as being susceptible to tidal or fluvial flooding. Environment Agency mapping also shows that the risk of surface water flooding on the site is low although. It should, however, be noted that the vehicular access to the site falls within Flood Zone 3 and is therefore identified as being at high risk of surface water flooding.</p> <p>The proposed development would introduce a substantial building on a site that is currently undeveloped and permeable. Further development in the form of associated hard surfacing for access, parking and turning would also be introduced on the greenfield site.</p> <p>The submitted application refers to the formation of an attenuation pond to the south of the proposed building which would be used to store surface water and allow for controlled discharge into an existing drainage ditch which follows the course of the field boundary to the east of the site. A package plant would be used to process foul water which would be discharged into the attenuation pond once it had been cleaned. The package plant would require a licence from the Environment Agency, and this would need to be issued prior to any installation. The plant would need</p>

	<p>to operate in accordance with the licence and Environment Agency conditions throughout the lifetime of the development.</p> <p>Council has proposed a motion requiring greater scrutiny of the capacity for foul sewerage disposal to be provided when assessing all major developments. This is based on the observation that recent figures show that SW discharged sewage into local rivers & seas in Lewes District over 800 times in 2020 totalling over 11,000 hours of sewage discharge in just one year. As foul sewerage would be managed by a package plant rather than public sewer infrastructure there would be no impact upon Southern Water capacity.</p> <p>The use of an existing watercourse to discharge surface water at an appropriate rate represents a sustainable form of drainage and is supported in principle. If the application were to be approved then full details of the drainage scheme, including discharge rates, attenuation pond capacity, water course capacity, groundwater information and management and maintenance procedures would need to be submitted to and approved by the Local Planning Authority prior to the commencement of development.</p>
8.9	<p><u>Ecology and Biodiversity</u></p> <p>The application site formed part of the arable field extending to the south although does not appear to have been used for growing crops recently. The application is accompanied by a Preliminary Ecological Appraisal (PEA). The PEA includes a habitat survey for areas within and around the site and provides a series of mitigation measures and ecological enhancements that should be incorporated into the development.</p> <p>The proposed development would not result in the loss of any trees that may provide roosting opportunities for bats. An Environmental DNA (eDNA) survey was carried out, incorporating all ponds within 500 metres of the sit. The surveys found no evidence of Great Crested Newts being present in the area. The PEA concluded that the site did not provide a valuable habitat for reptiles and noted that there would be no harmful impact upon breeding birds and dormice given existing hedgerow would be retained and enhanced.</p> <p>The PEA was assessed by the Council's Ecologist and its findings were supported. A precautionary approach to construction works, including a phased clearance of vegetation, has been recommended by the ecologist in order for any wildlife that is on the site to be protected and any reptiles on site to have time to move from the site to other areas.</p> <p>The proposed attenuation pond to the south of the development would also create habitat as well as allow for the control of surface water discharge from the site.</p> <p>Mitigation planting including the strengthening and gapping up of existing hedgerow and the planting of new hedgerow and trees would be incorporated and would serve the dual purpose of providing screening to the development as well as enhancing habitat and green connectivity.</p>

	<p>Ecological enhancements including bat and bird boxes would be installed in appropriate locations around the development. The ecologist is satisfied with the principle of this approach, subject to full details (including species to be planted maintenance practices) being provided as part of an Ecological Design Strategy (EDS) which would enable the Council to secure a scheme that maximises biodiversity net gain. A minimum of 10% biodiversity net gain would need to be achieved, in accordance with the Council's Technical Advice Note. This would be secured by condition, were the application to be approved.</p>
8.10	<p><u>Biodiversity</u></p> <p>The site is close to two Sites of Special Scientific Interest (SSSIs), these being Chailey Common, approx. 1.3km to the west 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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>The proposed development would result in the loss of a modest portion of land that had formed part of the large arable field extending to the south. Due to the existing development at Bridge Farm the portion of field to be occupied by the development is relatively small and awkwardly shaped and, therefore, has become marginalised. It does not appear to have been planted with crops recently and is considered to be of minimal agricultural value due to its size, shape and proximity to existing buildings and hedgerow which produce shading. It is therefore considered that the proposed development would not result in the loss of any significant area of valuable agricultural land.</p> <p>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.</p>

	Biodiversity net gain would be achieved through the retention and enhancement of green corridors, creation of new habitats in the north-
8.11	<p><u>Sustainability</u></p> <p>The development would utilise sustainable drainage systems that include the formation of an attenuation pond that would also provide an amenity and habitat asset. This, as well as other green space created within the overall site area is considered to support the delivery of multi-functional green infrastructure as required by LLP2 policy DM14.</p> <p>The proposed buildings are of a simple metal clad construction, with an interior space that could be configured in a number of ways, allowing for a good level of adaptability, as evidenced by the range of business types occupying the existing buildings. The materials used could also be easily removed and recycled at the end of their useful life, with the buildings either being renovated or replaced.</p> <p>There is an established business use on the adjacent site, and this is likely to allow for increased potential for car sharing and for delivery services making shared trips to the site, thereby mitigating traffic increase. There is a bus stop approx. 750 metres walking distance to the north-west of the site which is on a circular route to Lewes. Approx. 1.2 km walking distance to the east of the site, on the A26, is a bus stop on the main Brighton to Tunbridge Wells route. Whilst these bus stops are fairly close by, it is noted that there is no pavement alongside the road in either direction away from the site.</p> <p>The applicant has stated that a single electric vehicle charging point would be installed for shared use. There are shower blocks within the existing development, and it is considered that the availability of these facilities would encourage people to cycle to work.</p> <p>The proposed building would be constructed in energy efficient materials. There would be openings to the front and rear of each building to allow for ventilation and roof lights would allow for natural light to permeate during daylight hours, reducing the need for artificial lighting.</p> <p>A Sustainability condition is proposed along with one on Site Waste Management that will detail how any waste material produced during construction can be reused or recycled either on site or, if that is not possible, then in other areas.</p>
8.12	<p><u>Archaeology</u></p> <p>The site lies within an Archaeological Notification Area (ANA). The applicant has submitted a desk-based assessment of the archaeological value of the site, potential impacts of the development and mitigation measures to allow for the recording and protection of archaeological artifacts.</p> <p>The County Archaeologist has raised no objection, subject to an appropriate scheme of archaeological works being carried out prior to the commencement of any development, the scope of which would be set out in a written scheme of investigation to be secured by condition.</p>
8.14	<u>Human Rights Implications:</u>

