

Planning Applications Committee 6 December 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: Thursday, 23 November 2023

Agenda

1 Minutes (Pages 5 - 10)

To confirm and sign the minutes of the previous meeting held on 11 October 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).

An e-petition with 790 signatures has been received: Reject the proposed housing development between Chailey and Newick, East Sussex, (LW/21/1000).

6 Written questions from councillors

To deal with written questions from councillors pursuant to Council Procedure Rule 12.3 (page D9 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/23/0594 - Martello Kiosk, Esplanade, Seaford, East Sussex (Pages 11 - 16)

9 LW/23/0583 - Land North of The Old Brickworks, Station Road, Plumpton Green, East Sussex, BN7 3DF (Pages 17 - 36)

Non-planning application related items

10 Planning Appeal Decisions and Analysis (Pages 37 - 46)

Report of Head of Planning

11 Date of next meeting

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 17 January 2024, in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE, commencing at 5:00pm.

General information

Planning Applications outside the South Downs National Park:

Section 2 of each report identifies policies which have a particular relevance to the application in question. Other more general policies may be of equal or greater importance. In order to avoid unnecessary duplication general policies are not specifically identified in Section 2. The fact that a policy is not specifically referred to in this section does not mean that it has not been taken into consideration or that it is of less weight than the policies which are referred to.

Planning Applications within the South Downs National Park:

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

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

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

Information for the public

Accessibility:

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

Filming/Recording:

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

Public participation:

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

Information for Councillors

Disclosure of interests:

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

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

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

Councillor right of address:

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

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

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

Democratic Services

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

Email: committees@lewes-eastbourne.gov.uk

Telephone: 01273 471600

Also see the [Council website](#).



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Planning Applications Committee

Minutes of meeting held in Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE. on 11 October 2023 at 5.00 pm.

Present:

Councillors Paul Keene (Deputy-Chair, In the Chair), Graham Amy, Roy Clay, Becky Francomb, Christoph von Kurthy, Wendy Maples, James Meek, Isobel Sharkey and Stella Spiteri.

Officers in attendance:

Toby Collins (Planning Enforcement Officer), Marc Dorfman (Senior Planning Specialist), James Emery (Planning Officer), Jade Kingsley (Planning Caseworker), Sarah Lawrence (Committee Team Manager), Jennifer Norman (Committee Officer, Democratic Services), Leigh Palmer (Head of Planning First) and Elaine Roberts (Committee Officer).

48 Minutes

The minutes of the meeting held on the 6 September 2023 were submitted and approved and the Chair was authorised to sign them as a correct record

49 Apologies for absence/Declaration of substitute members

Apologies for absence were received from Councillors Lucy Agace (Chair), Ian Alexander and Sean MacLeod. It was declared that Councillor Wendy Maples would be acting as Substitute for Councillor Alexander for the duration of the meeting.

In Councillor Agace's absence, the meeting was chaired by the Deputy Chair, Councillor Keene.

50 Declarations of interest

Councillors Paul Keene and Wendy Maples declared a personal and prejudicial interest in Agenda Item 8 (planning application SDNP/23/02127/HOUS) as they were both close associates of the Applicant. They therefore left the room for the duration of this item and did not participate in the consideration, discussion or voting thereon.

At Agenda Item 14, (Tree Preservation Order No.6 2023), Councillors Roy Clay and James Meek declared they were members of Seaford Town Council, the landowner of the site, and to avoid any appearance of bias they left the room for the duration of the item and did not participate in the consideration, discussion or voting thereon.

51 Election of the Chair for Agenda Item 8

As Councillor Keene (Deputy Chair in the chair) would be leaving the room for agenda item 8 due to a prejudicial interest, the Committee was invited to appoint a Chair for this item.

Resolved:

That Councillor Isobel Sharkey be elected as Chair for the duration of Agenda Item 8 (planning application SDNP/23/02127/HOUS).

52 Urgent items

There were none.

53 Petitions

An e-petition with 98 signatures has been received in objection to Agenda Item 12 - Planning Application LW/23/0276 (Land at 1 South Coast Road, Peacehaven).

The Head of Planning First acknowledged receipt of the e-petition.

54 Written questions from councillors

There were none.

55 Officer update

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

56 SDNP/23/02127/HOUS - 50A North Way, Lewes, BN7 1DJ

Councillor Sharkey took the chair for this item.

