

Planning Applications Committee 9 August 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 Lucy Agace (Chair); Councillor Paul Keene (Deputy-Chair);

Councillors Ian Alexander, Graham Amy, Roy Clay, Becky Francomb, Christoph von Kurthy, Sean MacLeod, James Meek, Isobel Sharkey and Stella Spiteri

Quorum: 5

Published: Monday, 31 July 2023

Agenda

1 Minutes (Pages 5 - 8)

To confirm and sign the minutes of the previous meeting held on 12 July 2023 (attached herewith).

2 Apologies for absence/Declaration of substitute members

3 Declarations of interest

Disclosure by Councillors of personal interests in matters on the agenda, the nature of any interest and whether the Councillor regards the interest as prejudicial under the terms of the Code of Conduct.

4 Urgent items

Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972.

5 Petitions

To receive petitions from Councillors or members of the public in accordance with Council Procedure Rule 13 (Page D10 of the Constitution).

6 Written questions from councillors

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

7 Officer update (to follow)

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

Planning applications outside the South Downs National Park

8 LW/22/0517 - Hurst Farm, Hurstwood Lane, Haywards Heath (Pages 9 - 40)

9 LW/23/0090 - Land North of High Street, Barcombe, East Sussex (Pages 41 - 74)

Planning applications within the South Downs National Park

10 SDNP/23/01760/FUL - Former Bus Station, Eastgate Street, Lewes (Pages 75 - 86)

Non-planning application related items

11 Exclusion of the public and press

To consider, under Section 100(A) of the Local Government Act 1972 (as amended), excluding the public and press from the meeting during the discussion of Item 12 on this agenda as there are likely to be disclosures of exempt information as defined in paragraphs 1, 2, 3, 6a and 6b of Part 1 of Schedule 12A of the Act.

12 Works under section 77 (8) of the Building Act (Pages 87 - 92)

Report of Head of Planning

13 Date of next meeting

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 6 September 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.

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Telephone: 01273 471600

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Working in Partnership



Planning Applications Committee

Minutes of the meeting held in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE on 12 July 2023 at 5:00pm

Present:

Councillor Lucy Agace (Chair);
Councillors Paul Keene (Deputy-Chair), Becky Francomb, Christoph von Kurthy, Sean MacLeod, James Meek, Isobel Sharkey and Stella Spiteri

Officers in attendance:

Marc Dorfman (Senior Planning Specialist), Sarah Lawrence (Committee Team Manager, Democratic Services), Jennifer Norman (Committee Officer, Democratic Services), Leigh Palmer (Head of Planning First), Nick Peeters (Committee Officer, Democratic Services), James Smith (Principal Planner) and Joanne Stone (Principal Planning Solicitor)

12 Minutes

The minutes of the meeting held on the 7 June 2023 were submitted and approved and the Chair was authorised to sign them as a correct record.

13 Apologies for absence/Declaration of substitute members

Apologies were received from Councillors Ian Alexander, Graham Amy and Roy Clay.

14 Declarations of interest

Councillor Meek declared a personal and prejudicial interest in Agenda Items 8 (planning application LW/22/0739) and 9 (planning application LW/22/0740), as he was a Seaford Town Councillor and the Town Council was the landowner for both applications. He therefore left the room and did not participate in the consideration, discussion and voting thereon.

15 Urgent items

There were none.

16 Petitions

There were none.

17 Written questions from councillors

There were none.

18 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).

19 LW/22/0739 - Seaford Football Club, Bramber Road, Seaford, BN25 1AE (Variation of condition)

Robert Gough (Neighbour), Andy Shields (Near Neighbour) and Bob Downing (Neighbour) spoke against the proposal. Michael Greve (Agent/G3 Architecture) and Matthew Herriott (Seaford Town Club Secretary) spoke for the proposal.

Resolved:

That planning application LW/22/0739 for the amended description to vary Condition 1 of planning permission LW/10/0783 to permit up to 22 floodlit matches in any one year, with restriction on latest time of use to remain the same at 21:50 hours be approved, subject to the conditions set out in the report and revised condition 10.1 as set out in the supplementary report, (which takes into account extra time for cup games only), and an additional condition in respect of the posting of notice of fixtures on the Club website as far in advance as practicably possible.

20 LW/22/0740 - Seaford Football Club, Bramber Road, Seaford, BN25 1AE (Advertisement consent)

Robert Gough (Neighbour), Andy Shields (Near Neighbour) and Bob Downing (Neighbour) spoke against the proposal. Michael Greve (Agent/G3 Architecture) and Matthew Herriott (Seaford Town Club Secretary) spoke for the proposal.

Resolved:

That planning application LW/22/0740 for advertisement consent for non-illuminated panels on pitch side of crowd barriers be approved, subject to the conditions set out in the report and an additional condition that no further adverts to be added to the grounds, as set out in the supplementary report.

21 LW/22/0659 - 35 Heathfield Road, Seaford, BN25 1TJ

Carolyn Hart (Immediate Neighbour), Tracy Hawkins (Immediate Neighbour) and Emma Godden (Immediate Neighbour) spoke against the proposal. Michael Greve (Agent/G3 Architecture) and Henry Wagstaff (Wilbury Planning) spoke for the proposal.

Resolved:

That planning application LW/22/0659 for erection of 1-no. single storey dwelling and associated hard and soft landscaping within the rear garden area of 35 Heathfield Road, with material alterations to 35 Heathfield Road to include erection of attached garage and provision of a driveway with vehicular access onto Heathfield Road (Revised Plans) be refused for reasons set out in the report and supplementary report.

22 LW/23/0100 - Land to the North of Clearview, Nursery Lane, Wivelsfield Green

Shaun Malins (Applicant) spoke for the proposal.

Resolved:

That planning application LW/23/0100 for demolition of existing outbuilding, construction of a two-storey 4-no. bed dwelling house be approved, subject to the conditions set out in the report and an informative to draw the attention of the Applicant to compulsory requirements and standards relating to foul drainage if a connection to the public sewer is not practicable, as set out in the supplementary report.

23 LW/23/0140 - Bramble Lodge, Nursery Lane, Wivelsfield Green

Shaun Malins (Applicant) spoke for the proposal.

Resolved:

That planning application LW/23/0140 for a Section 73a retrospective application for single storey moveable and temporary dwelling for accommodation whilst works are carried out to adjacent properties and buildings be approved, subject to the conditions set out in the report and an informative to draw the attention of the Applicant to compulsory requirements and standards relating to foul drainage if a connection to the public sewer is not practicable, as set out in the supplementary report.

24 Date of next meeting

It was noted that the next meeting of the Planning Applications Committee was scheduled to be held on Wednesday, 9 August 2023, in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE, commencing at 5:00pm.

The meeting ended at 7:23pm.

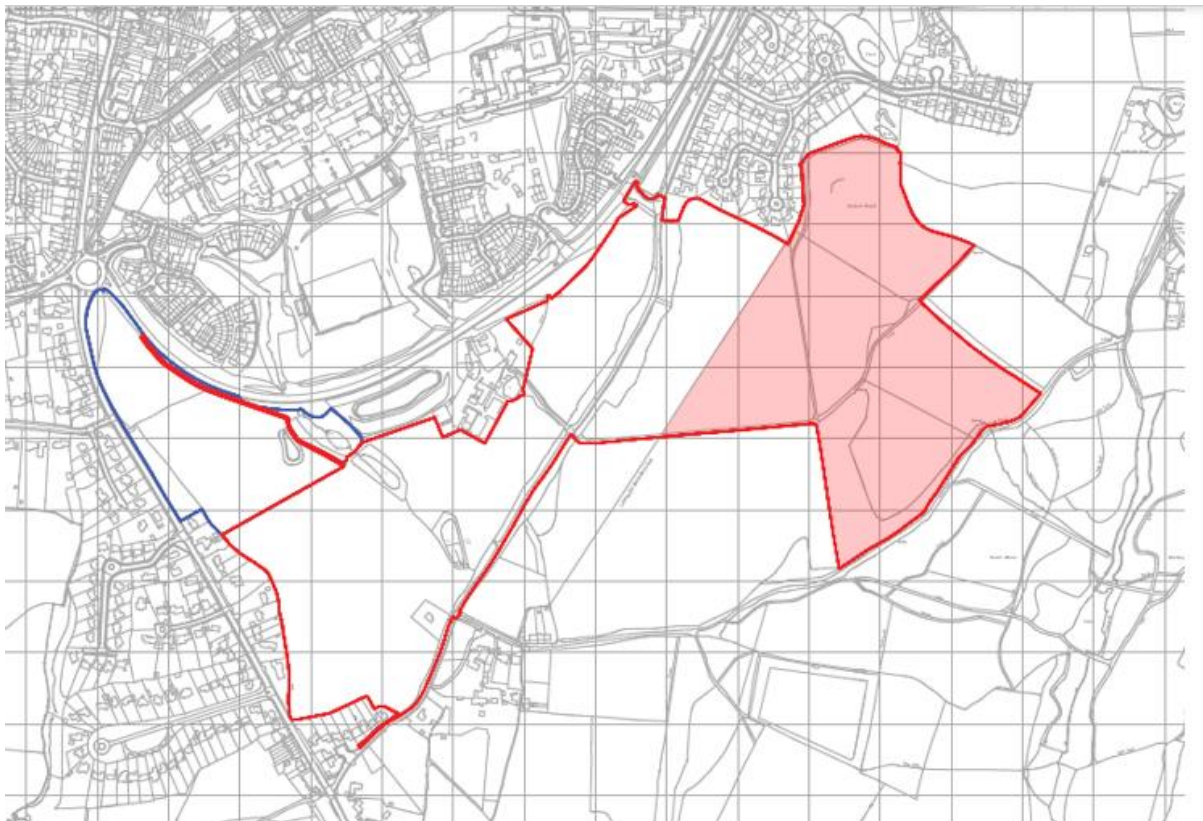
Councillor Lucy Agace (Chair)

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Agenda Item 8

Report to: Planning Applications Committee
Date: 9 August 2023
Application No: LW/22/0517
Location: Hurst Farm, Hurstwood Lane, Haywards Heath
Proposal: Outline planning application with all matters reserved except for access for the erection of up-to 375 new homes, a two-form entry primary school, burial ground, allotments, open space with associated infrastructure, landscaping, and parking areas.
Applicant: Homes England
Ward: Wivelsfield
Recommendation: Approve subject to conditions and s106 agreement to secure 40% equivalent affordable housing contribution.
Contact Officer: **Name:** James Smith
E-mail: james.smith@lewes-eastbourne.gov.uk

Site Location Plan:



1.	Executive Summary
1.1	<p>The submitted scheme would largely occupy land under the control of Mid-Sussex Council although it is noted that the final layout of the development is a reserved matter.</p> <p>Indicative layout plans suggest that 12 to 15 dwellings would be positioned within the District along with areas of open/green space (including allotments) and part of a burial ground.</p> <p>Blue infrastructure in the form of swales and attenuation ponds would also be included. Part of the internal road network serving the burial ground and residential parcel 4 would also be positioned on Lewes District land.</p>
1.2	<p>The site lies outside of the Lewes District settlement boundary, but the northern boundary is contiguous with it, with the site adjoining the Land at Greenhill Way development which was allocated in LLP1 under policy SP5. It is also contiguous with a site to the west allocated for mixed use development in the Haywards Heath Neighbourhood Plan under site H1.</p> <p>The portion of the development within the District largely comprises blue and green infrastructure, with the small number of dwellings that are considered acceptable in this location given the context provided above.</p>
1.3	<p>As the number of dwellings located within the District is shown to be above the threshold at which delivery affordable housing is a requirement (10 dwellings or more), the Council has drafted a Section 106 legal agreement to secure a policy compliant contribution of affordable housing for the benefit of the District.</p>
1.4	<p>The areas of green space would be accessible to the public and would provide suitable potential for biodiversity enhancements as well as to provide a suitable green buffer to the development and to the setting of Asylum Wood to the north.</p>
1.5	<p><u>Housing Delivery</u></p> <p>The provision of residential dwellings, including a financial contribution towards affordable housing in other parts of the district equivalent to 40% of the total number of dwellings positioned on LDC land, would contribute to the housing land supply for the District.</p> <p>This would carry significant positive weight in the planning balance.</p>
1.6	<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 likely result in additional use of local businesses and services.</p>

	This would carry moderate positive weight in the planning balance.
1.7	<p><u>Social Benefits</u></p> <p>The proposed development would introduce new housing that, it is considered, would integrate well with existing communities and, based on the part of the development within LDC only, deliver public benefits in the form of the allotments, burial ground, and large country park. It is noted that policy 8 of the Wivelsfield Neighbourhood Plan seeks to support the establishment of new allotments, potentially with assistance from Haywards Heath Town Council. A means to secure some of the allotments for use by LDC residents will be explored at the Reserved Matters stage, should the application be approved.</p> <p>It is therefore considered significant positive weight should be attached to the social benefits of the scheme in the planning balance.</p>
1.8	<p><u>Environmental Impact</u></p> <p>The application includes an outline drainage strategy that MSDC drainage officers consider appropriate to manage surface water discharge, subject to a more detailed design being presented at the reserved matters stage. The Environment Agency are content that, with suitable management in place, the secondary aquifer on which the site lies would not be at risk of contamination.</p> <p>It is considered that this should carry neutral weight in the planning balance.</p>
1.9	<p><u>Landscape Impact</u></p> <p>The application involves the introduction of residential development onto greenfield land. However, it is noted that the landscape was identified as having a medium to high capacity for change in the joint LDC/SNPD Landscape Capacity Study and that the development would include significant mitigation measures in the form of structural planting and the provision of a country park.</p> <p>In this context, it is considered that the proposed development would have a limited negative landscape impact.</p>
1.10	<p><u>Ecological Impact</u></p> <p>The proposed development would result in the loss of some greenfield habitat and the introduction of residential activity which may also impact on activity. This would be mitigated by the formation of the country park which provides the capacity to deliver biodiversity net gain, to provide recreational space that takes pressure off more sensitive areas and the introduction of a management plan to manage biodiversity and habitat during the lifetime of the development.</p>

	It is therefore considered that limited negative weight should be attached to the ecological impact of the scheme.
1.11	<p><u>Loss of Agricultural Land</u></p> <p>The proposed scheme would result in an area of Grade 2 agricultural land being built over.</p> <p>Given the relatively small area of grade 2 land that would be built over, and the sustainability benefits of the scheme which includes the provision of new allotments on grade 2 land, it is considered a limited negative weight should be attached to the loss of agricultural land.</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 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>CP7 – Infrastructure</p> <p>CP8 – Green Infrastructure</p> <p>CP9 – Air Quality</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	<u>Lewes Local Plan Part 2 (LLP2)</u>

	<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>Wivelsfield Neighbourhood Plan (WNP)</u></p> <p>1 – A Spatial Plan for the Parish</p> <p>5 – Design</p> <p>6 – Green Infrastructure and Biodiversity</p> <p>8 – Allotments</p>