	<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 and Recommendation</u></p> <p>The proposed scheme would sit outside the agreed employment site boundary, but it would be contiguous to that boundary.</p> <p>The scheme would result in some loss of agricultural land.</p> <p>The scheme is not needed for essential employment retention, but, is proposed for economic and employment growth and demand for which there is some evidence.</p> <p>Overall, the scheme would not unacceptably impact on residential neighbour amenity or on the neighbouring rural countryside character.</p> <p>The scheme would be designed to be in keeping with the existing business estate and would appear like a growing cluster of farmyard buildings.</p> <p>It is likely that there would be no unacceptable impact on the local road network, but final trip rates and therefore impacts are still to be agreed.</p> <p>Overall, the scheme is supported for recommendation. Should Committee support this recommendation, officers advise that the application is delegated for approval to the Head of Planning once the Highway Authority is satisfied with agreed trip rates and that these would not unacceptably impact on the rural network.</p>

9.	Recommendations
9.1	<p>Subject to no adverse comments being received from ESCC Highways then the application be delegated to the Head of Planning to approve subject to conditions, including requirement of a footpath diversion order.</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.</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>Surface Water Drainage</p> <p>No development approved by this permission shall be commenced until full details of surface water drainage, which shall follow the principles of sustainable drainage as far as practicable and be devised by a chartered civil engineer, have been submitted to and approved by the Local Planning Authority. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development 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, RNP policy 8.11 and para. 163 and 165 of the NPPF.</p>
10.3	<p>Drainage System Maintenance/Management</p> <p>A maintenance and management plan for the entire drainage system shall be submitted to the planning authority before any construction commences on site to ensure the designed system considers design standards of those responsible for maintenance. The management plan shall cover the following:</p> <ul style="list-style-type: none"> • Details of who will be responsible for managing all aspects of the surface water drainage system. • Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development <p>These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.</p> <p>Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22, RNP policy 8.11 and para. 163 and 165 of the NPPF.</p>
10.4	<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, RNP policy 8.11 and para. 163 and 165 of the NPPF.</p>
10.5	<p>Flood Risk Mitigation</p> <p>The development shall be carried out in accordance with the submitted flood risk assessment (ref Flood Risk Assessment for the extension of Bridge Farm Industrial Estate Lewes. APP No. LW/22/0840) and the following mitigation measures it details:</p> <ul style="list-style-type: none"> • Finished floor levels shall be set no lower than 7.35 metres above Ordnance Datum (AOD) as per paragraph 8.1 of the FRA. • The occupants are to sign up to the Environment Agency's free Flood Warning Service (Paragraph 8.1 of FRA)

	<p>These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.</p> <p>Reason: To reduce the risk of flooding to the proposed development and future occupants. This condition is in line with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.</p>
10.6	<p>Plant and Machinery</p> <p>Prior to the installation of any plant apparatus or machinery within the site that is not allowed under Schedule 2 Part 7 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), full specifications shall be provided for approval by the Local Planning Authority and the plant/apparatus shall thereafter be installed and maintained in accordance with those approved details throughout the lifetime of the development.</p> <p>Reason: In the interest of environmental and residential amenity in accordance with LLP2 policy DM23, para. 9.11 of the RNP and para. 174 and 185 of the NPPF.</p>
10.7	<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 the requirements of paragraphs 194-205 of the National Planning Policy Framework 2021</p>
10.8	<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 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 Core Policy 11 in the Lewes District Local Plan Part 1; Joint Core Strategy 2010 – 2030; coupled with the requirements of paragraphs 194-205 of the National Planning Policy Framework 2021</p>
10.9	<p>External Materials</p> <p>The materials used in the construction of the development hereby approved shall be as detailed within the permitted application particulars</p>

	<p>and shall be retained permanently as such, unless prior written consent is obtained from the Local Planning Authority to any variation</p> <p>Reason: In the interest of visual amenity in accordance with LLP1 policies CP10 and CP11, LLP2 policy DM25, RNP policies 4.1, 9.1 and 9.3 and para. 130 of the NPPF.</p>
10.10	<p>External Storage</p> <p>No materials, goods, plant, equipment, or any waste materials shall be stored externally within the yard areas adjacent to the building.</p> <p>Reason: In the interest of visual and environmental amenity in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM20, DM23 and DM25, RNP policy 4.1 and para. 130 of the NPPF.</p>
10.11	<p>Approved Use</p> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Town and Country Planning (Use Classes) Order 1987 (as amended) -or any order revoking and re-enacting those orders with or without modification - the buildings shall be used only for E (g) (iii) and B8 uses unless agreed otherwise in writing by the Local Planning Authority.</p> <p>Reason: In the interest of visual and environmental amenity in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM20, DM23 and DM25, para. 9.11 of the RNP and para. 130 of the NPPF.</p>
10.12	<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 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

	<p>Reason: In the interests of highway safety and the amenities of the area in accordance with LLP2 policies DM20, DM22 and DM23 and para. 110 and 112 of the NPPF.</p>
10.13	<p>Landscaping</p> <p>Prior to completion any residential unit forming part of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:</p> <ul style="list-style-type: none"> • Details of all hard surfacing. • Details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees. • Ecological enhancements and Biodiversity Net Gain. <p>All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.</p> <p>Reason: To ensure the development incorporates sympathetic landscaping that amalgamates with surrounding landscaping, is appropriately and sympathetically screened, and provides a secure and safe environment for future occupants in accordance with LLP1 policy CP10, LLP2 policies DM24 and DM27, para. 174 of the NPPF and policies 4.1, 4.9, 4.10 and 9.6 of the Ringmer Neighbourhood Plan.</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 and approved in writing by the local planning authority. The EDS shall include the following:</p> <ol 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.

