

Planning Applications Committee 19 April 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: Wednesday, 5 April 2023

Agenda

1 Minutes (Pages 5 - 8)

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

2 Apology

On 15 February 2023, this Committee considered a planning application (LW/22/0275) by Seaford Learning Trust for replacement of existing boundaries with fencing to improve safeguarding measures at Seaford Head Lower School – Minute No 94.

After the meeting, the Chair of Seaford Learning Trust complained to the Monitoring Officer about Councillor Turner's personal comments about the Business Manager of the Trust made during the debate. The Committee notes that Councillor Turner accepted the complaint and has sent a written apology to the Business Manager concerned.

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 Office 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 (Outstanding drainage matters) (Pages 9 - 56)

10 LW/23/0018 - Meridian Centre, Meridian Way, Peacehaven (Pages 57 - 92)

11 LW/22/0418 - Land west of A275, South Common, South Chailey (Pages 93 - 120)

12 LW/22/0071 - Land rear of 45 Allington Road, Newick (Pages 121 - 144)

13 LW/21/0915 - Land south of 61A Allington Road, Newick (Pages 145 - 158)

14 LW/21/0880 - Burtenshaw Farm, Spithurst Road, Barcombe (Pages 159 - 172)

Non-planning application related items

15 Current Appeals and Reasons for Refusal (Pages 173 - 180)

Report of Head of Planning First

16 Summary of Planning Appeal Decisions received (Pages 181 - 206)

Report of Head of Planning First

17 Date of next meeting

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 7 June 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

Also see the [Council website](#).



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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 March 2023 at 5:00pm

Present:

Councillors Laurence O'Connor (Vice-Chair, in the Chair), Graham Amy, Liz Boorman (Substitute), Christoph von Kurthy, Jim Lord, Sylvia Lord, Imogen Makepeace, Milly Manley, Nicola Papanicolaou, Steve Saunders and Richard Turner

Officers in attendance:

Marc Dorfman (Senior Specialist Advisor, Planning First), Emily Horne (Committee Officer, 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)

98 Minutes

The minutes of the meeting held on the 15 February 2023 were submitted and approved and the Chair was authorised to sign them as a correct record.

99 Appointments

It was noted and formally confirmed that Councillor Jim Lord had been appointed under delegated authority to replace Councillor Tom Jones as a member of the Planning Applications Committee from the 7 December 2022 meeting for the remainder of the 2022/23 municipal year.

100 Apologies for absence/Declaration of substitute members

An apology for absence was received from Councillor Sharon Davy (Chair) and it was declared that Councillor Liz Boorman would be acting as Substitute for Councillor Davy for the duration of the meeting. In the absence of the Chair, the meeting was chaired by Councillor Laurence O'Connor (Vice Chair).

101 Declarations of interest

For the purposes of transparency, Councillor Richard Turner declared a non-prejudicial interest in Agenda Item 10 (planning application LW/22/0840), as he was a member of Ringmer Parish Council, and that in addition, he knew the Applicant but did not have a personal or prejudicial interest in the Item. For Agenda Item 11 (planning application SDNP/22/05011/CND), Councillor

Richard Turner stated that his cousin was the farmer of the land adjacent to the application site but that he did not have a personal or prejudicial interest in the item.

102 Urgent items

There were none.

103 Petitions

There were none.

104 Written questions from councillors

There were none.

105 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).

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

Councillor Cathy Wickens (Vice-Chair) spoke on behalf of Newick Parish Council. Andrew Smith (Immediate Neighbour), Robin Penfold (Local resident of Chailey) and Andrew Smith, who read a statement on behalf of David Walmsley (Near Neighbour), spoke against the proposal. Andrew Munton (Reside Developments), Fay Goodson (Reside Developments) and Rob Wilson (Paul Basham Associates) spoke for the proposal. Councillor Isabelle Linington spoke in her capacity as the Lewes District Ward Councillor.

The Principal Planning Solicitor (PPS) clarified that the application was brought back to Committee in response to a complaint received by Lewes District's Monitoring Officer that the Committee was not properly constituted at its previous meeting. As the complaint had now been remedied and for the avoidance of doubt over the potential legality of the decision made by the Committee at its previous meeting, Members were being asked to consider the item wholly afresh.

The PPS summarised the reasonable expectations regarding decision making and what Members were being asked to consider.

The Head of Planning First (HPF) brought the Committee's attention to the last paragraph on Page 1 of the supplementary report, highlighting that an update had been received from the Secretary of State confirming that they no longer wished to call in the application.

The HPF clarified that any decision by the Committee regarding the application would no longer include a referral to the Secretary of State.

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 deferred until the outstanding issues related to drainage on the application site are fully explored and concluded prior to being brought back for determination to a future meeting of the Committee.

107 LW/22/0840 - Bridge Farm, Barcombe Mills Road, Barcombe

Councillor Andy Holman (Chair) spoke on behalf of Barcombe Parish Council. Mark Young (Near Neighbour) and Alison Johnson (Near Neighbour) spoke against the proposal. David Campion (Agent) and Tristan Hosken (Applicant) spoke for the proposal.

Resolved:

That planning application LW/22/0840 for the erection of one workshop comprising 4 modular units with associated car parking on the established rural employment site be delegated to the Head of Planning First to approve, subject to the conditions set out in the report and supplementary report, an amended condition regarding the use of automatic blinds in respect of light pollution, and no adverse comments being received from East Sussex County Council Highways, including the requirement of a footpath diversion order.

The Committee also added an informative in relation to native and rich biodiversity planting along the footpath.

108 SDNP/22/05011/CND - The Macs Farm, Dumbrells Court Road, Ditchling, East Sussex, BN6 8GT

Tim Townend (Near Neighbour), a resident of North End and Ed Clarke of Clarke Saunders Acoustics (on behalf of local residents) spoke against the proposal. Susannah Macmillan (Applicant), Kelly Stoner who read a speech on behalf of Craig Mayhew (Immediate Neighbour) and Chris Wood (Anderson Acoustics) spoke for the proposal.

Resolved:

That planning application SDNP/22/05011/CND for the variation of condition 2 (use ancillary to campsite between May and September) related to Prior Notification SDNP/21/00865/PA3R be approved, subject to the conditions set out in the report and supplementary report.

109 Date of next meeting

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

The meeting ended at 7:47pm.

Councillor Laurence O'Connor (Chair)

Agenda Item 9

Report to: Planning Applications Committee

Date: 19 April 2023

Title of report: Outstanding Drainage Matters

LW/21/1000 – The redevelopment of the site to provide 21 dwellings along with parking, open space and all necessary infrastructure.

Land west of Oxbottom Lane, Newick

Recommendation:

- 1) That Lewes Planning Application Committee (LPAC) note the reason for deferring the application from 15-3-23 (Para 2.1) and the new response from the East Sussex County Council Sustainable Urban Drainage Team (ESCC SUDs), summarised at paragraph 2.3 and set out in detail in Appendix 1.
- 2) On this basis LPAC is recommended to approve the application subject to a s106 agreement and conditions set out at Appendix 2 Officers Report. The “Flood and Drainage conditions in Appendix 2, (paragraphs 10.20; 10.21; 10.22) have been amended to reflect the advice of ESCC SUDs. These are set out in the body of the report at paragraphs 3, 4, 5 and 6.

Contact Officer:

Name: James Smith & Marc Dorfman

E-mail:

james.smith@lewes-eastbourne.gov.uk

marc.dorfman@lewes-eastbourne.gov.uk

1.	Executive Summary
1.1	<p>Further drainage and flood management information has been submitted to the East Sussex County Council Sustainable Urban Drainage Team, (ESCC SUDs) by the applicant. This is the Local Lead Flood Authority and the authority’s main advisor on drainage and flood matters.</p> <p>ESCC SUDs have assessed this information and have no objection, (see Appendix 1) to granting planning permission, subject to conditions.</p> <p>The Officer’s Report considered at LPAC 15-3-23 is set out at Appendix 2. The originally proposed 3 drainage and flood conditions (paras 10.21/22/23 of Appendix 2) are now proposed by ESCC SUDs to be replaced by 4 conditions summarised in the report and set out in full at para 3,4,5 and 6.</p> <p>LPAC is recommended to agree the revised conditions and grant planning permission subject to the proposed s106 agreement and conditions.</p>

2.	Background and Proposed Drainage and Flood Conditions
2.1	<p>Minutes of LPAC 15-3-23 show that:</p> <p>“That planning application LW/21/1000.....be deferred until the outstanding issues related to drainage on the application site are fully explored and concluded prior to being brought back to a future meeting of the Committee”.</p>
2.2	<p>Signed by the Head of Planning and Environment, on 29-3-23, ESCC SUDs has confirmed that there is no objection on drainage or flood grounds subject to the imposition of four conditions, (Appendix 1). The new proposed conditions are summarised below in paragraph 2.3 and set out in full at paragraphs 3, 4, 5, and 6. These replace the 3 conditions in the Officer’s Report at paragraphs 10.20, 10.21 and 10.22.</p>
2.3	<p>ESCC has strengthened “with more specific detail” the Surface Water condition. The “Installation” and “Maintenance and Management” conditions remain the same as in the original Officer’s Report. ESCC SUDs has added an extra 4th condition relating to “Construction Flood Risk”</p> <p>The following are the key elements of the proposed 4 conditions:</p> <p>Surface Water Drainage</p> <ul style="list-style-type: none"> - Greater clarity on surface water discharge rates and flows to be achieved and on climate change risk factors, before a drainage and flood strategy is agreed - Further hydraulic calculations and a better strategy that must connect different surface water drainage features - Further ground water winter monitoring and saturation rates and impacts before a drainage design is agreed - Further information on how attenuation basins pavements will impact on the drainage strategy <p>Drainage Installation</p> <ul style="list-style-type: none"> - Evidence that the drainage system is working before the scheme is occupied. <p>Drainage Management and Maintenance System</p> <ul style="list-style-type: none"> - Formal approval of a maintenance and management drainage and flood strategy and designed system – a strategy and system that will be in place for the lifetime of the scheme. <p>Construction Flood Risk Strategy</p> <ul style="list-style-type: none"> - Formal approval of a construction flood risk strategy <p>The 4 proposed new conditions are set out below at paragraphs 3 to 6.</p>

3. **Surface Water Drainage Condition**

No development approved by this permission shall be commenced until full details of a surface water drainage strategy has been submitted to the Local Planning Authority in writing and then approved. The strategy will either follow the principles of sustainable drainage, and/or confirm that there is capacity for the highway drain to serve the development and that a connection agreement is in place. In particular, the strategy will need to address the following:

1. Surface water discharge rates not exceeding 3.2 l/s for all rainfall events, including those with 1 in 100 (+45% for climate change) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
2. The details of the outfall of the proposed attenuation basins and permeable pavement and how it connects into the watercourse should be provided as part of the detailed design. This should include cross sections and invert levels.
3. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
4. The detailed design of the attenuation basins should be informed by findings of further groundwater monitoring between autumn and spring. These should be at the location of the proposed basins. The design should leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system will be provided.

Thereafter all development shall be undertaken in accordance with the approved strategy 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.

Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy

4.	<p>Drainage Installation Condition</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>
5.	<p>Drainage Management and Maintenance Condition</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>
6.	<p>Flood Risk Management During Construction Condition</p> <p>A Construction Flood Risk and Management strategy will be submitted in writing and approved by the Planning Authority before any development is begun. Once approved the strategy will remain in place until construction is complete and scheme hand over is agreed. This strategy will manage both on and off-site flood risk and will take the form of a standalone documents or be incorporated into the Construction Management Plan.</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>
7.	<p>Legal Implications</p> <p>There are not considered to be any legal implications falling from the actions recommended by this report.</p> <p>Members will be updated via the addendum if any legal issues arise following the publication of this report.</p>

8.	<p>Recommendation</p> <p>That Lewes Planning Application Committee (LPAC) notes the reason for deferring the application from 15-3-23 (Para 2.1) and the new response from the East Sussex County Council Sustainable Urban Drainage Team (ESCC SUDs), summarised at paragraph 2.3 and set out in detail in Appendix 1. On this basis LPAC is recommended to approve the application subject to a s106 agreement and conditions set out at Appendix 2 Officers Report. The “Flood and Drainage conditions in Appendix 2, (paragraphs 10.20; 10.21; 10.22) have been amended to reflect the advice of ESCC SUDs. These are set out in the body of the report at paragraphs 3, 4, 5 and 6.</p>
9.	<p>Appendices</p> <p>9.1 Appendix 1 - ESCC SUDs Assessment and Comments on LW/21/1000 9.2 Appendix 2 - LW/21/1000 Planning Officer Report considered at 15/3/23 LPAC</p>
10.	<p>Background papers</p> <p>10.1 None.</p>

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Communities Economy and Transport

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James Smith
Planning & Environmental Services Department
Lewes District Council
Southover House
Southover Road, Lewes
BN7 1AB

Date: 29/03/2023

Our ref: SUD/LW/22/021/R
Your ref: LW/21/1000

Dear James Smith

SUD/LW/22/021/R - Redevelopment of the site to provide 21 residential dwellings along with parking, open space and all necessary infrastructure, Land West Of Oxbottom Lane Newick East Sussex

Received Date: 14 February 2023

Position of the Lead Local Flood Authority:-

No objection	The information provided is satisfactory and enables the LLFA to determine that the proposed development is capable of managing flood risk effectively.	
No objection	The information provided is satisfactory and enables the LLFA to determine that the proposed development is capable of managing flood risk effectively. Although there will be a need for standard conditions which are outlined in this response.	X
No objection in principle subject to the imposition of conditions	Whilst the application documentation has not met all the County Council's requirements, it is possible that the risk is capable of being mitigated to acceptable levels by the application of planning conditions which are outlined in this response.	
Objection due to Insufficient Information	The applicant has failed to meet the requirements to assess its acceptability in flood risk terms. The LLFA will respond in 21 days of receipt of the requested information	
Objection	The application presents an unacceptable on site/off site flood risk.	

Cont./...

Detailed comments:

We understand that this application was deferred at planning committee partly in relation to the surface water drainage and flood risk concerns at the site. We have reviewed the additional information submitted by the applicant and consider that the proposals are acceptable in principle, subject to planning conditions.

Given the sensitivity of the surrounding drainage infrastructure, it is particularly important that surface water runoff during construction is carefully managed and flood risk is not increased. Additionally, given the variability of the groundwater monitoring results, further winter monitoring should be undertaken to confirm the seasonal groundwater levels at the locations of the proposed attenuation basins and inform the final design that can be agreed through relevant planning condition(s).

If the Local Planning Authority is minded to grant planning permission, the LLFA requests the following comments act as a basis for conditions to ensure surface water runoff from the development is managed safely.

1. Surface water discharge rates not exceeding 3.2 l/s for all rainfall events, including those with 1 in 100 (+45% for climate change) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
2. The details of the outfall of the proposed attenuation basins and permeable pavement and how it connects into the watercourse should be provided as part of the detailed design. This should include cross sections and invert levels.
3. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
4. The detailed design of the attenuation basins should be informed by findings of further groundwater monitoring between autumn and spring. These should be at the location of the proposed basins. The design should leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.
5. 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 takes into account design standards of those responsible for maintenance. The management plan should cover the following:
 - 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.
6. The applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.
7. 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.

If you or the applicant/agent wishes to discuss any of the points raised in this letter, please contact the case officer on SUDS@eastsussex.gov.uk

Yours sincerely

A handwritten signature in black ink, appearing to read 'E Sheath', is written over a light grey rectangular background.

Edward Sheath
Head of Planning and Environment

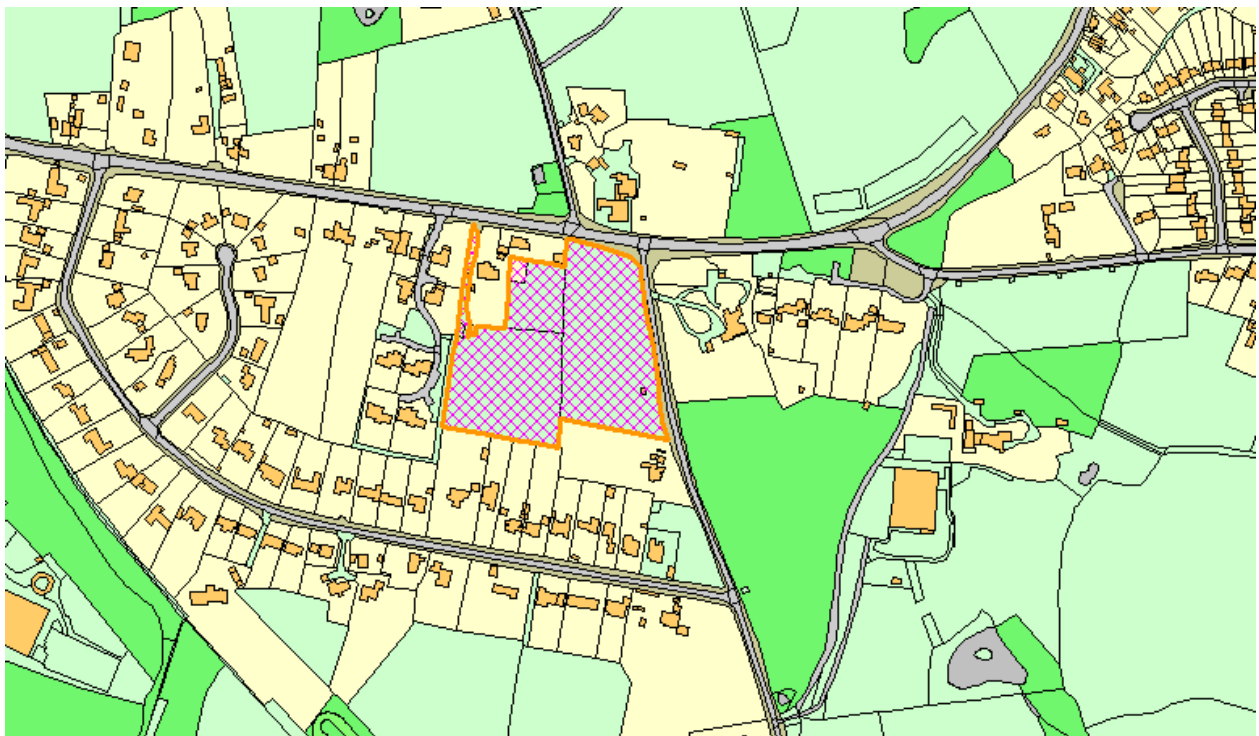
Case Officer: Charlie Cooper
E: SUDS@eastsussex.gov.uk

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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	<p>Southern Water</p> <p>A connection agreement is required for foul drainage.</p>
6.4	<p>LDC Ecology</p> <p>Works should be undertaken in accordance with the details contained within the Ecological Impact Assessment, accompanying PEA and protected species survey reports (to include the updated Reptile Survey Report, August 2022), BNG assessment and additional recommendations.</p> <p>Further details relating to sensitive lighting, ecological design and landscaping, and ongoing management and monitoring should also be submitted prior to commencement of development.</p> <p>As above, this is also important for species, including reptiles.</p>
6.5	<p>LDC Air Quality Officer</p> <p>Further to receipt of the air quality assessment reference: J10/12572A/10/1/F2 and dated 16 December 2021 submitted by Air Quality Consultants Ltd in support of the above planning application, I would recommend approval subject to conditions.</p>
6.6	<p>LDC Contaminated Land Officer</p> <p>A preliminary site investigation report has been prepared by Soil Limited (Report dated October 2021, Report ref: 19589/PIR_R26). The report did not identify any historic land contamination issue at the site. If there is a structure at the site require demolition, then an asbestos survey is pertinent. Conditions recommended.</p>
6.7	<p>Lead Local Flood Authority</p> <p>Awaiting formal response to alterations in drainage scheme to utilise the highway drain.</p>
6.8	<p>ESCC Highways</p> <p>This application seeks approval for the redevelopment of the site to provide 21 dwellings with new access via Oxbottom Lane. An outline application (LW/15/0299) on the site was previously given highways approval for the erection of 33 houses.</p> <p>Although the principle of development has already been accepted the mitigation measures put forward have not adequately addressed the concerns raised within the Stage 1 Road Safety Audit. As this is a full application it is considered that these should be addressed at this stage. Further information and a plan are therefore required to demonstrate that suitable running widths on the A272 can be provided.</p> <p>Data obtained from the TRICS database has suggested that the proposed development will generate approximately between 12 and 11 two-way trips during the AM and PM peak periods with approximately 99 trips per day. I am satisfied that the methodology used to calculate trip rates provides an accurate description of the vehicle movements likely to be associated with the proposed development. The applicant has assessed the impact of the</p>

	<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>A <u>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

Visual Impact

Para. 126 of the NPPF states that ‘the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.’ Para. 127 states that design policies should be ‘grounded in an understanding and evaluation of each area’s defining characteristics.’ Area-wide, neighbourhood or site-specific design codes or guides are identified as a means to fulfil these objectives. Lewes District Council does not currently have any adopted design code or guide and, in such instances, para. 129 of the NPPF instructs that national documents should be used to guide decisions on applications.

The National Design Guide and National Model Design Code Part 2 Guidance Notes both identify context as an important consideration when looking at how a development would impact upon the character of an area. Para. 39 of the National Design Code states that well designed places are ‘based on a sound understanding of the features of the site and the surrounding context, integrated into their surroundings so they relate well to them, influenced by and influence their context positively and responsive to local history, culture and heritage.’

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

	<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 field, and tall ruderal vegetated area of the eastern field were found to support slow worms.

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

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

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

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

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

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

	<p>surfacing and fencing, given that this would need to be sympathetic to the rural character of the surrounding environment.</p> <p>It is therefore considered that the development complies with policy CP10 of LLP1, policies, DM24 and DM27 of LLP2 and paras. 170 and 175 of the NPPF.</p>
8.11	<p><u>Sustainability</u></p> <p>The application is accompanied by an Energy, Waste and Sustainability Statement which sets out energy efficiency and waste minimisation which would be incorporated into the development.</p> <p>It is noted that the majority of dwellings face north to south and, where they don't, southern facing aspect include windows serving primary habitable rooms. This orientation/window configuration allows for solar gain to be harnessed, providing a natural source of light and heat to the buildings. The statement draws attention to the need to maintain a balance when utilising solar gain in order to prevent potential for overheating and use of excessive amounts of glazing has been avoided in order to mitigate against this.</p> <p>The site landscaping scheme would also provide shading, and, through the use of deciduous species, this would be most effective in the summer months, when it is needed most, whilst being reduced in winter months when more solar gain is required.</p> <p>All buildings are to be constructed to the maximum feasible airtightness, reducing heat loss and, therefore, energy use. Air source heat pumps will be provided for all properties, meeting all space and water heating needs. Low energy LED lighting would be used internally and externally, and water fixtures would include controls to consumption through either restricted or aerated flows.</p> <p>Recycled materials are to be used where possible, with particular scope for their use in providing material for subbase. Any soil that is affected by earthworks would be retained on site and reused where possible.</p> <p>All dwellings would be provided with electric vehicle charging points in compliance with Council standards. Secure cycle stores would also be provided as a means to encourage the use of the bicycle.</p> <p>The two bed bungalows and all 4 and 5 bed dwellings would be provided with a study which would support home working.</p>
8.12	<p><u>Archaeology</u></p> <p>An Archaeological Assessment of the site has been carried out and a report submitted as part of the suite of documents supporting the application. The report concludes that a review of the available evidence has confirmed that the study site occupied the rural hinterland away from known settlement throughout its history and therefore has a low potential to contain archaeological remains of any date.</p>

	<p>A condition will be used to ensure physical investigations are carried out and reported back to County Archaeology to ensure potential impact upon archaeology is established.</p> <p>It is therefore considered the proposed development complies with policy CP11 of LLP1, DM33 of LLP2 and section 16 of the NPPF.</p>
8.13	<p><u>Local Equipped Area for Play</u></p> <p>As a requirement of Local Policy (policies DM15 and DM16) the development should provide a LEAP</p> <p>The design and delivery of the LEAP will be control by the S106.</p>
8.14	<p><u>Human Rights Implications:</u></p> <p>The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been considered fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.</p>
8.15	<p><u>Conclusion.</u></p> <p>It is considered that the proposed development would deliver a significant benefit in the form of housing delivery whilst harm would be minimal as a result of the low density of the development and the sympathetic screening provided, the low density of the development, accessibility of the site and delivery of highway improvements and biodiversity enhancements.</p>

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

10.	Conditions:
10.1	<p>Time Limit</p> <p>The development hereby permitted shall be begun either before the expiration of three years from the date of this permission.</p> <p>Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).</p>
10.2	<p>External Lighting</p> <p>No external lighting or floodlighting shall be installed on the buildings or the road and parking areas hereby permitted without the prior written approval of the local planning authority.</p> <p>Reason: To protect the amenity and character of the surrounding countryside and to prevent disturbance of nocturnal species having regard to Policy CP10 of the Lewes District Local Plan part one, policies DM20</p>

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

	<p>entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,</p> <ul style="list-style-type: none"> • the anticipated number, frequency and types of vehicles used during construction, • the method of access and egress and routeing of vehicles during construction, • the parking of vehicles by site operatives and visitors, • the loading and unloading of plant, materials, and waste, • the storage of plant and materials used in construction of the development, • the erection and maintenance of security hoarding, • the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders), • details of public engagement both prior to and during construction works. <p>Reason: In the interests of highway safety and the amenities of the area in accordance with LLP2 policies DM20, DM23 and DM25 and paras. 108, 109 and 110 of the National Planning Policy Framework (NPPF).</p>
10.7	<p>Travel Plan</p> <p>No part of the development shall be occupied until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.</p> <p>Reason: To encourage and promote sustainable transport in accordance with LLP1 policy CP14 and section 9 of the NPPF.</p>
10.8	<p>Earthworks</p> <p>Prior to the commencement of the development hereby permitted details of earthworks shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading of land area including the levels and contours to be formed and showing the relationship to existing vegetation and neighbouring development. Development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure a satisfactory development and in the interests of amenity and landscape character in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM25 and DM27 and section 15 of the NPPF.</p>

10.9	<p>Air Quality</p> <p>That all recommendations set out in S8.1 of the approved air quality assessment shall be implemented prior to the first occupation of any part of the development.</p> <p>Reason: Reason: In the interests of the living conditions of occupiers of nearby properties and future occupiers of the site and to manage air quality in accordance with NPPF 181</p>
10.10	<p>Boilers (if installed)</p> <p>If any boilers are installed then details shall be submitted to and approved by the local planning authority prior to the first occupation of the development to confirm that these would be Ultra-Low NOx boilers with maximum NOX emissions less than 40 mg/kWh (or a zero emission energy source). The details as approved shall be implemented prior to the first occupation of the development and shall thereafter be permanently retained.</p> <p>Reason: In the interests of the living conditions of occupiers of nearby properties and future occupiers of the site and to manage air quality in accordance with NPPF 181</p>
10.11	<p>Asbestos Survey</p> <p>Prior to demolition of any structures, a full asbestos survey must be carried out on the building to be demolished. Any asbestos containing materials (ACMs) must be removed by a suitable qualified contractor and disposed off-site to a licenced facility. A copy of the report should be provided to the local planning authority together with a mitigation plan that removes the risk to future occupiers of exposure to asbestos.</p> <p>Reason: To ensure that risks from asbestos to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [n accordance with National Planning Policy Framework</p>
10.12	<p>Unsuspected Contamination</p> <p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.</p> <p>Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with LLP1</p>

	policies CP10 and CP11, LLP2 policies DM20 and DM22, para. 170, 178 and 170 of the NPPF and CNP policy ENV5.
10.13	<p>Construction Environmental Management Plan</p> <p>No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:</p> <ul style="list-style-type: none"> a) risk assessment of potentially damaging construction activities. b) identification of “biodiversity protection zones”. c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). d) the location and timing of sensitive works to avoid harm to biodiversity features. e) the times during construction when specialist ecologists need to be present on site to oversee works. f) responsible persons and lines of communication. g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. h) use of protective fences, exclusion barriers and warning signs. <p>The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.</p> <p>Reason: To ensure that any adverse environmental impacts of development activities are mitigated, to avoid an offence under the Wildlife and Countryside Act 1981, as amended, The Conservation of Habitats and Species Regulations 2017, as amended, and the Protection of Badgers Act, 1992, and to address Core Policy CP10 of the Lewes District Local Plan 2016</p>
10.14	<p>Ecological Design Strategy</p> <p>No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity has been submitted to</p>

	<p>and approved in writing by the local planning authority. The EDS shall include the following:</p> <ul style="list-style-type: none"> a) purpose and conservation objectives for the proposed works. b) review of site potential and constraints. c) detailed design(s) and/or working method(s) to achieve stated objectives. d) extent and location /area of proposed works on appropriate scale maps and plans. e) type and source of materials to be used where appropriate, e.g. native species of local provenance. f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development. g) persons responsible for implementing the works. h) details of initial aftercare and long-term maintenance. i) details for monitoring and remedial measures. j) details for disposal of any wastes arising from works. <p>The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.</p> <p>Reason: To provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework, and Core Policy CP10 of the Lewes District Local Plan 2016.</p>
10.15	<p>Landscape and Ecological Management Plan</p> <p>A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:</p> <ul style="list-style-type: none"> a) description and evaluation of features to be managed. b) ecological trends and constraints on site that might influence management. c) aims and objectives of management. d) appropriate management options for achieving aims and objectives. e) prescriptions for management actions. f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period). g) details of the body or organisation responsible for implementation of the plan. h) ongoing monitoring and remedial measures. <p>The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The</p>

	<p>plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.</p> <p>Reason: To provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework, and Core Policy CP10 of the Lewes District Local Plan 2016.</p>
10.17	<p>Tree Protection</p> <p>The development shall be carried out in full adherence to the approved arboricultural method statement, with the tree protection measures set out therein to be in place at all times.</p> <p>Reason: In the interests of the amenity and the landscape character of the area in accordance with LLP1 policy CP10, LLP2 policy DM27 and section 15 of the NPPF.</p>
10.18	<p>Construction Hours</p> <p>Construction work shall be restricted to the hours of 0800 to 1800 Monday to Fridays and 0830 to 1300 on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.</p> <p>Reason: In the interest of residential amenities of the neighbours having regard to Policy DM25 of the Lewes District Local Plan.</p>
10.19	<p>Landscaping</p> <p>Prior to the completion of any residential unit forming part of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:</p> <ul style="list-style-type: none"> • Details of all hard surfacing. • Details of all boundary treatments (including provision of mammal gates to allow for foraging animals to cross the site). • Details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees. • Ecological enhancements and Biodiversity Net Gain. <p>All hard landscaping and means of enclosure related to each property shall be completed in accordance with the approved scheme prior to first occupation of that property and shall be completed in its entirety prior to the completion of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the development or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with</p>

	<p>others of similar size and species, unless the Local Planning Authority gives written consent to any variation.</p> <p>Reason: To ensure the development incorporates sympathetic landscaping that amalgamates with surrounding landscaping, is appropriately and sympathetically screened, and provides a secure and safe environment for future occupants in accordance with LLP1 policy CP10, LLP2 policies DM24 and DM27 and para. 174 of the NPPF</p>
10.20	<p>Surface Water Drainage</p> <p>No development approved by this permission shall be commenced until full details of surface water drainage, have been submitted to and approved by the Local Planning Authority. This will need to include confirmation that there is capacity for the highway drain to serve the development and that a connection agreement is in place. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall be take place until the approved works have been completed. The surface water drainage system shall be retained as approved thereafter.</p> <p>Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and paras. 163 and 165 of the NPPF.</p>
10.21	<p>Drainage Management and Maintenance</p> <p>A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site to ensure the designed system considers design standards of those responsible for maintenance. The management plan should cover the following:</p> <ul style="list-style-type: none"> a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. b) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority. <p>Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and paras. 163 and 165 of the NPPF.</p>
10.22	<p>Drainage Installation</p> <p>Prior to occupation of the development, evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.</p> <p>Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and paras. 163 and 165 of the NPPF.</p>