3.	Site Description
3.1	<p>The overall site comprises a group of six fields which straddle Hurstwood Road, a narrow rural lane which originally connected the A272 at the eastern edge of Haywards Heath with Fox Hill to the south, although this connection has since been severed as part of the works to allow the A272 to bypass Haywards Heath. The overall site area is approx. 33 hectares, with approx. 13 hectares falling within Lewes District.</p> <p>The eastern part of the site falls within land under the control of Lewes District Council, comprising the two easternmost fields and a small portion of the westernmost field. The district boundary is not physically delineated. The field boundaries are not marked by any significant hedgerow, with stock fencing used as a means of enclosure, although there are occasional trees. The site also incorporates Asylum Wood, which is designated Ancient Woodland, although no development or any works would be carried out within the woodland.</p> <p>The area to the northeast has recently been subject to residential development, following allocation in LLP1 (Land at Greenhill Way). This recent development adjoins older development to the west which is on Mid Sussex land.</p>

4.	Proposed Development
4.1	<p>The application has been submitted in outline form, with the only matter for which permission is currently sought being the means of access. All parcels of the development would be accessed from Hurstwood Lane via junctions with the A272 and Fox Hill, all of which fall within land under the control of West Sussex County Council from a highway's perspective, with improved junction arrangements and pedestrian crossings secured where necessary.</p> <p>The residential element of the development would be distributed across four identified parcels, three of which are on the western side of Hurstwood Lane, with the other on the eastern side. The indicative layout shows that majority of the new dwellings falling within Mid Sussex District although approx. 11 to 15 dwellings at the eastern edge of residential parcel 4 are shown on LDC land on the submitted indicative layout. These dwellings would form part of a group of approx. 76 dwellings located in parcel 4.</p> <p>The majority of the works on LDC land are in the form of green and blue infrastructure (approx. 8.7 hectares of open green space, approx. 0.8 hectares of allotment space and approx. 0.3 hectares of space forming part of a larger burial ground which extends onto Mid Sussex land and has an overall size of approx. 1.25 hectares). It is understood that the allotments would be owned and operated by Haywards Heath Town Council as would the burial ground.</p>
5.	Relevant Planning History:
5.1	<p>LW/17/0593 - Outline application for the development of up to 375 new homes, a 2-form entry primary school with Early Years provision, a new burial ground, allotments, Country Park, car parking, 'Green Way', new vehicular accesses and associated parking and landscaping - only means of access determinable – Withdrawn (resolution to grant permission made by committee but s106 agreement not signed).</p> <p>DM/22/2272 (Mid Sussex tandem application) - Outline application with all matters reserved except for access for the erection of up-to 375 new homes, a two-form entry primary school, burial ground, allotments, open space with associated infrastructure, landscaping, and parking areas. ('Additional Highways, Drainage and Ecological information received on 31/05/2023 and 20/06/2023.') – Recommended for approval subject to conditions and s106 agreement.</p>
6.	Consultations:
6.1	PLEASE NOTE: The following is a summary of responses provided to LDC. The bulk of the development falls within MSDC land and more detailed comments from consultees and neighbouring residents have been

submitted to their planning department. These consultee comments will be summarised in the officer report provided within the supplementary report to this committee.

Wivelsfield Parish Council:

At its meeting of 5 September 2022, Wivelsfield Parish Council resolved to object to the above application, on the grounds of significant concern about traffic impacts.

The B2112 - onto which the bottom of Hurstwood Lane joins - is already a heavily used road. Traffic flowing south, from Haywards Heath, already impacts the community of Wivelsfield/Wivelsfield Green, with the fabric of the road (particularly around the mini roundabout junction with Green Road) being in an extremely poor state of repair as a result.

The additional traffic volumes generated by a development of a further 375 homes, plus school, would put further strain on this road: primarily at the junction with Hurstwood Lane, which the vehicles from all homes from land parcels 2 and 3 - as well as the school - would discharge onto, but also travelling south, through Wivelsfield and the already heavily congested village of Ditchling.

The junction from Hurstwood Lane onto the B2112 is not an easy one, and adding such significant numbers of extra vehicle movements, particularly at school drop off time – coinciding as it does with rush hour – is likely to create chaos. Cars waiting to turn right across the traffic will prevent those wishing to go left from pulling out, and queues are likely to be significant.

Closing Hurstwood Lane to through traffic will further compound this issue. Whilst Wivelsfield Parish Council recognises that this was an aspiration of the Haywards Heath Neighbourhood Plan, it considers the proposal to have significant drawbacks. For many parents, driving to school is a necessity, so that they can drop children off and continue straight to work. With Hurstwood Lane closed, those with primary aged children living in the top two housing plots (parcels 1 and 4) will be forced to take the circuitous, time-consuming, and environmentally harmful much longer journey out onto Rocky Lane and down Fox Hill to access the school, as opposed to simply driving a short distance down Hurstwood Lane.

It also means that all school, plus residential traffic from this part of the development will have only one access route, which seems short-sighted, given the volume of extra traffic movements the school will generate.

Additionally, Wivelsfield Parish Council envisages that, with Hurstwood Lane being closed, a proportion of drivers who would otherwise use it to travel south, will instead use the next parallel road of Slugwash Lane, running from the A272 into Wivelsfield Green. This is a narrow, winding country lane, unsuited to significant use and with a long-distance footpath crossing it at the bottom.

These impacts are concerning enough when reviewing this application in isolation. When considered against the wider picture, of the cumulative impact of the many recent, ongoing, and planned new developments locally and the additional vehicle movements generated, there seems a

significant risk of the roads becoming over-burdened and the Hurstwood Lane/B2112 junction becoming an accident hot spot.

ESCC Highways:

The proposed access for this application falls outside East Sussex and therefore it is considered that the main impact will be onto the West Sussex County Council highway network. Haywards Heath serves as the closest commercial centre and provides connections to London and Brighton by rail and to surrounding towns by bus.

As with all proposed development sites in Mid Sussex that either straddle or are in close proximity to the Lewes district boundary there is inevitably some impact that affects the East Sussex highway network.

However, a previous application for a similar development (in 2017/8) was ultimately accepted by ESCC on the basis that trips onto the East Sussex network would be minimal, in particular in Wivelsfield. In 2017/8 it was demonstrated that there would be 1% increase in traffic flows at the B2112/Green Road roundabout which would be equivalent to a daily flow variation.

The impact in East Sussex has not been explicitly covered in the revised TA which arguably it should have been but as the situation has not altered since 2018, an objection on the grounds of impact on East Sussex network could not be sustained.

OFFICER COMMENT: WSCC Highways have raised no objection subject to conditions. Their comments are summarised in the MSDC report that will be included in the supplementary report for this committee.

Lead Local Flood Authority (ESCC):

At this stage, we require further evidence that viable outfall points have been secured to discharge surface water from the development. We therefore request an updated drainage strategy drawing.

OFFICER COMMENT: A number of the concerns raised in the full comments relate to parcels of land not within LDC. There do not appear to be any issues identified with the drainage arrangements for parcel 4, part of which falls within LDC. The application has also been reviewed by the MSDC drainage team, including information that ESCC have not yet commented on. MSDC are satisfied with the level of detail provided at this stage subject to a detailed drainage strategy being provided by condition or at the Reserved Matters stage, at which point ESCC will be reconsulted. A summary of the comments provided to MSDC is provided in the officer report included in the supplementary report for this committee.

Natural England:

As submitted, the application could have likely effects on 'Best and Most Versatile' (BMV) agricultural land according to the MAFF Agricultural Land

Classification (ALC) strategic mapping dataset. Natural England advises that you, the Local Planning Authority, gather further information in order to determine the agricultural land and soil impacts for the proposed development at the site scale, and take account of findings before making a decision.

OFFICER COMMENT: Further information in the form of an Agricultural Land Classification and Soil Resources Report was provided and its findings are discussed in section 8.10 of this report.

Southern Water:

The submitted drainage layout shows that the applicant is proposing to abandon/divert a foul sewer. Any public sewer diversion proposals shall be approved by Southern Water under Section 185 of the Water Industry Act.

We have restrictions on the proposed tree planting adjacent to Southern Water sewers, rising mains or water mains and any such proposed assets in the vicinity of existing planting. Reference should be made to Southern Water's publication "A Guide to Tree Planting near water Mains and Sewers" and the Sewerage Sector Guidance with regards to any landscaping proposals and our restrictions and maintenance of tree planting adjacent to sewers, rising mains and water mains.

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

The Council's technical staff and the relevant authority for land drainage should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of appropriate oil trap gullies or petrol/oil interceptors.

If the applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul/surface water public sewerage system, this would have to be designed and constructed to the specification of Southern Water Services Ltd. A secure compound would be required, to which access for large vehicles would need to be possible at all times. The compound will be required to be 100 square metres in area, or of some such approved lesser area as would provide an operationally satisfactory layout. In order to protect the amenity of prospective residents, no habitable rooms shall be located within 15 metres to the boundary of the proposed adoptable pumping station, due to the potential odour, vibration and noise generated by all types of pumping stations. The transfer of land ownership will be required at a later stage for adoption.

Sussex Police (Secured by Design):

Various design recommendations are made in relation to making the development a secure, welcoming, and safe place and the applicant should be aware of these when working on final design and layout details as these are important considerations at the reserved matters stage.

LDC Air Quality Officer:

The site is to the north of Lewes district and is situated immediately adjacent to Haywards Heath; consequently, any air quality impacts caused by increased traffic and energy use during the occupational phase of the proposed application will have a far greater impact locally in Haywards Heath and Burgess Hill rather than the roads and air quality management areas in Lewes district. AQ impacts during the construction phase will, I understand be mitigated through adherence to a construction environmental management plan.

My counterpart at MSDC has been in discussion with the applicants' air quality consultants and I believe he has agreed the scope of air quality consideration and mitigation.

For the above reasons, I have no further comment to make on this application.

LDC Contaminated Land Officer:

I note that there is a proposal for burial ground at the site. Considering the fact that this is an outline application and a proposal for burial ground at the site a control water risk assessment is pertinent for this development, which has not been submitted with the application. I think comment from the Environment agency regarding this matter is important.

Regarding the human health risk assessment issue, this can be conditioned on the basis of the submitted WSP report (ref: 70081355-PRA dated August 2021). This report recommended for further investigation at the site.

Environment Agency:

The proposed development presents a risk to groundwater which is particularly sensitive in this location because the proposed development site is located upon secondary aquifer A and the moderate to high risk proposed usage as a burial ground on part of the development.

Further detailed information will however be required before any development is undertaken. It is our opinion that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning authority.

Ramblers Association:

Object to the above Application for the following reasons:

	<ul style="list-style-type: none"> • A greenfield site in a very rural setting, • Well outside existing development area of Wivelsfield; therefore, there should not be any development east of Hurstwood Lane. • Number of proposed dwellings with associated infrastructure would amount to overdevelopment of this site. • Hurstwood Lane is totally unsuitable for the extra vehicle movements which would be generated by this development. • his site should not be considered as part of Haywards Heath proposed development as it is in a different District and Administrative County. • No proven need for this development in Wivelsfield Parish. • I fully endorse all points in the objection made by Wivelsfield Parish Council
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7.	Other Representations:
7.1	<p>20 letters of objection have been received. Relevant planning content provided is summarised below: -</p> <ul style="list-style-type: none"> • Inadequate water infrastructure; • Land was acquired by MSDC for amenity purposes which have since been dropped; • Loss of open space; • Ecological harm; • Impact upon ancient woodland; • Country Park area has significantly reduced in size; • The 'greenway' for use by pedestrians and cyclists has reduced in scale; • Air quality modelling provided in the application is not reliable; • Pressure on infrastructure • Introduction of housing on eastern field which was not included in previous scheme; • Harmful impact upon amenities of residents on Greenhill Park; • Similar application in Wivelsfield Parish have been rejected by Lewes District Council; • Not compliant with the development plan (LDC or MSDC); <p>OFFICER COMMENT: With regards to water supply, the development would be phased to allow for infrastructure to be installed and, ultimately, the undertaker has a statutory duty to provide potable water to meet the needs of the development. The refused planning scheme in Wivelsfield</p>

	that was referred to has since been approved on appeal by the Planning Inspectorate (LW/21/0754).
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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 visual impact of the proposed works within the wider urban and rural setting; • The sustainability of the development; • The impact upon neighbour amenities; • Environmental impact; • Impact upon green infrastructure; • Flood risk • The degree to which the proposed development meets identified housing needs including the provision of affordable housing.
8.2	<p><u>Principle of Development</u></p> <p>The proposed development primarily relates to land within the control of Mid Sussex District Council. The full details of the scheme have been provided as per para. 011 of the Planning Practice Guidance for Making an application which states that ‘where a site which is the subject of a planning application straddles one or more local planning authority boundaries, the applicant must submit identical applications to each local planning authority.’ However, for the matters for consideration by Lewes District Council relate only to the part of the development occupying LDC land, as described in section 4 of this report.</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</p>

	<p>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 against the policies in the Framework taken as a whole. This approach effectively adopts a 'tilted balance' in favour of development. It is acknowledged that the scheme promotes policy compliant affordable housing. Housing delivery and affordable housing delivery weigh positively in the planning balance.</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>
8.3	<p><u>Visual Impact and Design</u></p> <p>The site is isolated from any identified settlement within Lewes District but is adjacent to the edge of Haywards Heath to the west and north as well as the residential development on allocated site SP5 of LLP1 which, whilst within Lewes District, interacts with development within Mid Sussex rather than Lewes District settlement.</p> <p>Land to the south-east of Haywards Heath is identified as having a medium to high capacity for capacity for change with it being stated in para.3.2.15 of the joint LDC and SDNP Landscape Capacity Study that 'Much of the landscape in this area on the southeastern urban edge of Haywards Heath is formed of relatively large irregular shaped fields bounded by tree belts and large areas of woodland which provide visual interruptions across the landscape. Some areas, due to its elevation, are</p>

relatively open and intermittent, distant, views of the Downs can be gained. There is considered to be scope for development in the northern part of the landscape adjacent to existing development. Land to the south becomes increasingly open and mitigation potential limited until the land levels out again.'

The development site occupies the northern part of land to the south-east of Haywards Heath and is adjacent to existing development to the north and west. It is therefore considered to represent part of the area considered most suitable for development. It is also considered that the context provided by existing development would ensure that appropriate residential development of the site would not appear disruptive or isolated and incongruous within the wider rural setting. The submitted masterplan shows the density of development in residential parcel 4 as being lower, allowing for a gradual transition to the rural environment, managed through the green buffer provided by the proposed open green space/country park. Higher density development would be focussed on the plots to the west, closer to Haywards Heath.

The indicative masterplan submitted with the application shows the eastern edge of the residential part of the development being consistent with existing residential development to the north. The area to the east of this, which is adjacent to the ancient woodland at Asylum Wood, would be retained as open informal greenspace which would help preserve the setting of the woodland, noting it is already flanked by development to the north, east and west. The indicative plan also shows a 15-metre green buffer being retained around all parts of the woodland.

The allotment area would be positioned towards the southern edge of the fields. It is noted that this proposed use would be likely to introduce a mixture of small buildings, primarily in the form of sheds, as well as the potential for polytunnels and other horticultural paraphernalia. Given the modest scale of the proposed allotment area in terms of the overall site, its clear visual relationship with the proposed dwellings to the north and the agricultural character of the surrounding rural environment, it is considered that an allotment use in this position would not appear out of keeping with the general character of the environment, which includes productive farmland.