There were no registered speakers on this application.

Resolved:

That S.73 retrospective planning application SDNP/21/02127/HOUS for erection of outbuilding to front be approved, subject to the conditions set out in the report.

57 SDNP/23/02873/FUL - Land Opposite 40 Nevill Road, Lewes, BN7 1PQ

Councillor Nicola Blackwell spoke on behalf of Lewes Town Council. Deirdre Daly (who read a statement on behalf of Dr Vivian Vignoles, Neighbour), Paul

Miller (Neighbour) and Tessa Russell (Neighbour) spoke against the proposal. Councillor Graham Clews spoke in his capacity as the Lewes District Ward Councillor.

The Council's Principal Planning Solicitor highlighted that as Councillor Roy Clay arrived late and was not present for the duration of this item, he would not be eligible to participate in the consideration, discussion and voting thereon. Councillor Clay agreed.

Resolved:

That S.73 retrospective planning application SDNP/23/02873/FUL for installation of an 18m high 5G telecom pole, along with associated equipment cabinets be refused as set out below:

The mast and associated equipment cabinets, by reason of their siting, scale, design and colouring, detract from the setting and positive attributes of the locality in visual terms, and appear as alien and unduly dominant features in the streetscape and in wider views towards the town from high ground. As such, and in the absence of satisfactory mitigation measures, the development is harmful to the landscape character and detrimental to visual amenity, contrary to policies SD4, SD5, SD6 and SD44 of the South Downs Local Plan and policies PL2 and HC3A/B of the Lewes Neighbourhood Plan.

58 SDNP/23/02859/HOUS and SDNP/23/02684/LIS - Southease Place Cottage, Church Lane, Southease, East Sussex, BN7 3HX

Nick Ebdon (Neighbour) spoke against the proposal. Gavin Williams (Applicant) spoke for the proposal.

Resolved:

That S73a retrospective planning applications SDNP/23/02859/HOUS and SDNP/23/02684/LIS for addition of freestanding air source heat pump to side of property be approved, subject to the content/findings of an independent acoustic report, then the application be delegated to the Head of Planning to grant planning permission and Listed Building Consent subject to the conditions set out in the report and supplementary report.

59 LW/22/0796 - Street Record, Cliff Gardens, Seaford

Lynette James (Local Resident) spoke against the proposal. John Morris (On behalf of Seaford Community Partnership, Applicant), Hilary Mifflin (On behalf of Seaford Community Partnership, Applicant) and Jan Lavis (Neighbour), spoke for the proposal. The Committee Officer read a statement on behalf of the Lewes District Ward Councillor, Councillor Christine Brett.

Resolved:

That planning application LW/22/0796 for change of use of a private street to a

climate change educational beach garden featuring 7-no. planters of which 3-no. include fishbone sculptures, surfacing of C National cycleway, creation and surfacing of footpath containing 3-no. 'Big Buoy' benches be approved, subject to the conditions set out in the report and supplementary report.

The Committee also resolved to delegate authority to the Head of Planning First to make an application to the Department of Transport under the s.249 Highways Act 1990 as set out in paragraph 10.3 of the report.

60 LW/23/0276 - Land at 1 South Coast Road, Peacehaven

Councillor Mary Campbell spoke on behalf of Peacehaven Town Council. Simon Bareham (Agent – Planning), Toby Richardson (Agent – Design) and Steve Reeves (Agent – Highways) spoke for the proposal.

The Committee requested that the Head of Planning First (HP) write to East Sussex County Council Highways in respect of moving the speed signs further up the road. The HP agreed.

Resolved:

That planning application LW/23/0276 for a scheme of 10-No. C3 residential dwellinghouses, and flexible C2/C3 supported housing accommodation, comprising of 22-No. residential flats, including 2-No. staff flats, plus ancillary facilities be approved, subject to:

- 1) Once the Applicant has demonstrated a method of drainage that is supported by ESCC SuDS team and that a policy compliant number of affordable units can be delivered then the application be delegated to Head of Planning to approve and issue the decision subject to section 106 legal agreement and conditions;
- 2) If the S106 is not substantially completed within 3 months, then the application be refused on the lack of certainty on the infrastructure needed to support/mitigate the development;
- 3) The conditions set out in the report and the supplementary report; and
- 4) An additional condition regarding levels.