	<p>f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development.</p> <p>g) persons responsible for implementing the works.</p> <p>h) details of initial aftercare and long-term maintenance.</p> <p>i) details for monitoring and remedial measures.</p> <p>j) details for disposal of any wastes arising from works.</p> <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, LLP1 policy CP10, LLP2 policies DM24 and DM27, para. 174 of the NPPF and policies 4.1, 4.9, 4.10 and 9.6 of the Ringmer Neighbourhood Plan.</p>
10.15	<p>Parking and Turning Areas</p> <p>The development shall not be occupied until the parking areas shown on the approved plans have been constructed, surfaced, and marked out. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LLP1 policy CP13, LLP2 policy DM25 and para. 112 of the NPPF</p>
10.16	<p>Car Parking</p> <p>The development hereby approved shall not be occupied until a suitable travel plan pack is submitted to and approved by the Local Planning Authority. The approved pack should be provided for employees at each unit to encourage non-car modes of transport with initiatives such as promotion of car sharing and bike loans.</p> <p>Reason: In the interest of highway safety and in order to promote sustainable transport in accordance with LLP1 policy CP13, LLP2 policy DM25 and para. 106 and 112 of the NPPF.</p>
10.17	<p>Cycle Parking</p> <p>The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority] and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles</p> <p>Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development in accordance with policies CP11 and CP13 of the Lewes District Local Plan Part 1, policy DM25 of the Lewes District Local Plan Part 2 and para. 106 of the Revised National Planning Policy Framework</p>
10.18	<p>Turning Space</p> <p>The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with details, including vehicle tracking, which have been submitted to and approved in writing by</p>

	<p>the Planning Authority in consultation with the Highway Authority and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LLP1 policy CP13, LLP2 policy DM25 and para. 112 of the NPPF</p>
10.19	<p>Electric Vehicle Parking</p> <p>Prior to the first occupation of any part of the development hereby permitted, a minimum of 1 x electric vehicle charging point shall be provided within the car parking area 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 LLP1 policy CP13 and para. 112 of the NPPF.</p>
10.20	<p>Sustainability</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>
10.21	<p>Contaminated Land</p> <p>Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site</p>

	<p>shall each be submitted to and approved, in writing, by the local planning authority:</p> <p>(a) A preliminary risk assessment which has identified:</p> <ul style="list-style-type: none"> (i) all previous uses (ii) potential contaminants associated with those uses (iii) a conceptual model of the site indicating contaminants, pathways, and receptors (iv) potentially unacceptable risks arising from contamination at the site. <p>(b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.</p> <p>(c) The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken</p> <p>(d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>Any changes to these components require the express consent of the local planning authority. The scheme 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 National Planning Policy Framework, para 170, 178 and 179.</p>
10.22	<p>Unexpected Contamination</p> <p>If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.</p> <p>Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with National Planning Policy Framework, para 170, 178 and 179.</p>
10.23	<p>Verification Plan</p> <p>Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The</p>

	<p>report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.</p> <p>Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with National Planning Policy Framework, para 170, 178 and 179.</p>
10.24	<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 and DM24 of the Lewes District Local Plan part two, paras. 170, 175 and 180 of the NPPF and policy 4.11 of the Ringmer Neighbourhood Plan.</p>
10.25	<p>Footpath Diversion</p> <p>No development that would result in the stopping up of a public footpath shall take place until details for the footpath diversion have been submitted to and approved in writing by the LPA and shall thereafter be constructed in accordance with the approved details before the dwelling is brought into use.</p> <p>Ringmer 7b should remain available at all times on its existing route, until such time as a permanent diversion has been achieved unless an application for the temporary closure of the path is applied for to ESCC under the Road Traffic Regulation Act 1984.</p> <p>Reason: In the interests of improving accessibility to the wider footpath network having regard to LLP2 Policy DM35.</p>
10.26	<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>
11.	<p>Informative</p>

11.1	Waste Removal 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.
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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	22/12/22	2116 - SK00
	Proposed Block Plan	22/12/22	2216 – SK05 Rev A
	Proposed Ground Floor Plan	22/12/22	2216 – SK06 Rev A
	Proposed Roof Plan	22/12/22	2216 – SK07 Rev A
	Proposed Elevations	22/12/22	2216 – SK08 Rev A
	Archaeological Desk Based Assessment	14/01/23	
	Preliminary Ecological Appraisal	14/01/23	10511 Rev 1
	Stage 1 Flood Risk Assessment	07/02/23	

13.	Appendices
13.1	None.

14.	Background Papers
14.1	None.

Report to: Planning Applications Committee

Date: 15th March 2023

Application No: SDNP/22/05011/CND

Location: The Macs Farm, Dumbrells Court Road, Ditchling, East Sussex, BN6 8GT

Proposal: Variation of condition 2 (use ancillary to campsite between May and September) related to Prior Notification SDNP/21/00865/PA3R.