The final layout of the development would be confirmed at the Reserved Matters stage, should outline permission be granted, as well as the design and scale of the proposed dwellings. As such, any approval of this outline permission would not result in an inability to regulate these matters and to ensure they are appropriate for the character and setting of the surrounding environment. However, it is considered that the indicative plans have demonstrated that the site has the capacity to accommodate the proposed development whilst also incorporating suitable mitigation measures, particularly in the form of blue and green infrastructure.

8.4

Impact upon residential amenity:

	<p>It is considered that the residential use of the site as well as the intensity of the use would be consistent with neighbouring residential development. The site benefits from existing green infrastructure, that would be bolstered by structural planting carried out as part of the development. This green infrastructure would help create a sympathetic screen to the development that would soften visual impact towards neighbouring residential development, filtering views and preventing the surrounding area taking on an unacceptably urbanised and overdeveloped appearance.</p> <p>The submitted masterplan shows dwellings would be set well away from boundaries shared with neighbouring residential development as would roads and other infrastructure, minimising the potential for unacceptable disruption to neighbouring residents.</p> <p>Although not directly connected to neighbouring development to the north, as this would require access being formed through ancient woodland, residents of nearby development to the north and west would be able to access the country park by a dedicated foot and cycle path, as shown on the masterplan.</p>
8.5	<p><u>Living Conditions for Future 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 masterplan shows a number of foot and cycle paths that would promote connectivity within the development as well as with the surrounding built and natural environment. allowing development within the site to engage with the wider community. The masterplan shows an arrangement of dwellings that interact well with one another, creating a sense of place, whilst also allowing suitable separation for private space to be formed and to ensure that residents would not be subject to any unacceptable overbearing or overshadowing impact.</p> <p>The quality of the living environment provided would be properly assessed at the reserved matters stage, should outline permission be granted.</p>
8.6	<p><u>Highways and Access</u></p> <p>Other than establishing the principle of the development of the site, the only details that are to be determined at this stage are the access arrangements.</p> <p>All parts of the site would be accessed from Hurstwood Lane, which forms part of the WSCC Highways network. The lane currently provides a through route connecting the A272 bypass to Fox Hill. Part of the access works for the scheme would involve making the central section of the lane pedestrian and cycle only, with removable bollards in place to allow for emergency access. This would mean that parcel 1 and 4 (which includes LDC land) would be accessed from the northern end of the lane, via the junction with the A272, which would be signalised. Parcels 2 and 3 would</p>

be accessed from the southern end of the lane via the junction with Fox Hill where pedestrian crossings would be provided. The internal road layout would be finalised at the reserved matters stage. WSCC Highways are supportive of the access arrangements.

Whilst all access to the site would be through the WSCC Highway network there is connectivity with the highway network in East Sussex and it is noted that Wivelsfield Parish Council have objected due to concerns over increased traffic and road hazards within the settlement of Wivelsfield. ESCC Highways have stated that a previous application for a similar development (in 2017/8) was ultimately accepted by them on the basis that trips onto the East Sussex network would be minimal, in particular in Wivelsfield. In 2017/8 it was demonstrated that there would be 1% increase in traffic flows at the B2112/Green Road roundabout which would be equivalent to a daily flow variation.

As stated earlier in the report, it is considered that the indicative masterplan shows a good level of pedestrian and cycle connectivity between all four residential parcels that make up the development as well as between the development and the wider urban and rural environment.

8.7 Flood Risk and Drainage

The site is currently 100% permeable, there are no buildings or areas of hardstanding present. There are a number of ponds distributed around the site. The site falls within Flood Zone 1 and, as such, is not identified as being susceptible to flooding from tidal or fluvial sources. Parts of the site, as well as neighbouring land at high or medium risk of surface water flooding.

The surface water drainage strategy for the development of the site rules out the use of infiltration drainage due to site geology. The indicative drainage scheme provided utilises watercourses as the ultimate means of discharge of surface water with the rate of discharge being controlled through attenuation features including ponds/reservoirs/swales, permeable paving and below ground attenuation tanking where feasible and rain gardens.

The submitted drainage strategy also suggests rainwater harvesting apparatus would be incorporated and that further information on this would be provided at the detailed design stage. For parcel 4, part of which falls within LDC control, an attenuation pond would be formed along the course of an existing natural surface water flow path, with the pond discharging back into this path at a controlled rate. The drainage strategy seeks to ensure discharge rate from the site does not exceed greenfield runoff rates for each storm event ranging from 1 in 1 year to 1 in 100 years and with an allowance of a 45% increase in storm frequency anticipated as a consequence of climate change.

ESCC were consulted on the application and raised a number of concerns regarding how surface water would be discharged into watercourses

	<p>without crossing third party land, the capacity of the proposed attenuation features and neighbouring watercourses and the potential for surface water discharge to impact on existing development downstream. These concerns related to the development as a whole rather than the specific part of the development within LDC land. Similar concerns were raised by the Mid Sussex District Council drainage team.</p> <p>In response, additional information and clarification was provided by the applicant and, whilst ESCC have not responded to this, Mid Sussex District Council drainage have now removed their objection subject to the imposition of a series of conditions that will shape the final detailed drainage design which would either be submitted with the reserved matters application (noting that the provision of drainage infrastructure may impact upon the layout of the development) or would be submitted by condition. In both instances, ESCC would be consulted again, and any further objections raised would have to be addressed in the detailed design. The comments from MSDC drainage include a requirement that further investigations are made as to the suitability of the site, or parts of it, for the use of infiltration drainage, given this is regarded as the most sustainable form of drainage.</p> <p>There is a public foul sewer running through parcel 4 in a north to south direction. 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. It is stated that the sewer would be used to provide foul drainage subject to a connection agreement with Southern Water.</p>
8.8	<p><u>Ecology</u></p> <p>There are no significant trees or hedgerow on LDC land that would need to be removed to accommodate the development. It is noted that the ancient woodland at Asylum Wood is included in the site boundary, but no development is to take place within the woodland and an appropriate 15-metre-wide buffer would be maintained around it that would also not be developed in any way. The Environmental Statement accompanying the application notes that, although there are no public rights of way within or adjacent to the site, recreational use of the fields and woodland does take place, evidenced by the presence of informal paths. The proposed scheme, by forming a country park on the eastern part of the site, would create informal recreation space that, it is considered, would alleviate recreational pressure on more ecologically sensitive areas, such as the woodland. The park would also be subject to a Landscape and Ecological Management Plan, to be secured by condition, that would introduce management measures including controls over access and introduction of biodiversity enhancements.</p> <p>Site surveys carried out as part of the Preliminary Ecological Assessment identified an 'exceptional' population of slow worm on the site and the MSDC Ecologist reviewing the application has requested a condition to secure a specific reptile mitigation strategy be submitted to address how</p>

	<p>this population would be protected during and after construction. This would be secured by condition.</p>
<p>8.9</p>	<p><u>Sustainability</u></p> <p>Although the site is outside of the settlement boundary it is on the edge of Haywards Heath which is identified as a Secondary Regional Centre in LLP1, the characteristics of which are defined as follows: -</p> <p>‘A settlement accessible by road and public transport with a centre containing a range of retail units, including high street chains. A reasonable range of leisure opportunities are available, and the town contains significant levels of employment. Key facilities, such as a hospital, are available. Such settlements meet the majority of their own needs’.</p> <p>The Town Centre of Haywards Heath would be approx. 1 mile walking distance from parcel 4, with foot and cycle paths providing connectivity from the development with the existing footway network. The possibility of providing a bus route through the network has been explored by the applicant and was included in the scheme submitted under LW/17/0593. However, it has been deemed not to be feasible following further investigation. In its absence, it is noted that there are bus stops relatively close to parcel 4 to the north and west which would be accessible via Hurstwood Lane and that these stops are on routes that provide connectivity with local and regional destinations as well as to the train station.</p> <p>The application is in outline form and, as such, it is not possible for all sustainability measures to be detailed at this stage. It is, however, noted that the development would utilise sustainable drainage systems that includes the formation of an attenuation pond that will also provide an amenity and habitat asset. This, as well as other open green space within the overall site area is considered to support the delivery of multi-functional green infrastructure as required by LLP2 policy DM14.</p> <p>Any application for approval of reserved matters would need to include a sustainability statement that confirms compliance with the aims and objectives of the recently adopted TANs for Circular Economy, Sustainability in Development and Biodiversity Net Gain. This would include, but not be limited to, details on how water consumption would be kept to 100-110 litres per person per day, renewable energy, and carbon reduction measures, building layouts that maximise access to natural light, support for sustainable modes of transport, provision of electric vehicle charging points (minimum of one per dwelling), and facilities to support working from home.</p>
<p>8.10</p>	<p><u>Environmental/Agricultural Impact</u></p> <p>The site lies within a sensitive area in terms of potential impact upon groundwater due to its position over a secondary aquifer. An initial response from the Environment Agency raised concerns that the burial</p>

ground in particular had the potential to contaminate due to isolated areas of shallow groundwater. The applicant submitted further information in response to this and the Environment Agency have now removed their objection to the scheme subject to conditions being used to secure a strategy to remove groundwater from the burial site if required and to manage drainage in order to prevent waterlogging that could result in contaminants entering surrounding watercourses. The Environment Agency have also recommended more general conditions to ensure that there are measures in place to safely control any other contaminants found on site and that there are appropriate remediation plans in place.

An Agricultural Land Classification report has identified part of the LDC land which will be built upon as Grade 2 (very good quality) agricultural land, based on soil conditions. There are also grade 2 areas on the parcels of the site to the east, particularly at parcel 2. The majority of the LDC land within the proposed scheme is identified as subgrade 3b (moderate quality).

Para. 174 b) of the NPPF states that planning decisions should recognise ‘...the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land...’.

LLP2 policy DM19 stipulates that ‘development that would result in the irreversible loss of the best and most versatile agricultural land (Grades 1, 2, 3a in the DEFRA Agricultural Land Classification System) will not be permitted unless it can be demonstrated that there are no suitable alternative locations, and the proposal would have overriding sustainability benefits that outweigh the loss of land from agricultural use.’

In this instance, the amount of grade 2 land permanently lost would be relatively modest with the majority of the grade 2 land falling within the burial ground and the proposed allotment area, where the land use would involve food production. Part of the proposed country park also includes Grade 2 land. In this instance, as part of a masterplan development that would deliver new housing in a sustainable location, a policy compliant affordable housing contribution and the delivery of allotments and green open space, it is considered that the sustainability benefits of the proposed scheme outweigh the loss of what is a relatively small portion of grade 2 land within the district.

It is also considered that the proposed development would not impede access to surrounding fields by farm vehicles and machinery and that the maintenance of structural planting and other buffers would ensure that the presence of the proposed residential scheme would not compromise the ongoing use of surrounding land for agricultural purposes.

8.11

Human Rights Implications:

The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been considered fully in balancing the planning issues; and

	furthermore, the proposals will not result in any breach of the Equalities Act 2010.
8.12	<p><u>Conclusion.</u></p> <p>It is considered that the element of the development within Lewes District is appropriate in terms of impact upon visual, environmental, and residential amenity and that the scheme would deliver informal public green space that could provide additional benefits in providing biodiversity enhancements and sustainable drainage whilst taking recreational pressure off more sensitive landscape.</p> <p>The District would secure a commuted sum equivalent to 40% of the dwellings to be located within Lewes District which would be spent on new affordable housing in parts of the district where the need is most urgent.</p> <p>The access arrangements for which approval is sought at this stage are considered acceptable and would not have an adverse impact upon the highway network within Lewes District.</p> <p>It is therefore recommended that the application is approved subject to the conditions listed below.</p>

9.	Recommendations
9.1	Subject to no adverse comments being received from NatureSpace/LDC Ecology then the application be delegated to the Head of Planning to approve subject to conditions,

10.	Conditions
10.1	<p>RESERVED MATTERS (TIME LIMITS):</p> <p>Approval of the details of the appearance, layout, scale, and landscaping of the site (hereinafter called the "reserved matters") shall be obtained from the Local Planning Authority, prior to the commencement of development on site.</p> <p>Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.</p> <p>The development hereby permitted must be begun either not later than the expiration of two years from the final approval of the reserved matters or,</p>

	<p>in the case of approval on different dates, the final approval of the last such matter to be approved.</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.</p>
10.2	<p>CONFORMITY WITH PARAMETER PLAN</p> <p>In all aspects the reserved matter submissions shall be broadly in conformity with submitted parameters plan drawing (drawing numbers C5116_0000-01 Rev G, C5116_0000-02 Rev F, C5116_0000-03 Rev D, C5116_0000-07 Rev D)</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>
10.3	<p>PHASING</p> <p>No development shall take place until a phasing plan has been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved phasing plan.</p> <p>Reason: In the interests of managing the implementation of the development in accordance with LLP1 policies CP11 and CP13 and LLP2 policy DM25.</p>
10.4	<p>CONSTRUCTION MANAGEMENT PLAN (CMP)</p> <p>Prior to any works commencing (including site clearance/preparation and/or demolition), a construction management plan shall be submitted to and be approved in writing by the Local Planning Authority after consultation with ESCC. The submitted construction management plan shall address all elements of the proposed development but may be submitted in stages reflecting the developments phasing in accordance with condition 3. Thereafter the applicant and contractors shall complete the works in accordance with the approved plan throughout the construction period in order to minimise disturbance during demolition and construction and will include details of the following information for approval:</p> <ul style="list-style-type: none"> • the phased programme of construction works; • the means of access and road routing for all construction traffic associated with the development; • Details of a scheme for the monitoring of noise, dust, and vibration (including any piling) in accordance with the appropriate British

	<p>Standard (BS). The report on the assessment made under the BS shall include estimated values of LAeq and show all calculations;</p> <ul style="list-style-type: none"> • provision of wheel washing facilities and details of their operation and location; • construction work including delivery times; • details of a means of suppressing dust arising from the development and site boundary fencing; • details of all proposed external lighting to be used during construction; • details of areas for the loading, unloading, parking, and turning of vehicles associated with the construction of the development; • details of areas to be used for the storage of plant and materials associated with the developments; • details of the temporary construction site enclosure to be used throughout the course of construction; • details of any construction accesses to be used; • details of the appropriate public consultation that will be required; • details of scheme to protect residential properties from the noise sources during construction. <p>Details of how measures will be put in place to address any environmental problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their availability made known to all relevant parties.</p> <p>Reason: In order to safeguard environmental and residential amenity and in the interests of highway safety and the wider amenities of the area having regard to Policy CP11 of the LPP1, policies DM20 and DM23 of the LPP2 and the Circular Economy Technical Advice Note.</p>
10.5	<p>REPTILE MITIGATION STRATEGY</p> <p>No development shall take place until a Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles has been submitted to and approved in writing by the local planning authority. The Reptile Mitigation Strategy 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 of the Receptor area(s). i) Details for monitoring and remedial measures. j) Details for disposal of any wastes arising from works. <p>The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.”</p> <p>Reason: To allow the LPA to discharge its duties under the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with paragraphs 170 and 175 of the National Planning Policy Framework, LLP1 policy CP10, LLP2 policy DM24 and WNP policy 6.</p>
10.6	<p>LANDSCAPE & ECOLOGICAL MANAGEMENT PLAN (LEMP)</p> <p>A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development.</p> <p>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 plan 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 allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with paragraphs 170 and 175 of the National Planning Policy Framework, LLP1 policy CP10, LLP2 policy DM24 and WNP policy 6.</p>
10.7	<p>CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)</p> <p>A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority prior to any works commencing (including site clearance/preparation and/or demolition). The submitted CEMP shall address all elements of the proposed development but may be submitted in stages reflecting the developments phasing in accordance with condition 3. 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 strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.</p> <p>Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as</p>