10.23	<p>Wastewater reinforcement</p> <p>Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development</p> <p>Reason: In order to ensure suitable arrangements for foul water disposal are in place in accordance with LLP1 policies CP7 and CP10, LLP2 policies BA02, DM20 and DM22 and para. 174 of the NPPF</p>
10.24	<p>Electric Vehicle Charging Points</p> <p>Prior to the first occupation of any individual unit within the development hereby permitted, a minimum of 1 x electric vehicle charging point shall be provided for that unit in accordance with details to be submitted to and approved by the Local Planning Authority. The charging points shall thereafter be maintained in an operable condition throughout the lifetime of the development.</p> <p>Reason: To encourage alternative, more sustainable modes of transport and to reduce local contributing causes of climate change in accordance with LLP policy CP13, and para. 112 of the NPPF</p>
10.25	<p>Sustainability Measures</p> <p>The proposed development shall not be occupied until full details of all renewable/carbon saving/energy and water efficiency measures to be incorporated into the scheme have been submitted to and approved by the Local Planning Authority. All measures approved shall thereafter be provided prior to the occupation of any dwelling and maintained in place thereafter throughout the lifetime of the development.</p> <p>Reason: In order to ensure suitable sustainability measures are incorporated into the development and maintained in accordance with LLP1 policy CP14, LLP2 policy DM20 and para. 152 of the NPPF.</p>
10.26	<p>External Materials</p> <p>No external materials or finishes shall be applied until a schedule of materials has been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with those details and maintained as such unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interest of visual amenity and sustainability in accordance with LLP1 policy CP11, LLP2 policy DM25 and para. 130 of the NPPF</p>
10.27	<p>Written Scheme of Investigation</p> <p>No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To enable the recording of any items of historical or archaeological interest in accordance with Core Policy 11 in the Lewes District Local Plan Part 1; Joint Core Strategy 2010 - 2030; coupled with</p>

	the requirements of paragraphs 189 - 199 of the National Planning Policy Framework 2018.
10.28	<p>Archaeological Report</p> <p>No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the approved written scheme of investigation.</p> <p>Reason: To enable the recording of any items of historical or archaeological interest in accordance with Core Policy 11 in the Lewes District Local Plan Part 1; Joint Core Strategy 2010 - 2030; coupled with the requirements of paragraphs 189 - 199 of the National Planning Policy Framework 2018.</p>
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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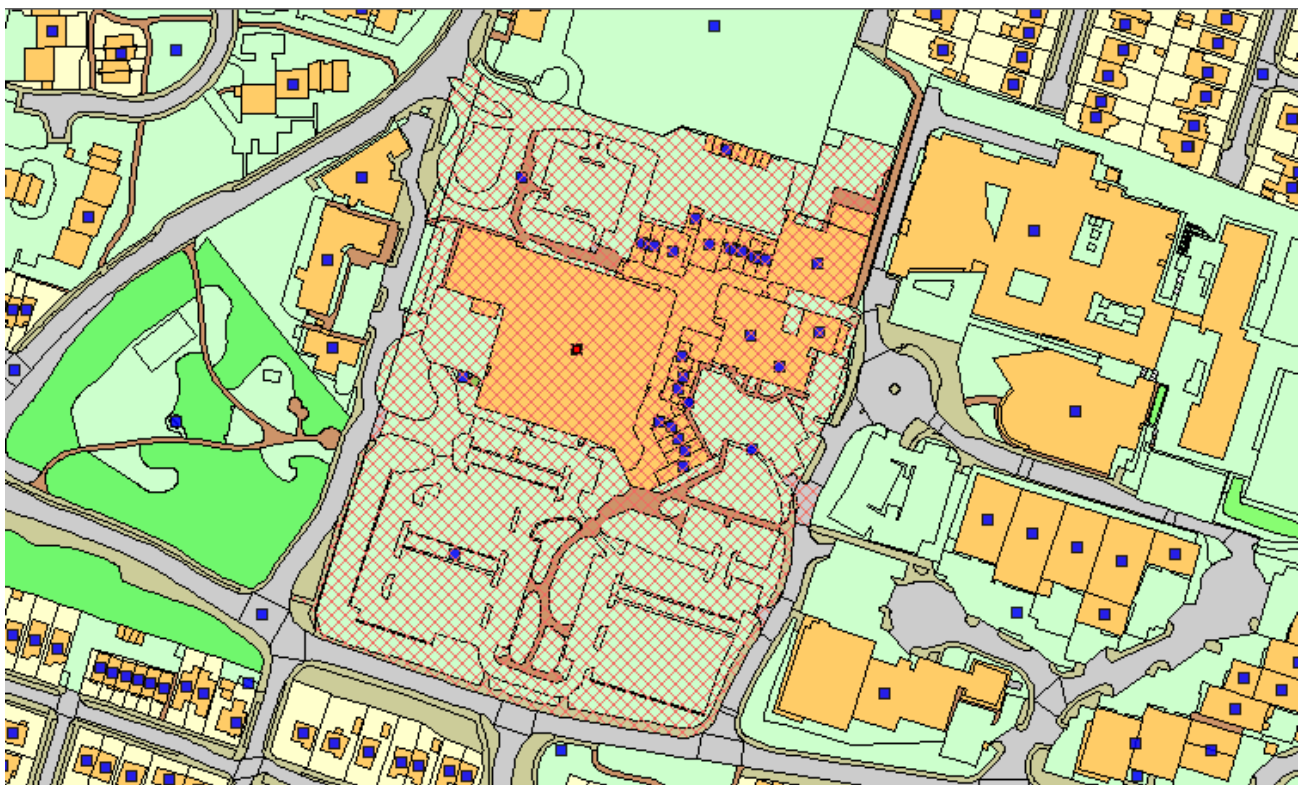
Agenda Item 10

Report to: Planning Applications Committee
Date: 19th April 2023
Application No: LW/23/0018
Location: Meridian Centre, Meridian Way, Peacehaven
Proposal: Demolition of the Meridian Centre (excluding Community House) and site levelling works; erection of a food store and separate commercial and retail floorspace (Use Class E) together with associated rear servicing yards and plant equipment; library (Use Class F1(d)); external alterations to Community House, including entrance lobby; creation of a town square; resurfacing works and associated car and cycle parking; external garden centre and trolley bays; and structured landscaping works including replacement tree planting.

Applicant: Wm Morrison Supermarkets Ltd
Ward: Peacehaven West
Recommendation: Approve subject to section 106 legal agreement and conditions.
Contact Officer: **Name:** James Smith
E-mail: james.smith@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liable.

Site Location Plan:



1.	Executive Summary
1.1	The proposed development would allow for a substantial remodelling of a large portion of Peacehaven Town Centre. The existing shopping centre is poorly laid out and not well occupied and the need to address this has long been identified, through specific saved policies set out in the 2003 Local Plan and is also recognised in the soon to be adopted Peacehaven and Telscombe Neighbourhood Plan.
1.2	It is considered that, whilst the proposed development would introduce some harm in terms of the loss of existing mature trees within the site, this would be mitigated by the social and economic enhancements delivered through the delivery of a more functional, adaptable, accessible, and secure shopping area that would create jobs and, through the provision of an anchor store, support smaller businesses nearby.
1.3	The proposed development would also retain and enhance the existing community house, deliver a new library and associated community building and would create an outdoor 'town square' environment that would encourage social interaction and support community functions.
1.4	It is considered that the loss of trees would also be appropriately mitigated through landscaping conditions to secure a biodiversity focussed planting scheme within the site as well as necessary off-site planting to compensate the loss.
1.5	<p>Economic Benefits</p> <p>The proposal offers significant economic benefits in the form of job creation during, delivery of an anchor store with interdependent commercial uses, retention of money in the local economy and the creation of jobs at the construction stage.</p> <p>This would carry <u>significant positive weight</u> in the planning balance.</p>
1.6	<p>Design and Built Environment</p> <p>The proposal would remodel the Town Centre, making it safer and more accessible to the community as a whole. The buildings would interact well with their surrounding environment and represent a significant improvement over the current built form.</p> <p>This would carry <u>significant positive weight</u> in the planning balance.</p>
1.7	<p>Community Facilities</p> <p>The proposed development would maintain community uses on the site and improve the quality of buildings that they are provided in. It would also create public spaces that would encourage greater social interaction.</p> <p>This would carry <u>moderate positive weight</u> in the planning balance.</p>

1.8	<p>Transport</p> <p>The proposal would maintain and enhance existing bus service infrastructure, deliver safer and better designed access for vehicles and pedestrians, would support electric vehicle charging and provide cycle parking and create new desire lines for pedestrians.</p> <p>This would carry <u>moderate positive weight</u> in the planning balance.</p>
1.9	<p>Sustainability</p> <p>The proposal would retain the community house and make improvements that would enhance its sustainability. New buildings would be provided that would be more adaptable and energy efficient than existing buildings and the improved facilities would help secure ongoing provision of shops and services for use by local people.</p> <p>This would carry <u>moderate positive weight</u> in the planning balance.</p>
1.10	<p>Water issues</p> <p>The development would incorporate an attenuation system to control the rate at which water is discharged into the surface water sewer, representing an improvement on the existing drainage scheme.</p> <p>This would carry <u>moderate positive weight</u> in the planning balance.</p>
1.11	<p>Ecology and Biodiversity</p> <p>The development would result in the loss of most of the existing mature trees positioned within the site. This is considered to represent a <u>significant harm</u>. However, it is considered that the use of mitigation measures including new planting and the delivery of off-site biodiversity net gain would help limit the <u>overall impact to a moderate harm</u>.</p>
1.12	<p>It is therefore recommended that the benefits of the development significantly outweigh any harm and that the application should therefore be approved subject to the conditions attached to this report and a Section 106 legal agreement to secure highway improvements/contributions and off-site biodiversity works.</p>

2.	Relevant Planning Policies
2.1	<u>National Planning Policy Framework</u> 2. Achieving sustainable development 4. Decision making 6. Building a strong, competitive economy 7. Ensuring the vitality of town centres 8. Promoting healthy and safe communities 11. Making effective use of land 12. Achieving well-designed places 14. Meeting the challenge of climate change, flooding, and coastal change 15. Conserving and enhancing the natural environment 16. Conserving and enhancing the historic environment
2.2	<u>Lewes Local Plan Part 1 (LLP1)</u> CP4-Economic Development & Regeneration CP7-Infrastructure CP8-Green Infrastructure CP9-Air Quality CP10-Natural Environment and Landscape CP11-Built and Historic Environment & Design CP12-Flood Risk, Coastal Erosion & Drainage CP13-Sustainable Travel CP14-Renewable and Low Carbon Energy
2.3	<u>Lewes Local Plan Part 2 (LLP2)</u> DM14-Multi-functional Green Infrastructure DM15-Provision for Outdoor Playing Space DM20-Pollution Management DM22-Water Resources and Water Quality DM23-Noise DM24-Protection of Biodiversity and Geodiversity DM25-Design DM27-Landscape Design
2.4	<u>2003 Local Plan Saved Polices</u> PT6 - Meridian and Bolney Avenue Industrial Estates Link PT9 - Meridian Centre PT10 - Access and Permeability at the Meridian Centre

2.5	<p><u>Emerging Peacehaven Neighbourhood Plan</u></p> <p>PT1 - High Quality Design</p> <p>PT2 - Innovation and Good Management</p> <p>PT3 - Landscaping</p> <p>PT5 - Sustainable Design</p> <p>PT10 - Reusing the Existing</p> <p>PT11 - Promoting All-Inclusive Travel</p> <p>PT13 - Enhancing public transport in the Neighbourhood Plan Area</p> <p>PT15 - Amenity and Green Spaces</p> <p>PT16 - Enhancement of Formal Sports Areas and Children’s Equipped Play Spaces</p> <p>PT17 - Protection of Biodiversity and Habitats</p> <p>PT18 - Biodiversity Net Gain</p> <p>PT19 - Urban Greening</p> <p>PT20 - Drainage Management</p> <p>PT21 - Renewables</p> <p>PT22 - Net Zero</p> <p>PT23 - Air Quality</p> <p>PT24 - Providing for a mix of employment opportunities.</p> <p>PT27 - Local Labour Agreement</p> <p>PT30 - Community Facilities</p> <p>PT31 - Loss of Community Facilities</p> <p>PT32 - Statement of Community Engagement</p> <p>PT35 - Masterplanning</p> <p>PT36 - Design and placemaking principles</p> <p>PT37 - Peacehaven Centre</p> <p>PT38 - Community Facilities in Peacehaven Centre</p> <p>PT39 - Market Place and Outdoor events</p>
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3.	Site Description
3.1	<p>The site is currently occupied by a somewhat sprawling shopping centre that is positioned towards the north-western corner of the site. The main structure was built in the late 1970’s with additions being made in the early 1980’s. A large proportion of the shopping centre is occupied by a supermarket. There are several individual shop/commercial units organised along arcades within the shopping centre, although a significant amount of them are currently vacant. One of the units is occupied by a post office. Buildings housing a public library, community facilities</p>

	(including a nursery) and town council offices are also attached to the main structure. The shopping centre is identified as a district shopping area in the development plan. There are a small number of residential flats positioned at first floor level towards the rear of the site, behind the library building.
3.2	The southern part of the site is occupied by a large car parking area which serves the shopping centre. There are a number of mature trees distributed around the parking area as well as more intensive concentrations flanking the whole of the southern and, to a greater extent, the western boundary as well as part of the eastern boundary. Of note is a central tree lined pedestrian route through the car park which provides access from Greenwich Way to the south. There is a bus stop and turning area towards the north western corner of the site.
3.3	The surrounding area comprises a mix of land uses. To the west of the site there is public green space at Meridian Park. A small industrial/business estate lies to the east as well as a leisure centre and secondary school. To the north of the site is a youth centre and an area of open green space. The remainder of the surrounding area is predominantly residential, comprising a mix of dwellings and flats built to a relatively high density.
3.4	The site is subject to several planning designations. The shopping centre is identified as a primary shopping area and the arcades within it identified as primary retail frontage. The site as a whole as well as the youth club site to the north is identified as Peacehaven Tow Centre. The emerging Peacehaven and Telscombe Neighbourhood Plan includes policies and objectives for the development of the site. As the neighbourhood plan has not yet been adopted, the Secretary of State has saved a number of specific policies relating to the site that formed part of the 2003 Local Plan.
3.5	The site is located in Flood Zone 1 and is therefore not identified as being susceptible to tidal or fluvial flooding. Flood mapping shows areas to the north of the existing buildings, particularly in the north eastern corner of the site, as being subject to a medium to high risk of surface water flooding. Parts of Greenwich Way, which flanks the southern site boundary, are also identified as being at high risk of surface water flooding. It is noted that oil containers have been installed on the site in the past and that it falls within a 250 metre buffer associated with a historic landfill site. There are no other specific physical constraints attached to the site or the immediate surrounding area.

4.	Proposed Development
4.1	<p>The proposed development would comprise the following: -</p> <p>Based on the submitted information the development would comprise: -</p> <ul style="list-style-type: none"> • A 4,773m² Gross Internal Area (2,517 m² net) superstore in a similar position to the existing shopping centre. The store would incorporate a café and a standalone glazed garden centre structure would be positioned to the front;

	<ul style="list-style-type: none"> • A service yard and a 15 bay staff parking area to the north of the proposed superstore, accessed from Sutton Avenue; • Provision of additional 3,567 m² of Class E floorspace and associated servicing area towards the eastern boundary of the site. The floorspace would be provided within a single building that would be subdivided into 11 units, 8 of which would be relatively small with 2 large units positioned at the southern end of the building and a further large unit provided at first floor level, above units G to L1. • A 294 bay main car parking area to the south of the superstore and west of the other retail units, provided as a district centre car park rather than associated only with the superstore. The main parking area would be accessed from Meridian Way; • A single-storey building accommodating a 302 m² public library, replacing the existing library building, and a connected flexible unit of the same floor area towards the north-eastern corner of the site. • Retention of existing community house with alterations and improvements including a new 70 m² glazed entrance lobby and cladding at first floor level. • Formation of 33 space parking area adjacent to proposed library to provide parking for staff, library, nursery and community house users. The parking area would be accessed from Sutton Avenue/Roderick Avenue. 9 existing parking bays to the rear of community house and accessed from Newton Road, would be retained; • Formation of public space and a ‘town square’ area, including children’s play space, with pedestrian connectivity to Greenwich Way, Meridian Way and Newton Road; • An additional 10 parking bays would be provided to supplement the existing 12 bays on the western edge of the site that serve the health centres on the opposite side of Meridian Way.
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5.	Relevant Planning History:
5.1	None.

6.	Consultations:
6.1	<p>Peacehaven Town Council</p> <p>Peacehaven Town Council support the planning application, but add the following comments and considerations.</p> <ul style="list-style-type: none"> • It needs to be ensured that the travel plan is correct and accurate. • That active and sustainable transport, including cycle routes being maintained and improved, and suitable public transport facilities are included.

	<ul style="list-style-type: none"> • That a bus service be provided to the Morrisons store in Seaford for the period that the Meridian Centre will be closed • That the clean air and sustainable town aspirations of the Neighbourhood Development Plan are considered • That a mix of retail businesses are retained • A plan to mitigate the impact of the transition period on local businesses and residents is put into place.
6.2	<p>ESCC Highways</p> <p>No formal comments provided. The applicant sought pre-application advice which is included within the Transport Assessment. The proposed scheme incorporates amendments and clarifications to respond to advice regarding pedestrian and cyclist safety, cycle parking, turning space within service yard areas and measures to improve convenience of bus stop facilities.</p> <p>A section 106 agreement would be sued to secure highway improvements, the detail of which is to be agreed with ESCC.</p>
6.3	<p>Lead Local Flood Authority</p> <p>The Flood Risk Assessment concludes the site is at low risk of flooding which we concur with.</p> <p>There are isolated pockets of 100 year storm (and one area of 30 year) surface water flood risk which are existing low points in the site and likely to be due to rainfall on the site rather than external risk. The redevelopment to a new levels and drainage design catering for the 100 year storm should effectively mitigate this existing risk.</p> <p>The Drainage Strategy is for a piped system leading to the lower (southern) end of the site to be drained via a large crate storage style soakaway approximately 78 metres x 25 metres x 1.6 metres deep in volume with a base level approximately 3 metres below ground level. This appears to be positioned within the clay substrata.</p> <p>The soakaway design is based upon an assumed rate of 0.0036mm/hr which is a typical nominal rate for clay soil conditions but results in a very slow drain down time and is at the bottom end of viable infiltration and therefore at risk of failure if conditions are found to be worse on site.</p> <p>The drainage strategy references falling head tests which are discussed in the ground investigation report as indicating potential infiltration viability although the results and calculations do not appear to be included.</p> <p>In accordance with our guidance, which is available on Council web pages, we require full BRE365 soakage testing for full planning applications where the drainage strategy relies upon discharge to ground.</p> <p>We will need to review an assessment of drain down times and the ability of the system to cope with a subsequent storm. There is also a large bank adjacent to the soakaway location which may have a top level almost or equal to the base of the soakaway and therefore potentially be susceptible to seepage. This risk should be designed out as part of establishing layout.</p>

	<p>OFFICER COMMENT: Final drainage system details can be addressed by condition and there is flexibility to allow for this due to the size of the site. Details of measures to prevent bank seepage can be included in the final site landscaping scheme, which would also be secured by condition. Further comment is provided in para. 8.10.</p>
6.4	<p>ESCC Highways</p> <p>This application has been accompanied by a comprehensive Transport Assessment (TA) and Travel Plan (TP), which have been based upon our pre-application advice previously given in June 2022. As such, there is relatively little further for us to have to comment upon on this occasion and therefore we do not wish to restrict the granting of consent, subject to the imposition of conditions and the use of a section 106 agreement to secure highway improvements and a travel plan monitoring fee.</p>
6.5	<p>ESCC Libraries</p> <p>East Sussex County Council are supportive of the application as the proposal for the inclusion of a 302sqm building will allow the service to continue to provide a quality need focused library service in Peacehaven, from the new purpose-built library building. The Service will be able to provide all of the current range of services on offer in the current building from the proposed new library, and we will continue to meet local needs in line with our updated Strategy East Sussex Libraries: The Way Forward 2022/23 to 2027/28 East Sussex County Council https://www.eastsussex.gov.uk/libraries/local/east-sussex-libraries-the-way-forward-2022-23-to-2027-28. The proposal will support the delivery of the Library and Information service's strategic outcomes: improving child and adult literacy and numeracy, supporting the economy, ensuring better health and wellbeing and increasing digital inclusion.</p> <p>Since 2018, in discussions with local stakeholders, the town councils, and customers we have indicated that we were looking for smaller, more cost effective premises as the current library is significantly larger than required and includes a large amount of back-office space that the service does not use. This application offers East Sussex County Council libraries an opportunity to secure an appropriately sized building in close proximity to the current library building and the County library service is, therefore, supportive of the proposal.</p> <p>In terms of the number of items borrowed, Peacehaven lies 12th out of our 17 libraries, with 25,090 issues in 2021/22. Comparators include Hailsham, Heathfield and Rye libraries which issued between 21,205 and 37,296 in 2021/22 and have between 180m2 and 230m2 of public space.</p> <p>In terms of visitor figures, Peacehaven lies 13th of 17 libraries with 19,393 visits in 2021/22. Again, comparators include Hailsham, Heathfield and Rye libraries with between 20,939 and 23,154 visits.</p> <p>Increasing use of our online library services such as eBooks and eMagazines, reducing footfall in libraries and the decline in the number of hard copy books borrowed means that libraries need less space than</p>

	<p>previously required. There is no current evidence to suggest that this trend will stop or reverse in future.</p> <p>In summary, we are supportive of the application and proposed size of the proposed new library building.</p>
6.6	<p>ESCC Archaeology</p> <p>The proposed development is of archaeological interest due to its location within an extensively excavated and well-understood prehistoric and Romano-British landscape. Large-scale excavations to the east of the site at Lower Hoddern Farm and Keymer Avenue in particular have recorded evidence for activity spanning the Mesolithic to Early Roman periods, including Mesolithic struck flint, an unusually large group of Early Neolithic pits, an organised Late Neolithic/Early Bronze Age monumental landscape, later Bronze Age settlement cemeteries and field systems, and a regionally Middle Iron Age enclosure complex, elements of which survived into the early Roman period.</p> <p>The present application is accompanied by a comprehensive archaeological desk-based assessment, which considers the evidence above. However, I do not necessarily concur with the conclusions of that document, which overlooks some important evidence of Mesolithic activity in the area and seeks to model the archaeological potential of the site in part based on its position on deposits of the Lambeth Group. This has led to the conclusion that the [heavier sandy clays] that comprise the geological character of the site are ‘anticipated to result in a relatively lower potential for the presence of archaeological remains within the boundary of the Site’ and that ‘Any activity within the Site would have been transient or at most peripheral to the concentration of activity to the east’.</p> <p>There is, in fact, a very clear association of deposits of the Lambeth Group with Mesolithic activity in the Peacehaven locale in particular that has long been recognised. Fieldwork in the early 20th century recorded several extensive scatters of Mesolithic flint, clearly associated with the sandier soils of the Woolwich Beds (which form part of the Lambeth Group), including a concentration of c. 8,000-10,000 pieces of very fresh struck flint recovered from an area measuring 2m across, recorded some 500m to the north-west of the application site which almost certainly represents an in situ working site. In addition, it is worth noting that the extensive Middle Iron Age and later enclosure system recorded at Keymer Avenue, to the east of the application is entirely located on geology of the Lambeth Group.</p> <p>As a result, I would caution against an over-simplistic reliance on geological character as an indicator of archaeological potential, and, notwithstanding prior impacts associated with the construction of the existing Meridian Centre, the archaeological potential of the application site may be rather higher than is currently appreciated by the existing assessment.</p> <p>In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and</p>

	<p>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> <p>In furtherance of this recommendation, we shall be available to advise the applicant on how they can best fulfil any archaeological condition that is applied to their planning permission and to provide a brief setting out the scope of the programme of works.</p> <p>The written scheme of investigation, referred to in the recommended condition wording above, will set out the contracted archaeologist's detailed approach to undertake the programme of works and accord with the relevant sections of the Sussex Archaeological Standards (2019).</p>
6.7	<p>LDC Contaminated Land Officer</p> <p>I am aware that the applicant has submitted a Phase 1 desktop study and Phase 2 exploratory site investigation report prepared by BSP consulting dated September 2020. I note that some demolition work will be carried out at the site and the site investigation carried out so far is an exploratory nature. I note from the report para 9.3.1 further confirmatory site investigation work will be carried out at the site. I also note that the assessment is carried out so far based on commercial end use.</p> <p>If LPA is minded to grant a planning permission, then considering the sensitive uses of the site, I recommend conditions and informatives are attached.</p>
6.8	<p>LDC Ecology</p> <p>Biodiversity enhancement opportunities should be maximised. Any new soft landscaping should include a high portion of native species of local provenance and species of known value to wildlife. When assessing BNG it will be important to consider not only the total units achieved but also factors such as connectivity, edge effects and site use. Given the context the local value of features should also be considered, as there may be less alternative habitat available in the immediate vicinity.</p> <p>The mitigation hierarchy should be followed, and on-site opportunities maximised. Where BNG cannot be achieved solely through on-site measures, additional off-site delivery would be required.</p> <p>Further information is required to establish how the proposals will avoid a net loss for biodiversity and achieve a measurable minimum 10% BNG. This information should be provided prior to any granting of planning permission.</p> <p>Subject to matters relating to BNG being adequately addressed and any additional recommendations from NatureSpace, appropriate impact avoidance, mitigation and compensation measures should be implemented to avoid harm to protected and notable species. Works should be undertaken in accordance with the recommendations in the ecological reports and further details should be provided within a precautionary working method statement, submitted to the Local Planning</p>

	<p>Authority for approval in writing prior to the commencement of development.</p>
<p>6.9</p>	<p>LDC Tree Officer</p> <p>Whilst in principle we see no specific arboricultural objection to some form of development at this site, we consider that the proposed layout and landscape does not represent the best possible sustainable design, in that the development fails to effectively protect or enhance the existing natural assets that are key to the character and amenity of the area, as such we are unable to support the proposal based upon the information submitted to date.</p> <p>OFFICER COMMENT: The tree officers' comments were received prior to submission on how biodiversity net gain would be achieved. It is regrettable that a number of trees are to be removed but it is important to note that the need to alter site levels to facilitate access, drainage and additional building footprint necessitates this. The s106 legal agreement will be used to ensure that appropriate compensatory tree planting is undertaken. These would be required to be appropriate species and planted at a ratio of 3-5 new trees for every Cat B tree lost as per the advice provided by the tree officer.</p>
<p>6.10</p>	<p>LDC Regeneration</p> <p>The site is designated as a town centre within the local plan. Evidently, changes in retail and leisure activity are changing the way town centres function.</p> <p>The current Meridian Centre has low occupancy levels within Class E units, which are primarily retail. The revised layout for the site includes active frontages, improved access, and a more attractive setting. The application also references the Peacehaven & Telscombe Design Code.</p> <p>All these factors are expected to support a more economically viable town centre for this district. It is also important to note the positive outcomes and responses to community consultation outlined in the applicant's statement. In addition, the applicant recognises the importance placed on some existing occupants and services, including Post Office facilities and we are encouraged that the applicant is in discussion with existing tenants over their long-term aspirations.</p> <p>It is acknowledged that all trading will need to be stopped during development and that the applicant has an incentive to ensure the work is carried out as quickly as possible to enable trading to recommence.</p> <p>For the supermarket, it is considered that development would better meet the shopping habits of residents and the surrounding area and may reduce the need for travel to neighbouring towns. Data supplied indicates that supermarkets in neighbouring Newhaven (Sainsbury's) and further afield Seaford (Morrisons) and Brighton (Asda) are currently the preferred option for local residents over the current Co-op. These supermarkets have been shown to be overperforming.</p>

	<p><u>Summary</u></p> <p>LDC Regeneration supports the application, which proposes an increase in employment from 50 to 390 FTE jobs and an increase in net additional floorspace of 1058 square metres. The development is expected to provide improvements to this designated town centre site which are both supported by and designed to serve the local community.</p>
6.11	<p>Environment Agency</p> <p>No objection subject to conditions related to remediation of contaminated land.</p>
6.12	<p>Sussex Police (Secured by Design)</p> <p>No major concerns with the proposals subject to observations on how security could be improved through design features.</p> <p>OFFICER COMMENT: Additional information in site security can be obtained using an appropriate planning condition. Any details provided would be assessed by LDC in conjunction with Sussex Police.</p>

7.	Other Representations:
7.1	<p>17 letters of support have been received and relevant content is summarised below.</p> <ul style="list-style-type: none"> • Is needed to support the needs of the growing town; • Will encourage people to shop local and remove traffic; • The Meridian Centre has been in decline over many years; • Will create jobs; • Will reduce anti-social behaviour; • Will allow for a wider range of shops to be provided; • The town centre is empty and needs to be revived; • The existing building is very outdated, and a modern touch is needed; • Will help support the community; • Well provide more convenient services for people with disabilities; • The area needs a large supermarket selling affordable products; • Peacehaven needs a place where you can spend a day out with the family; • Will get rid of an eyesore; • Development will encourage other trades into the area; • Would utilise space better than the current centre; • Would provide an open area where people can interact; • Open areas would replace the existing bottlenecks;

	<p>7 letters of objection have been received and relevant content is summarised below.</p> <ul style="list-style-type: none"> • No facilities are being provided whilst the site is being rebuilt; • The new library building is too small; • Loss of trees and landscaping will remove habitat and increase flood risk; • There will be increased traffic and carbon emissions; • Car parking facilities for community house will be lost; • Bus and cycle lanes should be provided; <p>3 letters making neutral comment have been received and relevant content is summarised below.</p> <ul style="list-style-type: none"> • Support the development but concerned noise from service yard will have a negative impact on residential amenity; • Dates when facilities will be closed need to be publicised well in advance; • Biodiversity net gain needed to address loss of trees; • Planning conditions needed to ensure renewable energy generation is provided; • Concern about the quality of the access provided from the bus stop to the north;
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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 NPPF also advises that there is a presumption in favour of sustainable development.</p> <p>The main considerations relate to</p> <ul style="list-style-type: none"> • The principle of the development. • The viability and vitality of the town centre; • The delivery of a flexible scheme that supports the night time economy, is accessible to all and encourages visits using modes of

	<p>transport other than by car as per the objectives of the emerging Peacehaven and Telscombe Neighbourhood Plan;</p> <ul style="list-style-type: none"> • The ability of the development to serve the needs of the community; • The impact upon the character and appearance of the area • Neighbour amenities, • Impacts upon highway/pedestrian safety. • Flood risk, • The overall merits of the scheme in terms of the balance of economic, environmental, and social objectives that comprise sustainable development.
8.2	<p><u>Principle of Development</u></p> <p>Para. 86 a) of the National Planning Policy Framework (NPPF) states that planning policies should allow town centres to ‘grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters.’</p> <p>This is echoed in policy CP6 of the Lewes District Local Plan Part 1 (LLP1) which seeks to promote and enhance the viability and vitality of town centres, indicating a desire to maintain a predominance of retail uses in primary shopping areas/retail frontages with a range of supporting uses and services in other parts of the town centre where they would ‘support the wider function, vitality and viability of the town centre’.</p> <p>Saved policy PT9 of the Lewes District Local Plan (2003) relates specifically to the Meridian Centre and para. 13.44, which provides supporting text, states that ‘the continued viability of the shopping function of the Meridian Centre is important for the continued evolution of a self-sufficient community in the towns of Peacehaven and Telscombe.’ It should also be noted that section 4 of LLP1, which sets out the vision for development in Lewes District in the period up to 2030, outlines an objective for the retail provision on offer in Peacehaven/Telscombe to have been improved by developments that encourage a rich and diverse mix of shops and other town centre uses.</p> <p>The emerging Peacehaven and Telscombe Neighbourhood Plan recognises there are a number of weaknesses to the current town centre offer and, in policies PT36, PT37 and PT38, encourages redevelopment to improve, amongst other things, pedestrian permeability, accessibility, uptake in use of sustainable modes of transport, engagement with the surrounding environment, links to green infrastructure, enhancement of social interaction and ‘town square’ functions, flexibility of uses including an encouragement of night time use and a retention and enhancement of community uses.</p> <p>The Meridian Centre currently suffers from low occupancy levels of retail units as well as poor accessibility/permeability to pedestrians and cyclists,</p>

	<p>poor connectivity with the surrounding area' lack of diversity in the economy (e.g., little to no night-time economy uses) and a general arrangement that is cluttered, disorganised and somewhat oppressive owing to the lack of active frontage integrated into buildings.</p> <p>Given the above, it is considered that the principle of redevelopment of the site is acceptable in order to remedy the current situation and to meet the objectives of local and national policy in terms of maintaining and enhancing the vitality and viability of town centres as well as adapting to change.</p>
8.3	<p><u>Economic Impact</u></p> <p>The proposed development would increase the amount of retail/use class E floor space within the site from 5,593 m² to 8,493 m², an uplift of 3,050 m². It range of unit sizes, including small units of 50 to 100 m², would be provided</p> <p>The planning statement accompanying the application maintains that the proposed development would create 390 full time equivalent (FTE) jobs, representing a significant uplift. This would represent a significant uplift against the current 50 FTE jobs provided, primarily as a result of the more flexible use/functionality that the new buildings would provide but also through an increase in floorspace. It is noted that the uplift in jobs provided would remain even if full occupancy of all units within the existing development was assumed then, based on an employment density of around 1 employee per 15 to 20 m² (taken from the Employment Density Guide 3rd Edition issued by the HCA in 2015) then this would generate up to 90 jobs</p> <p>The applicant also draws attention to the array of services the superstore would provide and the resultant mix in employment opportunities. Overall, the applicant estimates the proposed development would generate £3.7 - £4 million in local salaries and that a portion of this would be recycled in the local economy through increased local spend.</p> <p>It is also noted that LDC reports and the applicants own research in the form of public consultation suggests that a significant number of Peacehaven residents (up to 72%) travel to neighbouring towns to carry out their main food shop. It is anticipated that an improved offer in the form of a modern, large superstore incorporating a range of ancillary services, would encourage local residents to do their main shop in Peacehaven and would also act as an anchor that would support neighbouring retail units in the form of custom from shared trips. It is also considered that the improved public space around the proposed buildings would encourage people to spend more time in the area and, therefore, visit more shops, cafés and other businesses.</p> <p>It should also be noted that the redevelopment of the site would generate a significant level of employment during the construction phase.</p>

8.4

Town Centre Vitality and Viability:

As the site is designated in the local plan as a town centre there would be no requirement for any sequential testing to justify the development as per para. 87 of the NPPF.