61 LW/23/0268 - 2 Norlington Villas, Norlington Lane, Ringmer, BN8 5SH

Sarah Sheath (Agent) spoke for the proposal.

Resolved:

That planning application LW/23/0268 for the erection of 2-no. dwellinghouses be approved, subject to the conditions set out in the report.

62 Tree Preservation Order No. 2 2023 - Crouch Gardens, Bramber Road, Seaford

Prior to consideration of this application the Principal Planning Solicitor

provided advice on interests and Councillor Clay and Councillor Meek declared that they were members of Seaford Town Council (the applicant) and to avoid any appearance of bias they would leave the room for the duration of the item.

The Committee considered the report which asked it to confirm, without modification, Tree Preservation Order (No.6) 2023.

The Head of Planning First summarised the report, clarifying that the Tree Preservation Order (TPO) was No.2, not No.6 as stated in the report.

The Head of Planning First advised that the reason why the TPO was before Members was due to the intrinsic quality and value of the trees in and of themselves, having been surveyed by the Town Council's Tree Officer. Each tree and each group of trees exceeded the minimum requirements for a TPO. The trees were under the stewardship of Seaford Town Council as landowner.

The Committee Officer read a statement written by Geoff Johnson (Planning Officer) on behalf of Seaford Town Council.

Resolved:

That the Tree Preservation Order No. 2 be approved as set out in the report and Appendices A and B, for the reason of the intrinsic quality and value of the trees concerned.

63 Date of next meeting

It was noted that the next meeting of the Planning Applications Committee was scheduled to be held on Wednesday, 8 November 2023, in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE, commencing at 5:00pm.

The meeting ended at 8.10 pm

Councillor Paul Keene (Deputy-Chair in the chair)

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Agenda Item 8

Report to: Planning Applications Committee
Date: 6 December 2023
Application No: LW/23/0594
Location: Martello Kiosk, Esplanade, Seaford, East Sussex
Proposal: Detached prefabricated Changing Place facility for members of the public with severe disabilities and assistants.
Applicant: Lewes – Eastbourne Council (s)
Ward: Seaford Central
Recommendation: Approve subject to conditions.
Contact Officer: **Name:** James Emery
E-mail: james.emery@lewes-eastbourne.gov.uk

Site Location Plan: (Below)



1.	Executive Summary
1.1	<p>The proposed development as is considered to meet all relevant national and local planning policies and is considered to be acceptable.</p> <p>This application is coming before the Committee as the applicant is Lewes and Eastbourne Councils.</p>
1.2	Approval is recommended, subject to conditions.
1.3	<p><u>National Planning Policy Framework</u></p> <p>2. Achieving sustainable development</p>
1.4	<p><u>Lewes Local Plan Part 1 (LLP1)</u></p> <p>CP11 – Built and Historic Environment & Design</p>
1.5	<p><u>Lewes Local Plan Part 2 (LLP2)</u></p> <p>DM20 – Pollution Management</p> <p>DM25 – Design</p>
1.6	<p><u>Seaford Neighbourhood Plan (SNP)</u></p> <p>SEA2 Design</p>
2.	Site Description
2.1	<p>The This application relates to an area of land located southwest of the Esplanade on Seaford seafront. At present the site accommodates several concession kiosks, beach huts and a public W.C</p> <p>The application site not listed, nor is in in a conservation area or other designated area.</p> <p>The closest listed building is Martello Tower No. 74, located some 45m away to the northwest.</p>
3.	Proposed Development
3.1	The Planning permission is sought for the installation of a detached prefabricated 'Changing Place' facility for members of the public with severe disabilities and assistants.
3.2	The building would be flat roofed with a height of 3m, a width of 4.83m, and a depth of 3.5m. It would include various facilities such as a changing bench, a hoist, shower, and accessible toilets.
4.	Relevant Planning History:
4.1	No relevant history.