	<p>amended) and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with paragraphs 170 and 175 of the National Planning Policy Framework, LLP1 policy CP10, LLP2 policy DM24 and WNP policy 6.</p>
10.8	<p>ADDITIONAL ECOLOGICAL SURVEYS</p> <p>Prior to the commencement of development on any reserved matters phase, further supplementary ecological surveys for protected species for that phase shall be undertaken to inform the preparation and implementation of corresponding phases of ecological measures required through Conditions. The supplementary surveys shall be of an appropriate type for the above habitats and/or species and survey methods shall follow national good practice guidelines.</p> <p>Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).</p>
10.9	<p>BIODIVERSITY ENHANCEMENTS</p> <p>A Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority before any development above slab level on any phase of the development.</p> <p>The content of the Biodiversity Enhancement Strategy shall include the following:</p> <ul style="list-style-type: none"> a) Purpose and conservation objectives for the proposed enhancement measures; b) detailed designs to achieve stated objectives; c) locations of proposed enhancement measures by appropriate maps and plans; d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development; e) persons responsible for implementing the enhancement measures; f) details of initial aftercare and long-term maintenance (where relevant). <p>The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.”</p> <p>Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and to accord with paragraphs 170 and 175 of the National Planning Policy Framework, LLP1 policy CP10, LLP2 policy DM24 and WNP policy 6.</p>

10.10	<p>FOUL/SURFACE WATER DRAINAGE</p> <p>The development hereby permitted shall not commence unless and until details of the proposed foul and surface water drainage and means of disposal have been submitted to and approved in writing by the local planning authority. No building shall be occupied until all the approved drainage works have been carried out in accordance with the approved details. The details shall include a timetable for its implementation and a management and maintenance plan for the lifetime of the development which shall include arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. Maintenance and management during the lifetime of the development should be in accordance with the approved details.</p> <p>Reason: In order to ensure surface water and foul water is managed effectively in accordance with LLP1 policies CP10 and CP12, LLP2 policy DM22 and paras. 163 and 165 of the NPPF.</p>
10.11	<p>PROTECTION MEASURES</p> <p>No works in connection with the development hereby approved shall commence unless a site protection plan has been submitted to and approved in writing by the Local Planning Authority. Site protection measures in respect of the identified features shall be shown on a layout plan accompanied by descriptive text and shall include:</p> <ul style="list-style-type: none"> a) The location of the features to be retained and protected during construction works; and b) The position and details of warning signs and protective fencing to be erected. <p>No works in connection with the development hereby approved shall commence unless the site protection measures have been implemented in full accordance with the approved details. All protective fencing and warning signs shall be retained during the construction period in accordance with the approved details.</p> <p>Reason: In the interests of protecting and enhancing the biodiversity of the environment and paragraphs 170 and 175 of the National Planning Policy Framework, LLP1 policy CP10, LLP2 policy DM24 and WNP policy 6.</p>
10.12	<p>GROUND/FLOOR LEVELS</p> <p>The development, in any particular phase (as defined on the approved 'phasing plan) hereby permitted, shall not commence until details of the finished ground and floor levels have been submitted to and approved in writing by the local planning authority. 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>
10.13	<p>CONTAMINATED LAND</p> <p>Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:</p> <ul style="list-style-type: none"> a) A site investigation scheme, based on the preliminary risk assessment by WSP dated August 2021, ref: 70081355-PRA, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site; and, unless otherwise agreed in writing by the LPA, b) Based on the site investigation results and the detailed risk assessment (a) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken <p>The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.</p> <p>Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, and other offsite receptors and to comply with LLP2 policies DM20 and DM21 and para. 174 and 183 of the NPPF</p>
10.14	<p>UNEXPECTED CONTAMINATION</p> <p>If during construction, contamination not previously identified is found to be present at the site then no further development within that particular phase (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk, and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme.</p>

	<p>If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.</p> <p>Reason: To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours, and other offsite receptors and to comply with LLP2 policies DM20 and DM21 and para. 174 and 183 of the NPPF</p>
10.15	<p>LIGHTING SCHEME</p> <p>Prior to occupation of any of the development hereby permitted, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.</p> <p>All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.</p> <p>Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with policies DM20 and DM24 of the Lewes District Local Plan part two, WNP policy 6 and paras. 170, 175 and 180 of the NPPF.</p>
10.15	<p>AIR QUALITY</p> <p>Prior to the commencement of any residential part of the development hereby permitted, the details of a scheme of mitigation measures to improve air quality relating to the development shall be submitted and approved in writing by the Local Planning Authority. The scheme be in accordance with, and to the value calculated in, sections 10.6.34 to 10.6.38 of the submitted WSP Air Quality chapter of the Environmental Statement (Ref 70081355, dated July 2022). All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.</p>

	<p>Reason: to preserve the amenity of local residents regarding air quality and emissions and to comply with LLP1 policy CP9 and para.181 of the NPPF.</p>
10.16	<p>SOFT LANDSCAPING AND TREE PROTECTION</p> <p>The development, in any particular phase (as defined on the approved 'phasing plan) hereby permitted, shall not commence until a scheme for the protection of trees and hedgerows within that phase has been submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be implemented as approved. No development beyond slab level shall take place until details of soft landscaping for the site drawn to a scale of not less than 1:200 has been submitted to and approved in writing by the Local Planning Authority.</p> <p>The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).</p> <p>Any planting removed, dying, or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.</p> <p>Reason: In the interests of the visual amenities of the locality and to accord with LLP1 policy CP10, LLP2 policy DM27 and section 15 of the NPPF.</p>
10.17	<p>HARD LANDSCAPING</p> <p>The development, in any particular phase (as defined on the approved 'phasing plan) hereby permitted, shall not commence until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority.</p> <p>These details shall include proposed finished levels and contours showing earthworks and mounding (where appropriate); surfacing materials; means of enclosure; boundary treatments; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example refuse and / or other storage units, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant.</p>

	<p>The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).</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>
10.18	<p>EXTERNAL MATERIALS</p> <p>The development, in any particular phase (as defined on the approved 'phasing plan) hereby permitted, shall not commence above slab level unless and until samples/a schedule of materials and finishes to be used for external walls / roofs / fenestration of the proposed buildings have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.</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>
10.19	<p>NOISE LEVELS</p> <p>The development, in any particular phase (as defined on the approved 'phasing plan) hereby permitted, shall not commence until the developer has submitted a scheme to the LPA for approval, showing the exact level of glazing and/or ventilation needs for each home, based on the noise levels for the site outlined in, Chapter 12 – Noise and Vibration, of the Environmental Statement by WSP, dated July 2022.</p> <p>Each property identified as requiring specific glazing and / or ventilation shall not be occupied unless the relevant glazing and / or ventilation has been installed.</p> <p>Reason: To protect the amenity of future residents with regard to external noise and to comply with LLP2 policy DM23.</p>
10.20	<p>PLAY AREAS</p> <p>Prior to the occupation of the dwellings hereby permitted details of the play areas and open space areas to be provided on site shall be submitted to and approved by the Local Planning Authority. The details shall include the layout, drainage, equipment, landscaping, fencing, timetable for construction and future management of the areas to be provided. The development shall only be implemented in accordance with the approved details.</p> <p>Reason: To ensure satisfactory provisional equipment and to ensure that play area is provided and retained within the development for use by the general public and to accord with LLP2 policies DM14, DM15 and DM16.</p>

10.21	<p>CONSTRUCTION HOURS</p> <p>Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:</p> <p style="padding-left: 40px;">Monday - Friday 08:00 - 18:00 Hours Saturday 09:00 - 13:00 Hours Sundays and Bank/Public Holidays no work permitted.</p> <p>Reason: To safeguard the amenities of nearby residents and to accord with LLP1 policy CP11 and LLP2 policies DM20, DM23 and DM25.</p>
10.22	<p>ECOLOGICAL MITIGATION</p> <p>All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal Report (RSK Biocensus, June 2023), Environmental Statement Volume 2 Chapter 6 – Biodiversity Appendix 6.2 Preliminary Ecological Appraisal (RSK Biocensus, March 2022), including the mitigation measures identified in the EPR (2017), Environment Statement & Technical Appendices for Hurst Farm, Hurstwood Lane, Haywards Heath. Final Report – April 2017, as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.</p> <p>This will include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.</p> <p>Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and to accord with LLP1 policy CP10, LLP2 policy DM24 and WNP policy 6.</p>

11.	Plans:
11.1	Final plans list to be confirmed by MSDC report provided in the Supplementary Report to this committee.
12.	Appendices
12.1	None.

13.	Background Papers
13.1	None.

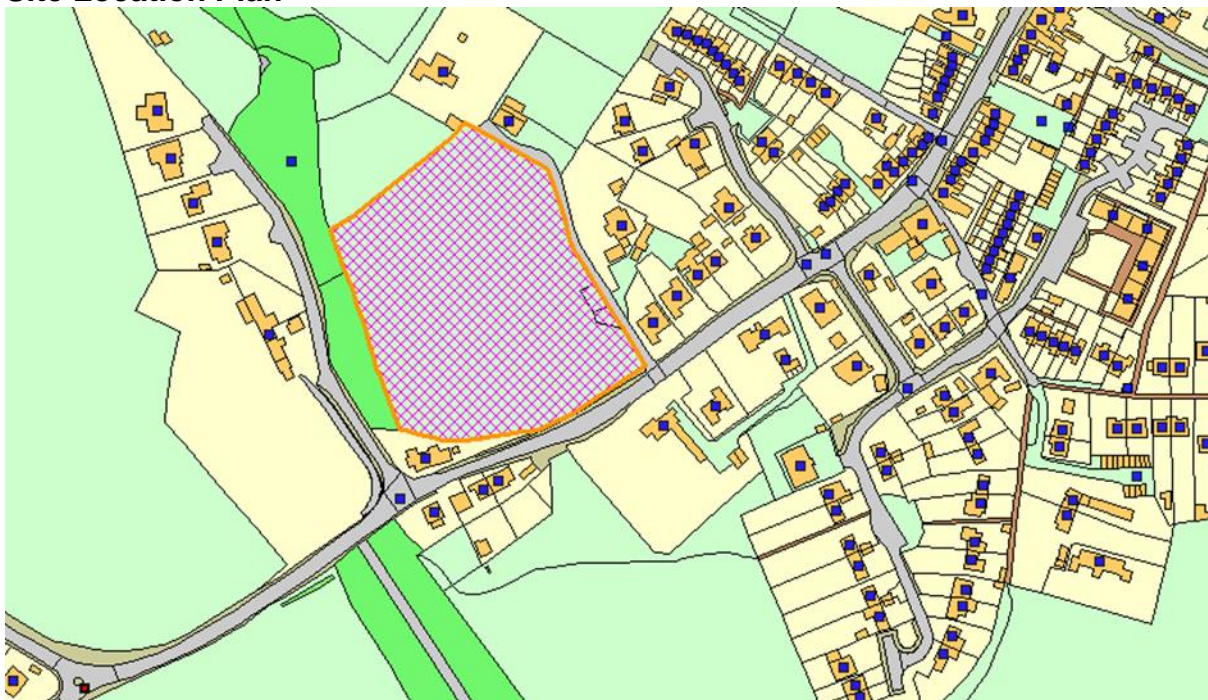
Agenda Item 9

Report to: Planning Applications Committee
Date: 9 August 2023
Application No: LW/23/0090
Location: Land North of High Street, Barcombe, East Sussex
Proposal: Approval of reserved matters application for details of appearance, landscaping, layout, and scale relating to outline approval LW/21/0530, for the erection of 26 dwellings.

Applicant: Rydon Homes Ltd
Ward: Chailey, Barcombe & Hamsey
Recommendation: Approve subject to conditions. Section 106 agreement securing affordable housing already signed as part of approved outline permission LW/21/0530.

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

Site Location Plan



1.	Executive Summary
1.1	<p>The principle of the development of the site, as well as the arrangements for the new site access from the High Street, has already been accepted following the approval of Outline Application LW/21/0530. The current application relates to reserved matters, these being the appearance, layout, and scale of the development as well as landscaping arrangements.</p>
1.3	<p>The submitted details provide a scheme that would deliver a social and economic benefit in addressing the Council's lack of housing supply, delivery of affordable housing, creation of an integrated and interactive environment in terms of the layout of the development itself and the way it would engage with the village, delivery of new and/or improved infrastructure and increase and likeliness that future residents would support local shops and services. An environmental benefit would be provided through the landscaping scheme which would introduce a significant level of biodiversity net gain.</p> <p>It is considered that the changes to the layout to that submitted, and refused, under a previous application for approval of reserved matters (LW/22/0153), most notably the setting back of the development frontage from the street and provision of a green buffer along the frontage, address the design objections raised by members of the committee in the refusal of that scheme.</p> <p>It is therefore considered that the scheme, as submitted, represents sustainable development.</p>
1.4	<p>Housing Delivery</p> <p>The provision of a net gain of 26 residential dwellings would contribute to the housing land supply for the District.</p> <p>This would carry <u>significant positive weight</u> in the planning balance.</p>
1.5	<p>Affordable Housing</p> <p>The development would deliver a policy compliant 40% affordable housing contribution, with a mix of units being provided. The standards of the affordable accommodation would be consistent with the market housing within the scheme and the units provided would be indistinguishable from the wider development.</p> <p>The provision is policy complaint and would carry <u>significant positive weight</u> in the planning balance.</p>
1.6	<p>Economic Benefits</p> <p>The proposal offers economic benefits in the form of job creation during construction and an increase in population that would result in additional use of local businesses and services.</p>

	<p>This would carry <u>moderate positive weight</u> in the planning balance.</p>
1.7	<p>Social benefits</p> <p>The proposed development would introduce new housing that would integrate well with the existing settlement of Barcombe and its community. It would deliver areas of greenspace that would be accessible to the wider public and would generate Community Infrastructure Levy (CIL) payments that may be used to provide enhancements and improvements within the settlement.</p> <p>This would carry <u>moderate positive weight</u> in the planning balance.</p>
1.8	<p>Landscape impact</p> <p>The development would significantly alter the appearance of the existing greenfield site. However, the development does incorporate significant landscaping works that would maintain a semi-rural appearance to the site and would strengthen boundary planting, particularly on the western edge of the site, thereby helping to limit the landscape impact of the scheme to the immediate site area.</p> <p>This harm to landscape is therefore considered to be well mitigated and, for that reason, carries a <u>limited negative weight</u> in the planning balance.</p>
1.9	<p>Biodiversity Net Gain</p> <p>The landscaping incorporated into the development would strengthen and enrich existing hedgerow, introduce new habitat, and would create secure habitat areas for the existing reptile population supported by the site. The biodiversity net gain delivered by the scheme would exceed the 10% target set by the Council for all major development.</p> <p>This would carry <u>moderate positive weight</u> in the planning balance.</p>
1.10	<p><u>Highways</u></p> <p>The access arrangements for the development have already been agreed. The layout of the proposed development provides suitable parking facilities for cars and cycles, is pedestrian friendly, accessible to service vehicles and provides connectivity with the centre of the village. ESCC Highways had originally raised concerns that having dwellings set back from the road would make them less visible to drivers and, as a consequence, drivers would not reduce their speed and raise their awareness on the approach to the access from the west. However, 3D imaging showing the approach to the site has since been submitted by the applicant to ESCC Highways who have confirmed their concerns have been addressed.</p> <p>This would carry <u>neutral weight</u> in the planning balance.</p>