The supermarket that currently occupies the site dominates the shopping centre, taking up the bulk of what active frontage there is, resulting in the small units in the arcade feeling secluded and unable to engage with the public realm. This constraint, combined with the confusing access arrangements for the shopping centre and the general oppressive appearance of the centre are considered to be a root cause of the poor occupancy levels of units within the arcade.

It is considered that the proposed layout offers a significant improvement in terms of interaction with the public realm. The supermarket would be distinct from other retail units, which would occupy a prominent position along the eastern edge of the site. The formation of public space to the front of these units would encourage people to explore the site as a whole and also provides a better environment for uses such as cafes and restaurants which, again, would encourage people to view the site as a destination and to spend more time there.

Para. 001 of the Planning Practice Guidance for Town Centres and Retail 'Evening and night time activities have the potential to increase economic activity within town centres and provide additional employment opportunities. They can allow town centres to diversify and help develop their unique brand and offer services beyond retail. In fostering such activities, local authorities will also need to consider and address any wider impacts in relation to crime, noise and security. The presence of open public space would remove the sense of seclusion that currently pervades and, by creating a safer and more inclusive environment, it is likely that night time economy uses could be supported.

Given the importance of the site regarding the sustainability and self-sufficiency of Peacehaven and Telscombe it is vital that any redevelopment of the site is supported by evidence that demonstrates long term viability of the development and how it would be 'future proofed' to adapt to anticipated changes in challenges in the sector (although it is appreciated that long term retail trends can be difficult to forecast). It is also important that development is phased appropriately so as to maintain town centre functions throughout the course of redevelopment. Details of estimated employment levels in terms of full time equivalent posts should be provided in comparison to existing levels.

Considering the role of the site as a district centre, it is considered a large supermarket is an essential feature to serve the day to day needs of residents of the town and the surrounding area. A planning condition would be used to prohibit subdivision of the supermarket unit and also to restrict usage to use class E (a), whilst allowing for ancillary uses such as the café. The introduction of the flexible use class E is seen as an

endorsement of local and national objectives to diversify town centres and provides an inherent flexibility which would benefit the overall scheme. Whilst use class E applies to the existing units within the arcade, it is considered that this does not present any strong argument for the retention of existing arrangements given they were designed with a focus on retail and lack the adaptability and accessibility new buildings would offer to support a variety of town centre uses.

It is anticipated that the redevelopment of the site will take approximately 2 years to complete. It is intended to carry out the development in phases and, to this end, a phasing condition will be required to be submitted prior to the commencement of any works to set out which parts of the site will be redeveloped when and also to ascertain whether services affected by the development can be delivered on other parts of the site whilst construction works are carried out. Due to its size, it would not be possible to maintain the operation of the existing food store during construction works and the applicant is therefore intending to provide bus services to the Morrisons store in Seaford to address this and is also considering other measures such as free home delivery slots, to include a phone booking service for those who do not have access to the internet.

The existing site currently offers a range of community services/facilities and it is important that these facilities are retained and enhanced as per LLP1 policy CP7 in order for the town centre to continue to serve the needs of the community. It is noted that the existing community house would be retained and refurbished as part of the scheme, incorporating a larger entrance area and improvements to accessibility. A new purpose built library would also be provided, with the existing building being removed. The new library, at 302 m², would have smaller floor area than the existing building. The size of the new library has been informed by ESCC libraries who consider this an appropriate size to meet the needs of the community and to maintain viable operations. An additional unit of 302 m² would be attached to the library allowing for it to supplement the main library building if required by ESCC or to serve a similar community purpose.

Para. 86 f) of the NPPF acknowledges that residential use can play an important role in supporting the viability and vitality of town centres. The existing building accommodates a small amount of residential use (5 flats) and these would be removed as part of the proposed scheme. The site is in close proximity to relatively densely developed residential areas and it is indicated that an outline application is likely to be submitted for new residential development adjacent to the north of the site, on land identified as part of site 78PT in the Interim Land Availability Assessment (LAA) as being suitable for residential development. As such, it is considered that the loss of 5 flats would not have a significant impact upon the overall viability of the town centre.

It is noted that play space would be provided. The general siting is considered acceptable as it would benefit from a good level of natural surveillance and could be safely accessed on foot.

Design and Character

The existing shopping centre has been extended several times and this has resulted not only in a sprawling and cluttered appearance but also complicated and confusing access arrangement and internal layout.

The proposed development would remove all the existing buildings other than the community building. The proposed buildings would incorporate overarching characteristics in terms of materiality and their flat roof design. It is considered that suitable variation is provided to ensure that the overall scheme does not appear monotonous. This is achieved through variations in roof top height, staggering of building frontages and the mixed palette of external materials.

The superstore building would be detached from the other units provided, ensuring that the superstore does not overwhelm those units and they enjoy a well-defined 'street' frontage along the eastern side of the site. The flat roof design results in buildings having a relatively low profile and, therefore, not appearing overbearing or oppressive when viewed from the public realm. All units are provided with a clearly defined shop frontage which incorporates large areas of glazing and engages well with the public realm. The library and community house would be clearly distinct from the retail element of the development and identifiable and, whilst the community house building would not be replaced, the external alteration/improvement works would result in an appearance that is consistent with the remainder of the development.

The development incorporates a substantial quantum of car parking and the majority of this would be concentrated within a main car park towards the south of the site. It is important that the development is not car-centric and is welcoming to pedestrians, cyclists and those arriving by public transport. Whilst the area is large, occupying a greater proportion of the site than existing parking areas, it is considered that suitable measures have been taken to prevent a car dominant character being generated. Mature landscaping flanking the southern and western boundaries of the site would be maintained and enhanced to provide a sympathetic screen to the car parking area when viewed from Greenwich Way and Meridian Way. The main pedestrian access from Greenwich Way would follow a non-linear path through the mature landscaping on the southern boundary before emerging onto the wide paved area to the front of the parade of units along the eastern edge of the site which, in turn, provides access to the formally landscaped 'town square' area further to the north. Pedestrian access from Meridian Way and Sutton Avenue/Roderick Avenue would also be obtained via landscaped paths that avoid passing through the main parking area.

Overall, it is considered that the proposed development would provide a cohesive, engaging and clearly identifiable collection of buildings that would create a welcoming public environment which would encourage people to spend time in the town centre, increasing footfall for shops and other businesses.

8.6

Impact on Landscape Character and Ecology

There are currently several mature, predominantly coniferous trees on the southern part of the site, distributed around the parking area and flanking the path running from Greenwich Way to the main entrance of the shopping centre as well as hedging and shrubbery which does not appear to be regularly maintained. The site landscaping combines with mature landscaping at Meridian Park and on the southern side of Greenwich Way to generate a verdant character and appearance within the surrounding environment.

The proposed development would involve levelling works to the southern part of the site, the expansion in the size of the main car parking area and the encroachment of buildings further towards the southern site boundary. As a consequence, a significant number of the existing trees and landscaping would need to be removed with retained trees restricted to those positioned on and around the southern and western site boundaries. New planting would be provided within the public domain, including the town square area to the north of the site where there are currently no trees but the overall amount of trees on the site would be reduced.

Whilst the loss of mature landscaping is regrettable it is considered that the retention of boundary trees would ensure that the verdant character and the continuity between site landscaping and Meridian Park would be maintained. Although the attractive woodland style walk from Greenwich Way to the shopping centre would be lost as a result there would be an element of its character retained in the proposed ramped access from Greenwich Way which passes through a landscaped area. Formal planting would be provided in the public area around the shops, creating a more attractive environment and providing urban cooling/shading. New tree planting would also focus on native species that may provide a greater contribution to biodiversity than the pines.

The urban edges of Peacehaven and Telscombe Cliffs are flanked by the South Downs National Park (SDNP) to the north, east and west whilst the coastline to the south falls within the Beachy Head West Marine Conservation Zone. Such landscapes are sensitive to light pollution, with the SDNP being designated dark sky reserve. An external lighting strategy has been provided showing the use of LED lighting that is optimised in terms of height and spacing to reduce the number of light stands needed and all fixtures are designed with a low upward light ratio (ULR) this being 0% for a significant proportion of the lights with the remainder being no higher than 5%. It is considered that these measures would prevent unacceptable light spill within the nearby rural environment and would be entirely compatible with the suburban environment in which the site is embedded.

Although the existing site has been developed to a large extent, there are a number of mature trees, predominantly pines, that are distributed around the car parking area as well as hedging and shrubbery. The proposed development would remove most of these trees. Some of the removal works would be a necessity due to the increase building footprint and car

park coverage whilst existing trees in areas that are to remain landscaped would need to be removed for practical reasons due to the levelling works that are required to assist accessibility and drainage.

As a result, the proposed works would result, if no appropriate supplementary planting were to be proposed or no offsetting in a net loss of biodiversity for the scheme.

Landscaping would be retained on the southern and western boundaries where it would provide a sympathetic screen to the development and a landscaping condition will be used to ensure this planting comprises appropriate native species of a suitable size and maturity that would offer better biodiversity value than the pine trees that are to be removed.

This approach is consistent with the requirement for onsite biodiversity net gain to be prioritised as per the hierarchy set out in the LDC Technical Advice Note for biodiversity .

However, on site works alone would not address the net loss in biodiversity and, as such, the section 106 legal agreement would be used to secure significant off-site biodiversity enhancements in a nearby area and providing a similar habitat to that which would be removed.

Conditions will also be put in place to ensure protected species are not harmed during or after construction works are carried out. Bat surveys have not identified any significant roosting potential in the existing trees.

8.7 Transport Impact and Access Arrangements

The main vehicular access to the site would continue to be from Meridian Way. The access would provide two carriageways and vehicles entering and leaving the site would take priority over vehicles travelling along Meridian Way from the north. A two-way circuit around the main car parking area would be formed and access to individual rows of bays would also be two way.

There would be a number of pedestrian access distributed around the site, these being on Sutton Avenue/Meridian Way to the north, Newton Road to the east, Greenwich Way to the south and Meridian Way to the west.

The amount of trips generated by the proposed development is anticipated to be similar to that which could potentially be generated by the existing development were it to be fully occupied. It is estimated that the facilities provided by the proposed development would reduce longer distance trips to neighbouring settlements for shopping purposes and the mix of facilities offered by the proposed development is also likely to encourage linked trips, with the superstore acting as an anchor and customers then remaining in the area, visiting other shops and businesses within the development.

The quantum of parking bays provided is similar to that available at the existing development, where ESCC Highways, in their pre-application advice, have stated that there is additional capacity evident. The parking

	<p>layout of the new development is clear and functional, this being a marked improvement on the current layout which is somewhat confusing. It incorporates disabled parking bays which are all positioned close to the stores and adjacent to pedestrian routes.</p> <p>A separate parking area is provided for the community buildings and library would have their own car park with separate access and three disabled bays provided adjacent to the library building.</p> <p>The superstore would be served by a self-contained service yard to the north of the store. This yard would also include staff parking. A separate service yard would be provided to the rear of the other commercial units, along the eastern site boundary. Tracking plans have been provided to show that the larger 18.5-metre-long HGVs used by Morrisons can safely access and turn within the proposed service yard.</p> <p>33 cycle parking spaces would be provided across the development, which matches the figure requested by ESCC Highways in their pre-application advice. A condition will be used to ensure that all the commercial units include shower facilities that could be used by cyclists, as a means to encourage cycling. A condition will also be used to require all cycle parking to include sheltering in order to protect stored cycles from the elements. The existing bus turning area towards the north-western corner of the site would be retained, real time bus information would be provided on a screen within the store and trolley bays would be provided close to the bus top.</p> <p>Tactile paved crossing areas would be provided on Greenwich Way, Meridian Way and on Newton Road, where the improvement pedestrian permeability to the site is likely to create a new desire line for pedestrians approaching from the east. Tactile paving would also be provided where the footway crosses the Morrisons service yard to the north of the site. The footway access from Meridian Way would be improved through widening works and the establishment of a footway on the western boundary of the site north of the vehicular access where there is currently only soft verging and layby parking areas.</p> <p>It is therefore considered that the site would therefore continue to be convenient to access by public transport as well as by bicycle and on foot, utilising the various pedestrian access points being provided, including DDA compliant ramped access.</p> <p>Overall, it is considered that the proposed development would deliver improved and safer vehicular access and parking which would not overwhelm or compromise the safety of pedestrian access. Pedestrian access would be enhanced, with improvement in terms of permeability, safety and functionality. Facilities would be provided to support use of sustainable transport methods including cycling, public transport and electric vehicles.</p>
8.8	<p><u>Residential Amenity</u></p> <p>The site is in an established town centre use and the nature of activities taking place are similar to those which would be generated by the proposed development. There are no residential buildings either within the existing or proposed site, the nearest neighbours being dwellings on</p>

	<p>Arundel Road that back onto Greenwich Way approx. 30 metres to the south of the landscaped southern edge of the site. There are properties further afield to the north and west on Horsham Road and Sutton Avenue/Roderick Avenue whilst the adjoining site to the east is an industrial estate/business park.</p> <p>Given the distances maintained between neighbouring dwellings, the relatively modest scale of the proposed buildings in terms of height and the nature of the proposed use that is consistent with the current use, it is considered that the proposed development is compatible with surrounding residential development and would not introduce any unacceptable impact upon residential amenities.</p> <p>The proposed development does not incorporate any residential element, although it should be noted that local and national policies accepts that residential development can form an important part of the use mix in a town centre and is compatible with such an environment. It is therefore considered that the use of the site would not prejudice any future residential development that may form a component of the overall town centre mix.</p>
8.9	<p><u>Drainage and Wastewater</u></p> <p>Other than the landscaped areas, the site is currently largely covered by buildings or impermeable surfacing. The proposed development would, however, result in a reduction of landscaping within the site.</p> <p>Para. 056 of the Planning Practice Guidance for Flood Risk and Coastal Change establishes a hierarchy of sustainable drainage methods. The most sustainable method identified is infiltration. The effectiveness of infiltration measures is dictated by geology, soil structure and groundwater levels. The drainage strategy provided with the application submits that surface water can be managed through the use of an infiltration system which would be assisted by attenuation infrastructure such as below ground tanks, tree pits and permeable hard surfacing. The potential for discharge of contaminants from the car parking area is identified, with the drainage system incorporating gully traps, sump units, silt traps, catch-pits and multiple separator units to remove contaminants/pollutants and so prevent them being released into the groundwater. Site levels would be graded around junctions and boundaries so as to control the risk of surface water discharge from the site onto the public highway and third party land in extreme events.</p> <p>The LLFA have commented that further information is required in relation to infiltration rates to inform the size and layout of the drainage system. Ultimately, the drainage system involves below ground work and there is a large are of the site that would not be built over, in the form of the car park, thereby allowing the size of attenuation tanking to be increased if monitoring details, to be secured by condition, suggest that this is a requirement. As such, there is flexibility for modifications to the drainage system to be made without the layout of the development being impacted upon.</p>

8.10

Sustainability

The proposed development involves the replacement of most buildings within the site. The LDC Technical Advice Note (TAN) for sustainability in development prioritises the retention and repurpose of existing buildings other than where that they are not suitable for re-use.

The existing Meridian Centre complex is constrained by its complicated layout, poor public interface and dated and inefficient buildings. To overcome the first two issues in an effective and efficient way, it is considered reasonable to consider replacement buildings, particularly where the opportunity is taken to enhance the overall sustainability of the site.

The proposed buildings would be constructed to be adaptable and accessible, allowing for flexibility in uses, incorporation of new technology, improved accessibility and more efficient use of space. The layout of the development and the design of the new buildings, including materials used is informed by an objective to reduce energy consumption and improve efficiency. This includes the use of energy efficient materials, provision of glazed areas to maximise access to natural light. Overheating as a result of solar gain is addressed through the use of glazing and other materials with reduced heat loss, canopies over shop fronts and trees that would provide urban cooling. Air source heat pumps would also be installed to provide heating and cooling in staff areas and the café at the superstore and for all other units within the scheme.

The sustainability statement accompanying the application also maintains that heat recovered from refrigerators used for producing within the store would be harnessed to heat water and that the refrigeration units would also be equipped to draw cool air back into them in order to reduce energy consumption.

The flat roof of the superstore would allow for arrays of south facing roof mounted solar panels to be installed and panels could also be fixed to south facing walls where they would generate renewable electricity that can utilised by the store.

The additional units proposed would not be used by the applicant and would be fitted out for the needs of the occupants that take them on. The materiality would be consistent with that of the superstore and all units would be provided with an air source heat pump. The roofs would not be fitted with solar panels but a condition could be sued to ensure that future occupants submit a sustainability strategy for their unit, prior to occupation, which may include measures such as the installation of solar pv panels.

The demolition and construction works on the site would generate waste. The applicant has stated that materials from demolished buildings may be used for site groundworks, subject to screening for contaminants such as asbestos. A comprehensive waste management plan would be secured by condition to ensure that waste is ideally reused or recycled and, where not possible, disposed of in a responsible manner.

The applicant has set out measures to be employed during the operational phase of the superstore to help minimise waste. This includes forecasting regimes to guide the quantity, frequency and type of food ordered, making

	<p>surplus food available to local food banks and, where food cannot be redistributed, sending it to anaerobic digestion plants to be used to generate energy.</p> <p>Based on the surveys referred to earlier in this report, the proposed development is likely to encourage more Peacehaven residents to shop in the town centre rather than travel to surrounding towns, thereby reducing vehicular movements and emissions. The car parking area would be equipped with 6 electric vehicle charging points. The development is within close proximity of National Cycle Route 2, which follow Arundel Road which is to the south of the site and has a junction with Sutton Avenue (where there is a signal-controlled priority crossing for cycles) which, in turn, meets Greenwich Way and Meridian Way. A total of 33 cycle parking spaces would be provided, an uplift from the 10 spaces currently available. Pedestrian access to the site would be improved and safe routes that avoid conflict with motor vehicles would be provided whilst the bus stop within the site would be maintained, with a trolley store provided nearby and bus information panels installed within the superstore. It is therefore considered that the proposed development would encourage the use of more sustainable modes of transport.</p>
8.11	<p><u>Planning Obligations:</u></p> <p>Any approval granted would be subject to the following planning obligations: -</p> <ul style="list-style-type: none"> • Local highway improvements to be carried out under a S278 Agreement on Greenwich Way and Meridian Way, as identified on drawing number T698_03A. • Travel Plan including an audit fee of £4500. • Off-site biodiversity works.
8.12	<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>
8.13	<p><u>Conclusion.</u></p> <p>It is considered that the proposed development would deliver significant social and economic enhancements through the comprehensive redevelopment of the site</p>

9.	Recommendations
9.1	It is recommended that the application is approved subject to the conditions listed below and a Unilateral Undertaking under section 106 of

	The Town and Country Planning Act 1990 securing the contributions/obligations set out in para. 8.11.
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10.	Conditions
10.1	<p>PHASING PLAN</p> <p>No development shall commence, other than enabling works of any phase, sub-phase or building until a detailed Phasing Strategy (including timetables for works) has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.</p> <p>The strategy shall include the phasing of infrastructure, provision and maintenance of key community facilities, means of publicising works and providing suitable warning to service providers/retailers that would be affected and services as well as procedures for amending the phasing plan if subsequently deemed necessary.</p> <p>Reason: To ensure that construction works are co-ordinated in a way that does not compromise the function of the town/district centre in accordance with LLP1 policies CP4, CP6 and CP7 and para. 86 of the NPPF.</p>
10.2	<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, para. 130 of the NPPF.</p>
10.3	<p>PLAY AREAS:</p> <p>Prior to the first occupation of the development hereby approved, the children's play area shall be provided along with seating for adults in accordance with details to be submitted to and approved by the Local Planning Authority.</p> <p>These details shall include, but not be limited to, surfacing, drainage, landscaping, and ongoing management and maintenance arrangements for any play equipment/area provided.</p> <p>Reason: To provide a healthy living environment in accordance with policies DM15 and DM16 of LLP2.</p>

10.4	<p>PLANT AND MACHINERY</p> <p>Prior to the first occupation of each of the Class E or Class F units (including the superstore), details of any associated extraction/flue/filtration/ventilation systems to be installed or any other plant including siting, appearance and specifications shall be submitted to and approved in writing by the local planning authority for the relevant commercial unit:</p> <p>Any apparatus approved shall thereafter be installed and maintained in accordance with the approved details.</p> <p>Reason: In the interest of visual, environmental, and residential amenity in accordance with LLP1 policy CP11, LLP2 policies DM23 and DM25 and para. 174 and 185 of the NPPF.</p>
10.5	<p>WAYFINDING & ACCESSIBILITY</p> <p>Prior to the first occupation of any part of the development, details of all measures to enhance site and building accessibility, including wayfinding signage, shall be submitted to and approved by the Local Planning Authority and such measures shall thereafter be provided and maintained in place throughout the lifetime of the development.</p> <p>Reason: To ensure that the development meets the needs of the community in accordance with LLP1 policies CP6 and CP11, LLP2 policy DM25 and para. 92 and 93 of the NPPF.</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, • Other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders), • Details of public engagement both prior to and during construction works. • Details of measures to prevent surface water flooding during construction works. • Site waste management plan • Hours of working • Demonstration that best practicable means have been adopted to mitigate the impact of noise and vibration from construction activities. • Details of the use of protective fences, exclusion barriers and warning signs. • Details of the location and appearance of the site offices and storage area for materials, including a bunded area with solid base for the storage of liquids, oils, and fuel. • Details of any external lighting. <p>Reason: In the interests of highway safety and the amenities of the area in accordance with LLP2 policies DM20, DM22 and DM23 and para. 110 and 112 of the NPPF.</p>
10.7	<p>CAR PARKING</p> <p>The development shall not be occupied until the parking areas shown on the approved plans have been constructed, surfaced, and marked out in accordance with the approved details, including the provision of disabled</p>

	<p>bays, parent and child parking, click and collect facilities, drop off facilities and electric vehicle charging points.</p> <p>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>
10.8	<p>TURNING AND CIRCULATION SPACE</p> <p>The development shall not be occupied until turning and circulation space within the car parks and service yards has been provided in accordance with the approved plans and these spaces 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>
10.9	<p>CYCLE PARKING</p> <p>Prior to the commencement of development details of the proposed cycle parking shall be submitted to an approved by the Local Planning Authority in consultation with the Highway Authority and the approved cycle parking shall be provided prior to the re-development being brought into use.</p> <p>Reason: In order that the development site/use hereby permitted maximises its accessibility by non-car modes and to meet the objectives of sustainable development.</p>
10.10	<p>ECOLOGICAL METHOD STATEMENT</p> <p>No development shall take place (including any demolition, ground works, site clearance) until a precautionary working method statement for protected and notable species has been submitted to and approved in</p>

	<p>writing by the local planning authority. The content of the method statement shall include the:</p> <ul style="list-style-type: none"> a) purpose and objectives for the proposed works; b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used); c) extent and location of proposed works shown on appropriate scale maps and plans; d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; e) persons responsible for implementing the works; f) initial aftercare and long-term maintenance (where relevant); g) disposal of any wastes arising from works. <p>The works shall be carried out strictly in accordance with the approved details.</p> <p>Reason: In the interest of protecting and preserving biodiversity in accordance with LLP1 policy CP10, LLP2 policy DM24 and para. 174 of the NPPF.</p>
10.11	<p>LANDSCAPING</p> <p>Prior to the occupation of the development hereby approved, a scheme for landscaping shall be submitted to and approved by the Local Planning Authority. The scheme shall include: -</p> <ul style="list-style-type: none"> a) details of all hard surfacing; b) details of all boundary treatments; c) details of all proposed planting, including quantity, species, and size d) details of biodiversity enhancements <p>All soft landscaping shall be carried out, at the latest, during the first planting season following the first occupation of the building. Any 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.</p> <p>Reason: In the interest of visual amenity and biodiversity in accordance with LLP1 policies CP10 and CP11, LLP2 policy DM24 and DM27 and para. 130 of the NPPF.</p>

10.12	<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 and para. 163 and 165 of the NPPF.</p>
10.13	<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 and para. 163 and 165 of the NPPF.</p>
10.14	<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: To ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and para. 163 and 165 of the NPPF.</p>
10.15	<p>LAND CONTAMINATION</p> <p>No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing by the local planning authority:</p> <ol style="list-style-type: none"> a) Additional site investigation scheme, based on preliminary investigations already undertaken to provide information for a

	<p>detailed assessment of the risk to all receptors that may be affected, including those off site;</p> <p>b) The results of the site investigation and the detailed risk assessment referred to in (a) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;</p> <p>c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.</p> <p>Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in accordance with LLP2 policies DM20 and DM22 and para. 174 of the NPPF.</p>
10.16	<p>VERIFICATION REPORT</p> <p>No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall include any plan (a 'long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance, and arrangements for contingency action, as identified in the verification plan. The long term monitoring and maintenance plan shall be implemented as approved.</p> <p>Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete in accordance with LLP2 policies DM20 and DM22 and para. 174 of the NPPF.</p>
10.17	<p>PREVIOUSLY UNIDENTIFIED LAND 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 the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the</p>

	development site in accordance with LLP2 policies DM20 and DM22 and para. 174 of the NPPF.
10.18	<p>ASBESTOS SURVEY</p> <p>Prior to demolition, a full asbestos survey must be carried out on the building to be demolished. Any asbestos containing materials (ACMs) must be removed by a suitable qualified contractor and disposed off-site to a licenced facility. A copy of the report should be provided to the local planning authority together with a mitigation plan that removes the risk to future occupiers of exposure to asbestos.</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 in accordance with LLP2 policy DM20 and para. 174 of the NPPF.</p>
10.19	<p>SUSTAINABILITY</p> <p>Prior to the first occupation of each of the Class E or Class F units (including the superstore), a sustainability checklist, in accordance with the LDC Sustainability in Development Technical Advice Note, shall be provided to identify all measures to be taken to enhance the sustainability of the unit concerned. The unit shall thereafter be maintained in accordance with the approved details throughout its use.</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>
10.20	<p>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 and para. 130 of the NPPF.</p>
10.21	<p>DELIVERY AND SERVICE MANAGEMENT PLAN</p> <p>Prior to the occupation of each commercial unit hereby approved, a Delivery and Service Management Plan shall be submitted. to and approved in writing by the Local Planning Authority. The plan shall details of the hours and numbers of deliveries; identifying the size of vehicles along with means for controlling noise, light and air emissions. The use of the unit shall thereafter be undertaken in full accordance with the approved plan.</p> <p>Reason: In the interest of residential and environmental amenity in accordance with LLP1 policy CP11, LLP2 policies DM20 and DM23 and para. 174 of the NPPF.</p>

10.22	<p>HOURS OF OPERATION:</p> <p>Prior to the first occupation of each of the commercial units (including the superstore), details of intended hours of operation shall be submitted to and approved in writing by the local planning authority for the relevant commercial unit. The commercial uses shall only be operated in accordance with the approved details.</p> <p>Reason: In the interest of environmental and residential amenity and of safety and security in accordance with LLP1 policy CP11, LLP2 policy DM23 and para. 92 and 07 of the NPPF.</p>
10.23	<p>Inert Fill</p> <p>Any material imported to the site to fill or level land shall be clean inert material forming the subbase and or clean topsoil.</p> <p>Reason</p> <p>In order to ensure that the redevelopment of the site does not give rise to any ongoing contamination/maintenance issues which may give rise to any health risks.</p>
11.	<p>Informatives:</p>
11.1	<p>WASTE ON-SITE</p> <p>The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:</p> <ul style="list-style-type: none"> • excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution • treated materials can be transferred between sites as part of a hub and cluster project • some naturally occurring clean material can be transferred directly between sites <p>Developers should ensure that all contaminated materials are adequately characterized both chemically and physically, and that the permitting status of any proposed on-site operations are clear.</p> <p>If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.</p> <p>We recommend that developers should refer to:</p> <ul style="list-style-type: none"> • the position statement on the Definition of Waste: Development Industry Code of Practice • The waste management page on GOV.UK

WASTE TO BE TAKEN OFF-SITE

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment, and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterized both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear.

If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.

12.	Plans:
12.1	The approved plans will be reported via the addendum report.
13.	Appendices
13.1	None.
14.	Background Papers
14.1	None.

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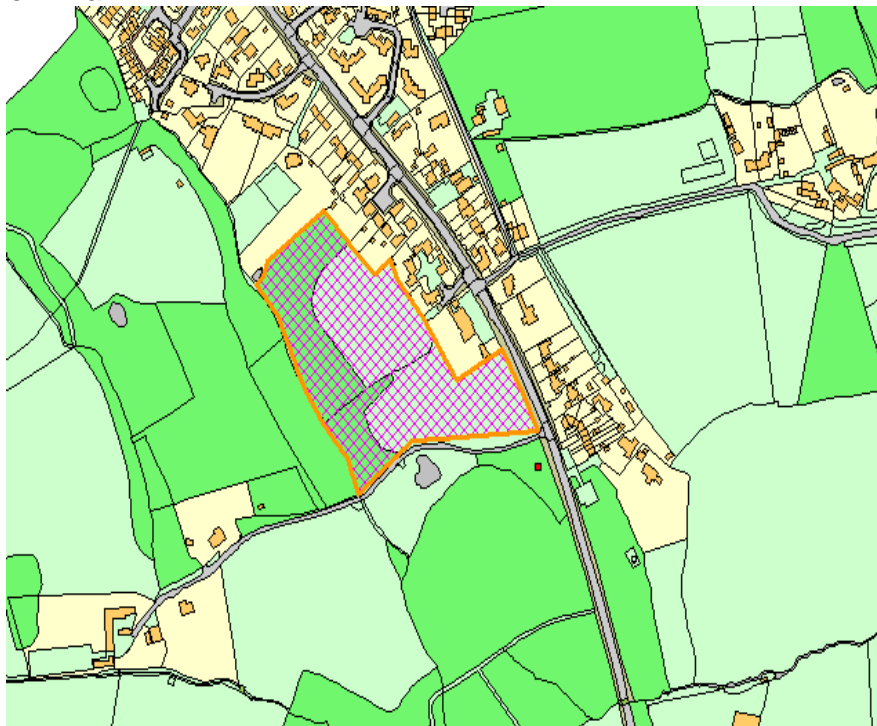
Report to: Planning Applications Committee
Date: 19 April 2023
Application No: LW/22/0418
Location: Land west of A275, South Common, South Chailey
Proposal: Outline application with all matters reserved except access for the erection of up to 56 dwellings (including 40% affordable housing), public open space, landscaping, and sustainable drainage systems and vehicular access point.
Applicant: Gladman Developments Ltd
Ward: Chailey, Barcombe and Hamsey

Recommendation:

1. To approve subject to conditions and s106 to secure 40% affordable housing, off-site biodiversity works highway and transport works and children's' play space.
2. If the S106 is not substantially completed within 3 months, then the application be refused on the lack of certainty on the infrastructure needed to support/mitigate the development.