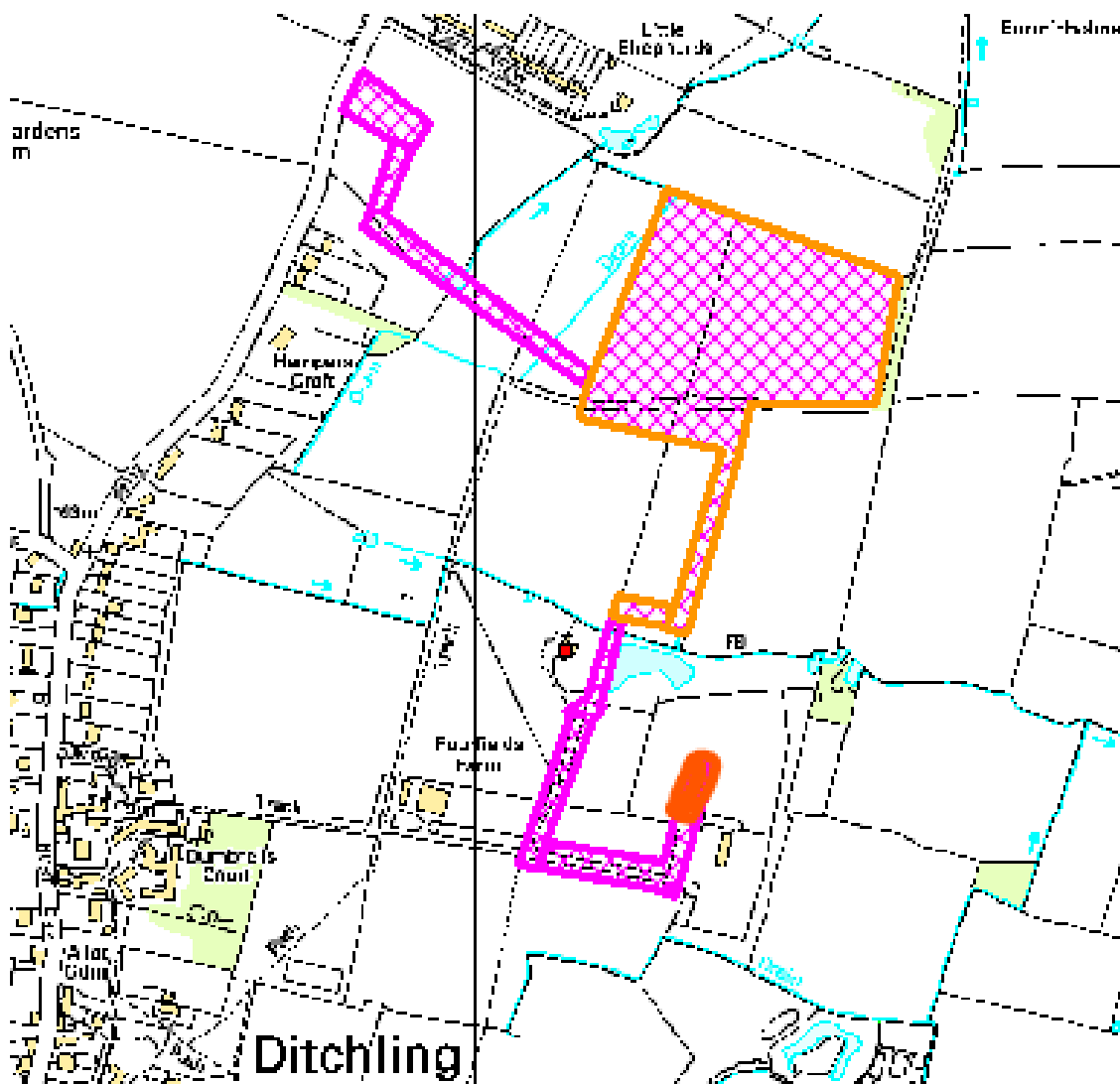
Applicant: Mrs S MacMillen

Ward: Ditchling

Recommendation: Grant Permission subject to conditions.

Contact Officer: **Name:** Claire Tester
E-mail: Claire.Tester@lewes-eastbourne.gov.uk

Site Location Plan



1.	Executive Summary
1.1	The application building (known as The Nest Box) was granted consent under SDNP/21/00865/PA3R for the change of use under Permitted Development Rights for the northern 362 square metres of the barn to be used for Class A3 (restaurants and cafes) and Class D2 (assembly and leisure). This was subject to a condition that this use could only be carried out in the summer ancillary to the use of the adjacent campsite. The proposal now is to vary this condition so that the building can also be used in the winter independently from the campsite.
1.2	The main considerations for this application are whether the proposed variation to the use would result in adverse impacts on neighbouring amenity and tranquility by virtue of noise and disturbance and whether they would result in a highway safety issue.
1.3	Expert advice has been sought on these issues and the recommendation is that any impacts can be addressed through the imposition of conditions. The application is therefore recommended for approval.

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
2.2	<u>South Downs Local Plan 2019</u> Policy SD1 Sustainable Development Core Policy SD2: Ecosystem Services Strategic Policy SD5: Design Strategic Policy SD7: Relative Tranquillity Strategic Policy SD19: Transport and Accessibility Strategic Policy SD20: Walking, Cycling And Equestrian Routes Strategic Policy SD23: Sustainable Tourism Development Management Policy SD40: Farm And Forestry Diversification Development Management Policy SD41: Conversion of Redundant Agricultural or Forestry Buildings

2.3	<p><u>Ditchling, Streat and Westmeston Neighbourhood Plan:</u></p> <p>DS1: Development strategy</p> <p>BIZ 2: Support appropriate rural enterprise diversification</p> <p>CONS 2 Set standards for design of new development</p>
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3.	Site Description
3.1	<p>The application site lies to the north of Ditchling village, outside the settlement boundary and the Ditchling Conservation Area. There is a private drive from North End/Common Lane/B2112 via Dumbrells Court Road to the west of the application building, known as The Nest Box. However, access to the building is conditioned to be via the new track to the north constructed to serve the campsite.</p>
3.2	<p>The Sussex Border Path (DIT/29/6) passes to the west of The Nest Box and footpath DIT/34/2 is adjacent to the building. The nearest dwellings are:</p> <ul style="list-style-type: none"> • Dumbrells Court Road approximately 400m to the west • Common Lane and South View approximately 500-600m to the north-west • East End Gardens and other developments off East End Lane approximately 450m to the south and south-west • Spatham Lane approximately 565m to the east. <p>It should also be noted that the access joins Common Lane approximately 25m south of South View.</p>
3.3	<p>The Nest Box is a large building originally erected in the late 1990s as a chicken shed. It has a pitched roof of green corrugated tin, wooden boarding on the gable end walls and a steel frame. On the long sides of the building there is a low brick plinth wall with open windows between that and the roof. These windows are currently unglazed and just covered with netting. The northern part of the building is used for a café and events ancillary to the campsite and the southern part is still used for agricultural storage. A full height internal brick wall separates the two areas. The main doors are at the north end of the building with a smaller door in the west elevation at the southern end of the café area.</p>

4.	Proposed Development
4.1	<p>The application as originally submitted proposed to remove Condition 2 of Prior Notification approval SDNP/21/00865/PA3R. This was changed in January 2023 to request a variation of Condition 2 to vary Condition No.2 to permit the use of the Nest Box during the winter period (from 1st October – 30th April in each calendar year). The agent has suggested</p>