1.11	<p><u>Heritage Impacts</u></p> <p>The site is adjacent to a Conservation Area. It is considered that the site plays a role in the semi-rural setting of the Conservation Area, and the village as a whole and that its development would therefore have an impact upon its setting. However, it is considered that the relatively low density of the scheme allows for the incorporation of a good level of landscaping that would help preserve a sense of rurality and it is also considered that there is a degree of informality in the layout of the development that reflects the spatial characteristics of the wider village, including the Conservation Area.</p> <p>This should be given <u>limited negative weight</u> in the planning balance.</p>
1.12	<p><u>Water Issues</u></p> <p>The principle of the drainage system was agreed by the Lead Local Flood Authority (LLFA) as part of the outline approval. Although further technical details are required in relation to the drainage scheme, the infrastructure provided is required to manage discharge of surface water at existing greenfield levels, with an additional allowance made for storm events/rainfall as a consequence of climate change.</p> <p>This should be given <u>neutral weight</u> in the planning balance.</p>
1.13	<p><u>Air Quality & Contaminated Land</u></p> <p>Both air quality and contaminated land can be effectively dealt with by condition. Subject to conditions, the environmental health impacts can be resolved.</p> <p>This should be given <u>neutral weight</u> in the planning balance.</p>
1.14	<p><u>Quality Living Environment</u></p> <p>The scheme would provide adequate living standards in terms of local environment and internal and external quality of private accommodation, whilst not harming the amenity of existing properties nearby. Residents would have access to informal green space and play facilities in the form of the 'trim trail' positioned on the western side of the site.</p> <p>This should be given <u>moderate positive weight</u> in the planning balance.</p>
1.16	<p>It is therefore recommended that the application is approved subject to relevant conditions and noting existing conditions and the section 106 legal agreement attached to the outline approval LW/21/0530.</p>

2.	Relevant Planning Policies
2.1	<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 CP7 – Infrastructure CP8 – Green Infrastructure CP9 – Air Quality 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> BA02 – Land Adjacent to the High Street 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

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

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

4	Proposed Development
4.1	Outline permission for the construction of up to 26 dwellings on the site was granted under application LW/21/0530. The permission included details of site access, which takes the form of a new junction with the High Street to be positioned on the southern site boundary. All other matters (layout, scale, appearance, and landscaping) were reserved matters, and it is these details that will therefore be considered under the current application.
4.2	The layout of the development steps buildings in from the southern and western edges of the site, allowing for a continuous L-shaped green buffer to be maintained along these boundaries. Dwellings at the southern end of the development would face out towards the High Street. The main access road would traverse the site south to north, with dwellings lining it positioned perpendicular to the southern buildings and instead engaging with the access road. In order to make use of the width of the site, a cul-de-sac branching off from the access road is included towards the western side of the site whilst a courtyard area is formed towards the eastern side. The access road terminates in a turning head at the north of the site where access to the proposed foul water pumping station would also be provided.
4.3	All buildings, including the flatted elements, would be two-storeys in height and would have traditional hipped, barn hipped, and gable ended roofing.

	<p>There would be no dormer windows or rooflights. External finishes would be primarily brick, with a number of properties also having tile hanging or white weatherboarding in place at first floor level. There would be variations in design in terms of scale, orientation, and configuration but all would comply with the overarching design attributes referenced above.</p>
4.4	<p>The dwelling mix comprises.</p> <ul style="list-style-type: none"> • 2 x 1 bed flats (8%) (both flats would be affordable units) • 2 x 2 bed flat (8%) (both flats would be affordable units) • 8 x 2 bed dwellings (31%) (3 dwellings would be affordable units) • 9 x 3 bed dwellings (35%) (3 dwellings would be affordable units) • 5 x 4 bed dwellings (19%) <p>Of these dwellings, 10 would be allocated as affordable housing, representing 38.5% of the overall housing provision. The delivery of the affordable housing component is secured by the section 106 agreement signed as part of the outline permission granted under LW/21/0530. The agreement also secures an additional commuted sum contribution for 0.4 of a unit in order to bring the total affordable housing contribution provided by the scheme as a policy complaint 40% of the overall number of units provided.</p>
4.5	<p>Each dwelling would be provided with 2 x allocated parking bays and each flat would be allocated 1 x parking bay. In some cases, these would be partially covered by car ports. Parking is set back from the road with the only dwellings having parking areas along their frontage being the courtyard plots 21 and 22.</p>
4.6	<p>The green space area along the western And southern edges of the site would serve mixed purposes including habitat creation/biodiversity net gain, informal recreation (including provision of a 'trim trail' and would also accommodate the attenuation pond that would be used to regulate surface water discharge from the site. An adoptable type 2 foul water pumping station and associated compound and access would be accommodated towards the northwestern corner of the site.</p>

5.	Relevant Planning History:
5.1	<p>E/53/0430 - Outline Application for permission to carry out residential development – Refused 21st December 1953</p> <p>E/68/0382 - Outline Application for erection of dwellings – Refused 27th May 1968</p>

E/72/1935 - Outline Application for erection of fifty-five dwellings with garages – Refused 1st January 1973

E/73/1025 - Outline Application for fifty-two dwellings with garages at Barcombe Railway Station and part O.P. 8373 – Refused 22nd October 1973

LW/86/0823 - Outline Application for eleven detached dwellings with new cul-de-sac – Refused 10th July 1986

LW/20/0633 - Outline Planning Application for Erection of up to 26 dwellings together with associated development and site access with all other matters reserved – Refused 11th May 2021

LW/21/0530 - Outline permission for the erection of up to 26 dwellings together with associated development and site access whilst all other matters are reserved for future consideration – Approved conditionally and subject to s106 – 12th August 2021

LW/21/0768/CD - Approval of Condition 23 (Archaeological Evaluation) relating to application LW/21/0530 – Approved.

LW/21/0958/CD - Discharge of Condition 24 (Archaeological Evaluation Report) in relation to application LW/21/0530 - Approved

LW/22/0153 - Approval of reserved matters application for details of appearance, landscaping, layout, and scale relating to outline approval LW/21/0530, for the erection of 26 dwellings – Refused 8th December 2022

The application was refused for two reasons, the first being as follows: -

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.

An additional reason for refusal relating to the submission of a suitable drainage strategy for foul and surface water was also attached.

However, this reason for refusal was not defended at the recent public inquiry held in relation to an appeal against the refusal by the applicant due to it not being supported by the Lead Local Flood Authority.

The Lead Local Flood Authority who had raised no objections to the scheme, subject to further details being submitted by condition. The outcome of the public inquiry is awaited at this time. Any update will be reported in the supplementary report for this committee.

6.	Consultations:
6.1	<p><u>ESCC Archaeology:</u></p> <p>I can confirm that we have no archaeological recommendations to make in association with this Reserved Matters application.</p> <p>OFFICER COMMENT: Please note that investigative archaeological works have been carried out in accordance with conditions attached to then outline permission, with those works being approved by ESCC under LW/21/0768/CD and LW/21/0958/CD.</p>
6.2	<p><u>ESCC Landscape Officer:</u></p> <p>No formal comments received.</p>
6.3	<p><u>Southern Water:</u></p> <p>Southern Water would have no objections to the reserved matters application for appearance, landscaping, layout, and scale.</p> <p>The submitted drainage layout (BAR-HSP-00-XX-DR-C-2110 Rev-P01) is acceptable to Southern Water. An approval for the connection to the public sewer should be submitted under Section 106 of the Water Industry Act.</p>
6.4	<p><u>Lead Local Flood Authority:</u></p> <p>ESCC as LLFA provided an initial objection due to insufficient information on 29 March 2023 with details regarding required amendments to the proposed attenuation basin and an increase in climate change allowances in the hydraulic calculations.</p> <p>The applicant has since submitted an amended Surface & Foul Drainage Strategy Drawing, Drainage Areas Plan & Updated Hydraulic Calculations.</p> <p>While we are happy the amended attenuation basin layout meets our requirements, the hydraulic calculations still only allow 40% for climate change. As of May 2022, the climate change allowance for this management catchment was increased to 45%. However, as the FRA submitted as part of the approved outline application indicated an allowance of 40% and was approved prior to the increase in climate change, we are accepting of the proposed climate change allowance for this development.</p> <p>On this basis, we remove our objection to the approval of reserved matters application.</p> <p>We wish to note that Conditions 20, 21 and 22 are still applicable in ensuring surface water is managed effectively as part of the development. There is no need to add further conditions while these are retained.</p>

	<p>OFFICER COMMENT: The conditions referred to are attached to the outline permission granted under LW/21/0530 and require further drainage details to be provided prior to the commencement of any development.</p> <p>The initial response from the LLFA also suggested issues regarding access to the attenuation pond due to its proximity of some of the proposed dwellings but it is understood the amended attenuation basin layout has addressed this.</p>
6.5	<p><u>East Sussex Highways:</u></p> <p>No objection subject to additional conditions.</p> <p>Overall, I have no major concerns regarding the site layout as indicated on the site plan (Drawing no. 22080/P102 Rev C). It was previously requested that the development contribute to the street scene, so that the road is not used as a connection but feels like you have arrived in a place, which in turn will help reduce speeds. This revised layout has removed the frontage development; however, the visuals supplied have shown that due to the gradient of the site even with the lack of frontage development the development can be seen as you approach. Although it would be preferable to have the houses situated nearer to the southern boundary it is considered the houses would be easily seen subject to some of the trees adjacent to plot 1 being removed or relocated. This is for the Local Planning Authority to consider in relation to the landscape impact. The amended plans do not show the alterations to the footway as previously recommended. A taper is required where the development footway joins the existing footway at the access. At present there is an abrupt change in width.</p> <p>The extent of the adopted area has been revised. Although the Transport Statement suggests that an 11.2m refuse vehicle can turn within the proposed adopted highway limits this is not in accordance with the 12m vehicle that has been used previously on plans associated with this site. The refuse vehicle will need to get within 25m of each collection point within the adopted limits. The adoption plan shows that the main spine road will form part of the public highway with 2m footway alongside and the remaining areas will operate as shared surface. All roads within the development should however be constructed to an adoptable standard. Some of the material choices on the proposed adopted section (block paving) may need to be amended but this can work out at the S278 stage.</p>
6.6	<p><u>LDC Air Quality Officer:</u></p> <p>No Air Quality Assessment has accompanied the Outline application and the proposed development is classified as Major and should therefore be accompanied by an Air Quality Assessment and an emissions mitigation statement, as per Sussex Air guidance. The emissions mitigation statement should detail the measures that are being undertaken to control emissions during the construction and operational phases.</p>

	<p>OFFICER COMMENT: This would already have been considered during the examination of LLP2, in which the site is allocated for housing development. The provision construction management plan and provision of electric vehicle charging points are addressed in conditions attached to the outline permission (LW/21/0530) and details of other measures to reduce air emissions would be sought as part of a sustainability condition attached to any approval.</p>
6.7	<p><u>LDC Contaminated Land Officer</u></p> <p>The officer referred to their comments submitted to the previous reserved matters scheme (LW/22/0153) which were as follows: -</p> <p>Submitted detail is a site investigation report prepared by Southern Test (dated 11 January 2022). I agree with report para 6.10 (need for UXO risk assessment) and para 34 (conclusion) of the report.</p> <p>This means, I have no objection to the above-mentioned reserved matter application (subject to conditions to a secure a UXO (unexploded ordnance) report and remediation strategy to be adhered to if any unexpected contaminants are discovered during construction works).</p>
6.8	<p><u>Sussex Police (Secured by Design)</u></p> <p>Concerns are raised regarding levels of natural surveillance over parking areas and the trim trail on the western side of the site along with other recommendations on planting, boundary treatment and general security arrangements.</p> <p>OFFICER COMMENT: A condition can be used to gain further information on site security arrangements. The trim trail is shown in an indicative position, and this could be revised, again with final details to be secured by condition. The positioning of parking requires a balance between natural surveillance of parking areas and the impact parking further to the front of dwellings would have upon the character of the development and the wider surrounding landscape. In this instance, it is considered that the balance is appropriate.</p>
6.9	<p><u>LDC Tree Officer</u></p> <p>Comments on Broad Oak Tree Consultants Limited (referred to as Broad Oak within remainder of this report) REVISED ARBORICULTURAL IMPLICATIONS ASSESSMENT ref: J58.67 dated 14 February 2023</p> <ul style="list-style-type: none"> • The report is considered sound arboricultural advice. • No objection from an arboricultural perspective. <p>The proposed pruning back of G11 by 3 metres set out in the OSP report is considered excessive and detrimental to tree health and condition. New growth will not appear from bare wood when cutting hard back into older leafless growth and result in significantly reduce amenity. Broad Oak</p>

	<p>report recommendations consider “maintaining the integrity of the screen and without causing significant harm to the trees.”</p> <p>T8 Ash has not been identified as being necessary to remove by Broad Oak and clearly indicates how the tree can be retained and protected within their report.</p> <p>It is advised that the applicant seeks advice from their arboriculturist in relation to G11 situated upon third party land regarding management options and potential constraints upon the proposed development.</p> <p>Recommend rejecting those tree work recommendations within the OSP Tree Works Plan that are in addition to the Broad Oak report.</p> <p><u>Comments on proposed Planting scheme</u></p> <p>No objection to proposed tree species or numbers within document. Advise requirement for planting specification, aftercare, and maintenance plan.</p> <p>OFFICER COMMENT: Tree works shall be controlled by the conditions recommended by the officer. Full landscape planting and management details are secured by the package of biodiversity conditions attached to the outline permission granted under LW/21/0530.</p>
6.10	<p><u>NatureSpace</u></p> <p>Further information has since been provided of two great crested newt records within 250m of the site. As the ponds have not been surveyed since 2018, and the last attempt to survey was 2020, efforts should be made to attempt to survey ponds within 250m. Validity of ecological reports and surveys can become compromised overtime due to being out-of-date. CIEEM Guidelines for Ecological Report Writing (CIEEM, 2017) states, if the age of data is between 12-18 months, “the report authors should highlight whether they consider it likely to be necessary to update surveys”. If the age of the data is between 18 months to 3 years an updated survey and report will be required and anything more than 3 years old “The report is unlikely to still be valid and most, if not all, of the surveys are likely to need to be updated”.</p> <p>In line with the guidance from Natural England (Great crested newts: District Level Licensing for development projects, Natural England, March 2021), there is a reasonable likelihood that great crested newts will be impacted by the development proposals and therefore, the applicant must either:</p> <p>Submit a NatureSpace Report or Certificate to demonstrate that the impacts of the proposed development can be addressed through the Council’s District Licence. This method of licencing often removes the need for survey work and onsite mitigation for great crested newts as it provides compensation habitats off site. This would provide certainty to the</p>