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

IMPORTANT NOTE: This scheme is CIL Liable.
Site Location Plan:



1.	Executive Summary
1.1	<p>The application seeks outline permission to develop the site. A detailed access drawing is provided and will be assessed. All other matters are reserved and, therefore, the planning assessment is based on the access arrangements alone as well as the overall principle of the development of the scale and nature proposed being accommodated on the site.</p>
1.2	<p>Housing Delivery</p> <p>The provision of up to 56 residential dwellings, of which 40% (23 units) would be affordable housing which will include 25% First Homes (6 units), would contribute to the housing land supply for the District.</p> <p>This would carry <u>significant weight</u> in the planning balance.</p>
1.3	<p>Economic Benefits</p> <p>The proposal offers economic benefits in the form of job creation during construction and an increase in population that would likely result in additional use of local businesses and services.</p> <p>This would carry <u>moderate weight</u> in the planning balance</p>
1.4	<p>Placemaking and impact upon surrounding environment</p> <p>Change in the landscape would be limited to the immediate site area due to the self-contained nature of the site, sympathetic screening, and disconnection from the wider rural/agricultural landscape. The scale of the development would be comparable with that on the northern edge of the settlement. The northern and eastern boundaries are contiguous with existing residential development whilst the western and end southern extent of the development does not project beyond the existing western and southern edges of the settlement as a whole.</p> <p>The development would also provide for a ‘local equipped area for play’ which would ensure that the development is locally accessible and maintains a degree of overlooking in order to mitigate and ASB and safeguarding issues.</p> <p>The ESCC Landscape Architect has raised an objection focussing on loss of trees within the site and concerns about the strength of the landscape buffer on the southern boundary. This is based on the indicative plan provided with the application and it is important to note that layout and landscaping are determined at reserved matters stage and the objection could be addressed/mitigated, at that stage.</p> <p>Nevertheless, the layout and landscaping of the scheme would be dictated by the quantum and layout of the new dwellings provided and, as such, it is likely that any development of the site would lead to potential localised landscape impact, which is assessed as being of medium to low value/sensitivity and is not a ‘valued landscape’ as per the definitions of the NPPF.</p>

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

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

<p>HO5 - Pedestrian connections</p> <p>HO7 - Historic buildings</p> <p>HO8 - Housing considerations</p> <p>ENV1 - Landscape</p> <p>ENV2 - Wildlife protection</p> <p>ENV3 - Countryside Protection and the village setting.</p> <p>ENV5 - Conservation of the environment, ecosystems, and biodiversity</p> <p>ENV6 - Protection of open views</p> <p>ENV7 - Dark night skies</p> <p>TRA1 - Road Safety</p> <p>TRA2 - Adequate and appropriate car parking</p> <p>ECO4 - Sustainability</p>

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

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

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

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

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

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

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

	preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss.
6.7	<p>LDC Contaminated Land Officer</p> <p>I note that the applicant has submitted a preliminary risk assessment report prepared by RSK Geoscience (Report ref: 52349 R1, dated 31st May 2022).</p> <p>Considering the sensitive use of the site, I think an intrusive investigation is required at the site. So, I concur with the report para 7.1.</p> <p>If the LPA is minded to grant a planning permission, then considering the sensitive use of the site and based on the preliminary risk assessment report already submitted with the application, I recommend conditions and an informative are attached.</p>
6.8	<p>ESCC Landscape Officer</p> <p>Objects to the proposal as it is an Outline Application and without precise details there cannot be certainty on the landscape impacts.</p> <p>Notwithstanding this recognises that the long-term effects on the wider landscape character and views could be acceptable...however the development would have some potential significant localised adverse impacts.</p> <p>There is the potential for tree loss within the scheme and a requirement for a substantial landscape buffer to the site to provide a degree of mitigation.</p> <p>If to be approved, then the following conditions to be imposed:</p> <ul style="list-style-type: none"> a) A high-quality design and layout for the built form, which reflects local vernacular. b) A landscape masterplan and full implementation of landscape mitigation measures. c) Detailed planting plans and specifications for proposed planting. d) The retention of category B oak trees and adequate buffers to boundary trees and woodland. e) A long-term management plan to ensure the successful establishment of the planting. f) Existing trees and hedges are retained and protected during construction and reinstated if removed or damaged.
7.	Other Representations:
7.1	<p>113 letters of objection have been received and relevant content is summarised below.</p> <ul style="list-style-type: none"> • Inadequate infrastructure. • Loss of green field/countryside. • Public transport in the area is poor. • Unsustainable, car dependent location.

	<ul style="list-style-type: none"> • Site is on an unsafe stretch of road with narrow footways. • Negative impact upon the setting of Grade II Listed Swan House. • Density of development would be too high. • Loss of habitat. • Unsuitable location for affordable housing due to lack of local services. • Neighbouring residents will lose privacy and rural outlook. • The site was cleared prior to the application being submitted. • Loss of habitat. • Exceeds the allocated number of new dwellings for South Chailey. • Would result in light pollution. • Would set a precedent for further greenfield development. • Surrounding roads are not cycle-friendly. • The site was formerly part of the gardens of the Swan Inn and was accessible to the public. • Increase in traffic will result in pollution. • Contrary to the Council's declaration of a climate emergency. • There would not be enough space available for recreation and parking. • No obvious job opportunities in the surrounding area. • Small starter homes needed not large dwellings. • The land on and around the site suffers from subsidence. • Will exacerbate existing surface water drainage issues. • Construction works will cause sustained disruption to neighbouring residents. • There are no gas mains in the village. • Water quality in the area is poor. • Recent nearby developments are not fully occupied, indicating more houses are not needed;
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8.	Appraisal:
8.1	<p><u>Key Considerations:</u></p> <p>Sec 38 (6) of the Planning Compulsory Purchase Act 2004 requires that regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must</p>

	<p>be made in accordance with the plan unless material considerations indicate otherwise.</p> <p>The NPPF also advises that there is a presumption in favour of sustainable development.</p> <p>The main considerations relate to</p> <ul style="list-style-type: none"> • the principle of the development. • the impact upon the character and appearance of the area • neighbour amenities, • impacts upon highway/pedestrian safety. • flood risk, • the quality of the accommodation to be provided. • the degree to which it meets identified housing needs • and the overall merits of the scheme in terms of the balance of economic, environmental, and social objectives that comprise sustainable development.
8.2	<p><u>Principle of Development</u></p> <p>Para. 11 of the National Planning Policy Framework (NPPF) (2021) states that decision taking should be based on the approval of development proposals that accord with an up-to-date development plan without delay.</p> <p>Section 5 of the Framework sets out policies aimed at delivering a sufficient supply of houses and maintaining the supply to a minimum of five years' worth (Paragraph 73).</p> <p>Spatial Policy 1 (Provision of housing and employment land) states that in the period between 2010 and 2030, a minimum of 6,900 net additional dwellings will be provided in the plan area (this is the equivalent of approximately 345 net additional dwellings per annum).</p> <p>This has been reviewed given the age of the local plan and the application of the standard methodology has been used to derive a housing need figure of 782 homes per year.</p> <p>This has been further disaggregated to reflect to housing delivery of the South Downs national Park resulting Lewes District housing figure of 602 homes per annum</p> <p>The Council currently has a supply of deliverable housing land equivalent to 2.73 years outside the South Downs National Park (SDNP).</p> <p>As the Council cannot identify sufficient housing land to meet the 5-year demand, a 'tilted balance' must be applied when assessing applications for new housing, as per para. 11 d) of the NPPF. This approach directs the Council to only refuse schemes where the harm caused would significantly outweigh any benefit seen in the context of the aims and objectives of the NPPF and relevant development plan policies.</p>

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

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

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

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

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

sizeable gap in place to allow for farm machinery to move between the fields.

A medium population of slow worm was 4.58 confirmed on Site during surveys undertaken between March and May 2022. A peak count of 22 slow worms was recorded using the grassland habitat on Site. Low numbers of grass snake and common lizard also appear to be utilising the Site as part of an occasional dispersal/foraging route.

Appropriate mitigation would be controlled via conditions and by securing of biodiversity net gain (including off-site works) through the section 106 process, including maintenance and monitoring of enhancement works.

Sustainability

South Chailey is categorised as a local village in the settlement hierarchy set out in table 2 of LLP1. There are limited services within the immediate vicinity although it is noted that the development would have pedestrian connectivity with the school and GP surgery on Mill Lane.

There are bus stops immediately adjacent to the site which are on a route between Lewes and Newick although the service is not particularly frequent. The service calls at Cooksbridge where there is a main line station. There is also a less frequent service to Burgess Hill and Uckfield.

There is a local shop/post office approx. 1.2 km to the north of the site which can be reached by footway. It is therefore considered that car dependency would be reduced to an extent, although there would be more of a reliance in regard to travel to places of employment and retail.

Occupants of the development are likely to support local shops and services, thereby improving their viability and delivering a clear economic benefit.

It is therefore considered that the site is in a sustainable location on the edge of an established village settlement and it is noted that the development would deliver some measures that would improve the sustainability of the village as a whole in the form of improved pedestrian connectivity and provision of enhancements to the bus infrastructure in the form of seating, shelters and real time information boards at the nearest two bus stops.

The application is in outline form and, as such, it is not possible for all sustainability measures to be detailed at this stage. It is, however, noted that the development would utilise sustainable drainage systems that includes the formation of an attenuation pond that will also provide an amenity and habitat asset. This, as well as other open green space within the overall site area is considered to support the delivery of multi-functional green infrastructure as required by LLP2 policy DM14.

Any application for approval of reserved matters would need to include a sustainability statement that confirms compliance with the aims and objectives of the recently adopted TANs for Circular Economy, Sustainability in Development and Biodiversity Net Gain. This would include, but not be limited to, details on how water consumption would be kept to 100-110 litres per person per day, renewable energy and carbon reduction measures, building layouts that maximise access to natural light,

	<p>support for sustainable modes of transport, provision of electric vehicle charging points (minimum of one per dwelling), and facilities to support working from home.</p>
8.9	<p><u>Planning Obligations:</u></p> <p>Any outline approval granted would be subject to the following planning obligations: -</p> <ul style="list-style-type: none"> • 40% affordable housing provision. • Off-site biodiversity enhancements and associated management plan. • An extension to the footway on the west side of the A275 to provide connectivity to the footway proposed as part of the Hamsey Lakes development to the south. • A crossing point is proposed in two places to reach bus stops on the opposite side of the A275. • Cycle access markings in the carriageway. • Bus stop infrastructure improvements are requested at the 2 closest bus stops to include shelters, seating, kerbs, and real time information boards. • Travel plan and associated audit fee • Children's Play Space <p>The site does not fall within 7km of the Ashdown Forest and the development would therefore not be liable to SANGs and SAMMs contributions.</p>
8.10	<p><u>Human Rights Implications:</u></p> <p>The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been considered fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.</p>
8.11	<p><u>Conclusion.</u></p> <p>The proposed site access would function safely and is of a suitable capacity to serve a development of the scale proposed. The development would not generate a level of traffic that would compromise the free flow of the surrounding highway network.</p> <p>It is considered that a development of the scale proposed could be accommodated within the site without compromising the established character of the village or the wider rural landscape.</p> <p>Although there would be an element of car dependency, the site is considered sustainable and there are local shops and services within a suitable walking/cycling distance as well as access to public transport. The</p>

	<p>development would deliver infrastructure improvements that would improve the sustainability of the site as well as the settlement.</p> <p>The development would deliver a significant social benefit by way of providing 56 new dwellings (including 40% affordable housing), thereby helping to meet the housing need of the district.</p> <p>The development would deliver economic benefit by providing construction jobs, accommodation for workforce associated with nearby businesses and by increasing potential custom/use of nearby businesses and services.</p> <p>The development would provide environmental benefit through facilitating on and off-site biodiversity enhancements and by delivering sustainable drainage. Further measures to reduce carbon emissions and energy use could be secured by condition.</p>
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9.	Recommendations
9.1	<ol style="list-style-type: none"> 1. Approve subject to conditions and s106 to secure 40% affordable housing, off-site biodiversity works, highway and transport works and children's' play space. 2. If the S106 is not substantially completed within 3 months, then the application be refused on the lack of certainty on the infrastructure needed to support/mitigate the development

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

	<p>date of this permission. The development shall accord with the approved details.</p> <p>Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).</p>
10.3	<p>Access Technical Details</p> <p>The development shall not commence until technical details of the highway scheme [which shall include footway/cycleway, access points, crossing points, right turn lane facility for cyclists, frontage treatment for sightlines] have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the development hereby permitted shall not be occupied until the construction of the highway scheme has been completed in accordance with the agreed technical details.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway</p>
	<p>Visibility Splays</p> <p>The access shall not be used until visibility splays of 2.4m by 130m are provided in both directions and maintained thereafter.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway</p>
	<p>Road Condition Survey</p> <p>No development shall take place, including demolition, on the site until an agreed pre-commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.</p> <p>Reason: In the interests of highway safety and the amenities of the area</p>
	<p>Surface Water Drainage</p> <p>Prior to the commencement of any development a detailed surface water drainage plan shall be submitted to and approved by the Local Planning Authority in conjunction with the Lead Local Flood Authority. The plan must respond to the following requirements: -</p> <ol style="list-style-type: none"> 1. The principles of the submitted surface water drainage strategy should be carried forward to detailed design. The detailed design of the drainage network should demonstrate how rainfall events up to the 1 in 100 (+40% for climate change) annual probability of occurrence are managed without increasing flood risk offsite. Evidence of this (in the form hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should consider the connectivity of the different surface water drainage features. 2. The details of the outfall of the proposed attenuation pond and how it connects into the watercourse should be provided as part of the

	<p>detailed design. This should include cross sections and invert levels.</p> <ol style="list-style-type: none"> 3. The condition of the ordinary watercourse which will take surface water runoff from the development should be investigated before discharge of surface water runoff from the development is made. Any required improvements to the condition of the watercourse should be carried out prior to construction of the outfall. 4. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely. <p>The development shall thereafter be carried out and maintained in full accordance with the approved details.</p> <p>Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policies CP10 and CP12, LLP2 policy DM22 and paras. 163 and 165 of the NPPF.</p>
	<p>Completion of Drainage Works</p> <p>Prior to the first occupation of the development hereby approved, evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.</p> <p>Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policies CP10 and CP12, LLP2 policy DM22 and paras. 163 and 165 of the NPPF.</p>
	<p>Drainage Management and Maintenance Plan</p> <p>Prior to the commencement of any development, a maintenance and management plan for the entire drainage system should be submitted to and approved by the local planning authority in conjunction with the Lead Local Flood Authority in order to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan should cover the following:</p> <ol style="list-style-type: none"> a) Clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. b) Provide evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority. <p>Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policies CP10 and CP12, LLP2 policy DM22 and paras. 163 and 165 of the NPPF.</p>
	<p>Proof of Drainage Implementation</p> <p>Before the development proceeds past dampproof course level, evidence (including photographs) shall be submitted showing that the drainage</p>

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

	<p>the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM20 and DM22, para. 170, 178 and 170 of the NPPF and CNP policy ENV5</p>
10.6	<p>Verification Report</p> <p>No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall include any plan (a long-term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance, and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.</p> <p>Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM20 and DM22 para. 170, 178 and 170 of the NPPF and CNP policy ENV5.</p>
	<p>Unsuspected Contamination</p> <p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.</p> <p>Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM20 and DM22, para. 170, 178 and 170 of the NPPF and CNP policy ENV5.</p>
	<p>Construction Management Plan</p> <p>No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the</p>

	<p>entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,</p> <ul style="list-style-type: none"> • The anticipated number, frequency and types of vehicles used during construction, • The method of access and egress and routeing of vehicles during construction, • Measures to control noise, dust, and light emissions during works • Measures to prevent discharge of dirt/mud onto the public highway • Measures to prevent flood risk both on and off-site during construction works • Site waste management plan • Parking arrangements for site operatives and visitors • The loading and unloading of plant, materials, and waste, • Details of the location and appearance of the site offices and storage area for materials, including a bunded area with solid base for the storage of liquids, oils, and fuel. • Details of any external lighting. • The erection and maintenance of security hoarding, • The provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders), • Details of public engagement both prior to and during construction works. <p>Reason: In the interests of highway safety and the amenities of the area in accordance with LLP1 policies CP10 and CP12, LLP2 policies DM20, DM22, DM23 and DM25 and paras. 108, 109, 110 and 174 of the National Planning Policy Framework (NPPF).</p>
10.7	<p>Construction Hours</p> <p>Construction work and deliveries in association with the development hereby permitted shall be restricted to between the hours of 0800 and 1800 Mondays to Fridays and from 0830 until 1300 on Saturdays. No works in association with the development hereby permitted shall be carried out at any time on Sundays or on Bank/Statutory Holidays.</p> <p>Reason: In the interests of the residential amenities of the neighbours having regard to LLP1 policy CP11, LLP2 policies DM20 and DM23 and para. 174 of the NPPF.</p>
	<p>Earthworks</p> <p>Prior to the commencement of the development hereby permitted details of earthworks shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading of land area including the levels and contours to be formed and showing the</p>

	<p>relationship to existing vegetation and neighbouring development. Development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure a satisfactory development and in the interests of amenity and landscape character in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM25 and DM27 and section 15 of the NPPF.</p>
	<p>External Lighting</p> <p>No external lighting or floodlighting shall be installed on the buildings, or the road and parking areas hereby permitted without the prior written approval of the local planning authority.</p> <p>Reason: To protect the amenity and character of the surrounding countryside and to prevent disturbance of nocturnal species having regard to LLP1 policy CP10, LLP2 policies DM20 and DM24, paras. 170, 175 and 180 of the NPPF and CNP policy ENV7.</p>
10.8	<p>WSI (Archaeology)</p> <p>No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To enable the recording of any items of historical or archaeological interest in accordance with LLP1 policy CP11 and para. 192 – 194 of the NPPF.</p>
10.9	<p>Archaeological Works Report</p> <p>No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition.</p> <p>Reason: To enable the recording of any items of historical or archaeological interest in accordance with LLP1 policy CP11 and para. 192 – 194 of the NPPF.</p>

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

12.	Plans:		
12.1	This decision relates solely to the following plans:		
	<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
	SITE LOCATION PLAN	13.06.2022	CSA/5782/116
	PROPOSED SITE ACCESS ARRANGEMENT	16.12.2022	21-T155-02 Rev E
	PRELIMINARY SITE RISK ASSESSMENT	13.06.2022	52349 R01 (02) Rev 02

12.	Appendices
12.1	None.

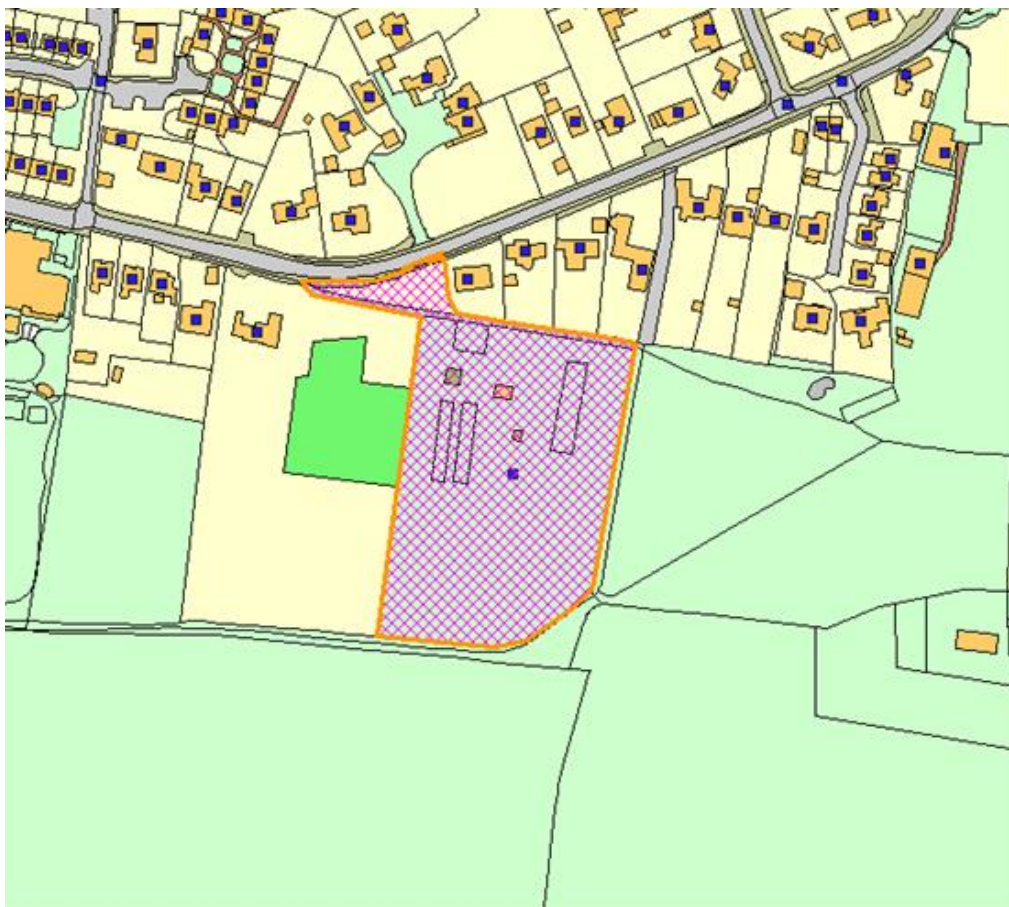
13.	Background Papers
13.1	None.

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Report to: Planning Applications Committee
Date: 19 April 2023
Application No: LW/22/0071
Location: Land Rear of 45 Allington Road, Newick
Proposal: Erection of 4no bungalows, creation of new vehicular and pedestrian access via Allington Road, and associated landscaping.
Applicant: Fairfax Acquisitions Ltd
Ward: Newick
Recommendation: Grant planning permission subject to conditions and to receive and support a Unilateral Undertaking for the Financial contribution towards the SANGS/SAMM and to prevent the land to the south of the residential curtilage from being developed.
Contact Officer: **Name:** Julie Cattell
E-mail: julie.cattell@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liable.

Site Location Plan



1.	Executive Summary
1.1	<p>The proposal for 4 new homes and new access road, is located immediately outside the settlement boundary of Newick on site previously refused planning permission for 16 homes and community car park (LW/18/0993). The site sits to the immediate south of Allington Road and is therefore in policy terms in the countryside. The scheme would require a diversion of a public foot path.</p> <p>However, the location is considered to be a “landscape transition zone” in advance of the countryside beginning further to the south. A zone previously containing building and rural development, now derelict and unused. The site is part of a narrow zone that runs along much of the south side of the village. Because of the scheme’s close proximity to the village, it is considered to represent sustainable development. It would provide homes, economic development and the southern, majority element of the site, would provide ecological enhancements achieving demonstrable biodiversity net gain not currently on the site.</p>
1.2	<p>The development is sympathetic to the surrounding built and natural environment and is considered to cause no unacceptable amenity impact on neighbouring residents. The scheme 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 to receive and accept a Unilateral Undertaking that delivers the financial contribution to SANGS/SAMMS and also prohibits the development of the land to south of the proposed domestic curtilage for the construction of additional dwellings.</p>
1.4	<p><u>Housing Delivery</u></p> <p>The provision of four new residential dwellings would contribute to the housing land supply for the district. This would carry <u>moderate</u> weight in the planning balance because the scheme is small scale.</p>
1.5	<p><u>Economic Benefits</u></p> <p>The proposal offers economic benefits in the form of job creation during construction and an increase in population that would result in additional use of local businesses and services. This would carry <u>moderate</u> weight in the planning balance.</p>
1.6	<p><u>Biodiversity Net Gain and Landscape Enhancement</u></p> <p>The proposed development would deliver on site biodiversity enhancements with a cumulative net gain. The scheme would establish, in this location, a distinction between Newick’s southern landscape transition zone and the formal countryside. It would focus limited development towards Allington Road, whilst to the middle and south of the site, it would incorporate positive ecological and landscape credentials, pushing out into the countryside proper. This would carry <u>significant</u> weight in the planning balance.</p>

1.7	<p><u>Outside of the Settlement Boundary and Impact on the Countryside</u></p> <p>The proposed development would sit outside the planning settlement boundary and would be in principle contrary to policy DM1. It would extend the settlement boundary and potentially compromise important policy aims to distinguish town from country. The scheme could be considered to deviate from the linear development village form and push the settlement into the countryside. This would carry <u>significant</u> weight in the planning balance.</p>
2.	Relevant Planning Policies
2.1	<p><u>National Planning Policy Framework</u></p> <p>2. Achieving sustainable development</p> <p>4. Decision making</p> <p>5. Delivering a sufficient supply of home</p> <p>11. Making effective use of land</p> <p>12. Achieving well-designed places</p>
2.2	<p><u>Lewes District Local Plan:</u></p> <p>LDLP1: – CP2 – Housing Type, Mix and Density;</p> <p>LDLP1: – CP11 – Built and Historic Environment & Design</p> <p>LDLP1: - CP12 - Flood Risk, Coastal Erosion, Sustainable Drainage and Slope Stability</p> <p>LDLP1: – CP13 – Sustainable Travel</p> <p>LDLP1: – CP14 – Renewable and Low Carbon Energy</p> <p>LDLP2: – DM1 – Planning Boundary</p> <p>LDLP2: – DM24 – Protection of Biodiversity and Geodiversity</p> <p>LDLP2: – DM25 – Design</p> <p>LDLP2: - DM26 – Refuse and Recycling</p> <p>LDLP2: - DM27 – Landscape Design</p> <p>LDLP2: - DM30 – Backland Development</p>
2.3	<p><u>Newick Neighbourhood Plan:</u></p> <p>EN1 – Respect local landscape character and built environment.</p> <p>HO1.1 – Design</p> <p>HO1.2 – Materials</p> <p>HO1.3 – Height of new housing – no more than two stories</p> <p>HO1.4 – Size of housing to allow for all age groups.</p> <p>HO1.5 – Parking</p> <p>HO1.7 – Provision for SANGS/SAMS</p>

3.	Site Description
3.1	<p>The application site is located on the south side of Newick village just outside the formal settlement boundary. It is contiguous with the planning boundary. It is located behind the existing dwelling of number 45 Allington Road with a proportion of the previous curtilage associated with this property forming the connection to the highway to the west of the house. The site is located between Newick CE Primary School to the west and the King George V Playing Fields to the east and is within comfortable walking distance of several other village services and facilities, including shops, food takeaway and public houses. Along the northern boundary is Public Right of Way (PRoW), Footpath 3b. Number 45 Allington Road is located approximately 12m from the northern boundary of the site and approximately 8m from the eastern boundary. The site also shares a northern boundary with numbers 33, 35 and 37 Allington Road; which are 24m, 28m and 27m away respectively. No other residential properties share a boundary with the site.</p>
3.2	<p>Although most of the site is outside the defined planning boundary of Newick it is closely related to it and the access point at its junction with Allington Road is within the planning boundary.</p>
3.3	<p>The site area is approximately 1.3ha and was previously a field used for horticulture. There are a number of disused buildings including dilapidated sheds, a large greenhouse, and storage areas. It is surrounded by a mature mixed hedge with some trees on the north-west side.</p> <p>There are 37 surveyed trees or groups of trees on or near the site – one is ‘A’ (high quality) category, four are ‘B’ (moderate quality) category, twenty-nine are ‘C’ (low quality) category, and three are ‘U’ (unsuitable for retention) category.</p> <p>The detailed proposals require the removal of 21 of these trees to facilitate development. The trees to be removed are of low quality and make little/some contribution to the wider area. New trees are proposed which will to some extent compensate for the landscape impact. All retained trees will be appropriately protected in accordance with current standards and guidance.</p>
3.4	<p>The site is within the 500m buffer zone of Ancient Woodland to the south-west and within a SSSI Impact Risk zone. There are two SSS1s located to the north and west of Newick. Finally, the site is within the Ashdown Forest 7km Zone.</p>
4.	Proposed Development
4.1	<p>The application seeks full planning permission to build 4 x detached single storey dwellings, 2 x 2 bed/6 person and 2 x 3 bed/4 person, together with the provision of a new vehicular and pedestrian access via Allington Road, associated landscape and ecology enhancements. Each dwelling will have a private rear garden.</p>
4.2	<p>The design of the proposed new dwellings is contemporary, with intersecting mono-pitch roofs, vertical timber cladding, slate roofs, and clerestory windows.</p>

4.3	The layout of the scheme allows the existing public footpath to continue along the north of the site, with enhanced surface treatment. There will be a landscaped area between the footpath and the access road. Beyond the gardens of the new dwellings to the south will be a landscaped area with tree and shrub planting and a water attenuation feature, accessed by a grasscrete path along the western boundary.
5.	Relevant Planning History:
5.1	LW/18/0993 - Outline planning application for 16 new dwellings, including 40% affordable units, with the provision of a new vehicular and pedestrian access via Allington Road. Provision of public open space and a new community car park to serve George V Playing Fields, associated infrastructure and landscaping including a 20 metre deep tree buffer to the southern boundary. Demolition of existing buildings and structures (Revised application following LW/17/0905) – Refused. Subsequent appeal dismissed.
5.2	The Inspector was of the view that when viewed from the public footpath along the north and the wider open landscape from the south, the proposal would be viewed as a projection and encroachment of the built form of Newick into the countryside. Furthermore, the proposal would not reflect the character and appearance of the ribbon form of development which is located on the southern side of Allington Road and therefore would be harmful to the character and appearance of the village.
5.3	His key reason for dismissing the appeal was as follows: <i>‘For the above reasons, the appeal scheme would have a significant and harmful effect on the character and appearance of the surrounding area and the village of Newick. Accordingly, the proposal would conflict with Policy DM1 of the LPP2 and Policy CP10 of the LPP1 which, amongst other things, seek to protect the distinctive character of the countryside. The appeal scheme would also be contrary to the objectives of Policy EN1 of the NNP and would conflict with the provisions of paragraph 170 of the Framework which requires that proposed development contributes to and enhances the natural environment by recognising the intrinsic character and beauty of the countryside.’</i>
6.	Consultations:
6.1	<u>Newick Parish Council</u> Object – contrary to policies CP10, DM1, EN1. The significant harm to the character and appearance of the surrounding area and the harm to the character of the village would significantly and demonstrably outweigh the moderate benefits which the proposal would provide. NPC appreciates that the applicants have tried to take on board the reasons above in their application, but the fact remains that the four bungalows are entirely outside of the planning boundary to the south of footpath 3 and therefore all of the issues are still valid. The proposed access to the site is on a dangerous bend. Request that if deemed necessary that it goes to Planning Committee for deliberation.
6.2	<u>ESCC Landscape Officer:</u>

	No Response
6.3	<p><u>Green Consultancy – Contaminated Land</u></p> <p>Please add the following conditions:</p> <p>Land contamination</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 shall each be submitted to and approved, in writing, by the local planning authority:</p> <p>(a) A site investigation scheme, based on phase 1 assessment of the site (already carried out) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.</p> <p>(b) The site investigation results and the detailed risk assessment (a) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.</p> <p>(c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (b) 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>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, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.</p> <p>Verification report</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.</p> <p>The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.</p> <p>Construction Environmental Management Plan (CEMP)</p>

	<p>No development shall take place until a Construction Environment Management Plan has been submitted to and approved in writing by the Planning Authority. The approved plan shall set out the arrangements for managing all environmental effects of the development during the construction period, including traffic (including a workers travel plan), temporary site security fencing, artificial illumination, noise, vibration, dust, air pollution and odour, site illumination and shall be implemented in full throughout the duration of the construction works, unless a variation is agreed in writing by the Planning Authority.</p> <p>Hours of work</p> <p>Hours of work at the site shall be restricted to 08:00 to 18:00 hours Monday to Friday and 09:00 to 13:00 hours on Saturday. No working is permitted at any time on Sunday or Bank Holidays.</p> <p><u>Informative</u></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>
6.4	<p><u>Green Consultancy – Noise Pollution</u></p> <p>No response</p>
6.5	<p><u>Trees and Landscape Officer</u></p> <p>Tree protection must consider 'Veteran Tree' status and use the greater RPA calculation at least 15 times larger than the stem diameter of a veteran tree.</p> <p>The objective to prevent deterioration of veteran trees is to be borne in mind allowing greater protection of the soil environment surrounding the trees, for the purpose of protecting the soil structure, mycorrhizae and roots. On this basis the Tree Protection measures shown in relation to T34 are advised to be widened as far as reasonably practicable.</p> <p>In principle no objection to the submitted Arboricultural & Planning Integration Report,. However, a robust and strict supervision, site monitoring and advisory procedure must be in place to ensure trees and RPAs are protected, prior to and during development.</p> <p>Advised Condition(s):</p> <p>Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed Arboricultural consultant, site manager and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details, or any variation as may subsequently be agreed in writing by the LPA.</p>

	<p>Prior to the commencement of the development hereby approved (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where Arboricultural expertise is required) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>The completed schedule of site supervision and monitoring of the Arboricultural protection measures as approved in condition (insert condition number) shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted.</p> <p>This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.</p> <p>Reason for all conditions: To ensure compliance with the tree protection and Arboricultural supervision details submitted under condition pursuant to section 197 of the Town and Country Planning Act 1990.</p>
6.6	<p><u>Ecology</u></p> <p>Based on the requested additional information, sufficient information has been provided to be able to assess the ecological impacts of the proposed development. Works should be undertaken in accordance with the Ecological Impact Assessment (The Ecology Co-op, Rev-01, 11th November 2022) and additional recommendations above.</p> <p>Prior to commencement of development a sensitive lighting strategy, precautionary working method statement for dormice, ecological design strategy and landscape and ecological management plan should be submitted to the Local Planning Authority for approval in writing.</p>
6.7	<p><u>CIL Team</u></p> <p>As per the LDC Charging schedule this application would be liable for CIL should it be granted. It should also be taken into consideration that there may be a requirement for SANG and SAMMS contributions for this development.</p>
6.8	<p><u>East Sussex Rights of Way Officer</u></p> <p>No response</p>
6.9	<p><u>East Sussex Highways:</u></p> <p>No comments provided on sites under 5 dwellings.</p>
6.10	<p><u>Southern Water</u></p> <p>Requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. Standard advice concerning SuDS schemes.</p>

6.11	<u>The Ramblers</u> No response
6.12	<u>The Open Spaces Society</u> No response
6.13	<u>The Forestry Commission</u> No response.
6.14	<u>Natural England</u> No objection subject to appropriate mitigation being secured. Designated sites [European] - recreational disturbance. Since this application will result in a net increase in residential accommodation, impacts to Ashdown Forest Special Protection Area and Special Area of Conservation (SAC) may result from increased recreational disturbance. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site.
7.	Other Representations:
7.1	<u>Neighbour Representations and Officer Response OR</u> Four letters of objection received from residents on the following grounds: Access is on a dangerous bend, will lead to road safety problems for school. <i>OR: The access to the site is in the same location as the previous, refused scheme for 16 dwellings and a 34 vehicle capacity car park. ESCC Highways did not object to this application.</i> Site was rejected for inclusion on the NP. <i>OR: Not relevant. This is a windfall site, and the proposal has been considered on its own merits.</i> Outside of planning boundary, infringes the ribbon development pattern <i>OR: The proposal is immediately adjacent to the village boundary and the proposed plots follow the ribbon development pattern.</i>
7.2	<u>Other Representations:</u> <u>The Newick Village Society</u> Objects to the application. Not suitable for development as outside of the village boundary, backland site, will set a precedent, planning inspectors have been dismissing appeals outside of planning boundaries based on lack of 5-year housing supply.