	<p>that this would be for pre-booked recreation/leisure/entertainment, meetings, educational functions and pre-booked café and restaurant uses.</p> <p>Between 1st May – 30th September of each calendar year, the use of the Nest Box will not differ to the approved use for a café/restaurant and leisure and recreation ancillary to the approved campsite on the farm.</p> <p>The agent suggests that condition 2 be replaced by the following condition:</p> <p><i>“Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), between 1st October – 30th September in any calendar year, the premises shall be used solely for purposes ancillary to the use of the campsite, including café/restaurant and meetings/lectures/education and between 1st October – 30th April in any calendar year shall be used without limitation to the ancillary use of the campsite for café/restaurant uses; meetings/educational uses including recreation, leisure and entertainment including pre booked functions and for no other purpose including any other purpose, including any purposes within in Classes E and F of the Schedule to the Town and Country Planning (Use Classes) Order 1987) (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification”.</i></p>
4.2	<p>The proposed uses are for:</p> <ul style="list-style-type: none"> • Local food lunches/nights (for example supper evenings to include locally produced food with the story of the food and how it was grown and cooked etc.). These events will be pre-booked, to control number/covers (café/restaurant use class); • Meetings/training/education/recreation/leisure uses – pre-booked/private bookings; • Pop-up local shops/craft/farmers markets; • Evening private bookings – e.g supper and presentation events, live music evening nights.
4.3	<p>It is stated that all of the above proposed uses will take place inside the Nest Box, which has capacity for around 6 large craft stalls or in the event of a seated supper event, covers for around 32 people (around 8 large round tables). A Transport Statement and an Acoustic Assessment have also been submitted to support the proposal. The Transport Statement says at paragraph 6.10 that “The Nest Box could provide an occupancy of around 120 seated guests at any one time”.</p>
4.4	<p>It is proposed to install double-glazed windows in the building to conserve heat and reduce noise.</p>
5.	Relevant Planning History:
5.1	<p>SDNP/18/06057/FUL Proposed amendment to SDNP/17/01224/FUL, to provide new access and farm track and car park; erection of 4 washroom and toilet blocks and temporary marquee (25mts x 12mts) to serve existing</p>

	60 summer camping pitches (May - September); new treatment tank for toilet blocks; and landscaping; use of parcel of land for Outdoor Education project. Approved 29 Apr 2019
5.2	SDNP/21/00865/PA3R Change of use part of an agricultural building for Class A3 (restaurants and cafes) and Class D2 (assembly and leisure). Prior Approval Granted 03 Mar 2021.

6.	Consultations:
6.1	<p><u>Ditchling Parish Council</u></p> <p>The Parish Council objects to the removal of condition 2 related to prior notification SDNP/21/05011/CND on the basis that the condition was put on for a reason and there have been no change of circumstances since the original application. The Council is aware of noise and traffic issues to local residents, which have been reported to enforcement with the current operating usage; and allowing this amendment would create further issues during an extended period of opening.</p> <p>The Parish Council was reconsulted on the additional information submitted in January, and has provided the following additional comments:</p> <p>Ditchling Parish Council object to this application as they are concerned that there is not adequate information provided relating to noise management in respect of the 'Nest Box' building and how this would be monitored to avoid issues occurring. The Council consider the noise issues could be adequately dealt with so as to allow this further use but this evidence is not available within the application as to how this will be achieved. The Council would like to be reconsulted if any additional information regarding noise management is provided by the applicant.</p>
6.2	<p><u>ESCC Highways:</u></p> <p>This application is for variation of condition 2 for SDNP/21/00865 in relation to extending the use of the barn beyond the camping season to enable the A3 and D2 use to continue throughout the year.</p> <p>The existing permission allows the barn of 326sqm to be used for A3 cafe/restaurant and D2 in connection with the visitors to the campsite during 1st May till 30th September.</p> <p>The permissions under SDNP/21/00865 and 18/06057 include 65 parking spaces provided on site for the campsite/current permission on site. As these parking spaces will not be required outside the camping season these could be readily utilised by the proposed extended season for the existing uses in the 326sqm of barn.</p> <p>The Transport statement states that the barn could seat 120 people at anyone time, and it is assumed that this is also the maximum allowed for fire risk within this area of the barn. It is acknowledged that some car sharing would take place and it is not unreasonable for a car to hold on average 2 persons - whereby taking into account staff the existing 65 spaces is likely to be sufficient. This is on the assumption that the spaces are not required for any other use outside the camping season.</p>

	<p>Conclusion</p> <p>Thus I do not object to this variation of the permission subject to conditions ensuring that:-</p> <ul style="list-style-type: none"> only the uses proposed/already permitted under SDNP/21/00865 are to take place to prevent more general use under D2 and E class from taking place which would likely increase the parking need and traffic generation. this variation is only for the period outside the permitted camping season. All vehicular access is from the access direct onto the B2112 and not from Dumbrells Court. Details of means of preventing access via Dumbrells Court should be provided.
6.3	<p><u>Environmental Health:</u></p> <p>If the committee are minded to approve this application for a variation, then I would recommend the following conditions are applied to all events taking place in the Nest Box Barn during the time period from 1st October until 30th April:</p> <p>Operational Controls</p> <ul style="list-style-type: none"> All events to finish by 10pm. No amplified music or speech to be broadcast outside the building. Any live/amplified music to be sound checked and limited to be below 90 dBA (LAmax) at head height in the middle of the space. Doors and windows to be kept closed during live music or events requiring amplified speech. Patrons to be reminded to leave quietly following any evening events. Appropriate signage to be displayed in prominent areas Any complaints regarding noise levels should be logged and acted upon straight away. Details of the time and the action taken should be recorded and kept for reference purposes. . The LA EP team should be advised on the next working day, should any complaints of excessive noise be received. <p>Monitored controls</p> <p>If amplified music is to be played for the purpose of anything other than background noise at an event, then the following monitoring should be carried out:</p> <ul style="list-style-type: none"> Background noise levels (sound pressure levels LA90 15 min) to be monitored during the relevant time period on a day prior to the event at specified points (the locations to be agreed with the LA in advance) on the boundary of the Farm (measured over at least one 15 minute period at each location). The measured levels should be recorded for future reference. Noise levels (sound pressure levels, LAeq 15 min) measured over at least one 15 minute period at each location, and then at least once each hour throughout the event at the downwind locations).