	<p>applicant, as their licensing route can be determined within 10 working days at any time of the year (more details can be found at www.naturespaceuk.com).; or</p> <p>Provide further information on ponds within 250m, in line with Natural England's Standing Advice, to rule out impacts to great crested newts*, or demonstrate how any impacts can be addressed through appropriate mitigation/compensation proposals.</p> <p>If it is determined that there is no suitable habitat impacted on site and the likelihood of GCN is very low, then a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed Method Statement (NLMS) strategy documents completed by a suitably qualified ecologist may be acceptable for the development.</p> <p>OFFICER COMMENT: There is overlap in the advice provided and the raft of biodiversity and ecological conditions attached to the outline permission at the recommendation of the ESCC ecologist. However, an informative will be attached to remind the developer of their statutory responsibilities in relation to Great Crested Newts and the potential need to utilise the district licensing scheme.</p>
6.11	<p><u>East Sussex Fire and Rescue Service</u></p> <p>If this application receives approval the Developer is required to ensure there is sufficient water for firefighting in accordance with the Water UK National Guidance Document. This is usually achieved by the provision of Fire Hydrant(s) attached to a suitable water main. Early consultation with East Sussex Fire & Rescue Service is recommended to ensure that all needs are met.</p>
6.12	<p><u>Barcombe Parish Council (full response below)</u></p> <p>Barcombe Parish Council (BPC) welcome the changes to the layout and design defined in the revised reserved matters application and a majority are positive toward this application.</p> <p>However, BPC remain concerned that outstanding issues, particularly drainage and sewage, do not yet have robust solutions defined which have been signed off by the relevant parties. The Parish Council would like to see evidence of a future proofed maintenance plan for the drainage elements and the sewage pumping station. We understand that any changes to the drainage and sewage plans may have an impact on the layout of the site and therefore would ask that they be agreed before approval is given to the reserved matters application.</p> <p>BPC would also like to take this opportunity to remind the LDC planning department that Barcombe operates a dark sky policy. We note that County council highways team and the ecology expert have not yet commented on this application.</p>

	<p>We believe it is particularly important that the county ecologist comment on the BNG measures proposed by the applicant.</p> <p>OFFICER COMMENT: There is a robust selection of ecological conditions attached to the outline permission as recommended by the ESCC ecologist. It is noted that the indicative layout for the development submitted at the outline stage is similar to the scheme presented now. Similarly, there are conditions in place relating to drainage matters including ongoing maintenance and management.</p>
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<p>7.</p>	<p>Other Representations:</p>
<p>7.1</p>	<p>Neighbour Representations:</p> <p>A total of 13 letters of objection had been received at the time of writing this report. A summary of material planning matters raised is provided below. Objections to the principle of the scheme have been omitted as the grant of outline permission means this has already been agreed.</p> <ul style="list-style-type: none"> • Impact of surface water discharge onto neighbouring land, which is vulnerable to flooding, is not taken into account in the Flood Risk Assessment; • Management and maintenance of drainage system and landscaping would be a burden on future occupants; • Concern about the capacity of the sewage pumping station and the consequences of a power failure, particularly if the village is cut off by flooding, as would result in discharge of effluent into watercourses; • Submitted layout conflicts with requirement for frontage development requested by ESCC Highways; • The existing track could be used for access to the development; • A significant amount of hedging would need to be removed to provide visibility splays, more than the 18.4 metres permitted under LW/21/0153; • There is no additional ecological information or updated surveys; • Pedestrian and cycle linkage is poor; • The children’s play area is poorly sited close to the pumping station; • No details provided of the translocation areas for reptiles; • Only 50% of dwellings provided with electric vehicle charging points; • There would be no solar panels installed; • Would result in overlooking and overshadowing of neighbouring properties;

	<ul style="list-style-type: none"> • Would put more pressure on roads and infrastructure; • Will compromise the hillside setting of the village; • The site access would be concealed and dangerous; • The density of the development is too high; • Many people in the community object but are not aware of how to lodge their objection; • There is little information on how biodiversity net gain will be achieved; <p>OFFICER COMMENT: The pumping station is provided with 24-hour emergency storage capacity to account for any failure. Access arrangements for the development were approved as part of the outline scheme, with the support of ESCC Highways and details are not under consideration as part of this reserved matters application. There are conditions attached to the existing outline approval as well as recommended to be attached to this application to account for ecological protection, biodiversity enhancements, siting of a suitable play area and delivery of sustainability enhancements/renewable energy generation.</p>
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8.	Appraisal:
8.1	<p><u>Key Considerations:</u></p> <p>The main considerations relate to the principle of the development; the impact upon the character and appearance of the area and neighbour amenities, impacts upon highway/pedestrian safety and flood risk and the overall merits of the scheme in terms of the balance of economic, environmental, and social objectives that comprise sustainable development. As will be expanded upon in section 8.2, the ‘tilted balance’ must be applied in the determination of this application, meaning that it should only be refused if any harm caused would significantly outweigh the benefits of the scheme.</p> <p>It is important to note that the principle of the residential development of the site, as well as the provision of the new site access has been established following allocation of the site within the development plan and the granting of outline planning permission under LW/21/0530. <u>As such, these matters will not be reassessed.</u></p> <p>The application will therefore be determined on the basis of how the appearance, layout, scale, and landscaping arrangements of the proposed development respond to relevant local and national planning policy. This includes direct policies relating to the above matters as well as indirect considerations, such as how the layout and landscaping of the scheme impact upon surface water drainage.</p>
8.2	<u>Principle:</u>

As stated in section 8.1, the principle of development has been accepted following the approval of LW/21/0530. This is consistent with para. 005 of the Planning Practice Guidance for Making an Application which states that 'an application for outline planning permission allows for a decision on the general principles of how a site can be developed.'

Therefore, the current application must be determined within the remit of assessing the reserved matters only, these being the layout, scale and appearance of the development and the landscaping arrangements.

It is also of significant weight that the site is allocated for residential development and, as such, the scheme is development plan led.

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 has been disaggregated taking account of the National Park development to 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.

It has been established through case law, comprehensively summarised in *Gladman Developments Ltd v SSHCLG & Corby BC & Uttlesford DC* [2020] EWHC 518 (Admin) that para. 11 does not remove development plan policies from the decision-making process and that, instead, it is for the decision maker to analyse policies and attribute suitable weight as part overall assessment of the benefits of any scheme versus the harm caused.

It is considered that significant weight should be attached to impact of development upon the established character and appearance of the area surrounding it, particularly in view of the 2021 revisions to the NPPF and the strengthening of section 12, in which para. 134 states 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design'. It is noted that policy BA 02 includes a general design brief for the

	<p>development of the site, and it is therefore important that the submitted scheme accords with it.</p> <p>The details covered by reserved matters also clearly have the potential environmental implications in how the layout and landscaping of the development would respond in relation to surface water management, sustainability, carbon reduction and biodiversity and social implications in how the layout, scale, appearance, and landscaping of the scheme would impact upon the amenities of existing and future residents as well as the general character of the surrounding area.</p> <p>The merits of the scheme will therefore be assessed on this basis, with reference to the tilted balance.</p>
8.3	<p><u>Design & Character:</u></p> <p>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. There are general design criteria included for development of the site incorporated into LLP2 policy BA02 and these will also be referred to in the assessment of the application.</p> <p>The current scheme follows the refusal of the reserved matters application submitted under LW/22/0153, where committee members expressed an objection to the design and layout of the development, as follows: -</p> <p>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> <p>The proposed scheme presents a layout similar to that provided for indicative purposes at the outline stage. In this scheme, there is a clear set back of development from the High Street, allowing for the formation of a green buffer along the southern boundary of the site. Although there had been concerns raised by officers that the setting back of development from the High Street would impede on the ability for the development to engage and interact with the existing settlement, something that is important in fostering a strong sense of community, it is considered that the proposed layout achieves an appropriate balance, with dwellings facing out towards the road and engaging with it whilst also having visual impact softened by the green buffer which, it is considered, takes cues from the character of roadside verges common on rural roads and helps create a sympathetic transition from the built-up, at some points relatively dense levels, environment of the settlement of Barcombe to the east and the open countryside to the west.</p> <p>It is noted that para. 2.72 of LLP2, which provides context to policy BA02 states ‘as part of any development, new properties should be set back from the High Street, be no more than two storeys and ‘blocks’ of</p>

development avoided to help retain a sense of transition into the village from the surrounding rural area. Whilst this is not included within the actual criteria of the policy it is accorded some weight and it is considered that the submitted layout responds positively to this statement through the set back of development from the road and also the articulation, distribution, and orientation of development within the site.

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

Within the site, it is considered that dwellings would engage well with one another, and the formation of secluded area is avoided. There is a degree of trade off in regard to natural surveillance offered over car parking areas and the need to parked vehicles appearing overly dominant within the development. Communal areas are well overlooked although the concerns of Sussex Police in relation to the positioning of the Trim Trail are noted and consideration should be given to locating this facility elsewhere. The relocation of the trail can be secured by condition 26 attached to the outline permission which requires the submission of full details of then location and specification of play equipment to be provided.

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

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

	<p>Notwithstanding site boundary landscaping, the rising topography of the site means the proposed development would be visible, in part, from surrounding streets and open space, particularly when approaching Barcombe over the former railway bridge to the west. However, it is noted that existing views on this approach include dwellings on The Grange and it is considered that the proposed development would integrate with these neighbouring buildings, marking the edge of the settlement and the transition from the rural environment to the village. It is also noted that the topography of the site would remain consistent with the existing contours, with artificial looking terraces being avoided, although it is noted that some of the rear gardens would have split levels, the height differential would be minimal and large expanses of flat surface would be avoided. When factoring in the amount of planting that would be carried out, particular the strengthening of planting on the western boundary, and the provision of verdant areas within the development, it is considered that, whilst the hillside setting of Barcombe would be altered by the development, the degree of change would not be excessively harmful to the setting of the village.</p> <p>From further afield, the site is well screened by mature trees that follow the course of the former railway line and any views from surrounding public footpaths would be infrequent and confined to roof tops which would be seen in context with the roofscape of the rest of the village. The development would be more apparent when seen from PROW Barcombe23 to the south of the site although this would be restricted to views through the gap between the hedge/tree line and existing dwellings on the southern side of the High Street where the footpath meets the road and in which the development would be viewed in context with existing development within the village.</p> <p>Overall, it is considered that the proposed development would assimilate with the visual and spatial characteristics of the existing village which is situated to the east whilst retaining suitable green buffers and interior planting to maintain the transition between the urban and rural environment and to preserve the semi-rural character of the village.</p> <p>It is therefore considered that the application complies with policy CP10 of LLP1, policies BA02(c), DM25 and DM27 of LLP2 and paras. 127 and 170 of the NPPF as far as the outline details of the scheme are concerned.</p>
8.4	<p><u>Impact upon amenities of neighbouring residents</u></p> <p>There is existing residential development adjacent to all boundaries of the application site, the nearest neighbouring properties being at Willow Cottage not the southwest and at Wheelwrights House, Vine Sled and Hillside to the east.</p> <p>The layout of the site allows for green buffers on all site boundaries, and this serves two purposes in regard to the protection of neighbouring amenities by providing a sympathetic screen to the development whilst also allowing suitable separation distances between buildings to be maintained. There is a level of uncertainty regarding the retention of the</p>

leylandii currently present on the northern site boundary, but this can be addressed through a landscaping condition that would seek their retention or replacement with a suitable sympathetic green screen.

It is noted that Willow Cottage is particularly sensitive to the impact of the development given that it is a bungalow dwelling positioned on a low-lying plot of land. Development on the application site would therefore have the potential to appear overbearing towards this site as well as to introduce intrusive levels of overlooking. However, it is considered that the layout of the development addresses these concerns, with all dwellings orientated so as to not face directly towards Willow Cottage and the minimum distance maintained between new development and the existing dwelling being approx. 19.8 metres, with the relationship being broadly 'side on.'

The height of all buildings is limited to two-storeys, the degree of separation between the new development and Willow Cottage and all development being to the north-east of Willow Cottage, it is considered that the development would not result in any level of overshadowing that would be detrimental to amenity and living conditions.

Turning to properties to the east, dwellings towards the site boundary would face broadly side-on to existing the existing property at Wheelwrights House and a side to front relationship with the property at Vine Sled. It is noted that plot 14 includes side facing first floor bedroom windows that would allow for some views towards the far end of the rear garden area at Vine Sled but it is considered that these views would be partially screened by boundary treatment and landscaping and that any views towards the dwelling at Vine Sled would be from a distance of approx. 25 metres and at a fairly acute angle, preventing the views offered from being unacceptable invasive.

There would be no side facing first floor windows at plot 22 which is opposite the front of Vine Sled. This elevation would not contain any first-floor windows. There would be a first-floor side facing window in the block of flats positioned to the west of Wheelwrights House. This window would serve a kitchen which is part of an open plan room and could be required to be obscure glazed without unacceptable detriment to the living conditions of the occupants of the flat.

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

The residential use of the site, as well as its intensity, is considered to be consistent with the character of surrounding residential development and would therefore not bring about activities of an intensity and nature that would be unacceptably disruptive to existing residential amenity at nearby properties. The roads and parking areas are positioned away from site boundaries so as to minimise impact of noise produced by moving

	<p>vehicles whilst boundary treatment would help control light spill from headlights. It is noted that there is a car parking area positioned close to the eastern site boundary broadly opposite the front of Vine Slead. However, this is positioned adjacent to an access track which provides a buffer between neighbouring dwellings and there is also landscaping provided to the side of the parking area to soften impact. It should also be noted that, had the existing access to the site been practical to serve the needs of the development, all traffic associated with it would have passed dwellings to the east.</p>
8.5	<p><u>Living Conditions for Future Occupants & Affordable Housing:</u></p> <p>Para. 134 of the NPPF states that ‘development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.</p> <p>Para. 126 of the National Design Guide (2019) states that ‘well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight, and ventilation.’</p> <p>The Technical housing standards – nationally described space standard (2015) defines minimum levels of Gross Internal Area (GIA) that should be provided for new residential development, based on the number of bedrooms provided and level of occupancy. Floor plan drawings and measurements confirm that all units would meet or exceed minimum GIA.</p> <p>Each dwelling and flat is considered to have a clear and easily navigable layout, with awkwardly sized rooms and overly large or long circulation areas being avoided. All primary habitable rooms would be served by clear glazed windows that would not have any immediate obstructions to outlook. These windows would allow for access to good levels of natural light as well as providing effective natural ventilation. All dwellings and flats would be multiple aspect, increasing the effectiveness of natural ventilation and also prolonging exposure and access to natural light throughout the course of the day.</p> <p>LLP2 policy DM25 states that developments of 10 or more dwellings should demonstrate how the ‘Building for Life 12’ criteria have been considered and would be delivered by the development. One of the recommendations made in Building for Life 12 is that rear gardens are at least equal to the ground floor footprint of the dwelling. The occupants of each dwelling would have direct access to a suitable sized private garden area. The garden area is equal to, or in excess of the footprint of the dwelling.</p> <p>Although the flatted element of the scheme would not be allocated any private amenity space there would be communal green areas directly adjacent to the flats.</p> <p>Para. 3.7 of the LDC Affordable Housing SPD maintains that ‘it is expected that affordable housing provided onsite will be subject to the same standards and be indistinguishable from the open market housing. The provision of onsite affordable housing should be integrated into the layout of the development through ‘pepper-potting’ within market housing, in</p>