8.	Appraisal:
8.1	<u>Principle:</u>

Para. 8 of the Revised National Planning Policy Framework (NPPF) defines sustainable development as comprising three overarching objectives, these being to respond positively to economic, environmental, and social needs. Para. 10 goes on to state that there should be a presumption in favour of sustainable development.

As LLP1 is now over 5 years old, the housing delivery target set out in policy SP1 (approx. 275 net dwellings per annum) is obsolete and the target now worked towards is therefore based on local housing need calculated using the standard method set out in national planning guidance as per para. 74 of the National Planning Policy Framework (NPPF). This has resulted in the delivery target rising to 782 dwellings per annum. This figure is disaggregated from the delivery from the South Downs National Park, resulting in an annual figure of 602.

Due to this increase in housing delivery targets, Lewes District Council is no longer able to identify a 5-year supply of specific deliverable sites for housing.

Para. 11 (d) of the NPPF states that, where a Local Planning Authority is unable to identify a 5 year supply of housing land, permission for development should be granted unless there is a clear reason for refusal due to negative impact upon protected areas or assets identified within the NPPF or if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This approach effectively adopts a 'tilted balance' in favour of development.

The NPPF does not recognise settlement boundaries, instead stating that decisions should avoid the development of isolated homes in the countryside (para. 80). The application site is not isolated.

The NPPF confers a degree of limited protection for neighbourhood plans that may be vulnerable to speculative development because higher level Local Plans are considered out-of-date due to the lack of a five year housing land supply. These protections are set out in NPPF para 14:

In situations where the presumption applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a. the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b. the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- c. the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
- d. the local planning authority's housing delivery was at least 45% of that required over the previous three years.

In the event that the Council cannot demonstrate a five year housing land supply, the protection conferred by paragraph 14 would not be engaged

	for the Newick Neighbourhood Plan is more than two years old. Therefore, little weight can be afforded to it.
8.2	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 are identified below and will be afforded suitable weight within the overall planning balance. 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. Below is an assessment of how the proposal complies with the IPSHD.
8.3	<p>Below is an assessment of how the proposal complies with the IPSHD.</p> <p>Criterion 1. <i>That the site boundary is contiguous with an adopted settlement planning boundary, as defined on the Local Plan Policies Map.</i></p> <p>The site is contiguous with the planning boundary and the access is within it. COMPLIES.</p> <p>Criterion 2. <i>The scale of development is appropriate to the size, character, and role of the adjacent settlement, having regard to the settlement hierarchy set out in LPP1 Table 2. In deciding whether the scale is appropriate, the Council will take account of the cumulative impact of extant unimplemented permissions in the relevant settlement.</i></p> <p>At four dwelling, the proposed development is relatively modest in scale and is appropriate to the status of Newick as a Rural Service Centre. COMPLIES.</p> <p>Criterion 3. <i>The proposed development will provide safe and convenient pedestrian and cycle access to key community facilities and services within the adjacent settlement.</i></p> <p>Allington Road has a pavement on either side, providing safe and convenient access for pedestrians. Within the village, there is a range of services and facilities, including a primary school, children's play space, recreational and sports facilities, pubs, restaurants, and shops within comfortable walking distance of the site, a bus stop within 200m of the site for the 121-bus service linking Newick with Lewes and Chailey. COMPLIES.</p> <p>Criterion 4. <i>The proposed development, individually or cumulatively, will not result in the actual or perceived coalescence of settlements. Where appropriate, this should be demonstrated through the submission of a visual and landscape character impact assessment.</i></p> <p>The proposal will not result in the coalescence of other nearby settlements. COMPLIES</p> <p>Criterion 5 <i>Within the setting of the South Downs National Park, an assessment is undertaken to demonstrate that the proposed development will conserve the special qualities of the National Park.</i></p>

	<p><i>This assessment should be informed by the SDNP View Characterisation & Analysis Study 2015, the SDNP Tranquillity Study 2017, and the SDNP Dark Skies Technical Advice Note 2018.</i></p> <p>The development site is located some 14km to the north of the nearest boundary of the SDNP, so will have no impact on the SDNP. COMPLIES</p> <p>Criterion 6 <i>An ecological impact assessment is undertaken, and appropriate measures identified and implemented accordingly to mitigate any potential adverse impacts of the development on biodiversity and secure biodiversity net gain in accordance with the Council’s Biodiversity Net Gain Technical Advice Note (February 2021).</i></p> <p>A Preliminary Ecological Assessment was submitted with the application, which the LDC ecologist deems satisfactory. COMPLIES</p> <p>Criterion 7 <i>The proposed development will make the best and most efficient use of the land, whilst responding sympathetically to the existing character and distinctiveness of the adjoining settlement and surrounding rural area. Arbitrarily low density or piecemeal development, including the artificial subdivision of larger land parcels, will not be acceptable.</i></p> <p>Due to the constraints of the site – the need to keep the built form as far towards the northern boundary as possible and the need to retain a landscape transition zone with the open landscape to the south – the density of the site is necessarily low. COMPLIES</p> <p>Criterion 8 <i>It can be demonstrated that the proposed development is deliverable and viable, having regard to the provision of necessary on-site infrastructure, including affordable housing, green infrastructure and other requirements. Where the proposed development would create the need to provide additional or improved off-site infrastructure, a programme of delivery should be agreed with the relevant infrastructure providers to ensure that these improvements are provided at the time they are needed.</i></p> <p>The scheme is small scale and can be linked into the existing service infrastructure in the village. At 4 dwellings, affordable housing is not sought.</p> <p>Policy CP2 of the Local Plan Part 1 sets out a range of 20-30 dph for rural/village areas. The density of this site would be very low – 8dph, but this is considered to be justified due to the landscape constraints and prevailing character and density of the built environment south of Allington Road.</p> <p>Given this context, the constraints of the site and the local character, the proposed density is considered to be acceptable and to comply with Criterion 7 of the IPSHD.</p>
8.5	<p>Policy CP2 sets 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.</p>

	Development should incorporate a suitable mix of accommodation and be socially inclusive. The proposal offers a mix of 2 and 3 bed dwellings.
8.6	In summary, the proposal complies with the 8 criteria in the IPSHD and policy CP2. Furthermore, in the absence of any adverse impacts of granting planning that would demonstrably outweigh the benefits when assessed against policies in the NPPF as a whole, the decision regarding this application should be tilted in favour of sustainable development, in accordance with paragraph 11 of the NPPF. Recent appeal decisions regarding development outside of the planning boundary should also be taken into consideration.
8.7	<p><u>Design, Character and Impact Upon Landscape:</u></p> <p>As noted in paragraph 5.2, the Inspector considered that the previous proposal for 16 dwellings encroached too far into the landscape, with too much hard surfacing, and failed to respect the ribbon form of development along the south side of Allington Road. The current proposal addresses these issues in a satisfactory way, with four dwellings set in a line towards the north of the site, with their rear site boundaries in line with those of properties further to the west. The area to the rear of the site is proposed to be a landscaped transition to the open countryside beyond.</p> <p>The amount of hard surface has been much reduced to the minimum required to access the site.</p> <p>As noted in paragraph 4.2, the design of the proposed dwellings is contemporary. Policies CP11 and DM25 HO.1.2 do not preclude contemporary design and it is considered that the low scale and low key nature of the proposal will not have a detrimental impact on the landscape and character of the area. In terms of layout, appearance and impact on the landscape, the proposal complies with policies CP11, DM25, HO1.1, HO1.2, HO1.3. and EN1.</p>
8.8	<p><u>Transport, Access, and Parking:</u></p> <p>A Transport Technical Note was submitted with the application. It states that in respect of the previous, refused application, there were no highways objections from ESCC, and the Inspector did not raise any issues. Based on the previously agreed position on all traffic, transport and sustainable development matters with ESCC, these revised development proposals, which propose a significantly reduced number of residential units will be acceptable to the highway authority.</p> <p>It has previously been confirmed that the development site is sustainably located, and traffic generated by the proposed development will have no material impact on the surrounding highway network. Accordingly the impact of the proposed development is shown not to be 'severe', the test taken from the National Planning Policy Framework. Based on the information contained in this TNN, and all the previously submitted technical information agreed with ESCC there are no traffic or transport reasons why this modest residential development should not be granted planning consent.</p> <p>Using the ESCC Calculator, the site would generate a demand for 8.35 parking spaces.</p>

	<p>Plots 1 and 4 each have a carport for 2 cars plus bike hanger, plus 2 spaces in front. Plots 2 and 3 have 1 space in a shared car port, 1 each in front of the carport and 1 in the front garden area. This results in a potential to accommodate 14 cars, which exceeds the anticipated demand. Each property has undercover secure cycle storage in the car ports.</p> <p>As noted above, the site is well located in relation to public transport connections, local shops and services, and community facilities.</p> <p>The proposal is considered to comply with policy CP13.</p>
8.9	<p><u>Residential Amenity:</u></p> <p>The proposed new dwellings all meet the Nationally Described Space Standard in terms of overall unit size, bedroom size and storage space. The layout makes use of the south facing elevation, with the living areas aspected to the south. The rear gardens range from 28m to 32m in length. In summary, they offer a satisfactory standard of accommodation. The site layout avoids any mutual overlooking. There will be no impact on the amenity of adjoining properties. Although not indicated on the layout, there is ample space for the storage of refuse and recycling bins.</p> <p>Overall, the proposal meets the amenity aspects of policies CP11 and DM25</p> <p>As this is a backland site, the proposal falls to be considered against policy DM30, which requires such development to have safe and convenient vehicular access and parking which does not have an unacceptable adverse impact on the amenities of neighbouring properties in terms of noise, light or other disturbance; mass and scale of development will not have an overbearing impact on, or result in the loss of privacy to, existing homes and gardens; the development does not cause the loss of trees, shrubs or other landscape features which make an important contribution to the character and appearance of the locality or its biodiversity. The proposal complies with these criteria.</p>
8.10	<p><u>Flooding and Drainage:</u></p> <p>The application was accompanied by a Flood Risk Assessment and Drainage Plan, which demonstrates that the site is in an area of negligible. Neutral flood risk significance. A SuDS scheme is proposed, by way of a 'detention basin' at the southern end of the site, which will attenuate surface water flow. Details of the final drainage scheme can be secured by condition in order to comply with policy CP12.</p>
8.12	<p><u>Ecology, Biodiversity and Landscape:</u></p> <p>A suite of ecological assessment documents was submitted with the application, which, following additional information, was considered to be satisfactory by the LDC Ecologist, subject to conditions. The area to the rear of the site (approximately 0.8ha) has been proposed for ecological enhancements (with over 10% net gain in biodiversity), landscaping enhancements, including additional tree and hedge planting and a SuDS feature.</p>

8.13	<p><u>Sustainability:</u></p> <p>A Sustainability Report was submitted with the application, which predicts the scheme will result in a 75% carbon reduction. This can be confirmed with an Energy Report to be secured by condition, to comply with policy CP14.</p>
8.14	<p><u>Planning Obligations:</u></p> <p>The applicant has submitted a Unilateral Undertaking (UU) for funding contributions funding to the Ashdown Forest SANGS/SAMMS. And the LPA propose in addition, a UU to prohibit on the use of the proposed biodiversity and landscaped land south of the proposed domestic curtilage for construction purposes (residential or otherwise).</p>
8.15	<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 taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.</p>
8.16	<p><u>Conclusions:</u></p> <p>The proposal for 4 new single storey dwellings on the site is acceptable and to have satisfactorily addressed the Inspector's concerns regarding the previous scheme for 16 dwellings.</p> <p>The proposal complies with all of 8 criteria set out in the council's Interim Policy Statement for Housing Delivery outside of the planning boundary.</p> <p>The proposal includes significant ecological enhancements on a site which is currently under-used and inaccessible.</p> <p>The section of public footpath along the northern boundary of the site will be improved as part of the scheme, offering a benefit to the wider community.</p> <p>It is considered that the benefits of the proposal outweigh the disbenefits and that planning permission should be approved.</p>
9.	Recommendations
	<p>Grant planning permission, subject to the conditions, and receiving and a Unilateral Undertaking (UU) to provide for the financial contributions for SANGS and SAMS and a UU agreement to prohibit the use of the proposed biodiversity and landscaped land south of the proposed domestic curtilage for construction purposes (residential or otherwise).</p>
10.	Conditions:
10.1	<p>CEMP</p> <p>No development shall take place until a Construction Environment Management Plan has been submitted to and approved in writing by the Planning Authority. The approved plan shall set out the arrangements for</p>

	<p>managing all environmental effects of the development during the construction period, including traffic (including a workers' travel plan), temporary site security fencing, artificial illumination, noise, vibration, dust, air pollution and odour, site illumination and shall be implemented in full throughout the duration of the construction works, unless a variation is agreed in writing by the Planning Authority.</p> <p>Reason: In the interests of highway safety and the environmental amenities of the area, having regard to guidance within the National Planning Policy Framework.</p>
10.2	<p>CONSTRUCTION OF ACCESS TO SITE</p> <p>No development shall take place until details of the layout of the new access and the specification for the construction of the access which shall include details of surface water drainage and levels, have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the use hereby permitted shall not commence until the construction of the access (has been completed in accordance with the agreed specification.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.</p>
10.3	<p>LAND CONTAMINATION</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 shall each be submitted to and approved, in writing, by the local planning authority:</p> <p>(a) A site investigation scheme, based on phase 1 assessment of the site (already carried out) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.</p> <p>(b) The site investigation results and the detailed risk assessment (a) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.</p> <p>(c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (b) 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 land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy</p>

	DM21 of the Lewes District Local Plan and the National Planning Policy Framework.
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10.4	<p>DRAINAGE</p> <p>No development shall commence, including any ground works until a drainage scheme for the site has been submitted to and approved by the Local Planning Authority and the works carried out as approved. The scheme shall include proposals for both storm and foul drainage, supported by calculations to demonstrate that the system and capacity will support the number of dwellings proposed, as well as a plan for its future management.</p> <p>Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity having regard to policy CP12 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.</p>
10.5	<p>ECOLOGY 1 DESIGN STRATEGY</p> <p>No development shall take place until an Ecological Design Strategy (EDS) addressing mitigation, compensation, and enhancement of the site for biodiversity has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:</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>The EDS should include in full the compensation and enhancement measures identified in Sections 5 and 6 of the Ecological Impact Assessment (The Ecology Co-op, Rev-01, 11th November 2022), and additional recommendations above.</p>

	Reason: In order to preserve the biodiversity of the site having regard to policy DM24 of the Lewes District Plan and guidance within the National Planning Policy Framework.
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10.6	<p>ECOLOGY 2 LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN</p> <p>No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been 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 approved plan will be implemented in accordance with the approved details.</p> <p>Reason In order to preserve the biodiversity of the site having regard to policy DM24 of the Lewes District Plan and guidance within the National Planning Policy Framework.</p>
10.7	<p>ECOLOGY 3 - DORMICE</p> <p>No development shall take place (including any demolition, ground works, site clearance) until a precautionary working method statement for hazel dormice has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:</p> <ul style="list-style-type: none"> a) purpose and objectives for the proposed works; b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used); c) extent and location of proposed works shown on appropriate scale maps and plans; d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;

	<p>e) persons responsible for implementing the works;</p> <p>f) initial aftercare and long-term maintenance (where relevant);</p> <p>g) disposal of any wastes arising from works.</p> <p>h) details of lighting strategy</p> <p>The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.</p> <p>Reason In order to preserve the biodiversity of the site having regard to policy DM24 of the Lewes District Plan and guidance within the National Planning Policy Framework.</p>
10.8	<p>TREE PROTECTION MEASURES 1</p> <p>Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed Arboricultural consultant, site manager and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details, or any variation as may subsequently be agreed in writing by the LPA.</p> <p>Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 and in accordance with The Town and Country Planning (Tree Preservation) (England) Regulations 2012.</p>
10.9	<p>TREE PROTECTION MEASURES 2</p> <p>Prior to the commencement of the development hereby approved (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where Arboricultural expertise is required) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990.</p>
10.10	<p>TREE PROTECTION MEASURES 3</p> <p>The completed schedule of site supervision and monitoring of the Arboricultural protection measures as approved in condition (insert condition number) shall be submitted for approval in writing by the Local</p>

	<p>Planning Authority within 28 days from completion of the development hereby permitted.</p> <p>This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.</p> <p>Reason: In order to ensure compliance with the tree protection and Arboricultural supervision details submitted under condition pursuant to section 197 of the Town and Country Planning Act 1990.</p>
10.11	<p>ENERGY REPORT</p> <p>No development above ground floor slab level of any part of the development hereby permitted shall commence until a report has been submitted to, and approved in writing by, the Local Planning Authority, to include details and drawings to demonstrate how a minimum of 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The report shall identify how renewable energy, passive energy and energy efficiency measures will be generated and utilised for each of the proposed buildings to collectively meet the requirement for the development. The approved details shall be implemented with the construction of each dwelling and thereafter retained.</p> <p>Reason: To secure a proper standard of development having regard to policy CP14 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.</p>
10.12	<p>HARD AND SOFT LANDSCAPING</p> <p>No development above ground floor slab level of any part of the development hereby permitted shall commence until details, including materials, of all hard and soft landscaping and boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.</p> <p>The landscape scheme should include additional habitat creation/enhancement measures and compensatory habitat for protected species, as advised by the council's Ecology Team</p> <p>Reason: To ensure a satisfactory development in keeping with the locality having regard to policies CP11, DM24, DM25 and DM27 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework</p>
10.13	<p>VERIFICATION REPORT</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.</p>

	<p>The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.</p> <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM21 of the Lewes District Local Plan and the National Planning Policy Framework.</p>
10.14	<p>CYCLE PARKING</p> <p>The development shall not be occupied until the covered and secure cycle parking stores shown on the submitted plans have been provided.</p> <p>Reason: To provide alternative travel options and encourage use of alternatives to the use of the private car, in the interests of sustainability in accordance Policy CP13 of Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework</p>
10.15	<p>REFUSE AND RECYCLING</p> <p>The development shall not be occupied until refuse and recycling bin facilities have been provided.</p> <p>Reason: In the interests of the amenities of the area, having regard to policy DM26 and guidance within the National Planning Policy Framework.</p>
10.16	<p>VEHICLE TURNING</p> <p>The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans and the turning space shall thereafter be retained for that use and shall not be obstructed.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.</p>
10.17	<p>EV CHARGE POINTS</p> <p>The development shall not be occupied until electric car charging points have been fitted and ready for use.</p> <p>Reason: To promote sustainable ways of transport in accordance with policies CP13 and CP14 of the Lewes District Joint Core Strategy National Policy Guidance contained in the National Planning Policy Framework.</p>
10.18	<p>REMOVAL OF PD RIGHTS</p>

	<p>Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development described in Part 1 and Part 2 of Schedule 2, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.</p> <p>Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to policies CP11 and DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.</p>		
10.19	<p>CONSTRUCTION HOURS</p> <p>No site clearance or construction works shall take place outside 0800 hours to 1800 hours Mondays to Fridays and 0830 hours to 1300 hours on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.</p> <p>Reason: In the interests of the amenities of the area, having regard to guidance within the National Planning Policy Framework.</p>		
10.20	<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 land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM21 of the Lewes District Local Plan and the National Planning Policy Framework.</p>		
11.	Plans:		
11.1	This decision relates solely to the following plans:		
	<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
	Additional Documents	2 February 2022	Archaeological Desk-Based Assessment
	Proposed Layout Plan	2 February 2022	2101/PL.03 - Rev F - Proposed Site Layout
	Proposed Block Plan	2 February 2022	2101-PL.02 - Proposed Block Plan
	Location Plan	2 February 2022	2101-PL.01 - Rev B - Site Location Plan
	Proposed Roof Plan	2 February 2022	2101/PL.07 - Rev A - Proposed Roof Plans (Plots 1 & 4)

Proposed Floor Plan(s)	2 February 2022	2101/PL.06 - Rev A - Proposed Ground Floor Plan (Plots 1 & 4)
Street Scene	2 February 2022	2101/PL.05 - Rev E - Proposed Street Scene / Cross Section A-A and Site Plan
Proposed Elevation(s)	2 February 2022	2101/PL.13 - Rev A - Proposed Side and Rear Elevation (Plots 2 & 3)
Proposed Elevation(s)	2 February 2022	2101/PL.12 - Rev A - Proposed Side and Front Elevation (Plots 2 & 3)
Proposed Roof Plan	2 February 2022	2101/PL.11 - Rev A - Proposed Roof Plan (Plots 2 & 3)
Proposed Floor Plan(s)	2 February 2022	2101.PL.10 - Rev A - Proposed Ground Floor Plan (Plots 2 & 3)
Proposed Elevation(s)	2 February 2022	2101/PL.09 - Rev A - Proposed Side and Rear Elevation (Plots 1 & 4)
Proposed Elevation(s)	2 February 2022	2101/PL.08 - Rev A - Proposed Side and Front Elevations (Plots 1 & 4)
Technical Report	2 February 2022	Phase 1 Environmental Assessment
Proposed Floor Plan(s)	2 February 2022	2101/PL.14 - Rev A - Proposed Car Ports Floor Plans, Roof Plan and Elevations
Proposed Elevation(s)	2 February 2022	2101/PL.14 - Rev A - Proposed Car Ports Floor Plans, Roof Plan and Elevations
Proposed Roof Plan	2 February 2022	2101/PL.14 - Rev A - Proposed Car Ports Floor Plans, Roof Plan and Elevations
Technical Report	2 February 2022	Acoustic Planning Report
Flood Risk Assessment	2 February 2022	Flood Risk Assessment
Tree Statement/Survey	2 February 2022	Arboricultural and Planning Integration Report
Biodiversity Checklist	2 February 2022	Biodiversity Checklist
Planning Statement/Brief	2 February 2022	Planning Statement
Planning Statement/Brief	2 February 2022	Appendix to the Planning Statement
Design & Access Statement	2 February 2022	Design and Access Statement
Landscaping	2 February 2022	CSA/5523/105 - Rev C - Proposed Landscape Strategy Plan
Additional Documents	5 October 2022	Phase 1 Habitat Survey and Preliminary Ecological Appraisal

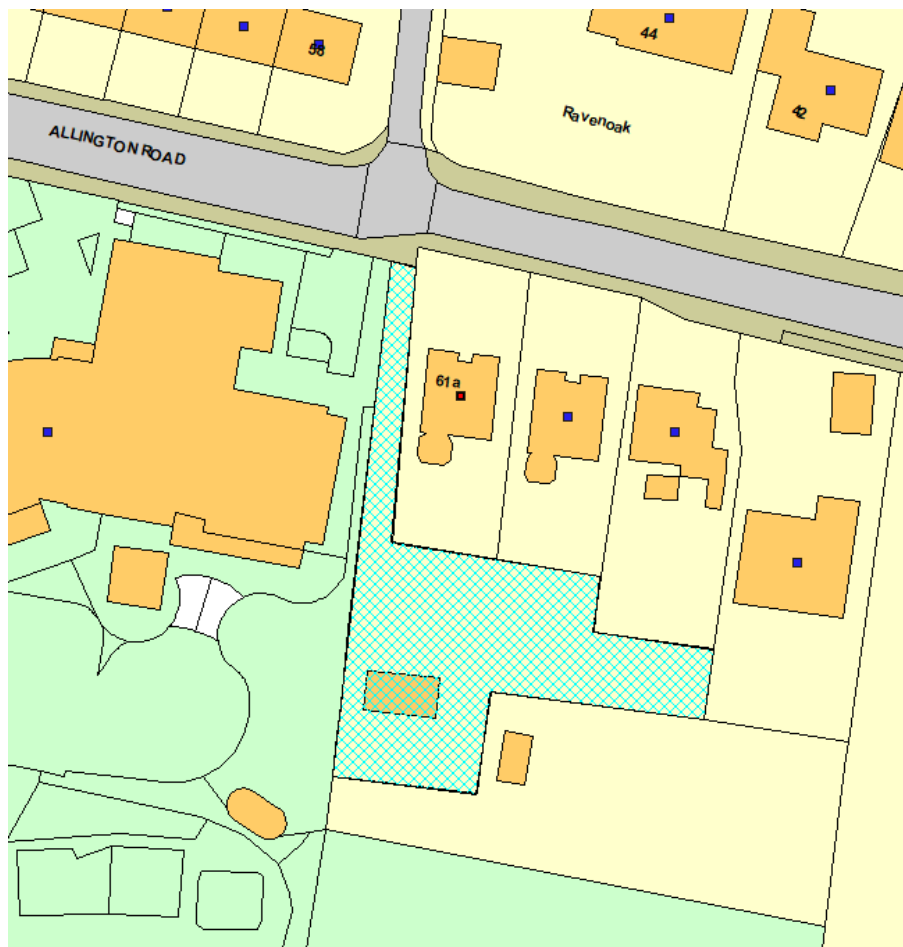
	Additional Documents	2 February 2022	Phase 2 Protected Species Assessments
	Additional Documents	2 February 2022	Biodiversity Impact Calculation
	Transport Assessment	2 February 2022	Transport Technical Note and Plans
	Technical Report	2 February 2022	Sustainability Statement
	Other Plan(s)	9 February 2022	16/4791 - Tree Site Plan
	Landscaping	2 February 2022	Landscape and Visual Impact Assessment
	Technical Report	5 August 2022	Response to SuDS
	Technical Report	5 August 2022	SuDS App A
	Technical Report	5 August 2022	SuDS App B
	Technical Report	5 August 2022	SuDS App C
	Technical Report	5 August 2022	SuDS App D
	Technical Report	5 August 2022	SuDS App E
	Technical Report	5 August 2022	SuDS App F
	Technical Report	5 August 2022	SuDS App G
	Technical Report	5 August 2022	SuDS App H
12.	Appendices		
12.1	None.		
13.	Background Papers		
13.1	None.		

Report to: Planning Applications Committee
Date: 19 April 2023
Application No: LW/21/0915
Location: Land South Of 61A Allington Road Newick
Proposal: Demolition of outbuilding and erection of 1no. 4-bedroom dwellinghouse with associated driveway and parking.
Applicant: Mr D Chewter
Ward: Newick
Recommendation: Grant planning permission subject to conditions and completion of S106 obligation to secure contribution to SANGS/SAMM.

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

IMPORTANT NOTE: This scheme is CIL Liable.