	<p>They are to be monitored during each event at specified points on the boundary of the Farm (the locations to be agreed with the LA in advance). The measured levels should be recorded for future reference.</p> <ul style="list-style-type: none"> The noise levels measured at the pre-approved points on the boundary of the Farm during the event must not exceed 50dB(A) (L_{Amax}) and must be no higher than 5 dB(A) above the previously measured background level. If noise levels approach these limits then appropriate action must be taken immediately. Details of the time and any action taken should be recorded and kept for reference purposes.
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7.	Other Representations:
7.1	<p>51 letters of support have been received on the following grounds:</p> <ul style="list-style-type: none"> Proposals are supported by Government as a diversification of agricultural business and it is a fundamental objective of the National Park to retain a viable and active farming community; The applicants have halved the amount of chickens kept from 21,000 to 12,000 and started running these great events; Proposals comply with policies SD39 and SD40, which support the long-term viability of the national park and forestry enterprises, SD34 seeking to promote jobs and sustain the local economy and SD43 to provide community facilities and services; Macs Farm make a huge contribution to ensuring our community is a sustainable one rather than a "Disney" Village; Proposals supported by the National Farmers Union; The farm faces enormous challenges due to the economy; the Covid Pandemic; the threat of the Avian Flu; Brexit; the predatory behaviour of large supermarket companies, and an increasing regulatory burden; Customers and staff appreciate the existing experiences provided at Macs Farm; The Nest Box is perfect for craft markets and the Christmas tree event etc.; The facilities would support the use of the site for educational respite and education services to children and young people including those who have education, health and care plans; The building is 500m away from any dwellings and has its own access and parking so will not disturb residents; Health and Safety guidelines are followed and hours restrictions complied with; All the facilities are there but unused for 7 months of the year by a Planning Restriction which is unreasonable;

	<ul style="list-style-type: none"> • The small but vocal group of Objectors have used every effort to malign and discredit this amazing local asset and should not be rewarded by refusing this reasonable and modest request; • The existing operation provides local jobs including for students, and year round use of the building would create additional jobs and support the local economy; • The proposals support local independent businesses, hiring local food vans for events and have local brewers and other vendors; • Ditchling has many facilities and traffic problems are mainly caused by HGV's. The new village carpark may alleviate some frustrations; • If the farm cannot continue a viable business the replacement use could be worse including housing; • The applicants are always fully respectful of their natural environment and take great efforts, to enhance and protect the biodiversity of their land; • Campers would not make return visits if it was too loud for children to sleep; • Mac's Farm provide essential local food and donate free eggs to charity; • All the proposed events are indoors which will help muffle any noise that will be produced and they are all quieter, family friendly events; • Some neighbours on Common Lane and Spatham Lane are happy with events and not impacted by any excessive or significant noise; • With the introduction of new measures under the Noise Management Plan, some neighbours experienced less disturbance, and the applicants advise neighbours of events and when there might be noise; • There are also other venues in the village which hold similar events which generate noise, such as the barn on the green.
7.2	<p>31 letters of objection have been received on the following grounds:</p> <ul style="list-style-type: none"> • Condition 2 was put there for a reason, and nothing has changed. Prior approval was previously refused on highway grounds; • Noise from existing events has a detrimental effect on the quality of life for the residents and can be heard in Ditchling, Ditchling Common, Streat, Keymer, Hassocks and Burgess Hill; • One house is only 500 metres away, others are even closer; • Whether the events are held inside or outside makes little difference as the inside events are run from agricultural buildings totally unsuited to containing noise of the level generated by the Applicant. The noise and disturbance from Macs Farm's operations is not limited to activities carried out within the Nest Box and varying the condition for the Nest Box and its curtilage would be irrational and legally flawed as an unenforceable condition;

	<ul style="list-style-type: none"> • A Community Protection Warning has already been served on the property and local residents continue to record noise complaints arising from events at Macs Farm; • Non-compliance with existing planning and licensing conditions is material to the NPA's determination of the application and include use of the Nest Box outside the seasonal restriction, beyond the 10pm curfew, and by members of the public not using the campsite. These breaches should be enforced; • Despite the new access (which is often closed), most traffic uses the single track access road behind Dumbrells Court, there are frequent blockages, causing additional congestion and instances of visitors taking the wrong turning and ending up on adjacent properties; • Impact on enjoyment of public footpath (application form incorrectly says it can't be seen from a public footpath); • Impact on tranquillity of the National Park; • Increased traffic – if only for purposes ancillary to the campsite, the campers would already be on site but if the condition were removed, potentially every person attending an event would be an additional vehicle trip, i.e. a significant increase in traffic. Ditchling has well documented traffic problems; • Use of a temporary overflow car park in an arable field for 42 days in 2022; • The Applicant already hosts a range of events outside the months of May to September, such as commercial clothing company photo shoots, Easter events and Christmas festive events selling trees and with crafts, market, food, drinks, music, photoshoots etc; • Macs Farm is supposed to be a farm and should remain a farm, not a festival venue; • Private Bookings will inevitably mean more weddings and parties which will mean more loud events involving amplified music; • It is not clear which of the Crimsham Farm activities it is proposed will be carried out at the Macs Farm, nor how such activities correspond with those outlined in the Application documentation or the correspondence circulated by the Applicant; • The application is made on the grounds of "viability" yet no financial information is offered. The claimed need for this particular business to achieve viability cannot be a reason to remove Condition 2 to the detriment of the neighbourhood. • The further intensification of non-farming activities proposed by the application would be in breach of the South Downs National Park Local Plan Development Management Policies SD23 and DMP SD40 because (i) the farm's traditional farming operations are being over-balanced by non-farming activities in breach of DMP SD40, and (ii) harming local amenity in breach Strategic Policy SD 23
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	<p>relating to sustainable tourism and Management Plan's Policy 3, Protect and enhance tranquillity and dark night skies.</p> <ul style="list-style-type: none"> • The Nest Box and its curtilage cannot be disassociated, as suggested by the applicant's January 2023 Planning Statement. • A detailed representation has been submitted by a solicitor on behalf of local residents which covers many of the same points summarised above but also critiques the Acoustic Report submitted with the application. The Environmental Health Officer's comments on this representation will be included in the supplementary report.
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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 be made in accordance with the plan unless material considerations indicate otherwise.</p> <p>The site is located within the South Downs National Park which has the following purposes and duty:</p> <ul style="list-style-type: none"> • Purpose 1: To conserve and enhance the natural beauty, wildlife and cultural heritage of the area. • Purpose 2: To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. • Duty: To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes.
8.2	<p><u>Background</u></p> <p>The Nest Box building has a total floorspace of approximately 820 square metres. In March 2021 prior approval was granted under SDNP/21/00865/PA3R for the change of use under Permitted Development Rights for the northern 362 square metres of this barn to be used for Class A3 (restaurants and cafes) and Class D2 (assembly and leisure). This was subject to the following conditions:</p> <p>1. 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> <p>2. The development hereby authorised shall be used for purposes ancillary to the use of the campsite, including café/restaurant and meetings/lectures</p>