	<p>order to fully reflect the distribution of property types and sizes in the overall development.'</p> <p>Whilst the affordable housing provision within the scheme would be concentrated towards the eastern side of the site rather than 'pepper potted' it is considered to be compliant with this statement in all other regards in that the design and scale of the dwellings would be indistinguishable from the market housing as would space standards. Furthermore, the orientation of the dwellings would allow them to engage fully with the market housing and the affordable element would therefore not appear disconnected or divorced from the wider development.</p> <p>It should also be noted that para. 3.7 goes on to state that 'the Council recognises that pepper-potting may not be possible on development sites consisting of 25 dwellings or less'. This is primarily due to viability and practicality issues associated with the registered providers who would take on the affordable housing. Whilst the proposed scheme is for 26 dwellings, it is considered that it would experience similar issues in this regard as would a development of 25 or less dwellings.</p> <p>It is therefore considered that the proposed development complies with policy CP2 of LLP1, policy DM15, DM16 and DM25 of LLP2 and section 8 of the NPPF.</p>
8.6	<p><u>Flooding and Drainage:</u></p> <p>The proposed development would involve the introduction of buildings and impermeable surfaces (equating to a total area of approx. 0.42 hectares) on what is currently an undeveloped greenfield site. The site is located in Flood Zone 1 and, as such, is at minimal risk from tidal and fluvial flooding. There are no records of any significant issues with surface water drainage within the site itself although land to the south, particularly on the adjoining site at Willow Cottage as well as land to the west at Bridgelands is identified by the Environment Agency as being at high risk of surface water flooding and given surface water from the development would ultimately discharged into the existing watercourse adjacent to Bridgelands, it is vital that existing surface water issues are not exacerbated and, ideally, are improved as a result of drainage infrastructure installed as part of the development.</p> <p>The proposed development would utilise surface water attenuation facilities, including a sizeable pond in the southwestern corner of the site and a swale in the biodiversity protection area in the north-eastern corner. These features would allow for the discharge of surface water into the watercourse to be controlled at an appropriate rate, noting that the site topography results in the surface water generated on the site as it currently is discharging towards the same watercourse. This would be via an attenuation pond formed in the south-western corner of the site which would allow discharge to be managed as close as practicable to existing greenfield run-off rates, this being 5.4 litres per second. Contingencies are required in order to ensure that rates are controlled at appropriate levels including an allowance for a 1 in 100-year weather event with an additional 40% allowance to account for the predicted impacts of climate change.</p>

	<p>The principle of the SUDs scheme was agreed with the Lead Local Flood Authority (LLFA) at the outline stage. As a result, although the climate change allowance for storm events has been raised to 45%, the outline permission effectively provides 'grandfathering' rights for the drainage scheme for the development to be based on the 40% figure that was in place at the time the outline permission was granted. Notwithstanding this, should the application be approved, the Council will seek to secure details of additional drainage capacity to meet 45% allowance if it is possible to achieve without altering the layout of the development.</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>
8.7	<p><u>Water Quality</u></p> <p>Foul water would be disposed of by way of connecting with the existing public foul water network. A pumping station would be installed in order to facilitate disposal.</p> <p>The applicant intends to utilise a type 2 adoptable pumping station to pump foul sewage to the existing sewer network. Whilst type 2 stations are typically designed for 6-20 dwelling the developer intends to have the pumping station, and all other foul drainage infrastructure, adopted by Southern Water through an application to them for a relaxation.</p> <p>If the relaxation is declined then there is scope to segregate six units onto a private package pump station to bring the site within the notional 20-unit, Type 2 station limit. In this instance, the private pumping station would be located within the parking area to the rear of Unit 21 and would be indistinct except for a maintenance hole covers and small kiosk.</p> <p>If the private package pump is required, then it is stated that its management would be provided via management company funded solely and in perpetuity by the development. In doing so, private individuals will not be directly responsible for maintenance of any additional drainage assets regardless of adoption or otherwise.</p> <p>It should be noted that any private foul drainage apparatus would be subject to Building Regulations compliance as well as relevant environmental legislation.</p> <p>LLP2 policy BA 02 g) states that occupation of the development should be phased to align with the delivery of sewerage infrastructure, in liaison with the service provider.</p> <p>Southern Water has a statutory duty under section 94 of the Water Industry Act (WIA) (1991) to plan and implement any works that are necessary to ensure the network of sewers (and sewage treatment facilities) continue to operate satisfactorily once they have received notification that a developer intends to exercise their right to connect under section 106 (1) WIA 1991.</p>

	<p>Sewer infrastructure improvements would be secured by way of Southern Water infrastructure charges that would contribute towards the maintenance and improvement of the public sewer network. The development would require a connection agreement to be issued by Southern Water, who would also stipulate that completion is phased to align with improvement works to the network, in order to ensure existing infrastructure is not overloaded. A condition will be used to ensure a phasing agreement is secured, if required.</p> <p>Pollution control measures could be integrated into the drainage scheme to prevent discharge of pollutants into surrounding watercourses or onto surrounding land. It is therefore considered that the proposed drainage scheme would meet the criteria of sustainable drainage as set out in para. 051 of the Planning Policy Guidance on Flood Risk and Coastal Change in that it would manage run-off, control water quality, provide amenity (in the form of the attenuation pond) and would enhance biodiversity by creating habitat not currently present on the site. The Lead Local Flood Authority (LLFA) have stated that they are satisfied that the surface water generated by the proposed development can be managed effectively.</p> <p>Southern Water have confirmed that they have no objection to the proposals.</p> <p>Notwithstanding SW comments LDC officers are recommending a controlling condition that limits occupation until such time as SW have agreed sufficient headroom within their local network.</p>
<ul style="list-style-type: none"> • 	<p><u>Landscape, Ecology & Biodiversity</u></p> <p>The outline application was accompanied by an Ecological Appraisal Report, as required by BA20 (e). The appraisal was reviewed by the ESCC Ecologist who was satisfied that a development of up to 26 dwellings could be accommodated on the site without resulting in unacceptable harm to habitat and ecology.</p> <p>At this stage, the new site access, which requires a gap to be formed in the young primarily beech hedge on the southern site boundary, was accepted and was approved. The length of hedging removed to facilitate the development would be 18.4 metres of the species poor hedgerow on the southern boundary. Overall, the development of the approx. 1.22-hectare site would result in the loss of 0.85ha of land (made up of 0.2374ha of vegetated gardens, and 0.5099ha of developed land and sealed surfaces, with an additional 0.0072ha of land forming a proposed play area.</p> <p>The proposed development includes additional planting to strengthen and enrich the existing hedgerow and tree lines on site boundaries, including the hedge flanking the High Street. There is a focus on native species that would provide a habitat and food source for wildlife. Not including planting which would be positioned on land under private ownership, the proposal would incorporate a 141% increase in hedgerow units, strengthening existing hedgerow and incorporating new hedgerow with connectivity to the wider hedgerow network. A considerable number of trees would also</p>

	<p>be planted and all grassland outside of private garden and formally landscaped would be overseeded with native wild grasses and flowers.</p> <p>It is noted that ESCC Highways have requested the removal of some trees adjacent to plot 1 in order to make the development more visible to motorists approaching from the west. It is considered that suitable hedge species could be substituted in place of these trees and that the loss of the trees could be compensated for by additional tree planting elsewhere within the development, to be confirmed in the final landscaping scheme which is to be secured by condition.</p> <p>The applicant has used the DEFRA metric (v3.0) to quantify the existing biodiversity value of the site as well as the value of the developed site, including the submitted landscaping strategy. The assessment establishes that the habitat unit score within the site would increase by 12.11%.</p> <p>A reptile survey, carried out as part of the ecological appraisal of the site, identified colonies of slow worm, primarily concentrated to the rank grassland around the edge of the site. The County Ecologist required arrangements to be made for new habitat to be created within the site and for slow worm to be captured and translocated to these habitat sites prior to construction works beginning. There is a condition attached to the outline permission for Reptile Method Statement to be submitted and approved prior to any works commencing to ensure translocation is carried out to sites that are appropriate and secure.</p> <p>It is therefore considered that the development complies with policy CP10 of LLP1, policies BA02(e), DM24 and DM27 of LLP2 and paras. 170 and 175 of the NPPF.</p>
8.8	<p><u>Highways:</u></p> <p>It is important to note that the access arrangements for the scheme have already been approved under LW/21/0530.</p> <p>Initial concerns raised by highways in relation to the visibility of the development on approach from the west have been addressed through the submission of 3D visualisations presented by the applicant as well as revisions to site landscaping.</p> <p>ESCC Highways have noted that the road access road is narrow and that this would preclude on street parking within the development. However, laybys are provided for use by visitors and the overall provision of parking within the scheme is considered by ESCC to be acceptable. The officer noted that tracking diagrams for the turning of a refuse vehicle within the site modelled for an 11.2-metre-long vehicle rather than 12 metres, which is the length of the largest refuse vehicle currently operating in the district. It is noted that the nature of development in Barcombe and surrounding settings is likely to prevent the use of a 12-metre-long truck in a number of areas and, as such, smaller vehicles would be used.</p>

	<p>ESCC also refer to additional works to the footway adjacent to the site which would be secured as part of the section 278 works associated with the development.</p>
<p>8.9</p>	<p><u>Sustainability:</u></p> <p>The application is accompanied by an Energy Strategy which sets out measures incorporated at the design level to improve the sustainability of the development and to reduce carbon emissions, energy, and water consumption.</p> <p>The strategy follows the be lean, be clean, be green methodology and quantifies the benefits of the measures in terms of emissions taken against a baseline level. The strategy responds to the requirement set out in the LDC Technical Advice Note (TAN) on sustainability in development which required new dwellings forming major development to achieve a minimum 20% improvement over the baseline. The strategy confirms that through the use of energy efficient materials, construction methods to achieve air tightness and the provision of air source heat pumps, the required improvement over baseline emissions would be achieved. A condition will be used to ensure that the development is carried out and maintained in accordance with the details provided within the statement. Overall, the measures set out would limit achieve a 57% reduction in CO² emissions generated by the development in relation to the baseline level.</p> <p>Further sustainability measures are secured by condition 30, attached to the outline planning permission, which requires details of ways in which water efficiency will be improved, the provision of functioning electric vehicle charging point for all dwellings and a minimum of 10% energy use being supplied by renewables.</p> <p>It is noted that the development incorporates sustainable drainage infrastructure which would provide additional habitat and amenity value and would also help control the release of any pollutants from the site into neighbouring watercourses. The development would be linked to the village centre by footpath, allowing for easy access to the shop and services provided within the village by foot. A travel plan, secured by a condition attached to the outline approval, would be expected to focus on encouraging and promoting the use of more sustainable modes of transport.</p> <p>During the construction stage, the applicant would be required to adhere to a Site Waste Management Plan (SWMP) that will detail how wastage of materials would be reduced as far as practicable and that surplus materials would be re-used or recycled wherever possible.</p>
<p>8.10</p>	<p><u>Archaeology</u></p> <p>Archaeological fieldworks were secured by way of a condition attached to the outline planning permission granted under LW/21/0530. These works were carried out in accordance with methodology and scope agreed with ESCC Archaeology between 26th and 28th October 2021. The County Archaeologist was provided with a report on the findings of the fieldwork</p>

	<p>and was satisfied that no further works or information was required. The report has been added to the Historic Environment Record.</p> <p>It is therefore considered the proposed development complies with policy CP11 of LLP1, DM33 of LLP2 and section 16 of the NPPF.</p>
8.11	<p><u>Planning Obligations:</u></p> <p>A section 106 agreement to secure policy compliant affordable housing provision was signed at the outline stage. Highway improvement works would be secured through a section 278 agreement.</p>
8.12	<p><u>Human Rights Implications:</u></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>

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

10.	Conditions:
10.1	<p>Time limit</p> <p>The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date on which this permission is granted.</p> <p>Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).</p>
10.2	<p>Wastewater reinforcement</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</p>

	<p>policies BA02, DM20 and DM22 and para. 174 of the NPP</p>
10.3	<p>Materials Prior to the application of any external finishing (including window and door frames), a full schedule of external materials finishes and samples to be used on the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved schedule and samples.</p> <p>Reason: In the interest of visual amenity and the setting of the adjacent Conservation Area in accordance with LLP1 policies CP10 and CP11, LLP2 policies BA02, DM25 and DM33 and para. 130 and 197 of the NPPF.</p>
10.4	<p>Parking The development shall not be occupied until parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.</p> <p>A minimum of 1 x dedicated electric vehicle charging point shall be provided for each unit of accommodation in accordance with details to be submitted to and approved by the Local Planning Authority. The charging points shall thereafter be installed prior to the first occupation of each unit and maintained in an operable condition throughout the lifetime of the development.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to encourage alternative, more sustainable modes of transport and to reduce local contributing causes of climate change in accordance with LLP1 policies CP11 and CP13, LLP2 policy DM25 and para. 110 and 112 of the NPPF.</p>
10.5	<p>Size of Parking Spaces The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).</p> <p>Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LLP1 policies CP11 and CP13, LLP2 policy DM25 and para. 110 and 112 of the NPPF.</p>
10.6	<p>Cycle Parking The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.</p>

	<p>Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development in accordance with LLP1 policies CP11 and CP13, LLP2 policy DM25 and para. 106 and 112 of the NPPF.</p>
10.7	<p>Contamination</p> <p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.</p> <p>Reason: In order to prevent damage to the environment and the exposure of existing and future occupants to contaminants in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM20, DM21 and DM22 and para. 174 and 183 of the NPPF.</p>
10.8	<p>Unexploded Ordnance Report</p> <p>Prior to the commencement of development an Unexploded Ordnance (UXO) risk assessment must be submitted to and approved by the Local Planning Authority and construction works carried out in adherence to any recommendations made within the assessment.</p> <p>Reason: In the interest of public safety in accordance with LLP1 policy CP11, LLP2 policy DM20 and para. 119 of the NPPF</p>
10.9	<p>Obscure Glazing</p> <p>The first-floor windows on the eastern (side) elevation of plots 23-26 shall be obscurely glazed and fixed shut at all times, other than any parts that are over 1.7 metres above the finished floor level of the rooms that they serve.</p> <p>Reason: In order to protect the amenities of neighbouring residents in accordance with LLP1 policy CP11, LLP2 policy DM25 and para. 130 of the NPPF.</p>
10.10	<p>Tree Planting:</p> <p>Prior to completion or first occupation of the development hereby approved, whichever is the sooner; full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of nursery stock type, supplier, and defect period.</p> <p>All tree planting shall be carried out in accordance with those details and at those times. Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building</p>

	<p>works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.</p> <p>Reason: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 to safeguard and enhance the amenity of the area, to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with LLP1 policy CP10, LLP2 policy DM27 and section 15 of the NPPF.</p>
10.11	<p>Tree Protection</p> <p>No retained tree shall be cut down, uprooted, destroyed, pruned, cut, or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.</p> <p>Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and biodiversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the locality.</p>
10.12	<p>Tree Works Procedures:</p> <p>A pre-commencement meeting shall be held on site and attended by the developers appointed arboricultural consultant, manager/foreman and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree the precise position of the approved 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.</p>
10.13	<p>Arboricultural Implications Assessment</p> <p>The details within the REVISED ARBORICULTURAL IMPLICATIONS ASSESSMENT ref: J58.67 dated 14 February 2023 and Tree Protection Plan TPP shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision.</p>