Site Location Plan



1.	Executive Summary
1.1	The application site is located partly in and partly outside of the planning boundary of Newick; the entrance and access to the site is within the boundary. However, the location is a “landscape transition zone” in advance of the countryside beginning further to the south. A zone previously containing building and rural development, now derelict and unused. The site is part of a narrow zone that runs along much of the south side of the village. Because of the scheme’s close proximity to the village, it is considered to represent sustainable development. It would provide homes, economic development and the southern, majority element of the site, capable of providing ecological enhancements.
1.2	The development is considered to be sympathetic to the surrounding built and natural environment and is considered to cause no unacceptable amenity impact on neighbouring residents. The scheme would provide good quality living and amenity space for future occupants.
1.3	It is therefore recommended that the application is approved subject to relevant conditions and a financial contribution to SANGS/SAMMS.
1.4	<u>Housing Delivery</u> The provision of one new dwelling would contribute to the housing land supply for the District. However, this would carry <u>moderate</u> weight in the planning balance.
1.5	<u>Economic Benefits</u> The proposal offers economic benefits in the form of job creation during construction and a small increase in population that would likely result in additional use of local businesses and services. This would carry <u>limited</u> weight in the planning balance.
1.6	<u>Outside of the Settlement Boundary and Impact on the Countryside</u> The proposed development would sit outside the planning settlement boundary and would be in principle contrary to policy DM1. It would extend the settlement boundary and potentially compromise important policy aims to distinguish town from country. The scheme could be considered to deviate from the linear development village form and push the settlement into the countryside. This would carry significant weight in the planning balance.
2.	Relevant Planning Policies
2.1	<u>National Planning Policy Framework</u> 2. Achieving sustainable development 4. Decision making 5. Delivering a sufficient supply of home 11. Making effective use of land 12. Achieving well-designed places
2.2	<u>Lewes District Local Plan:</u> LDLP1: – CP2 – Housing Type, Mix and Density;

	<p>LDLP1: – CP11 – Built and Historic Environment & Design</p> <p>LDLP1: – CP13 – Sustainable Travel</p> <p>LDLP1: – CP14 – Renewable and Low Carbon Energy</p> <p>LDLP2: – DM1 – Planning Boundary</p> <p>LDLP2: – DM24 – Protection of Biodiversity and Geodiversity</p> <p>LDLP2: – DM25 – Design</p> <p>LDLP2: - DM26 – Refuse and Recycling</p> <p>LDLP2: - DM27 – Landscape Design</p> <p>LDLP2: - DM30 – Backland Development</p>
2.3	<p><u>Newick Neighbourhood Plan:</u></p> <p>EN1 – Respect local landscape character and built environment.</p> <p>HO1.1 – Design</p> <p>HO1.2 – Materials</p> <p>HO1.3 – Height of new housing – no more than 2 stories</p> <p>HO1.4 – Size of housing to allow for all age groups.</p> <p>HO1.5 – Parking</p> <p>HO1.7 – Provision for SANGS/SAMS</p>
3.	Site Description
3.1	The site is located off the southern side of Allington Road, Newick, via an existing gated access, which is adjacent to an access to Newick Primary School. Although not in his ownership, the applicant has rights to use this to access his land.
3.2	The applicant’s land is set behind numbers 61a, 61 and 59 Allington Road. The site itself is roughly ‘L’ shaped and covers an area of 0.09ha. The site was previously used as for commercial horticultural purposes. There is a storage building on the site which is still regularly used by the applicant. The area surrounding the building is laid to grass. Beyond the field is gently sloping open countryside.
3.4	The site is within the 500m buffer zone of Ancient Woodland to the south-west and within a SSSI Impact Risk zone. There are two SSSI located to the north and west of Newick. Finally, the site is within the Ashdown Forest 7km Zone.
4.	Proposed Development
4.1	<p>Full planning permission is sought to demolish the storage building and build a new two storey, four bedroom/7-person house.</p> <p>The new house would be rectangular in shape and set centrally in the widest part of the site, allowing garden areas to the south and east and a parking area for 2 cars with turning area.</p>

5.	Relevant Planning History
5.1	LW/79/2148 - Outline Application for demolition of existing and erection of bungalow and garage – refused
5.2	LW/81/0609 - Change of Use from horticultural utility packing shed to repair and maintenance of horticultural machinery and light motor cars – refused.
6.	Consultations:
6.1	<p><u>Newick Parish Council and Officer Response (OR)</u></p> <p>Objects on following grounds: Site not put forward for inclusion in NNP.</p> <p><i>OR - Not relevant. This is a windfall site, and the proposal has been considered on its own merits.</i></p> <p>Outside of planning boundary/does not respect character/landscape of the area.</p> <p><i>OR: The proposal is immediately adjacent to the village boundary and is in keeping with the pattern of development at this part of Allington Road.</i></p> <p>Access to site does not belong to the applicant so they have no control over it</p> <p><i>OR – Not a planning issue</i></p> <p>Site is on a busy road and close to the school.</p> <p><i>OR – The access exists and if the business were to resume, the traffic movements to and from the site would increase.</i></p> <p>The applicant does not use site.</p> <p><i>OR – Agent confirms that site is still in use for storage.</i></p> <p>If to be recommended for approval, request it goes to committee.</p>
7.	Other Representations:
7.1	<p><u>Neighbour Representations and Officer Response (OR) to matters not covered in 6.1</u></p> <p>Ten objections received on the following grounds: Outside of planning boundary Applicant does not use site. Not included in the NNP Noise and disturbance during build</p> <p><i>OR A Construction Environmental Plan will be secured by condition to control noise and disturbance.</i></p> <p>Road safety/access for emergency vehicles</p> <p><i>OR Agent has confirmed that a fire engine can access and turn around in the site.</i></p>

	<p>Overlooking to properties at front of site</p> <p><i>OR The new house will not overlook properties to the front – see para. 8.8</i></p> <p>Noise and disturbance from use of access and driveway.</p> <p><i>OR Access Road is already in use.</i></p>
7.2	<p><u>Other Representations and Officer Response (OR)</u></p> <p>Newick Primary School Governors – object – inadequate visibility to access to site, which would be a problem in terms of road safety.</p> <p><i>OR – The access exists and if the business were to resume, the traffic movements to and from the site would increase.</i></p> <p>New house would overlook the school grounds.</p> <p><i>OR – The only window at first floor level facing the boundary with the school is a bathroom and would be fitted with obscured glass.</i></p>
8.	Appraisal:
8.1	<p><u>Principle:</u></p> <p>Para. Eight 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 South Downs 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.</p> <p>Para. 11 (d) of the NPPF states that, where a Local Planning Authority is unable to identify a 5 year supply of housing land, permission for development should be granted unless there is a clear reason for refusal due to negative impact upon protected areas or assets identified within the NPPF or if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This approach effectively adopts a ‘tilted balance’ in favour of development.</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). The application site is not isolated.</p>

	<p>The NPPF confers a degree of limited protection for neighbourhood plans that may be vulnerable to speculative development because higher level Local Plans are considered out-of-date due to the lack of a five year housing land supply. These protections are set out in NPPF para 14:</p> <p>In situations where the presumption applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:</p> <p>a. the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;</p> <p>b. the neighbourhood plan contains policies and allocations to meet its identified housing requirement; c. the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and</p> <p>d. the local planning authority's housing delivery was at least 45% of that required over the previous three years.</p> <p>In the event that the Council cannot demonstrate a five year housing land supply, the protection conferred by paragraph 14 would not be engaged for the Newick Neighbourhood Plan is more than two years old. Therefore, little weight can be afforded to it.</p>
8.2	<p>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 are identified below and will be afforded suitable weight within the overall planning balance. 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. Below is an assessment of how the proposal complies with the IPSHD.</p>
8.3	<p>Below is an assessment of how the proposal complies with the IPSHD.</p> <p>Criterion 1. <i>That the site boundary is contiguous with an adopted settlement planning boundary, as defined on the Local Plan Policies Map.</i></p> <p>The site is contiguous with the planning boundary and the access is within it. COMPLIES.</p> <p>Criterion 2. <i>The scale of development is appropriate to the size, character, and role of the adjacent settlement, having regard to the settlement hierarchy set out in LPP1 Table 2. In deciding whether the scale is appropriate, the Council will take account of the cumulative impact of extant unimplemented permissions in the relevant settlement.</i></p> <p>At one dwelling, the proposed development is relatively modest in scale and is appropriate to the status of Newick as a Rural Service Centre. COMPLIES.</p>

Criterion 3. *The proposed development will provide safe and convenient pedestrian and cycle access to key community facilities and services within the adjacent settlement.*

Allington Road has a pavement on either side, providing safe and convenient access for pedestrians. Within the village, there is a range of services and facilities, including a primary school, children's play space, recreational and sports facilities, pubs, restaurants, and shops within comfortable walking distance of the site, a bus stop within 200m of the site for the 121-bus service linking Newick with Lewes and Chailey.

COMPLIES.

Criterion 4. *The proposed development, individually or cumulatively, will not result in the actual or perceived coalescence of settlements. Where appropriate, this should be demonstrated through the submission of a visual and landscape character impact assessment.*

The proposal will not result in the coalescence of other nearby settlements. **COMPLIES**

Criterion 5 *Within the setting of the South Downs National Park, an assessment is undertaken to demonstrate that the proposed development will conserve the special qualities of the National Park. This assessment should be informed by the SDNP View Characterisation & Analysis Study 2015, the SDNP Tranquillity Study 2017, and the SDNP Dark Skies Technical Advice Note 2018.*

The development site is located some 14km to the north of the nearest boundary of the SDNP, so will have no impact on the SDNP. **COMPLIES**

Criterion 6 *An ecological impact assessment is undertaken, and appropriate measures identified and implemented accordingly to mitigate any potential adverse impacts of the development on biodiversity and secure biodiversity net gain in accordance with the Council's Biodiversity Net Gain Technical Advice Note (February 2021).*

The application was submitted prior to this criterion being applied, so a Preliminary Ecological Assessment was not submitted. However the 'precautionary approach' to site clearance and ecological enhancements can be secured by condition. **CAPABLE OF COMPLIANCE SUBJECT TO CONDITION (see condition 10.3)**

Criterion 7 *The proposed development will make the best and most efficient use of the land, whilst responding sympathetically to the existing character and distinctiveness of the adjoining settlement and surrounding rural area. Arbitrarily low density or piecemeal development, including the artificial subdivision of larger land parcels, will not be acceptable.*

Policy CP2 of the Local Plan Part 1 sets out a range of 20-30 dph for rural/village areas. The density of this site would be extremely low – 11dph, but this is considered to be justified due to the landscape constraints and prevailing character and density of the built environment south of Allington Road. Given this context, the constraints of the site and the local character, the proposed density is considered to be acceptable and to comply with Criterion 7 of the IPSHD.

	<p>Criterion 8 <i>It can be demonstrated that the proposed development is deliverable and viable, having regard to the provision of necessary on-site infrastructure, including affordable housing, green infrastructure and other requirements. Where the proposed development would create the need to provide additional or improved off-site infrastructure, a programme of delivery should be agreed with the relevant infrastructure providers to ensure that these improvements are provided at the time they are needed.</i></p> <p>The scheme is small scale and can be linked into the existing service infrastructure in the village. At just one dwelling, affordable housing is not sought.</p> <p>Policy CP2 of the Local Plan Part 1 sets out a range of 20-30 dph for rural/village areas. The density of this site would be very low – 11dph, but this is considered to be justified due to the landscape constraints and prevailing character and density of the built environment south of Allington Road.</p> <p>Given this context, the constraints of the site and the local character, the proposed density is considered to be acceptable and to comply with Criterion 7 of the IPSHD.</p>
8.4	<p>Policy CP2 sets 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>As the LPP1 and Newick NP are considered to be out of date in relation to housing supply, it is considered that the local housing need assessments cannot be relied on in this case. Also, as the proposal is for one dwelling, the requirement for a dwelling mix is not applicable.</p> <p>Both policy CP2 and NPPF paragraph 19 support development of brownfield/previously developed land, which applies to this site.</p>
8.5	<p>In summary, the proposal complies with the 8 criteria in the IPSHD and policy CP2. Furthermore, in the absence of any adverse impacts of granting planning that would demonstrably outweigh the benefits when assessed against policies in the NPPF as a whole, the decision regarding this application should be tilted in favour of sustainable development, in accordance with paragraph 11 of the NPPF. Recent appeal decisions regarding development outside of the planning boundary should also be taken into consideration.</p>
8.6	<p><u>Design, Character and Impact Upon Landscape:</u></p> <p>The design is traditional, with the first floor set partially into the roof, and pitched roof dormers to the front and rear. The materials palette is stock brick, clay hanging tiles and clay roof tiles. Most of the properties in Allington Road are of traditional design, using a variety of external finishes, including brick, hanging tiles and plain roof tiles. The proposal complies with policies CP11, DM25, HO1.1, HO1.2 and HO1.3.</p>

	<p>The planning boundary to the south is irregular, following the rear site boundaries of frontage properties. The open land behind these properties has a consistent line of densely planted trees and shrubs, beyond which is open countryside. There are a number of properties located within this area, that lie further to the south of the planning boundary than the proposed new house, but within what could be considered a transition zone separating the village and the open countryside. Therefore in view of the existing built form of the village, which goes beyond the planning boundary, the proposed new house is consistent with the established character of the landscape and built environment, as supported by policies CP11, DM25 and EN1.</p>
8.7	<p><u>Transport and Parking:</u></p> <p>As noted in para. 8 above, the site is in a sustainable location, close community facilities, shops, and bus routes.</p> <p>Using the ESCC Parking Calculator, a property of this size would generate demand for 2.37 spaces. The layout plan shows 2 parking spaces and a turning area. There is also room for visitor parking.</p> <p>The objections regarding impact on road safety, specifically in relation to the school, are noted. There are good sightlines at the access. Furthermore, a development of this size would generate up to 8 vehicle movements per day. Weight should also be given to the fact that the access is already in regular use and if the business was to be re-established, there would likely be more vehicle movements than the proposal for one dwelling.</p> <p>Cycle storage can be secured by condition.</p> <p>The proposal complies with policy CP13 and HO1.5.</p>
8.8	<p><u>Residential Amenity:</u></p> <p>The front wall of the new house would be 20m away from the rear of numbers 61, 61a and 59, which is generally considered to be an acceptable level of separation to maintain mutual privacy. The site is also set around 1m lower than the properties to the front. The new house meets the Nationally Described Space Standard in terms of overall floor area, bedroom sizes and storage. There are garden areas to the south and east, providing generous amenity space. There is ample space for storage of refuse and recycling bins. In terms of residential amenity, the proposal meets the relevant aspects of policies CP11, DM25 and DM27.</p> <p>As this is a backland site, the proposal falls to be considered against policy DM30, which requires such development to have safe and convenient vehicular access and parking which does not have an unacceptable adverse impact on the amenities of neighbouring properties in terms of noise, light or other disturbance; mass and scale of development will not have an overbearing impact on, or result in the loss of privacy to, existing homes and gardens; the development does not cause the loss of trees, shrubs or other landscape features which make an important contribution to the character and appearance of the locality or its biodiversity. The proposal complies with these criteria.</p>

8.9	<p><u>Ecology and Biodiversity:</u></p> <p>As noted in paragraph 8.3, a Preliminary Ecological Assessment was not submitted with the application. Conditions are recommended to secure a 'precautionary approach' to site clearance and ecological enhancements.</p>
8.10	<p><u>Sustainability:</u></p> <p>An Energy Assessment can be secured by condition to comply with policy CP14.</p>
8.11	<p><u>Planning Obligations:</u></p> <p>As the site falls within the Ashdown Forest 7km Zone, the applicant will be required to pay a contribution to SANGS/SAMMS through a S106 agreement.</p>
8.12	<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.</p> <p>The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.</p>
8.13	<p><u>Conclusions:</u></p> <p>The proposal for one new dwelling on the site is acceptable.</p> <p>The proposal broadly complies with all of 8 criteria set out in the council's Interim Policy Statement for Housing Delivery outside of the planning boundary.</p> <p>It is considered that the benefits of the proposal outweigh the disbenefits and that planning permission should be approved.</p>
9.	Recommendations
	Grant Planning Permission subject to conditions and a s106 Legal Agreement to secure contribution for SANGS/SAMMS.
10.	Conditions:
10.1	<p>CEMP</p> <p>No development shall take place until a Construction Environment Management Plan has been submitted to and approved in writing by the Planning Authority. The approved plan shall set out the arrangements for managing all environmental effects of the development during the construction period, including traffic (including a workers' travel plan), temporary site security fencing, artificial illumination, noise, vibration, dust, air pollution and odour, site illumination and shall be implemented in full throughout the duration of the construction works, unless a variation is agreed in writing by the Planning Authority.</p> <p>Reason: In the interests of highway safety and the environmental amenities of the area, having regard to guidance within the National Planning Policy Framework.</p>

10.2	<p>ENERGY REPORT</p> <p>No development above ground floor slab level of any part of the development hereby permitted shall commence until a report has been submitted to, and approved in writing by, the Local Planning Authority, to include details and drawings to demonstrate how a minimum of 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage.</p> <p>The report shall identify how renewable energy, passive energy and energy efficiency measures will be generated and utilised for each of the proposed buildings to collectively meet the requirement for the development. The approved details shall be implemented with the construction of each dwelling and thereafter retained.</p> <p>Reason: To secure a proper standard of development having regard to policy CP14 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.</p>
10.3	<p>ECOLOGY</p> <p>No development shall take place until a Biodiversity Method Statement (or similar) has been submitted to and approved by the Local Planning Authority and the works carried out in full as approved.</p> <p>The document shall include the necessary precautions for protected species as well as measures to enhance the overall biodiversity of the site, including bat and bird boxes.</p> <p>Reason: To maintain and enhance the ecological value of the site having regard to policy DM24 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework</p>
10.4	<p>ELECTRIC CAR CHARGE POINTS</p> <p>No part of the development shall be occupied/brought into use until details for the provision of electric car charging points have been submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with that approval prior to occupation.</p> <p>Reason: To promote sustainable ways of transport having regard to policies CP13 and CP14 of the Lewes District Joint Core Strategy, policy TRA1 and TRA2 of the Chailey and the National Planning Policy Framework</p>
10.5	<p>CYCLE STORE</p> <p>The development shall not be occupied until full details of the covered and secure cycle store have been submitted to and approved in writing by the Local Planning Authority. The store shall thereafter be retained for that use and shall not be used other than for the parking of cycles associated with residents and visitors to the development hereby permitted.</p>

	Reason: To provide alternative travel options and encourage use of alternatives to the use of the private car, in the interests of sustainability having regard to policy CP13 of Lewes District Local Plan and the National Planning Policy Framework.
10.6	<p>No part of the development shall be occupied until the refuse and recycling bin facilities shown on the submitted plans have been provided.</p> <p>Reason: In the interests of the amenities of the area, having regard to policy DM26 and guidance within the National Planning Policy Framework.</p>
10.7	<p>PROVISION OF PARKING SPACES</p> <p>No part of the development hereby approved shall be occupied until all the vehicle parking spaces have been provided as shown on the approved plans.</p> <p>Reason: In order to ensure sufficient car parking is provided to mitigate the potential for indiscriminate carriage way parking which may impede other road uses and thereby giving rise to highway/pedestrian safety issues.</p>
10.8	<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 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 having regard to policy DM21 of the Lewes District Local Plan and the National Planning Policy Framework.</p>
10.9	<p>REMOVAL OF PD RIGHTS</p> <p>Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development described in Part 1 and Part 2 of Schedule 2, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.</p> <p>Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to policies CP11 and DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.</p>
10.10	<p>HOURS OF WORK ON SITE</p> <p>No site clearance or construction works shall take place outside 0800 hours to 1800 hours Mondays to Fridays and 0830 hours to 1300 hours on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.</p>

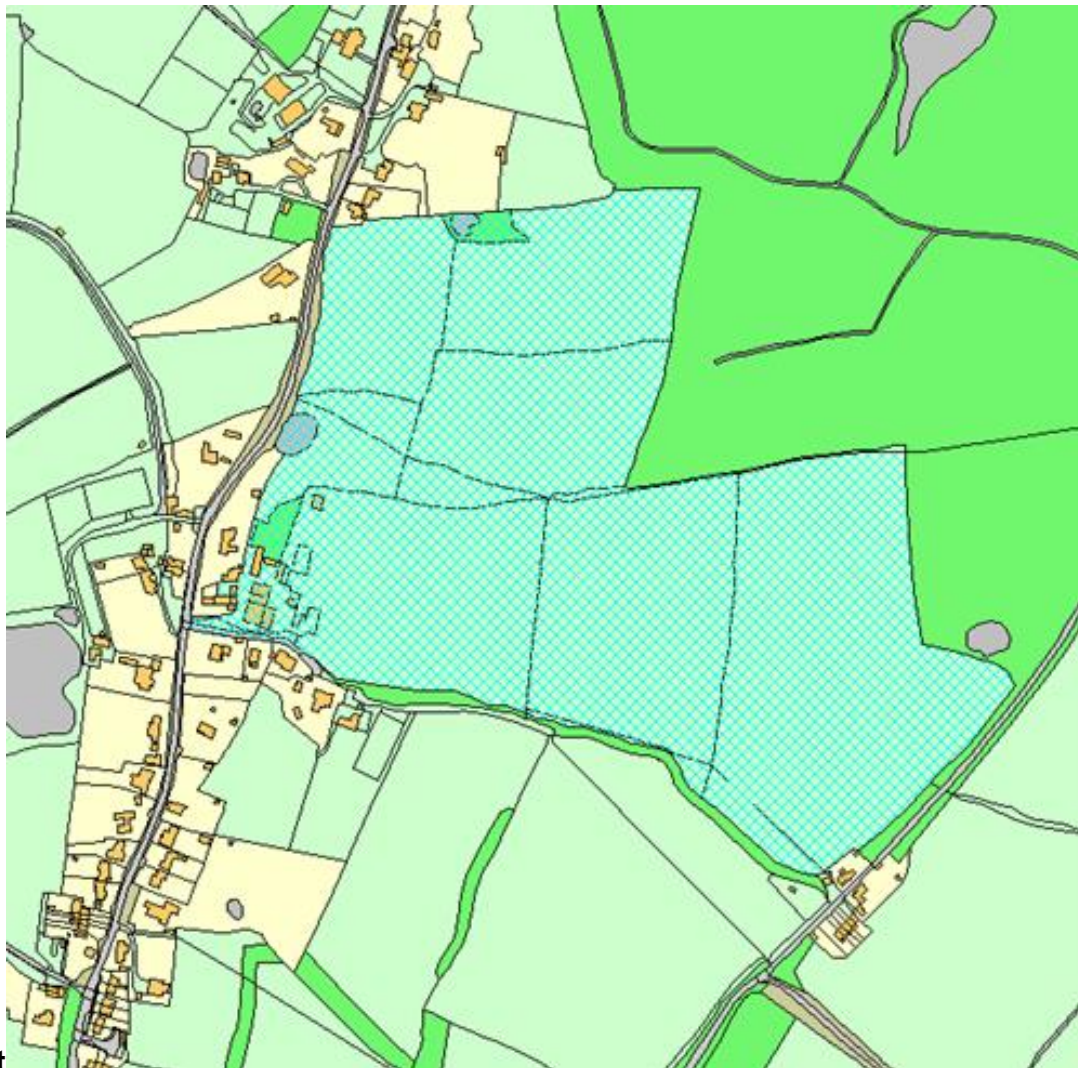
	Reason: In the interests of the amenities of the area, having regard to guidance within the National Planning Policy Framework		
11.	Plans:		
	This decision relates solely to the following plans		
	<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
	Location Plan	29 November 2021	Site Location Plan
	Proposed Layout Plan	29 November 2021	B.057.19.01 - Proposed Site Layout Plan
	Proposed Block Plan	29 November 2021	B.057.19.02 - Proposed Block Plan
	Proposed Floor Plan(s)	29 November 2021	B.057.19.03 - Proposed Ground Floor Plan
	Proposed Floor Plan(s)	29 November 2021	B.057.19.04 - Proposed First Floor Plan
	Proposed Roof Plan	29 November 2021	B.057.19.05 - Proposed Roof Plan
	Proposed Elevation(s)	29 November 2021	B.057.19.06 - Proposed Side (West) and Front (North) Elevations
	Proposed Elevation(s)	29 November 2021	B.057.19.07 - Proposed Rear (South) and Side (East) Elevations
	Proposed Section(s)	29 November 2021	B.057.19.08 - Proposed Site Section (West)
	Design & Access Statement	29 November 2021	Design and Access Statement
12.	Appendices		
12.1	None.		
13.	Background Papers		
13.1	None.		

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Report to: Planning Applications Committee
Date: 19 April 2023
Application No: LW/21/0880
Location: Burtenshaw Farm, Spithurst Road, Barcombe
Proposal: Change of use from agricultural land to a natural burial ground.
Applicant: Mr J Wells
Ward: Chailey, Barcombe & Hamsey
Recommendation: Grant Planning Permission.
Contact Officer: **Name:** Julie Cattell
E-mail: julie.cattell@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is Not CIL Liable

Site Location Plan



Sit

1.	Executive Summary
1.1	<p>This application seeks approval to create a natural burial ground on land that is currently used as pasture, (low-grade agricultural land). Local Plan policy allows for farm diversification, and the Council supports carbon emissions reductions and other relevant national and local planning policies.</p> <p>Woodland or natural burials are a sustainable and ecological alternative to traditional interments or cremations. The deceased's body is buried in a biodegradable casket or shroud, then placed in a grave which will be marked by a memorial tree.</p> <p>The site is currently used for pasture and the applicant wishes to reduce the number of livestock on the farm and eventually re-wild and plant trees in much of the area to enlarge the existing woodland area to the north and east of the site.</p>
1.2	<p><u>Planning Balance</u></p> <p>The site is located outside of the planning boundary. Community facilities should normally be located within planning boundaries. However, policy CP7 does permit exceptions where a location outside the planning boundary is required and that the location is well located to an existing settlement. The site is just over 1km from Barcombe. Whilst not particularly close to a neighbour settlement, and not a “necessary” use of the land – farm diversification is supported by the Lewes Plan and natural burials offer a sustainable market choice and need countryside locations.</p> <p>CP13 seeks to reduce car journeys and encourage alternative means of transport. Although the site is walkable within 15 minutes or so of Barcombe and the bus route, it is more likely that people attending funerals will arrive by car. However, it is also possible that attendees will car share, (not un-common for funerals).</p> <p>As noted in paragraph 8.7 below, woodland/natural burials are more sustainable than traditional alternatives and reduce overall carbon emissions. Furthermore, there will be an increase in trees on the site.</p> <p>NPPF para 85 (Rural Economy) accepts that economic development in rural areas may need to be beyond settlement boundaries, not well served by public transport. National policy advises “sensitive locations... and no unacceptable impact on the road network”. NPPF para 105 (Sustainable Transport) recognises that there will be a “difference in sustainable transport solutions between urban and rural areas”.</p> <p>It is considered that overall, the benefits of the proposal outweigh the disbenefit of being in a location outside of the planning boundary. Approval is recommended.</p>
1.3	Approval is recommended, subject to conditions.

2.	Relevant Planning Policies
2.1	<p><u>National Planning Policy Framework</u></p> <p>2. Achieving sustainable development</p> <p>4. Decision making</p> <p>6. Building a strong, competitive economy</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 District Local Plan:</u></p> <p>CP7 – community infrastructure</p> <p>CP10 - Natural Environment and Landscape</p> <p>CP13 – Sustainable transport</p> <p>CP14 - Renewable and Low Carbon Energy and Sustainable Use of Resources</p> <p>DM9 – Farm diversification</p> <p>DM20 – Pollution Management</p> <p>DM22 – Water Resources and Water Quality</p> <p>DM24 – Protection of Biodiversity and Geodiversity</p> <p>DM27 – Landscape Design</p>
2.3	<p><u>Neighbourhood Plan:</u></p> <p>Barcombe does not have a neighbourhood plan.</p>
3.	Site Description
3.1	<p>The site is located to the east of Spithurst Road, Barcombe and covers an area of approximately 2.7ha. It is part of the larger Burtenshaw Farm complex, located to the south of the area under consideration. It is located approximately 1km north of Barcombe Cross.</p>
3.2	<p>The application site comprises fields used for livestock grazing. It is mainly flat, laid to grass and interspersed with young trees planted by the applicant.</p> <p>Immediately to the east of the site is an area of Ancient Woodland and falls within its 500m buffer zone. It is also within a SSSI Impact Risk Zone. A Public Footpath runs along the southern boundary of the site. The site is bounded with mature hedgerows and trees.</p>
3.3	<p>The land at Burtenshaw Farm is thick clay, not suitable for arable crops, so has been used for livestock grazing. The applicant wishes to reduce livestock production for environmental reasons, by putting the field to an alternative use.</p>

3.4	Access to the proposed burial ground will be from an existing gated entrance. ESCC requires alterations to the access, which can be secured by condition.
4.	Proposed Development
4.1	<p>Full planning permission is sought for the change of use of the land from agricultural to woodland burial ground. In a woodland or natural burial grounds, the deceased's body is buried in a single plot in a biodegradable wicker or cardboard casket. A memorial tree is planted on the site of the grave. There are no headstones, just small engraved oak plaques on the trees. The site covers an area of approximately 2ha; at a rate of 50 burials per year, it would take 60 years to fill the site.</p> <p>The applicant plans to plant additional trees as well as those planted at the burials, to re-wild and create a new woodland to enlarge that surrounding the site to the north and east.</p>
4.2	The existing gated access will be adapted as necessary to accommodate the required sight lines as required by ESCC Highways. A car park for up to 25 vehicles will be created, using recycled plastic mesh. Details of the access, turning area and the car park will be secured by condition. From the car park, an all-weather path will lead to the burial ground, approximately 150m to the east. The site is flat, so will be suitable for wheelchairs and buggies/prams.
4.3	The applicant also plans to plant more trees on and around the site and to create wildflower meadows to create an enhanced ecological environment. The enhancements and initial landscape plan will be secured by conditions.
4.4	<p>The applicant anticipates one burial per month for the initial year, rising to two per week as the business becomes more established. Hours of use/opening will be 11:00-15:00 on weekdays only, throughout the year. No lighting is proposed.</p> <p>As the business becomes more established, the applicant may seek further planning permission for a shelter of appropriate design. To be clear, no permission for any buildings or shelters forms part of this application.</p>
5.	Relevant Planning History:
5.1	Nonrelevant to this proposal.
6.	Consultations:
6.1	<p><u>Green Consultancy – Contaminated Land</u></p> <p>Main consideration is the ground water protection at the site. Recommends three planning conditions and informative.</p>
6.2	<p><u>ESCC Landscape Officer</u></p> <p>No response.</p>
6.3	<p><u>Green Consultancy – Ecology and Biodiversity</u></p> <p>Comments awaited</p>

6.4	<p><u>Planning Policy Team</u></p> <p>No response</p>
6.5	<p><u>Southern Water:</u></p> <p>No response</p>
6.6	<p><u>East Sussex Highways:</u></p> <p>This section of the C8 has a speed limit of 40 mph. In accordance with the Design Manual for Roads and Bridges, the required sight lines on a road with this speed limit is 120m in both directions with a setback point of 2.4 meters from the edge of the carriageway.</p> <p>The applicant has conducted a speed survey at this location, the findings from this are included within the Transport Statement that has been submitted with this application. The survey confirms that the average vehicle speed is 38 mph in a northbound direction and 39 mph in a southbound direction. Therefore, I am happy that the speed limit at this location is adhered to and feel that visibility splays of 120 meters are adequate at this location.</p> <p>The plans that have been submitted with this application show that visibility of 120 meters either side of the access is achievable.</p> <p>The site is located on the C8 Spithurst Road. This section of the C8 is in a semi-rural location and is subject to a speed limit of 40mph. Spithurst Road does not have any pedestrian footways so walking in this area may be problematic or dangerous. However, I feel that due to the nature of this proposal, pedestrian footfall on the public highway would be minimal.</p> <p>I am satisfied that 30 parking spaces would be adequate for this type of development. The East Sussex County Council Guidance states that individual parking spaces shall measure at least 2.5m by 5m for standard spaces and 3.6m by 5.5m for disabled spaces, these dimensions will need to be taken into consideration when the parking area is installed, but I feel that this is achievable within the realms available.</p> <p>The applicant has stated that the parking area will be created from a recycled plastic mesh which will be laid over the turf so the grass can accommodate vehicles. This would be acceptable on the proviso that the surface can be used in all weather conditions without vehicles transferring mud or surplus materials onto the public highway when leaving the site. If the applicant can demonstrate that they are able to comply with this requirement, then this type of material would be acceptable.</p> <p>Vehicles entering the site will need to be able to enter and exit the site in a forward gear, so turning provisions will need to be included for all vehicles.</p> <p>This may also include a hearse and or accompanying funeral vehicles (each measuring up to 6 meters) therefore the layout and dimensions of the parking will need to provide adequate turning facilities for all vehicles.</p> <p>The current access and track road onto the field is a single-track access which appears to be made of mot type subbase material. This type of material may have been adequate for occasional agricultural trips associated with this land.</p>

	<p>However, I feel that the current access requires reconstructing, widening and licencing in accordance with the ESCC specification to ensure that it is able to accommodate the additional vehicles trips and two way traffic associated with this proposal.</p> <p>The access also crosses a highway drainage ditch so consent from the Flood Risk Team is required in the form of an Ordinary watercourse consent because these works involve carrying out work on a watercourse that could affect the flow of water.</p> <p>I have concerns relating to the width of the access at this location and feel that it will need to be widened to accommodate two-way traffic. This has been included within the conditions required for approval.</p> <p>No objection subject to conditions.</p>
6.7	<p><u>Environment Agency</u></p> <p>No objection. Site is located on Weald Clay, which is designated as unproductive, it has claystone bands within it, which are designated as Secondary A aquifers. The proposal does not appear to present and inherent considerable risk to controlled waters. Applicant's attention is drawn to other regulations regarding burial ground proposals.</p>
6.8	<p><u>ESCC SuDS</u></p> <p>No response</p>
6.9	<p><u>Barcombe Parish Council</u></p> <p>PC is negative towards the application and would like greater clarity on further development on the site, number of burials, overspill parking, hours of opening, has a traffic survey been carried out, why were wildlife surveys carried out during one season only.</p>
7.	Other Representations:
7.1	<p><u>Neighbour Representations and Officer Response (OR)</u></p> <p>21 Objections received from residents on the following grounds (officer responses in red):</p> <p>Increase in traffic movements and road safety, no traffic survey included in application</p> <p>OR: A Transport Statement was submitted to address local concerns. This has been considered by ESCC Highways, who have no objection. See paragraph 6.6 above.</p> <p>Loss of farming jobs</p> <p>OR: There are no employees. The farm is run by the applicant and his family.</p> <p>Light pollution from future buildings</p> <p>OR: Not relevant at this stage. When the applicant decides to apply for planning permission for buildings/structures on the site, lighting will be taken into consideration.</p> <p>Nearby watercourse contamination, Hydrology report only deals with summer months, drainage.</p>

OR: No objection raised by the Environment Agency.