	<p>attended by campers, between 1 May and 30 September in each calendar year.</p> <p>Reason: In order to mitigate the transport and highways impacts and the noise impacts of the development.</p> <p>3. Access to the development hereby authorised shall be from the access route used by the campsite only, and all motor vehicles shall use the existing parking facilities within the approved campsite.</p> <p>Reason: In order to mitigate the transport and highways impacts of the development.</p> <p>4. There shall be no amplified or percussive music of any form played within or adjacent to the building for which the change of use is hereby authorised, after 22:00 hours on any day within the calendar year.</p> <p>Reason: In order to mitigate the noise impacts of the development</p>
8.3	<p><u>Justification for Variation</u></p> <p>The justification given by the agent for the variation of the condition is as follows:</p> <ul style="list-style-type: none"> • The current economic and public policy framework for farming is very challenging. Increasing feed costs and the impacts of avian flu have decimated margins for egg producers and increased the financial risks associated with this activity. Government support schemes for farmers are in flux and all producers are faced with uncertainty as to the future role of public funds. • This business identified the need to diversify several years ago, and this resulted in the initial application for planning permission for camping, associated structures to support this (toilet blocks) and the new access, farm track and car park. • The seasonal income from camping is now part of the core income for the farm but there is a need for the business to buffer its cash flows and stabilize its income throughout the year where possible given the continued reduction of the income stream from egg production.
8.4	<p>The reasons given for the imposition of Condition 2 were to mitigate the transport and highways impacts and the noise impacts of the development, and these are the main considerations for the determination of this application to vary the condition.</p>
8.5	<p><u>Transport and Highways</u></p> <p>Condition 3 quoted above requires the use of the access to the camp site off Common Lane/B2112 and that all motor vehicles shall use the existing parking facilities within the approved campsite (65 parking spaces). The current use of the Nest Box was not objected to by County Highways because of Condition 2 which required use to be ancillary to the use of the campsite, which meant that users would already be on the site and limited additional traffic would be generated.</p> <p>The proposed use of The Nest Box in winter months would result in additional traffic because these would be new trips unconnected with the</p>

	<p>campsite. However, ESCC Highways is satisfied that these trips can be accommodated and the parking is adequate provided that the unassociated use is only in the winter and when the campsite is open in the summer the use remains ancillary. ESCC has also asked that details be provided of how access via Dumbrells Court will be prevented.</p>
8.6	<p><u>Neighbouring Amenity and Tranquillity of the National Park:</u></p> <p>NPPF paragraphs 174 and 185 identify the importance of protecting people and the natural environment from unacceptable levels of noise pollution and advises that developments should seek to mitigate and reduce to a minimum potential adverse impacts resulting from noise to avoid it giving rise to significant adverse impacts on health and the quality of life.</p> <p>Policy SD7 of the South Downs Local Plan says:</p> <p>1. Development proposals will only be permitted where they conserve and enhance relative tranquillity and should consider the following impacts:</p> <p>a) Direct impacts that the proposals are likely to cause by changes in the visual and aural environment in the immediate vicinity of the proposals;</p> <p>b) Indirect impacts that may be caused within the National Park that are remote from the location of the proposals themselves such as vehicular movements; and</p> <p>c) Experience of users of the PRoW network and other publicly accessible locations.</p> <p>Policy SD5k also says that developments should “Have regard to avoiding harmful impact upon, or from, any surrounding uses and amenities”.</p> <p>A number of representations have been received relating to the impact of noise from events held at Macs Farm. However, many of these concerns relate to the events that are held outside under the 28 day allowance for temporary uses.</p> <p>The comments from the Environmental Health Officer are included in full at paragraph 6.3, but in summary she is satisfied that the proposal will have an acceptable impact on noise and amenity subject to conditions. These conditions have been included in the recommendation.</p>
8.7	<p><u>Description of Development and Wording of Condition</u></p> <p>This is an application made under section 73 of the Town and Country Planning Act 1990 and there have been a number of court decisions which have defined how these applications work. In summary, it is an application for a fresh and independent planning permission without complying with conditions from a previous permission. If granted the two permissions sit alongside each other and the applicant can implement whichever one they choose. The decision for the Planning Authority is whether the development should be subject to different conditions, no conditions or the same conditions as previously.</p> <p>A section 73 application cannot amend the start date of the original permission or change the description of the development or add a</p>

condition that effectively changes that description (Finney 2019 EWCA Civ 1868 C1/2018/2922).

In this case the description of the original consent SDNP/21/00865/PA3R was 'Change of use part of an agricultural building for Class A3 (restaurants and cafes) and Class D2 (assembly and leisure)'. Whilst it may be appropriate to remove the references to Classes A3 and D2 which relate to out-of-date legislation, the substantive description for the current application decision should be the same on the previous decision notice.