	<p>Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990.</p>
10.14	<p>Evidence of Supervision and Monitoring Works</p> <p>The completed schedule of site supervision and monitoring of the arboricultural protection measures shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. 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.</p>
10.15	<p>Sewage Pumping Station</p> <p>Prior to the first occupation of any part of the development hereby approved, the full specification of all sewage pumping apparatus together with management, maintenance and monitoring procedures and contingencies in place for if the pump(s) fails shall be submitted to and approved by the local planning authority. Details of an adoption agreement for the type 2 sewage pump and other in site foul drainage infrastructure shall also be included.</p> <p>Reason: In order to ensure foul drainage is appropriately managed in order to prevent discharge over neighbouring land and into surrounding watercourses in accordance with LLP1 policy CP10 and LLP2 policies DM20 and DM22.</p>
10.16	<p>Informatives:</p> <p>ESCC's requirements associated with this development proposal will need to be secured through a Section 278 Legal Agreement between the applicant and East Sussex County Council. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.</p> <p>The applicant is advised to enter into a Section 38 legal agreement with East Sussex County Council, as Highway Authority, for the proposed adoptable on-site highway works. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that any works commenced prior to the Sec 38 agreement being in place are undertaken at their own risk.</p>

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

	<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
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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: 9th August 2023
Application No: SDNP/23/01760/FUL
Location: Former Bus Station, Eastgate Street, Lewes
Proposal: Section 73a retrospective application for the erection of temporary site hoardings and gates.
Applicant: Mrs A Vint - Generator (Eastgate Street) Ltd
Ward: Lewes Bridge
Recommendation: Grant Permission subject to conditions.
Contact Officer: **Name:** Robin Hirschfeld
E-mail: Robin.Hirschfeld@lewes-eastbourne.gov.uk

Site Location Plan:



1.	Executive Summary
1.1	<p>It is noted that the objections received are partially concerned with the closure of the bus station and the impact that this has had on the local community. This issue should not form part of the assessment/merits of the application before Members.</p> <p>The development proposals are acceptable for a temporary period of 1 year.</p> <p>As a temporary consent it would allow the application the necessary time to secure the necessary permissions to redevelop the site.</p> <p>The granting of a temporary consent for 1 year would mean that a fresh application would need to be submitted if the boundary enclosure were to be needed for a longer period.</p> <p>As a temporary consent it is considered that the boundary enclosure would not have a significant harmful impact on the character of the site or surrounding area and is recommended for approval.</p>

2.	Relevant Planning Policies
2.1	<p><u>National Planning Policy Framework</u></p> <p>4. Decision making 12. Achieving well-designed places 15. Conserving and enhancing the natural environment 16. Conserving and enhancing the historical environment</p>
2.2	<p><u>South Downs Local Plan 2019 (Full text of the most relevant policies reported at the foot of this report)</u></p> <p>Policy SD1 Sustainable Development Core Policy SD2: Ecosystem Services Strategic Policy SD4: Landscape Character Strategic Policy SD5: Design Strategic Policy SD6: Safeguarding Views Strategic Policy SD12: Historic Environment; Development Management Policy SD15: Conservation Areas</p>
2.3	<u>Lewes Neighbourhood Plan:</u>

	Policy HC3 A Heritage Protection of Landscape and Townscape Policy PL2 Architecture & Design
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3.	Site Description
3.1	The application site is a former bus-station and café in Eastgate in Lewes.
3.2	The site is on a corner plot and located to the North of Lewes town centre - adjacent to Eastgate Street and East Street.
3.3	The site is within the South Downs National Park and the Lewes Conservation Area.
3.4	The boundary treatment (subject of this application) has been erected.

4.	Proposed Development
4.1	<p>The application seeks retrospective planning permission for the erection of temporary site hoardings and gates along the Eastgate Street and East Street boundaries.</p> <p>Following the submission of an initial scheme amendments were requested resulting in the proposal now seeking temporary 1 year consent.</p> <p>The application before the committee is only for the erection/retention of hoardings and a security gate around the former bus station and Zu café site. The former use of the site is not a material consideration of this application and the application before the committee should be assessed on its own merits.</p> <p>*It should be noted that application reference SDNP/23/02973/FUL for the 'Demolition of existing buildings and construction of mixed-use development comprising 3 houses (Class C3), 32 self-contained flats (Class C3) and 198m2 of ground floor commercial space (Class E), with associated access alterations, landscaping and parking' is currently being assessed by the SDNPA Major applications team and has not yet been determined.</p>
4.2	<p>Materials are proposed to be:</p> <ul style="list-style-type: none"> - Timber hoardings currently painted grey. - Metal access gates;
4.3	The proposed hoardings will measure approximately 30 m wide in total and be 1.65 m deep and 2.4 m high - at their highest point.

	The proposed gates will measure approximately 5.8 m wide and 2.4 m high.
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5.	Relevant Planning History:
5.1	<p>SDNP/22/02197/FUL - Demolition of existing buildings and construction of mixed-use development comprising 3 houses (Class C3), 37 self-contained flats (Class C3) and 192m2 of ground floor commercial space (Class E), with associated access alterations, landscaping, and parking. - Refused 08.09.2022</p> <p>SDNP/23/02973/FUL - Demolition of existing buildings and construction of mixed-use development comprising 3 houses (Class C3), 32 self-contained flats (Class C3) and 198m2 of ground floor commercial space (Class E), with associated access alterations, landscaping, and parking - Validated 17.07.2023 and currently pending consideration with a determination date of 16.10.2023.</p>

6.	Consultations:
6.1	<p><u>Lewes Town Council – Objection</u></p> <p>OBJECT for the following reasons:</p> <p>The hoardings are not compliant with the requirements of the Lewes Conservation area.</p> <p>The hoardings are an unsightly redundant feature given that no planning permission has been granted for the demolition or change of use of the premises to which the hoardings purport to camouflage.</p> <p>The hoardings attract anti-social behaviour in the form of graffiti. The hoardings are covering a building of architectural value which has been registered as an Asset of Community Value</p> <p>The basis for much of the planning application is erroneous for example stating that the building behind the hoardings have not been used as a bus station since 2008 when it was functioning in 2022.</p> <p>The development on the north side of Phoenix Causeway has not yet acquired planning permission, so it cannot be called a provision in respect of another development.</p> <p>The 3 bus stops on School Hill should not be considered appropriate alternatives as they are neither safe for road users nor comfortable for</p>

	<p>waiting travellers.</p> <p>Traffic turning left from the junction of Friars Walk and School Hill do not have adequate sight of buses pulling out of the stops. There have been several occasions where this has led to confusion and potentially dangerous incidents.</p> <p>In the rain, water is channelled over the feet of travellers waiting at the stops. There are no refreshment facilities or toilet provision for travellers and drivers.</p>
6.2	<p><u>Design and Conservation Officer</u></p> <p>No objection received</p>

7.	Other Representations:
7.1	<p><u>Lewes Conservation Area Advisory Group: Objection</u></p> <p>Comment: Lewes CAAG strongly objected to the previous (refused) application to close the Bus Station and redevelop this site. We also object to this retrospective application for temporary hoardings. They are unnecessary and unsightly and have a seriously negative impact on the Conservation Area on a key visitor route into the town.</p> <p><u>Friends of the South Downs Comment:</u></p> <p>We object to this application. The bus station served a valuable function in Lewes for many years and could and should have continued to do so unless and until a new use was agreed. We believe it was closed prematurely and that the applicant's current dilemma is entirely self-inflicted.</p> <p>As it is, the hoardings detract from the appearance of the Conservation Area; are right at the entrance to the town centre and serve to present visitors with an image of the town which is wholly at odds with what residents would want. A sorry piece of PR on the part of the applicants. Sadly, we may have to accept that like it or not and even though it may be of the applicants' own making, they do now face a serious dilemma. It may be that there is little option but to permit the hoardings, but if that is the case, can this please be for as short a period as is reasonably practicable. For instance, could the two-year period be from the date the hoardings were erected, rather than the date of any consent. Of course, if it could be for a yet shorter period, then so much the better.</p>
7.2	<p><u>Neighbour Representations:</u></p> <p>32 Objections Received. The objections are concerned with the following material considerations:</p> <ul style="list-style-type: none"> - Retrospective nature of application

	<ul style="list-style-type: none"> - Compliance with planning policies - Out-Of-Keeping with Lewes Conservation Area - Reasoning for hoardings - Length of temporary period - Appearance of the hoardings - Visual impact <p>It is noted that the objections received are partially concerned with the closure of the bus station and the impact that this has had on the local community.</p> <p>The application before the committee is only for the erection of hoardings and a security gate around the former bus station and Zu café site.</p> <p>The former use of the site is not a material consideration of this application and the application before the committee should be assessed on its own merits.</p>
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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 site is located within the South Downs National Park and therefore determine by the SDNPA who further to the presumption in favour of sustainable development and sec 38 (4) of the statutory purposes and duty of the National Park are:</p> <ul style="list-style-type: none"> - Purpose 1: To conserve and enhance the natural beauty, wildlife, and cultural heritage of the area. - Purpose 2: To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. - Duty: To seek to foster the social and economic wellbeing of the local communities within the National Park in pursuit of our purposes.
8.2	<p><u>Design and Landscape Character</u></p> <p>The application site lies to the North of Lewes town centre and the proposed hoardings and gates would be sited along the East and North boundaries.</p>

	<p>The application site is visible from the North and East but, due to the bend in the road and protrusion of the former bus station wall, there is limited visibility from the South. It would be seen in the wider context against Eastgate Baptist Church to the North and the former Stone Works and Waitrose store to the East.</p> <p>The proposed development is sited around the existing former bus station and Zu café for the purposes of maintaining security on the site - preventing illegal parking and access.</p> <p>Whilst the former bus site incorporates a red brick wall that is indicative of the material colour palette to the South of the site the proposed hoardings do not impact this element of the existing site.</p> <p>In terms of design, following officer concerns the proposed scheme was amended to promote a temporary consent to minimise the long-term impact of the proposal.</p> <p>In addition, the applicant has agreed to the 1-year consent to allow for a reassessment of the proposals to take place in order to assess any degradation or neglect of the hoardings and whether any potential development of the site requires the hoardings to remain in place.</p> <p>Within this context the proposed hoardings would surround the internal concrete courtyard/parking area of the site and the two utilitarian buildings which are currently in situ - which do not reflect the design of the heritage buildings within the local vicinity and are not considered to be of heritage design value in and of themselves.</p> <p>In addition, the proposed hoardings to the North of the site, along East Street, are not physically attached to the existing flint wall.</p> <p>As such, it is considered that the proposal, in terms of the scale, form and design, would relate to the existing site and surrounding area in visual terms without appearing unduly dominant or discordant.</p>
8.4	<p><u>Impact Upon Character and Setting of a Conservation Area:</u></p> <p>The council's design and conservation officer were consulted, and an objection was raised to an initial proposal due to the impact of the proposal on the Lewes conservation area.</p> <p>Following negotiations between the planning officer and the applicant, an amended scheme was received proposes the temporary period down to one year and, as such, addresses the concerns raised.</p> <p>Whilst the proposed works would be visible within the surrounding streetscene, following the amendments - and for the design reasons noted above - it is considered that the proposal will not have a detrimental impact on the character or historical value of the Lewes Conservation Area.</p>
8.5	<p><u>Other considerations:</u></p>

	None.
8.6	<u>Planning Obligations:</u> There are no S106 Planning obligations associated with this proposal.
8.7	<u>Human Rights Implications:</u> The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been considered fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.
8.8	<u>Conclusion:</u> It is considered that the development proposals are acceptable for a temporary period and would not have a significant harmful impact on the character of the site or surrounding area.

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

10.	Conditions:
10.1	The development hereby permitted is granted for a limited period only expiring on 10 th August 2024. On or before this date, the development carried out in pursuance of this permission shall be demolished/removed from the site and the land restored in accordance with a scheme which has been submitted to and approved in writing by the LPA. Reason: The use hereby approved is not considered suitable as a permanent form of development.
10.2	The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application". Reason: For the avoidance of doubt and in the interests of proper planning.
10.3	The materials used in the construction of the development hereby approved shall be as detailed within the permitted application particulars

	and shall be retained permanently as such unless prior written consent is obtained from the Local Planning Authority to any variation. Reason: To safeguard the appearance of the building and the character of the area.
10.4	No external lighting shall be installed within the site unless otherwise agreed in writing by the Local Planning Authority. Reason: To enable the Local Planning Authority to control the development in detail in the interests of nighttime amenity, tranquillity and protect and conserve the International Dark night Skies.

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

	<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
	Proposed Site Plan	13.07.2023	PL-0012 A
	Location Plan	13.07.2023	PL-0011 A
	Proposed Eastgate Street Elevation and Typical Section	13.07.2023	PL-0013 A

12.	Appendices
12.1	None.

13.	Background Papers
13.1	Most relevant policies.
13.2	<p>Policy PL2: Architecture & Design of the Lewes Neighbourhood Plan states that:</p> <p><i>1) All new developments should be built to a high standard of design, having regard to the design principles set out in the Design Guidance Principles Inset Box (pages 106 — 107) and improve and enhance the built environment of the neighbourhood area.</i></p> <p><i>2) Support will be given for proposals that balance environmental considerations with a respect for traditional scale and materials, in the Lewes Conservation Area and in the Malling Deanery Conservation Area. Development proposals in the conservation areas should have regard to the relevant Character Appraisal and Management Plan.</i></p>

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

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

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

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

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

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

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

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

a) *Integrate with, respect and sympathetically complement the landscape character by ensuring development proposals.*

c) *Contribute to local distinctiveness and sense of place through its relationship to adjoining buildings, spaces and landscape features, including historic settlement pattern;*

d) *Create high-quality, clearly defined public and private spaces within the public realm;*

f) *Utilise architectural design which is appropriate and sympathetic to its setting in terms of height, massing, density, roof form, materials, night and day visibility, elevational and, where relevant, vernacular detailing;*

i) *Ensure development proposals are durable, sustainable and adaptable over time, and provide sufficient internal space to meet the needs of a range of users;*

j) *Give regard to improving safety and perceptions of safety, and be inclusive and accessible for all; and*

k) *Have regard to avoiding harmful impact upon, or from, any surrounding uses and amenities.*

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

1. *Development proposals will only be permitted where they preserve the visual integrity, identity and scenic quality of the National Park, in particular by conserving and enhancing key views and views of key landmarks within the National Park.*

2. *Development proposals will be permitted that conserve and enhance the following view types and patterns identified in the Viewshed Characterisation & Analysis Study:*

a) *Landmark views to and from viewpoints and tourism and recreational destinations;*

b) *Views from publicly accessible areas which are within, to and from settlements which contribute to the viewers' enjoyment of the National Park;*

c) *Views from public rights of way, open access land and other publicly accessible areas*

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

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

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

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

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

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

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

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

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By virtue of paragraph(s) 1, 2, 3, 6a, 6b of Part 1 of Schedule 12A of the Local Government Act 1972.

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