Insufficient information about buildings/buildings would be unacceptable in a rural area, plans not clear

OR: No buildings proposed

Insufficient parking, concern about overspill parking on the road

OR: ESCC Highways is satisfied with the proposal.

Not the right location for the use

OR: The nature of the proposed use requires a rural location.

Negative effect on house values

OR: Not a planning matter.

Unnecessary facility, no evidence has been put forward regarding demand/need, there are burial sites in the local church.

OR: There is no requirement in this case for the applicant to demonstrate demand. The facility will provide an option for those who do not want a churchyard burial or cremation.

Walkers crossing the site on the right of way would disturb burial ceremonies

OR: The distance from the footpath to the burial site is enough to avoid disturbance.

Not enough information about number of funerals

OR: The Business Plan states that once the business is established, no more than two per week is anticipated.

Scale of proposal has been underplayed.

OR: Adequate information was submitted for the council to consider the application.

Applicants have not engaged with the local community.

OR: All residents that would be potentially affected by the proposal and the Parish Council have been consulted, plus site notices were displayed.

No information on ecology assessment, concern about wildlife, in particular badgers potentially foraging burial site, loss of trees

OR: A Preliminary Ecological Assessment was submitted with the application.

Visual intrusion to houses along Spithurst Road

OR: The activities associated with the ceremonies will be deep into the site and away from nearby properties, which are set back some distance from the road.

Concern that camper vans, caravans and lorries will drive onto the site.

OR: Suitable signage will be installed, but only after an application for permission

No public transport in the area

	<p>OR: It is anticipated that most mourners will arrive by car.</p> <p>Burial ground should be located closer to the farm, access not in a good place, should use existing farm entrance</p> <p>OR: It would be inappropriate for the use to be closer to the farm and the activities involved are not compatible. The proposed access is the most direct and shortest route to the facility.</p> <p>Loss of agricultural land, impact on food security</p> <p>OR: The land is not suitable for arable farming. The farm will continue to produce livestock.</p>
7.2	<p><u>Other Representations:</u></p> <p>None received.</p>
8.	Appraisal:
8.1	<p><u>Key Considerations:</u></p> <p>Principle</p> <p>Transport and parking</p> <p>Impact on landscape and ecology of the area</p> <p>Loss of agricultural land</p> <p>Drainage/pollution</p>
8.2	<p><u>Principle:</u></p> <p>Policy DM9 supports farm diversification subject to the following criteria:</p> <p>(1) the proposed development will stimulate new economic activity with a use appropriate to its rural location;</p> <p>(2) wherever possible, new or replacement buildings are located within or adjoining an existing group of buildings;</p> <p>(3) any new building responds sensitively to its rural setting, in terms of its scale, layout, design, and use of materials;</p> <p>(4) 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.</p> <p>Paragraphs 84 – 85 of the NPPF (section 6 - Building a strong, competitive economy) requires local planning authorities to support the rural economy:</p> <p><i>‘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.</i></p> <p><i>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).</i></p>

	<p><i>The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'</i></p> <p>It is considered that the proposal broadly meets the requirements of these local and national policy objectives.</p> <p>The agricultural land that is to be utilised is classified as category 3 which is defined as <i>'Good to moderate quality agricultural land. Land with moderate limitations that affect the choice of crops, timing and type of cultivation, harvesting or the level of yield. Where more demanding crops are grown yields are generally lower or more variable than on land in grades 1 and 2.'</i></p> <p>The applicant has stated that the land is not suited to arable and has been using it for livestock.</p> <p>Policy CP7 supports community uses such as proposed here, and that they should only be exceptionally located outside the planning boundary: <i>"In exceptional circumstances, such facilities may be located outside of these areas where it can be demonstrated that this is the only practicable option and the site is well related to an existing settlement"</i></p> <p>The concept of a 'Woodland' or natural burial is that it takes place in a tranquil location, which could be in an existing cemetery or a rural setting such as proposed here. The site is within a 15 minute walk from Barcombe and a 2 minute car journey. There are buses to Barcombe from Lewes, but they do not run past the site.</p>
8.3	<p><u>Impact on Character and Landscape:</u></p> <p>In terms of policies CP10 and DM27, the impact on the character of the landscape will be positive, due to the trees that the applicant intends to plant as part of a landscape plan that will be secured by condition, as well as the memorial trees that will be planted on burial plots.</p>
8.4	<p><u>Ecology and Biodiversity:</u></p> <p>In order to comply with policy DM24, a Preliminary Ecological Assessment was submitted with the application, which includes suggested enhancements. These can be secured by condition.</p>
8.5	<p><u>Drainage and Pollution</u></p> <p>The Environment Agency has raised no objection to the proposal. It should also be noted that all burial grounds are subject to compliance with Environmental Permitting (England and Wales) Regulations 2016 regarding groundwater pollution.</p> <p>The council's pollution officer has recommended conditions based on the applicant's Ground Report.</p>
8.6	<p><u>Transport and Parking:</u></p> <p>The applicant has demonstrated to the satisfaction of ESCC Highways that the proposal is acceptable in respect of traffic generation, access and parking arrangements.</p>

8.7	<p><u>Sustainability:</u></p> <p>Woodland burials more sustainable than cremations, which use a lot of electricity and release toxins such as carbon dioxide and mercury (from fillings) into the air, and traditional interments, which use chemical embalming fluids.</p> <p>Cemetery burials often use hardwood or MDF coffins. Natural burials use biodegradable coffins or shrouds and often have trees planted on the plots which are nourished by the natural process of decomposition.</p> <p>Nearly half of existing sites for conventional burials will be full within 20 years.</p> <p>The reduction in the raising of livestock on the farm will also contribute to carbon emissions in the area.</p> <p>Although policy CP14 is aimed at reducing carbon emissions generated by residential development, it is considered that this proposal complies with the overarching objective of the policy:</p> <p><i>To ensure that the district reduces locally contributing causes of climate change and is proactive regarding climate change initiatives.</i></p>
8.8	<p><u>Human Rights Implications:</u></p> <p>The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been considered fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.</p>
8.9	<p><u>Conclusions:</u></p> <p>The proposal is considered to be acceptable in terms of national and local planning policy and will provide a sustainable alternative to more traditional funeral options. Approval is therefore recommended.</p>
9.	<p>Recommendations</p>
9.1	<p>That planning permission is granted subject to conditions.</p>
10.	<p>Conditions:</p>
10.1	<p>Contaminated Land 1</p> <p>No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing by the local planning authority:</p> <p>Additional site investigation scheme, based on preliminary risk assessment already undertaken (Land Science report LS 5757 dated 30 July 2021) to provide information for a detailed assessment of the risk to all receptors, that may be affected , including those off site and hydrogeological risk.</p>

	<p>The results of the site investigation and the detailed risk assessment referred to in (a) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.</p> <p>A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.</p> <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM21 of the Lewes District Local Plan and the National Planning Policy Framework.</p>
10.2	<p>Contaminated Land 2</p> <p>No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall include any plan (a 'long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance, and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.</p> <p>Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM21 of the Lewes District Local Plan and the National Planning Policy Framework.</p>
10.3	<p>Contaminated Land 3</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 land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM21 of the Lewes District Local Plan and the National Planning Policy Framework.</p>
10.4	<p>Highways 1</p> <p>No development shall commence until the vehicular access serving the development has been constructed in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.</p>
10.5	<p>Highways 2</p> <p>The proposed use shall not commence until a parking area has been provided in accordance with the approved plans/details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway</p>
10.6	<p>Highways 3</p> <p>The proposed use shall not commence until a turning space for vehicles has been provided and constructed in accordance with the approved plans which shall have been submitted to and approved in writing by 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.</p>
10.7	<p>Ecology</p> <p>No response received at the time of writing.</p>
10.8	<p>Landscape scheme</p> <p>The proposed use shall not commence until details of a landscape and planting scheme has been submitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure a satisfactory development in keeping with the locality having regard to policies CP10 and DM27 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.</p>
10.9	

	<p>Hours of operation:</p> <p>The site shall not be open for burial ceremonies outside the hours of 11:00-15:00 on Monday to Friday, and not at all on Saturday, Sunday or Bank Holidays.</p> <p>Reason: To protect residential amenities having regard to policies CP11 and DM27 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework</p>		
10.10	<p>Informative 1</p> <p>Section 184 Agreement of Highways Act, 1980 – New Access</p> <p>The applicant will be required to enter into a Section 184 Licence with East Sussex Highways, for the provision of a new vehicular access. The applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place</p>		
10.11	<p>Informative 2</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>		
10.12	<p>Informative 3</p> <p>The applicant is advised that any signage may require Advertisement Consent.</p>		
10.13	<p>Informative 3</p> <p>This planning permission relates to the change of use and operations relating to improvements to the access, and formation of a car park and pathway only.</p>		
10.14	<p>Informative 4</p> <p>The applicant is advised to ensure that prior to the implementation that they comply with all aspects of other legislation and licensing regimes that exist to regulate this form of development.</p>		
11.	Plans:		
11.1	This decision relates solely to the following plans:		
	<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
	Proposed Block Plan	17 January 2022	Proposed Site Plan
	Location Plan	17 November 2021	Site Location Plan
	Additional Documents	17 November 2021	Preliminary Ecological Appraisal Survey
	Land Contamination	17 November 2021	Ground Investigation Report
	Additional Documents	17 November 2021	Parking Plan

	Planning Statement/Brief	17 November 2021	Planning Statement
	Additional Documents	17 November 2021	Burtenshaws Meadow Business Plan
	Landscaping	17 November 2021	Landscaping and Tree Species
12.	Appendices		
12.1	None		
13.	Background Papers		
13.1	None		

Agenda Item 15

Report to: Planning Applications Committee

Date: 19 April 2023

Title of report: Current Appeals and Reasons for Refusal

Application Nos:

1. LW/21/0694 Bishops Close Ringmer (para 2.1)
- 2.. LW/21/0986 Harrisons Lane (para 2.2)
3. LW/22/0472 Harrisons Lane (para 2.2)
4. LW/22/0153 High Street Barcombe (para 2.4)
5. LW/22/0175 Bennett's Field, Falmer (para 2.4)
6. LW/22/0282 Land South of the Broyle, Ringmer (para 2.5)
7. LW/22/0255 Round House Road, Ringmer (para 2.6)

Purpose of report: Current Appeals and defensible reasons for refusal.

Ward:

1. Ouse Valley & Ringmer
2. Ouse Valley & Ringmer
3. Ouse Valley & Ringmer
4. Chailey, Barcombe & Hamsey
5. (Falmer)
6. Ouse Valley & Ringmer
7. Ouse Valley & Ringmer

Recommendation:

1. Members note the dropping of some reasons for refusal, based on advice from the Council's expert statutory advisors and/or external and independent expert witnesses.
2. Members to note the cases will progress to appeal on the revised/reduced refusal grounds.

Contact Officer: **Name: Leigh Palmer**
E-mail: leigh.palmer@lewes-eastbourne.gov.uk

1.	Executive Summary
1.1	Members will acknowledge that the above cases have been refused planning permission either under delegated authority or at planning committee.

1.2	These decisions are now all at appeal to be determined by way of a combination of informal hearing and public inquiry.
1.3	At the time of making these decisions it was clear that there were areas of deficiency and lack of detail regarding detailed/specialist areas.
1.4	There were also reasons for refusal, (RfR) informed through planning judgement where that judgement was made regarding the planning balance.
1.5	On review, including using the advice of statutory consultees, planning legal, and specialist advice - and taking into account the common themes and issues from recent appeal decisions - it has been determined that some reasons for refusal cannot adequately be defended and sustained through the appeal process.
1.6	This report outlines the reasons for refusal that will no longer form part of the Council defence as well as the ones that will sustain – be maintained.
1.7	Members are invited to note these changes and the outcome of these appeals will be reported to future Planning Applications Committee in the normal way.

2.	Reason for Refusal
2.1	<p>Bishops Close Ringmer LW/21/0694 (no PINS number as yet) – 68 homes scheme.</p> <p>This case had three reasons for refusal and it is recommended that the Council pursue only one reason for refusal (RfR) through to appeal.</p> <p>For the landscape RfR, professional consultants that this reason for refusal could not be sustained. This was informed by the fact that any landscape harm would be local in nature and would be of insufficient to outweigh the benefits of housing delivery in the planning balance.</p> <p>On the third highways RfR – the application has the full support of ESCC Highways and without sufficient evidence to the contrary it is considered that this specialist advice would take precedence in the planning balance</p> <p><u>RfR Not to be Maintained.</u></p> <p>1.The development, due to its location outside of the defined settlement boundary will harm the character, setting and appearance of the surrounding countryside. The development would therefore be contrary to Policy 4.1 of the Ringmer Neighbourhood Plan, Policies CP10 and DM1 of the Lewes District Local Plan Parts 1 & 2 and Paragraphs 174 of the National Planning Policy Framework.</p> <p><u>RfR to be Maintained.</u></p> <p>2. By reason of the height of parts of the development, layout, density, isolated location of the play space in relation to those dwellings with no</p>

	<p>external amenity space, and the distinguishable appearance of the affordable units in the flats from the rest of the development, the application represents an over-development of the site, and would be detrimental to the wider character of the village, contrary to Policy 6.3 and 9.1 of the Ringmer Neighbourhood Plan, CP2, CP11 and DM25 of the Lewes District Local Plan Parts 1 & 2 and Paragraph 130 of the National Planning Policy Framework.</p> <p><u>RfR Not to be Maintained.</u></p> <p>3. By reason of the lack of sufficient information and up to date highways modelling, it is unclear whether the local highway, Bishops Lane, and the junction at Earwig Corner has the capacity to accommodate a development of this scale. The development would therefore represent an unacceptable risk of unforeseen impacts that would cumulatively be to the detriment of road users and highways capacity. The development would therefore be contrary to Policy 8.1 of the Ringmer Neighbourhood Plan, Policy CP13 of the Lewes District Local Plan Part 1 and Paragraph 111 of the National Planning Policy Framework.</p>
2.2	<p>Harrisons Lane LW/21/0986 - PINS 331419 – 200 homes scheme LW/22/0472 - PINS 3315235 – 75 homes scheme</p> <p>There are two applications on this site the earlier application for two hundred units and the later one for seventy five units. Both applications were refused for the reasons set out below.</p> <p>The second and third reason for refusal (RfR) for the 200 unit scheme (21-0986) have been deleted because our specialist advisor on ecological matters advises that this issue has now been resolved to their satisfaction and ESCC Highways do not object in highway terms to the proposal.</p> <p>On the 200 unit scheme (22/0472) the landscape RfR remains. The LPA and the Appellant continue to negotiate on the flood/drainage RfR – this may or may not remain as a RfR right up to the submission of Inquiry proofs of evidence.</p> <p>LW/21/0986 (200-unit scheme)</p> <p><u>RfR to be Maintained.</u></p> <p>1. The development will harm the setting of the South Downs National Park, and the character, setting and appearance of the surrounding countryside. The development would therefore represent unacceptable impacts that would be to the detriment of the character and appearance of the countryside and the setting to the South Downs National Park. The development would therefore be contrary to Policy 4.1 of the Ringmer Neighbourhood Plan, Policies CP10 and DM1 and DM25 of the Lewes</p>

District Local Plan Parts 1 & 2 and Paragraphs 174 and 176 of the National Planning Policy Framework.

RfR Not to be Maintained.

2. By reason of insufficient information being provided to assess the potential impacts on biodiversity and to inform appropriate mitigation, compensation and enhancement and that the proposed land use parameters will have a detrimental impact on biodiversity and allow insufficient space for mitigation and enhancement measures the proposal would be to the detriment of habitats and ecology within the site and would be contrary to Policy 5.10 of the Ringmer Neighbourhood Plan Policies CP10 and DM24 of the Lewes District Local Plan Parts 1 & 2, paras. 179,180 and 182 of the National Planning Policy Framework.

RfR Not to be Maintained.

3. By reason of the lack of sufficient information and up to date highways modelling, it is unclear whether the highway and specifically the junction at Earwig Corner has the capacity to accommodate a development of this scale. The development would therefore represent an unacceptable risk of unforeseen impacts that would cumulatively be to the detriment of road users and highways capacity. The development would therefore be contrary to Policy 4.5 of the Ringmer Neighbourhood Plan, Policy CP13 of the Lewes District Local Plan Part 1 and Paragraph 111 of the National Planning Policy Framework.

LW/22/0472 (75-unit scheme)

RfR to be Maintained.

1. The scheme, because of its unique location and the location's landscaping a) at the northern foothills of the SDNP and b) immediately to the south of the Bulldog Sewer/water course, would negatively impact, in a severe way, the purpose and setting of the SDNP, by introducing a sprawling development outside the normal settlement boundary and in full view, (to and from) the SDNP. In addition the scheme would threaten the rural track nature of Potato Lane - an important contributor to the SDNP setting and change the traditional landscape character relationship of the SDNP and neighbouring villages, from one based on tight and clear boundaries to one of increasing, poorly designed urban sprawl.

The scheme would represent unacceptable urbanisation of the rural fringe of the settlement which would be to the detriment of the character and appearance of the countryside and the setting to the South Downs National Park. The development is considered to be contrary to Policy 4.1 of the Ringmer Neighbourhood Plan, Policies CP10 and DM1 and DM25 of the Lewes District Local Plan Parts 1 & 2 and Paragraphs 174 and 176 of the National Planning Policy Framework.

RfR to be Maintained for the time being. However LPA/Appellant negotiating on possible acceptable Conditions in advance of the Public Inquiry

2. Surface water flood modelling in the context of flooding within Ringmer and across the County in November 2022 has been considered along with flooding records, and it is considered that the surface water hydraulic modelling submitted by the applicant is not reflective of flooding that has occurred in the vicinity of the site. The applicant has not contacted the Lead Local Flood Authority to request details of previous flooding for comparison with their modelling.

Based on observations by LLFA officers, it is considered that the Environment Agency Flood Map for Surface Water is likely to be more reflective of the surface water flood risk at the site.

This mapping shows the site access to be affected by surface water flood risk which may have implications for the deliverability of this access and the impact of the proposed access on the surface water flood risk of the wider catchment contributing surface flooding to this location. The scheme therefore lacks evidence on surface water flood risk at the site and how this would be mitigated.

And on this basis, the LPA can only conclude that insufficient information and assessments have been provided to demonstrate that the proposed development could be properly serviced in terms of flood and drainage management, contrary to policy CP12 of LLP1 and paras. 159 and 160 of the NPPF. East Sussex County Council SuDS/LLFA and the Environment Agency remain significant objectors to the scheme.

The pollution that could be caused by an increase in offsite flooding would be unacceptable in environmental and public health risk terms, contrary to NPPF para 185, and this risk is considered, to significantly and demonstrably outweigh the benefits that might arise from the proposed development.

2.3

High Street Barcombe LW/22/0153 PINS 3316217

Specialist advice received from ESCC Suds is that with the application of appropriately worded “drainage and flood” conditions would overcome concerns, such that the risk of flooding would be mitigated to an acceptable degree. It is therefore considered that the flood/drainage reason for refusal (RfR) could not be sustained at appeal and the Inspector would be highly likely to seek to control the risk via the application of conditions.

Officers, in consultation with the ESCC Suds will table appropriately worded conditions for the appeal Inspectors consideration.

RfR to be Maintained.

1. The development, as a consequence of the layout, siting and proximity of dwellings to the High Street, would appear as an incongruous and disruptive feature within the street scene and would detract from the rural setting of Barcombe Cross, contrary to LLP1 policies CP2, CP10 and CP11, LLP2 policies BA02 and DM25 and para. 130 of the NPPF.

	<p><u>RfR Not to be Maintained.</u></p> <p>2. Inadequate information has been provided to satisfy the Local Planning Authority that the proposed layout could accommodate suitable surface and foul water management, resulting in the potential for increased flood risk and discharge of sewage into watercourses contrary to LLP1 policies CP10 and CP12, LLP2 policies BA02, DM20 and DM22 and para. 167 and 174 of the NPPF.</p>
2.4	<p>Bennett’s Field, Falmer LW/22/0175 – PINS 331523 – 555 student rooms/flats</p> <p>The first “design” reason will be maintained. The second “air quality” RfR may not be maintained because this could be overcome with appropriate planning conditions, with advice from the Council’s expert advisors. Negotiation on this matter continues.</p> <p><u>RfR to be Maintained.</u></p> <p>1. The development, as a consequence of its substantial height, bulk and unsympathetic design coupled with its positioning and proximity to the South Downs National Park, would appear as an unacceptably and incongruous feature that would compromise the transition between the urban environment of Brighton to the west and the downland to the east. There is also insufficient information available to ascertain the amount of artificial light that the development would generate, noting the dark sky status of the National Park, and to satisfactorily assess the significance of the impact of the development upon surrounding heritage assets. It is considered that the adverse impacts of the development would therefore significantly outweigh its benefits. The proposed development is therefore contrary to LLP1 policies CP8, CP10 and CP11, LLP2 policies DM20, DM25 and DM27 and para. 130, 174, 176, 185 and 194 of the NPPF.</p> <p><u>RfR May Not to be Maintained</u></p> <p>2. Insufficient information has been made available to allow for the potential impact of the development upon air quality to be adequately assessed. The proposed development is therefore in conflict with LLP1 policy CP9, LLP2 policy DM20 and para. 186 of the NPPF.</p>
2.5	<p>Land South of the Broyle, Ringmer LW/22/0282 (No PINS reference as yet) – 78 homes scheme</p> <p>The “design” RfR will be maintained. The “transport” RfR will not be maintained because of support for the scheme from ESCC Highways and the close proximity of the scheme to the settlement boundary. The “drainage” RfR is being negotiated on and could be dropped once ESC SUDs advice sufficient information has been provided and appropriate conditions can be imposed</p> <p><u>RfR Not to be Maintained.</u></p> <p>1. The location and layout of the scheme by reason of its car dependant design is contrary to LLP1 policy CP13</p> <p><u>RfR to be Maintained.</u></p> <p>2. The scheme by reason of its location and size outside of the existing defined settlement boundary does not meet the aims of this settlement and</p>

	<p>is therefore contrary to LLP1 policy DM1, policy 6.3 of Ringmer Neighbourhood Plan and the settlement design guidance set out in Section 9 of the Ringmer Neighbourhood Plan, particularly Key Aspect 4 "The evolving settlement pattern" and also NPPF section 11 "Making effective use of land" and section 12 "Achieving well-designed places".</p> <p><u>RfR May Not to be Maintained.</u></p> <p>3. The scheme will put at risk drainage and flood management contrary to key NPPF paragraphs 174 and 185 Local Plan Policy CP10 and policy 8.11 of the Ringmer Neighbourhood Plan</p>
2.6	<p>Round House Road, Ringmer LW/22/0255 (no PINS reference as yet) – 53 homes scheme</p> <p>The “employment” and “design” RfRs will be maintained.</p> <p>The “drainage” and the “ecology” RfRs may not be maintained. The LPA and Appellant are in negotiations, (with advice from ESCC SUDs and ESCC/LDC ecology advisers) on suitable designs and management regimes and appropriate conditions and or legal agreements may be agreed in advance of any hearing/public inquiry.</p> <p><u>RfR to be Maintained.</u></p> <p>1. The proposed development would result in the loss of an employment use on a site identified for that purpose within the Ringmer Neighbourhood Plan Site as site EMP7 and on which there is an extant outline permission for an employment use in the form of a care home. The development would therefore conflict with objectives to strengthen the economy in the district and to provide increased employment within settlements, contrary to policy 5.1 of the Ringmer Neighbourhood Plan , LLP1 policy CP4 and para. 81 of the NPPF.</p> <p><u>RfR to be Maintained.</u></p> <p>2. The extent to which the site would be developed results in suboptimal parking arrangements in the form of tandem parking, a minimal provision of usable public amenity/play space or landscaping enhancements and use of the area to the front of a number of dwellings on the western boundary is a primary private amenity space. The cumulative impact of these deficiencies is such that the overall development fails to be suitably functional and accessible or to meet the amenity needs of occupants, contrary to LLP1 policies CP8, CP10 and CP11, LLP2 policies DM15, DM16, DM25 and DM27 and para. 8, 92, 124 and 130 of the NPPF.</p> <p><u>RfR May NOT to be Maintained.</u></p> <p>3. Insufficient information has been provided to allow for an appropriate assessment to be made of the potential for the surface water generated by the development to be adequately managed. The development is therefore in conflict with LLP1 policy CP10 and CP12, LLP2 policy DM22 and para. 167 of the NPPF.</p>

	<p><u>RfR May NOT to be Maintained</u></p> <p>4. Insufficient information has been provided to demonstrate that the development would deliver an appropriate level of biodiversity net gain and that there would be sufficient avoidance and mitigation measures in place to prevent harm to protected species. The development is therefore in conflict with LLP1 policy CP10, LLP2 policy DM24 and para. 174 of the NPPF.</p>
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3.	Conclusions
3.1	It is considered that the deletions advised of above would put the Council in a stronger position and also not expose the Council to appeal costs for unreasonable behaviour/conduct.
3.2	Officers will inform that the appellants of the changes referred to above.

4.	Recommendation
4.1	Members are required to note the content of this report.

5.	Appendices
5.1	None.

6.	Background Papers
6.1	None.

Report to: Planning Applications Committee

Date: 19 April 2023

Title of report: Summary of Planning Appeal Decisions received:
January 2023 to March 2023 (8 decisions in 2 months)
April 2022 to March 2023 (32 decisions in 12 months)

Recommendation: To note the report for information.

Contact Officer: **Name:** Leigh Palmer and Marc Dorfman
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1.	Executive Summary
1.1	<p>The attached Appendix 1, (ordered by date of decision), provides Members with a summary and brief commentary of <u>the 8 further appeal decisions received by the Authority between January and March 2023</u>, (following on from the 15th January Committee Report which covered April 2022 to December 2022 – 24 decisions in 9 months).</p> <p>Appendix 1 covers appeals dealt with by the Lewes District Council for the Lewes District Council area but not those dealt with by Lewes District Council on behalf of the South Downs National Park Authority.</p> <p>Committee is asked to note this report for information.</p> <p>At Section 6, the 18 Appeal Decisions received in 2021/2 are compared to the 32 Decisions received in 2022/23.</p> <p>Section 7 sets out summary of key issues and trends.</p> <p>Since Lewes’ loss of a 5 year land supply, the Council’s loss rate on appeals has increased from 11% (2021/22) to 46% (2022/23).</p> <p>Lewes is now receiving more appeals and more Hearings and Public Inquiries. Already for 2023/24, nine Hearings and Public Inquiries are Live and in the pipeline.</p> <p>More Hearings and Public Inquiries are increasing the cost burden on Lewes Council.</p> <p>The report at Section 8, compares two important new appeals decisions relating to settlement extensions. (See also Appendix 1 No 28 and No 29, in Ringmer (68 homes Dismissed) and Wivelsfield (95 homes Allowed), respectively).</p>

	<p>The report concludes, in Section 8, with officer advice to LPAC, to continue to support the 8 Tests of the 2020 Interim Policy Statement on Housing Delivery. These 8 Tests for “good housing development criteria” are also set out in Section 8.</p> <p>Section 9 summaries Lewes District South Downs National Park Appeal Decisions between November 2022 and February 2023, which are the last records received from the SDNP.</p>
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<p>2.</p>	<p><u>Previously Reported</u> – October 2020 to March 2021 (21 decisions in 6 months)</p> <p>21 appeal decisions, of which 16 were dismissed (76%) and 5 allowed (24%).</p> <p>1 application for award of costs (included above) which was approved.</p> <p>The Authority’s appeal performance in the financial year was 65% of appeals being dismissed (17 dismissed, 9 approved).</p> <p>No Judicial Reviews</p>
<p>3.</p>	<p><u>Previously Reported</u> – April 2021 to March 2022 (18 decisions in 12 months)</p> <p>18 appeal decisions, of which 16 were dismissed (89%) and 2 allowed (11%). This equates to the fiscal year performance.</p> <p>1 application for award of costs (included above) was made <u>and not supported</u>.</p> <p>Of the 18 decisions</p> <ul style="list-style-type: none"> - 13 Delegated Refusal. - 1 Committee Refusal. - 3 Committee Overturns - 1 Non – Determination <p>No Judicial Reviews were received.</p>
<p>4.</p>	<p><u>This Report:</u></p> <p>January and March 2023 (8 decisions in 3 months)</p> <p>4 appeal decisions dismissed and 4 allowed.</p> <p>April 2022 to March 2023 (32 decisions in 12 months)</p>

Therefore, the final figures for 2022-23 are:
32 appeal decisions, of which 18 were dismissed (56%) and 14 allowed (44%).

This equates to the fiscal year performance.

6 applications for awards of costs (included in the above figures) were made. 3 were not supported and 3 were partially awarded, although the Council will be contesting the latest Wivelsfield decision made on 23-2-23, (see 22/23 No 29 in Appendix 1). Therefore, Council in 2022-23 has paid £3,287 in awarded appeal costs.

Of the 32 decisions:

- 23 Delegated Refusal.
- 1 Committee Refusal.
- 5 Committee Overturns
- 3 Non – Determination

1 Judicial Review were received.

(22/23 JR is No 28 in Appendix 1 – South of Lewes Road, Broyleside Ringmer. 68 homes PINS 3299940 LW-22-0104).