Condition 2 of the original consent said that "The development hereby authorised shall be used for purposes ancillary to the use of the campsite, including café/restaurant and meetings/lectures attended by campers, between 1 May and 30 September in each calendar year". The agent's suggestion for the wording of the replacement condition is set out at paragraph 4.1. The following amendments are recommended by officers:

- A re-formatting of the condition to make it easier to understand and enforce;
- Re-wording of the permitted use to make sure that it is compatible with the original description of development. Whilst the existing condition says 'including café/restaurant and meetings/lectures' it is not limited to those uses which could encompass all of those previously under D2 and A3. However it is reasonable to control any uses which would now fall under Classes E and F;
- The reference to 'pre-booking' is not considered enforceable as this is a process handled by the applicant rather than the Planning Authority. The purpose of pre-booking is to control numbers so it would be better if the condition controlled the number of people on site. The Transport Statement is carried out on the basis of 120 people;
- The application suggests that the proposed uses will all take place within the building to control noise. It is therefore considered reasonable to require that any music or amplified announcements take place within the building with the doors and windows closed. It is also considered reasonable to require that the double glazed window units are fitted before the winter use of the building commences and thereafter maintained.

In response to the ESCC Highways comments it is also recommended that condition 3 be amended to:

"Access to the development hereby authorised shall be from the access route used by the campsite only, and all motor vehicles shall use the existing parking facilities within the approved campsite. Details of how access via Dumbrells Court Road will be prevented shall be submitted to and agreed in writing by the Planning Authority prior to 1st October 2023".

This additional variation is considered justified because customers in the winter months will not be associated with the campsite and are therefore more likely to use the wrong entrance to the site.

	A further condition 5 is recommended to incorporate the mitigation measures suggested by the Environmental Health Officer where these are not already covered by other conditions.
8.5	<u>Planning Obligations:</u> There are no S106 Planning obligations associated with this proposal.
8.6	<u>Human Rights Implications:</u> The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been considered fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.
8.7	<u>Conclusions:</u> The proposed variation of condition is considered to be acceptable subject to the imposition of replacement conditions as set out in section 10 below.

9.	Recommendations
9.1	In view of the above the proposed development is considered to be acceptable and approval is recommended subject to amending the description of development to 'Change of use part of an agricultural building to a restaurant/café and assembly and leisure' and the following conditions:

10.	Conditions:
10.1	1. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application". Reason: For the avoidance of doubt and in the interests of proper planning.
10.2	2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), the building shall be used for a restaurant/café and assembly and leisure and for no other purpose including any purposes within in Classes E and F of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory

	<p>instrument revoking and re-enacting that order with or without modification subject to the following:</p> <ul style="list-style-type: none"> • between 1st May – 30th September in any calendar year, the premises shall be used solely for purposes ancillary to the use of the campsite; • between 1st October – 30th April in any calendar year the premises shall be used without limitation to the ancillary use of the campsite; • The number of people within the building and its curtilage shall be limited to 120 at any one time; • The proposed double-glazed windows shall be fitted in the building prior to any use of the building after 1st October 2023 and thereafter maintained. All amplified music and speech shall be carried out within the building with the doors and windows closed. <p>Reason: In order to mitigate the transport and highways impacts and the noise impacts of the development.</p>
10.3	<p>3. Access to the development hereby authorised shall be from the access route used by the campsite only, and all motor vehicles shall use the existing parking facilities within the approved campsite. Details of how access via Dumbrells Court Road will be prevented between 1st October – 30th April in any calendar year shall be submitted to and agreed in writing by the Planning Authority prior to 1st October 2023.</p> <p>Reason: In order to mitigate the transport and highways impacts of the development and protect neighbouring amenity.</p>
10.4	<p>4. There shall be no amplified or percussive music of any form played within or adjacent to the building for which the change of use is hereby authorised, after 22:00 hours on any day within the calendar year.</p> <p>Reason: In order to mitigate the noise impacts of the development</p>
10.5	<p>5. A Noise Management Plan for the use of the application building and curtilage between 1st October – 30th April in any calendar year shall be submitted to and approved by the Planning Authority prior to 1st October 2023. This will include the following measures:</p> <ul style="list-style-type: none"> • Any live/amplified music to be sound checked and limited to be below 90 dBA (LAmax) at head height in the middle of the space. • Patrons to be reminded to leave quietly following any evening events. Appropriate signage to be displayed in prominent areas • Any complaints regarding noise levels should be logged and acted upon straight away. Details of the time and the action taken should be recorded and kept for reference purposes. The LA EP team should be advised on the next working day, should any complaints of excessive noise be received. • Background noise levels (sound pressure levels LA90 15 min) to be monitored during the relevant time period on a day prior to the event at specified points (the locations to be agreed with the Planning Authority in advance) on the boundary of the Farm

	<p>(measured over at least one 15 minute period at each location). The measured levels should be recorded for future reference.</p> <ul style="list-style-type: none"> Noise levels (sound pressure levels, LAeq 15 min measured over at least one 15 minute period at each location, and then at least once each hour throughout the event at the downwind locations). They are to be monitored during each event at specified points on the boundary of the Farm (the locations to be agreed with the Planning Authority in advance). The measured levels should be recorded for future reference. The noise levels measured at the pre-approved points on the boundary of the Farm during the event must not exceed 50dB(A) (LAmax) and must be no higher than 5 dB(A) above the previously measured background level. If noise levels approach these limits then appropriate action must be taken immediately. Details of the time and any action taken should be recorded and kept for reference purposes. <p>The use of the application site shall thereafter accord with the measures set out in the approved Noise Management Plan.</p> <p>Reason: to protect the amenities of the area and neighbouring dwellings and the tranquility of the National Park.</p>
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11.	Plans:
11.1	This decision relates solely to the following plans:

	<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
	Location and Site Plans	26.10.2022	2019/013/PL10
	Existing and Proposed Floor and Elevations	05.02.2021	2019/013/PL11
	Window details	tbc	

12.	Appendices
12.1	None.

13.	Background Papers
13.1	None.