5. Comparing Lewes Appeal Decisions - 2021/22 to 2022/23

DISMISSED or ALLOWED	21/22	22/23
Appeals Dismissed	16 (89%)	18 (56%)
Appeals Allowed (lost)	2 (11%)	14 (44%)
Cost Applications Made	1	6
Costs Awarded to Appellant	0	3 (partial)
Judicial Reviews (JR) Made	0	1
TYPE OF REFUSAL	21/22	22/23
Delegated Refusal	13	23
Committee Refusal	1	1
Committee Overturn	3	5
Non – Determination	1	3

6.	Summary of Key Issues and Trends
6.1	<p>Lack of a 5-year housing land supply (5yIs)</p> <p>More appeals are being submitted since Central Government altered the NPPF resulting in the Local Planning Authority's (LPA) Lewes Local Plan being considered to be out of date and therefore having to apply the Standard Methodology for housing need. As a result of this the LPA cannot show a 5year land supply (5yIs). It is currently running at 2.73 years. This means that in planning appeals for new homes, in principle, <u>the delivery of homes is given greater planning weight in the "planning balance for decisions to approve or refuse"</u>.</p>
6.2	<p>More Appeals are being Allowed/Lost</p> <p>More appeals have been allowed in 2022-23 than in the two previous financial years, because of the reasons set out in 7.1 above.</p>
6.3	<p>More Hearings and Public Inquires</p> <p>There were no Hearings or Public Inquiries in 2021-22. In 2022-23 there have been 5 Hearings, and 4 Public Inquiries. And there are to date, 9 Hearings or Public Inquires in the pipeline for 2023-24.</p>
6.4	<p>Public Inquiries 2022-23</p> <p>22/23 No 16 - LW/22/0754, South Road Wivelsfield, 45 UNITS ALLOWED</p> <p>22/23 No 20 - LW/21/0937, Broyle gate Farm, Ringmer, 100 UNITS ALLOWED</p> <p>22/23 No 21 - LW/21/0262, Nolands Farm, Plumpton, 86 UNITS ALLOWED</p> <p>22/23 No 29 - LW/21/0729, Ditchling Road Wivelsfield, 96 UNITS ALLOWED</p>
6.5	<p>Hearings 2022-23</p> <p>22/23 No 22 - LW/21/0660, Sutton Road Seaford, 37 UNITS DISMISSED</p> <p>22/23 No 23 - LW/21/0967, Sutton Road Seaford, 36 UNITS ALLOWED</p> <p>22/23 No 24 - LW/21/0700, Telephone Exchange, Newick, 36 UNITS ALLOWED</p>

	<p>22/23 Nos 28 - LW/22/0104, Chamberlains Lane, (land south of Lewes Road/Laughton Road) Ringmer, 68 UNITS DISMISSED</p> <p>22/23 Nos 30 – LW/20/0011, Averys Nursery, Uckfield Road, Ringmer, 53 UNITS ALLOWED</p>
6.6	<p>Pipeline Public Inquiries/Hearings 2023-24</p> <p>1) LW/20/0104 - Downland Park Newhaven, Caravan Site LIVE – Hearing - 18th April 2023</p> <p>2) LW/22/0175 - Bennetts Car Park Falmer, 555 UNITS LIVE – Public Inquiry - 30th May 2023</p> <p>3) LW/21/0986 - Harrisons Lane Ringmer, 200 UNITS LIVE – Public Inquiry – 13th June 2023</p> <p>4) LW/22/0472 - Harrisons Lane Ringmer, 75 UNITS LIVE – Public Inquiry – 13th June 2023</p> <p>5) LW/22/0153 - Barcombe High Street 26 UNITS LIVE – Public Inquiry – 4th July 2023</p> <p>6) LW/22/0356 – Seaford Constitutional Club, Crouch Lane, Seaford 40 UNITS LIVE – Public Inquiry – 18th July 2023</p> <p>7) LW/21/0694 - Bishops Close, Ringmer, 68 UNITS LIVE – Hearing or Public Inquiry – No date</p> <p>8) LW/22/0282 - Land South of the Broyle, Ringmer, 70 UNITS Intention to Appeal</p> <p>9) LW/22/0255 – Round House Road, Ringmer, 53 UNITS Intention to Appeal</p>
6.7	<p>Committee Overturns</p> <p>Committee Overturns, over the survey period as a whole, (including for all types of application), have been limited in 2021-22 (3) and 2022-23 (5) and have not necessarily resulted in appeals being allowed. This shows careful planning considerations by Committee Members</p>
6.8	<p>Appeal Costs</p>

	<p>However, going forward, officers advise members to be increasingly and appropriately aware of overturn appeal cases in the pipeline, particularly those related to significant housing schemes on the boundaries of designated settlements. These are at risk of being “allowed/lost” and are likely to include further applications for awards of costs – again for the reasons set out at 7.1 above.</p> <p>Whilst cost issues should not be a decision-making issue, they are certainly indicative of real and serious policy tensions Lewes is experiencing on the lack of a 5 year land supply and the nationally agreed importance the Planning Inspectorate is according larger housing schemes. Officers, therefore, ask Committee members to consider this matter carefully, in their deliberations.</p>
6.9	<p>The Cost of Appeal in 2022/23</p> <p>For background information, members should note that costs associated with defending these larger appeals, is currently running at £323,546 - not including the cost for the ‘pipeline’ appeals. This cost is being covered directly from Council reserves. This will become an increasing cause for concern if the appeals continue at the same frequency and cost, and be “allowed/lost”.</p>
6.10	<p>For appeals administered by way of a written representations and hearings that are small in nature and complexity - these are normally covered by direct staffing costs.</p>
6.11	<p>For those appeals administered by way of Public Inquiry and Hearing that are large scale schemes often outside the settlement boundaries - costs include: Legal representation (barrister), expert witnesses (planning, landscape etc), venue hire and printing.</p>
6.12	<p>As noted above the costs to date do not include the pipeline cases and amount to an average cost of £54,000 per case and this does not include staff costs in supporting the process.</p>
7.	<p>Understanding and Comparing Two Recent Key Appeal Decisions</p> <p>LW/22/0104, Chamberlains Lane Ringmer, 68 UNITS - DISMISSED</p> <p>LW/21/0729, Ditchling Road Wivelsfield, 96 UNITS - ALLOWED</p> <p>A summary of these two appeal decisions, along with scheme plans in relation to their settlement boundaries, are set out in Appendix 1 Nos 28 and 29.</p> <p>Officer assessment:</p> <p>a) <u>Outside Settlement Boundary, but close to the boundary</u></p>

Both schemes are close to settlements but just outside the formal planning boundaries. Both offer a significant contribution to the Authority' lack of a 5 year housing land supply (5yhls).

b) Lewes Spatial Strategies

In both appeal decisions, Inspectors were very concerned about the lack of a 5yhs and the Council's and Neighbourhood Plans "spatial strategies" that aim to focus growth and new homes only inside settlement boundaries

c) Harm to countryside character

Both address the change the proposed schemes would make on the character and appearance of the settlements and countryside. And, in both cases, Inspector's found there to be harm to the countryside character.

d) Rural public rights of way

Both were concerned with the suburbanisation of "rural public rights of way" as a result of the proposed new residential schemes.

e) Defining "Significant" countryside character harm

However, in the Ringmer case, the proximity to and impact on the South Downs National Park setting, (including views from SDNP) and impact on neighbour heritage assets, seemed to have weighed much more heavily than the need for homes to address the 5 yhs shortage. (However, it should be noted that a further recent neighbour appeal decision – Broyle Gate Farm 21-0937 PINS 3298993, reported to 15/2 LPAC – whilst in the same location/setting, resulted in planning permission being approved).

In the Wivelsfield case, despite proposed significant changes to the settlement urban design pattern and immediate countryside, the absence of any special landscape/heritage characteristics seems to have allowed the Inspector to be more concerned about the lack of a 5yhs, leading to the appeal being allowed.

f) Interim Policy Statement on Housing Delivery (IPSHD) 2020 – 8 Tests (set out below)

The IPSHD was introduced to guide major housing development assessments whilst the Lewes LP was "out of date" and being reviewed. (These are "spatial strategy test" for where major development should be located – they are in addition to a range of sustainability, design and environmental criteria and tests all applications get assessed against). In principle, meeting the 8 tests would mean a development, could be supported. However, in both cases, Inspectors "broadly dismiss" the 2020 Interim Policy Statement on Housing Delivery 8 tests as "not statutory and not consulted on".

g) Officer Advice to Committee

Officers continue to advise Committee that the IPSHD is relevant to Committee decision making.

More major applicants assess schemes against the 8 test criteria, (e.g. Harrisons Lane, Ringmer).

In addition, the 8 tests of IPSH, broadly equate to LPA search criteria for new “allocated housing sites” for the new Lewes Local Plan.

LPAC is therefore asked to consider these conclusions when making decisions over the next 1-2 years.

2020 IPSDH – 8 Spatial Strategy Tests

1. Site/development should be contiguous with settlement boundary.
2. Scheme should be appropriate to the size, character and role of the adjacent settlement, having regard to the settlement hierarchy, taking into account the cumulative impact of extant settlement unimplemented permissions.
3. The scheme should provide safe and convenient pedestrian and cycle access to local facilities and services in the adjacent settlement
4. The scheme should not result in actual or perceived coalescence of settlements
5. Within the setting of the SDNP, the proposed scheme demonstrates it will conserve the special qualities of the SDNP
6. The scheme can achieve Biodiversity Net Gain (BNG), through ecological impact assessments and biodiversity measures.
7. The scheme would make the best and most efficient use of land and responds sympathetically to the existing character and distinctiveness of the local countryside and adjoining settlement. (Arbitrary low density and piecemeal development will not be acceptable)
8. The scheme would be deliverable and viable, including affordable housing; on and off site infrastructure and green infrastructure.

8. South Downs National Park in Lewes District Appeals Decisions

Latest records received from the SDNP are for the period Nov 2022 – Feb 2023. There were 3 Appeal Decisions. **All 3 were dismissed.**

a) House Alterations including hip to gable and rear dormer.

21/02960 PINS 3291920 – 67 North Way, Lewes BN7 1DJ

b) Agricultural building extension and conversion to a dwelling

20/05776 PINS 3294990 – Hoddern Farm Lane, Peacehaven BN10 8AR

c) Temporary caravan extension

	22/01857 PINS 3303197 – Kingsbrook Farm, Kingston BN7 3NT
9.	<p>Legal Implications</p> <p>Considering “costs.”</p> <p>As a general rule it is appropriate for members to be cognisant of costs risks in decision making. Case law has established that the risk of adverse costs is not in itself a material consideration when considering individual planning applications. This means Committee should not use costs information to make a different decision to the one that would have otherwise been made. However, as indicated at paragraph 4.1 of the report, “allowed/lost appeals and associated costs”, particularly with similar type/size applications, is a strong indication that the Planning Inspectorate views these Lewes decisions as being at some risk. Decision makers should therefore appreciate these indicative signals, and focus on the importance of having reasons for refusal that can stand up to scrutiny on the planning merits, supported by robust evidence, and up to date National and Local policy.</p>
10.	<p>Recommendation</p> <p>10.1 Members to note the content of this report.</p>
11.	<p>Appendices</p> <p>11.1 Appendix 1 - Summary findings of appeal decisions, Lewes District, outside of the SDNP – January and March 2023</p>
12.	<p>Background papers</p> <p>12.1 None.</p>

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Planning Appeals Analysis

2022-2023 (April 22 to March 23)

January 2023 to March 2023 (8 Appeal Decisions in 3 months) – THIS APPENDIX

(April 2022 to March 2023 (32 Appeal Decisions in 12 months))

WR – Written Representations

IH - Informal Hearing

PI - Public Inquiry

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22/23 – No 25 Planning Application No	Site	Description of Development	Decision
LW/22/0390 PINS 3310508	5 Holmstreu Villas, Fort Road, Newhaven, BN9 9EL	Vehicle cross over for access to hardstanding	DISMISSED 10 January 2023
WR		Costs Sought No Costs Awarded/Not Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector’s Reasoning

- Issues – Highway safety and character and appearance of host property and local area
- The Inspector found highway safety problems because the proposed cross over was close to a pedestrian crossing

22/23 – No 26 Planning Application No	Site	Description of Development	Decision
LW/22/0475 PINS 3308176	104 Wicklands Ave, Saltdean BN2 8EP	Steps to exit French doors at the rear of the property	DISMISSED 10 January 2023
WR		Costs Sought No Costs Awarded/Not Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector's Reasoning

- Issues – living conditions of the occupants and neighbour overlooking.
- Steps already constructed. Impact on neighbour amenity, (overlooking) more important than reduction in living conditions of occupants. Dismissed.

22/23 – No 27 Planning Application No	Site	Description of Development	Decision
LW/22/0284 PINS 3302382	Widmore, Chyngton Lane North, Seaford BN25 3UU	Demolition of existing dwelling and erection of two new semi - detached bungalows and parking spaces	ALLOWED 26 January 2023
WR		Costs Sought No Costs Awarded/Not Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector's Reasoning

- Issues – character and appearance of the local area and impact on neighbouring amenity/privacy
- Existing house is a modern detached bungalow with gable roof, set back from the road with lawn at the front and the rear garden looks onto open countryside. Plot widths and depths vary in the neighbourhood. The proposed dwellings would respect the front building line and local scale, massing and roofscapes. No unacceptable impact on neighbours. Appeal allowed

22/23 – No 28 Planning Application No	Site	Description of Development	Decision
LW/22/0104 PINS 3299940	Land south of Lewes Road/Laughton Road, Broyleside, Ringmer BN8 5FP (Known as “Chamberlains Lane”)	Outline application, (all matters reserved) for 68 new homes	DISMISSED 6 February 2023
H		Costs Sought No Costs Awarded/Not Yes Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Yes Deleg Refusal Non Determ.

Inspector’s Reasoning

- **Key Issues** – Impact on Council Spatial Strategy; impact on character and appearance of countryside and on setting of SDNP and impact on neighbouring heritage assets
- The Officer’s report recommended approval, but Committee overturned this recommendation. The LPA refused planning permission on the basis of harm to the setting of the SDNP and the surrounding countryside contrary to Ringmer NP policy 4.1; LP Part 1 CP10 (Landscape character protection) and LP Part 2 DM (planning boundaries).
- The scheme is close to but outside the settlement boundary, (see plan below). The Inspector noted this as she also set out the importance of Lewes’s spatial strategy, (LP Part 1 SP2; LP Part 2 DM1 and Ringmer NP Policy 4.1).
- **Character and Appearance**

Inspector was concerned about loss of this “gap countryside site”. She explains...” the contribution which the site makes to its rural surroundings would...greatly diminish as a result of the proposal”. The Inspector particularly concerned about the loss of this gap site because a recent neighbour appeal was allowed, (Broyle Gate Farm), making this site, “the last gap site”. The Inspector mentions views from the SDNP the “separation” between Ringmer and Broyleside and claims that the site...”forms part of expansive views from the scarp foothills, (SDNP) and open downs across the Low Weald”. The Inspector was concerned about protecting the rural nature of pastoral public rights of way (PROW).

- **Heritage**

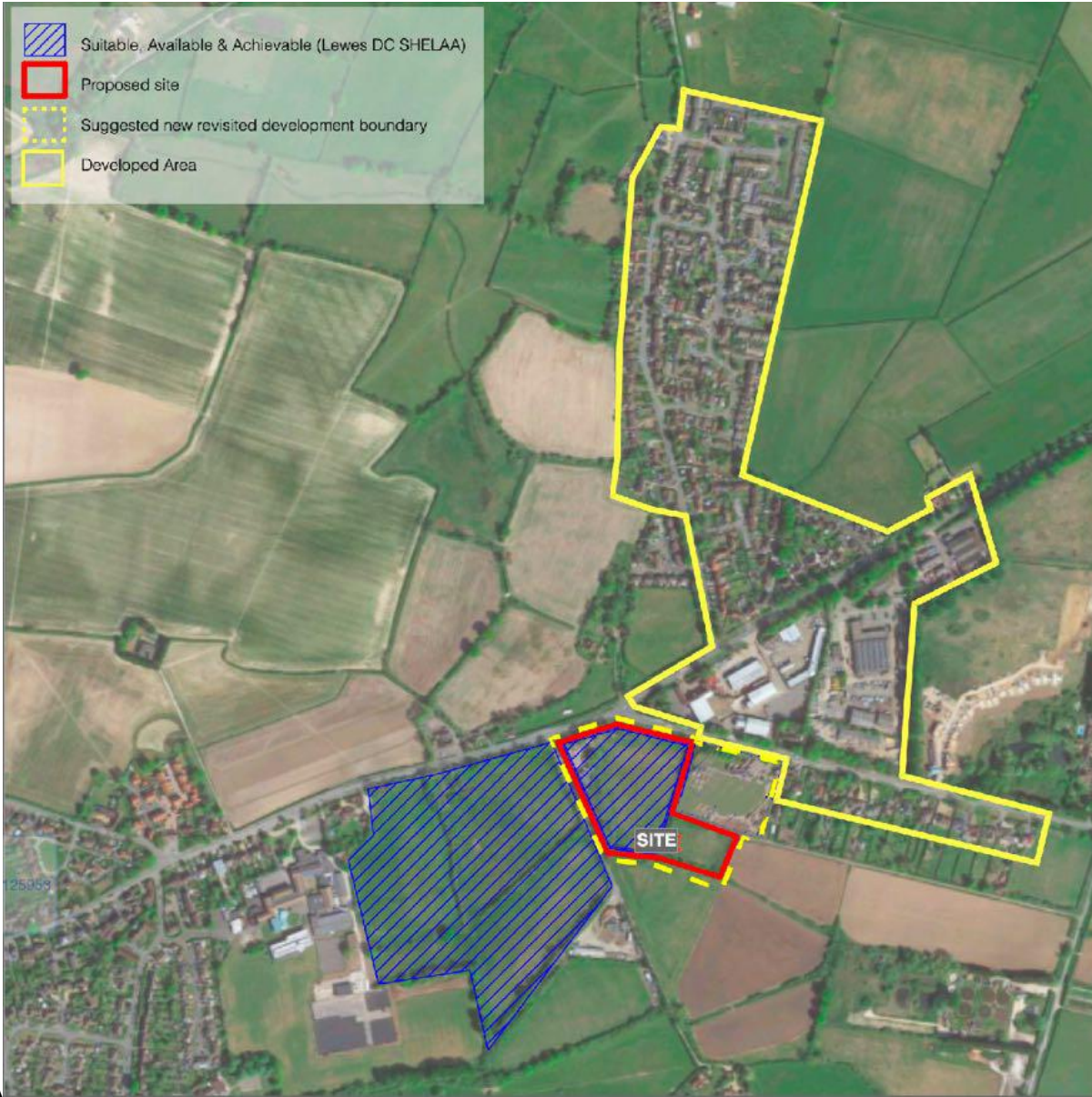
Inspector found that the proposal would impact significantly on some neighbour heritage assets

- **Interim Policy Statement for Housing Delivery**

Inspector found this of low significance since it was not statutory or consulted upon

- **Planning Balance**

- Lack of a 5yrs – significant
- New homes and AH – significant weight
- Jobs – “some weight”
- Public open space and ecological gains – limited weight
- Cycling and public transport s106 – limited weight
- Heritage impact – significant adverse
- Impact on SDN setting – significant adverse
- Overall.....”adverse impacts of granting permission for the proposal would significantly and demonstrably outweigh the benefits, when assessed against the proposal in this Framework taken as a whole”. Appeal Dismissed



A



Rev.	Description	Issued By	Issue Date

Dwelling houses:		
HOUSE TYPE	TYPE	NO. OF UNITS
A	2-BEDROOM (Sp @ 79m ²)	10
B	3-BEDROOM (Sp @ 100m ²)	34
C	4-BEDROOM (Sp @ 106m ²)	3
D	4-BEDROOM (Sp @ 124m ²)	5
Total:		52

Dwelling flats:		
UNIT NO.	TYPE	NO. OF UNITS
1 (First floor)	2-BEDROOM (Sp @ 80m ²)	2
2	2-BEDROOM (Sp @ 70m ²)	6
Total:		8

Dwelling flats:		
UNIT NO.	TYPE	NO. OF UNITS
1 (First floor)	2-BEDROOM (Sp @ 80m ²)	2
2	2-BEDROOM (Sp @ 70m ²)	6
Total:		8

Area hatched in purple is identified as an ecological enhancement and retention area & wildlife habitat. Total area = 4,154.7m²

Area hatched in orange is identified as a community hub area. Total area = 1,048.0m²

Proposed LEAP (Local Ecological Area Plan) is to be developed. This area is to provide a green space for residents and water retention.

Green and grey hatched areas represent proposed and existing paths and roads of existing roads to be retained.

Blue hatched areas represent proposed and existing paths and roads of existing roads to be retained.

Car parking spaces are provided for all vehicle spaces. Total vehicle spaces = 41.

SUDS to be formed as a series of ponds and wetlands. Total area of ponds is 1,000m². See also the site plan for details.

Blue stippled area represents the proposed acoustic fencing and landscape screening. Total length of boundary treatment is 156.5m.

MORGAN CARN ARCHITECTS

BEDFORD PARK DEVELOPMENTS

LAND SOUTH OF LEWES RD, RINGMEI

MASTERPLAN

PLANNING

2103-P-100

22/23 – No 29 Planning Application No	Site	Description of Development	Decision
LW/21/0729 PINS 3305946	Land east of Ditchling Road (B2112)	Outline application, (all reserved except access) for 96 new homes, including open space, allotments, infrastructure, access and landscaping.	ALLOWED 23 February 2023 Delegated Refusal Partial Award of Costs – being contested by LPA
PI		Costs Sought YES Costs Awarded/Not Partial Award – LPA contests Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector's Reasoning

- Key Issues – character and appearance; impact on green infrastructure (public rights of way on the site); the LP Spatial Strategy, (outside of the planning boundary) and the lack of a 5-year land supply. (Highway matters were finally not defended by the LPA/ESCC, but the Inspector held a roundtable discussion with members of the public to listen to their concerns).
- The scheme is close to, but outside the settlement planning boundary, (see plans below). It was noted that Wivelsfield had previously lost an appeal in 2022 south of South Road, (45 homes 21-0754) and that Springfield Industrial Estate is now allocated in the NP for 30 homes. Allocation in the LP for Wivelsfield is 123 homes to 2030 “as a minimum”, but the Lewes LP is now out of date and on the new annual homes target it does not have a 5 yls – only 2.73 years.

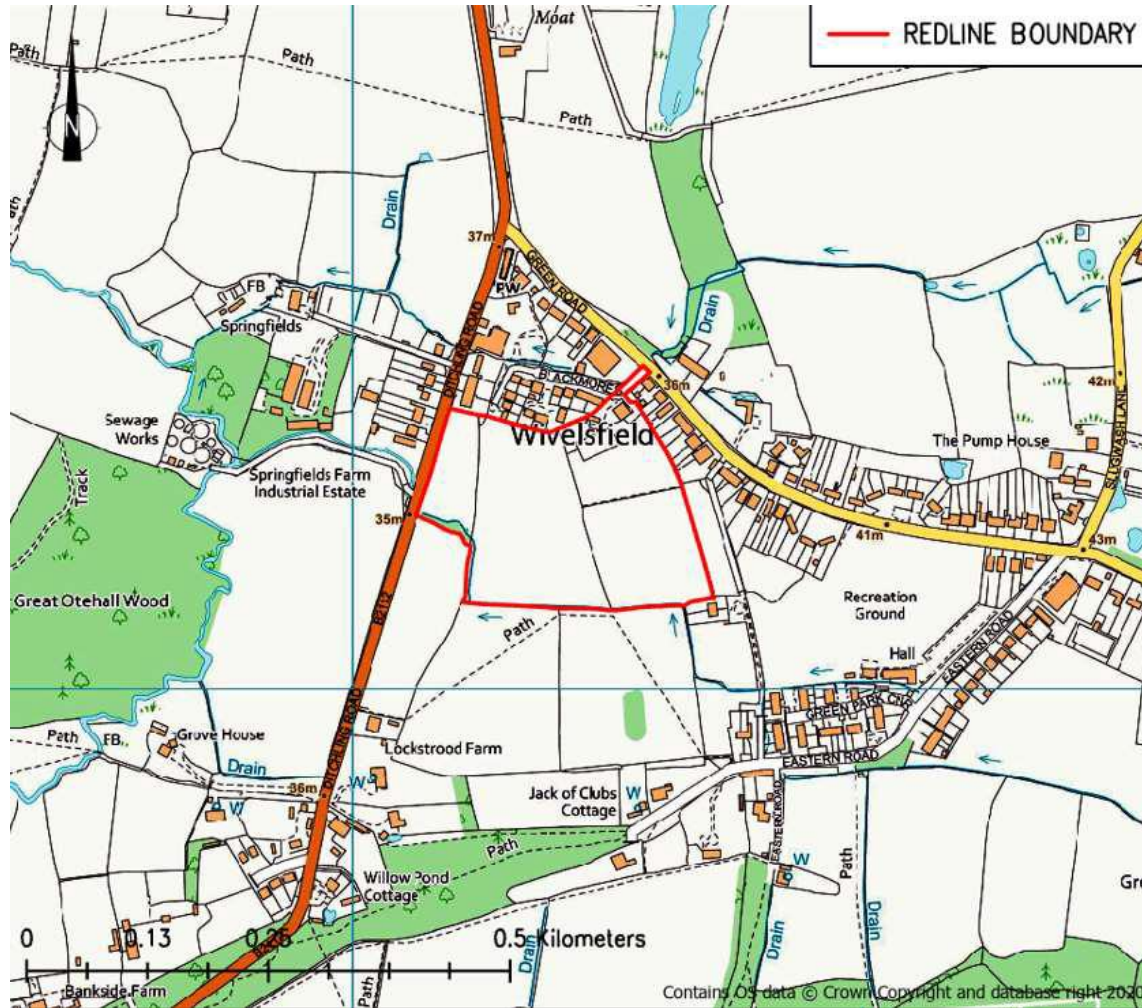
- It was further noted that in 2015 a scheme for 95, (not 96) homes was refused at the same location, but on a smaller site. This was dismissed at appeal, (and by the SoS). At that time the Inspector noted that Lewes did have a 5yls; that the “housing would be a benefit” and that that the scheme was in a sustainable location. Main refusal reason was the conflict with “spatial strategy”, (outside of planning boundary) because it had force through the 5yls.
- **The LPA refused application 21-0729 on 3 grounds:**
 - a) The scheme would “overwhelm” the thin linear design of the village (see images below); it would not reflect the village design balance and “transition”, (denser in the west, less dense in the east with outlooks to countryside north and south) and does not comply with Interim Policy Statement on Housing Delivery (IPSHD 2020) – so overall detrimental to village character.
 - b) Harm the rural character of public rights of way on site – will “suburbanise” their character.
 - c) Inadequate highway information.
- **The Inspector’s response**
 - a) **“Overwhelm; Transition and IPSHD”**
The Inspector found there was harm to the pastoral character of the “public rights of way” (PROW) and the “traditional countryside fields”. Both had limited capacity to change.
The Inspector found limited harm to village character – the issues of “overwhelming and transition”, and in any case found no strong evidence presented by the LPA. (So landscape evidence, but no urban design evidence for reason for refusal). The Inspector accepted the scheme would “deepen the village at the western end”, but saw no harm.
 - b) **Green Infrastructure**
The Inspector noted that the PROWs and fields would become more suburban – which would be an adverse impact. But agreed with appellant there would be mitigation and, in any case, not strong evidence from the LPA
 - c) **Highway matters**
Inspector concluded no serious highway impact and mini roundabout would only experience a small increase in queuing.

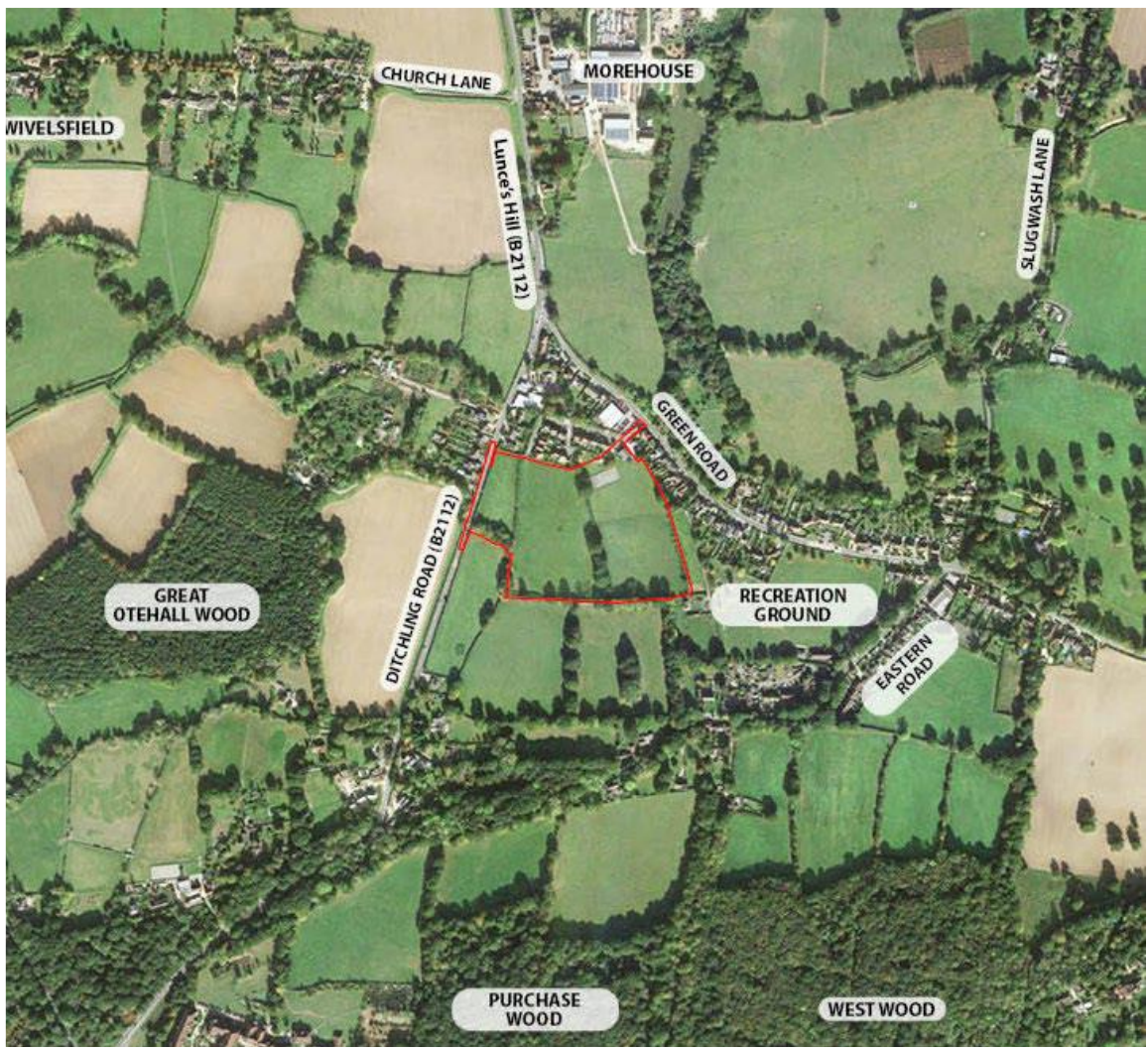
• **Planning Balance:**

- Lack of a 5yls – very significant
- 96 homes and AH – substantial benefit
- New jobs – moderate benefit
- BNG – moderate benefit
- Bus/PT improvements – moderate benefit
- Harm to Character and Appearance – adverse impact – but there is mitigation
- Harm to Lewes and Wivelsfield plans, spatial strategies – adverse impact – but limited weight
- NPPF para 14 sets out 4 tests if a planning decision were to go against a NP. But the Inspector did not engage these since all 4 must be met and Lewes' lack of even a 3yls leads to mitigation failure

- But most important of all was lack of 5yls – so appeal allowed.

Planning Application Images – see below







22/23 – No 30 Planning Application No	Site	Description of Development	Decision
LW/20/0011 PINS 3308331	Averys Nursery, Uckfield Road, Ringmer BN8 5RU	Outline applications (access only) for demolition of commercial/agricultural buildings and development of new business (B1) workshops and 53 dwellings	ALLOWED 1 March 2023
HEARING		Costs Sought No Costs Awarded/Not Council Spend Normal staff costs	Cttee Refusal Cttee Overturn YES Deleg Refusal Non Determ.

Inspector's Reasoning

- Issues – Sustainability of the location, in particular for homes, outside of a settlement. Whether the Lewes development plan support a mixed use scheme on this out of settlement site. Consideration of the whole planning balance, including lack of 5 yls.
- Planning Balance – The Inspector concluded that the “site was sub optimal” in terms of access to a settlement with facilities, including walking and cycling. It therefore conflicted with LP Part 1 CP 13 – but this deficiency was only given “moderate weight”, because the NPPF accepts the “sustainable transport solutions will vary between urban and rural areas”. The Inspector gave the mix use benefits substantial weight and was concerned for Lewes’s lack of a 5 yls. And it was noted that Council policy supports mixed used use schemes, including homes, on employment sites when viability studies show that a new “employment only” scheme would not be viable. This was further emphasised because the Council did not submit any evidence to counter the Appellant’s viability case.

22/23 – No 31 Planning Application No	Site	Description of Development	Decision
LW/21/0706 PINS 3296642	6 Grassmere Ave, Telscombe Cliffs BN10 7BZ	Erection of a two-bed bungalow	ALLOWED 2 March 2023
WR		Costs Sought No Costs Awarded/Not Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector's Reasoning

- Issues – character and appearance of the local area
- Existing site has a bungalow and substantial garden and sits in a street with established residential character with glimpses of the SDNP. Inspector's view is that the site was big enough to create two plots and there would be no visual or practical harm to the setting of the SDNP. Appeal Allowed.

22/23 – No 32 Planning Application No	Site	Description of Development	Decision
LW/22/0420 PINS 3308285	81 Hillcrest Road, Newhaven BN9 9EG	Single storey extension at upper ground level and 2 single storey rear extensions at lower ground level	DISMISSED 2 March 2023
WR		Costs Sought No Costs Awarded/Not Council Spend Normal staff costs	Cttee Refusal Cttee Overturn Deleg Refusal Yes Non Determ.

Inspector's Reasoning

- Issues – character and appearance of the local area and impact on neighbouring amenity/privacy
- Existing house/site is a semi - detached bungalow, quite close to No 83. The Inspector found that the “upper ground floor extension” would be acceptable, but the “lower ground floor” extension would be close to the neighbour and would unacceptably impact on neighbour amenity, (privacy and noise). Appeal dismissed