5.	Consultations
5.1	Seaford Town Council 'Noted' the application, with no Objection.
5.2	LDC Contaminated Land Officer No objection.
6.	Other Representations
6.1	No neighbour representations were received
7.	Appraisal
7.1	<p><u>Principle</u></p> <p>The principle of installing a toilet facility to serve seafront users and the wider public is acceptable, particularly as it would improve the provision of facilities in the area, and further the inclusivity for all users of this important shared space.</p> <p>It is considered that in principle, therefore, the scheme is acceptable and would be beneficial to users of the park and wider countryside. It would also accord with the Equality Act 2010 by advancing equality of access to facilities and the public realm.</p>
7.2	<p><u>Design</u></p> <p>Paragraph 130 of the NPPF outlines that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.</p> <p>The proposed building would be small in scale and located discretely beside an existing Kiosk, Beach Huts, and Public W.C on this stretch of seafront. It would be clad in grey-brown, with green features, which is considered to be acceptable in appearance.</p> <p>Given the scale of the building and its context, it would have minor impact on the openness of the seafront and would be in keeping with the character of the area.</p> <p>The development is considered to be in accordance with policies DM25 (Design) and Policy SEA2 (Design) of the Seaford Neighbourhood Plan.</p>
7.3	<p><u>Amenity</u></p> <p>The proposed development would not be positioned close to any neighbouring dwellings and would therefore not detract from residential amenity.</p>

7.4	<p><u>Environmental Impacts</u></p> <p>The facility is located in an archaeological notification area, and as a result, ESCC County Archaeology were consulted on the proposed works. They offered no objection, commenting that based on the information supplied, they do not believe that any significant archaeological remains are likely to be affected by the proposals.</p> <p>Regarding flood risk, the proposed development falls within the NPPF's 'amenity open space, nature conservation and biodiversity, outdoor sports and recreation and essential facilities such as changing rooms' classification and would therefore be considered as water compatible.</p> <p>The site will be built from hard-wearing materials including concrete walls and a steel door to ensure water compatibility. All internal electrical fitting will be installed at least 0.45m from finished floor level to aid flood resilience.</p> <p>The facility would need to be connected to the foul sewer, so an informative to this effect has been added, referring the applicant to Southern Water. This is beyond the scope of the planning process so further details are not required.</p> <p>There would be some increase in run-off as a result of the facility, but it would have a footprint of less than 15m² and abuts large areas of open space, so it is not considered necessary secure details of drainage, and the potential for increased flood risk is considered minimal.</p> <p>On this basis, the scheme is considered acceptable in terms of its environmental impact.</p>
8.	<p><u>Human Rights Implications</u></p>
8.1	<p>The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been considered fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.</p>
9.	<p><u>Conclusion</u></p>
9.1	<p>In view of the above assessment, it is considered that the proposed development would be acceptable in terms of its impact on the seafront and wider area, and would not cause unacceptable harm to the amenities of neighbouring residents.</p> <p>Approval is recommended subject to conditions outlined below.</p>
10.	<p><u>Recommendations</u></p>
10.1	<p>Approve subject to the conditions listed below.</p>

11.	Conditions																								
11.1	<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 comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).</p>																								
11.2	<p>External Materials</p> <p>The external finishes of the development hereby permitted shall be those identified on the approved drawing ref. RADPT.0001 v2.</p> <p>Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area.</p>																								
11.3	<p>Approved Plans</p> <p>This decision relates solely to the following plan(s)</p> <table border="1" data-bbox="320 1016 1382 1850"> <thead> <tr> <th><u>PLAN TYPE</u></th> <th><u>DATE RECEIVED</u></th> <th><u>REFERENCE</u></th> </tr> </thead> <tbody> <tr> <td>Flood Risk Assessment</td> <td>7 November 2023</td> <td>Flood Risk Assessment</td> </tr> <tr> <td>Proposed Floor Plan(s)</td> <td>29 September 2023</td> <td>RADPT.0001 Rev 2 - Proposed Ground Floor, Elevations, Block Plan and Site Location Plan</td> </tr> <tr> <td>Proposed Elevation(s)</td> <td>29 September 2023</td> <td>RADPT.0001 Rev 2 - Proposed Ground Floor, Elevations, Block Plan and Site Location Plan</td> </tr> <tr> <td>Proposed Block Plan</td> <td>29 September 2023</td> <td>RADPT.0001 Rev 2 - Proposed Ground Floor, Elevations, Block Plan and Site Location Plan</td> </tr> <tr> <td>Location Plan</td> <td>29 September 2023</td> <td>RADPT.0001 Rev 2 - Proposed Ground Floor, Elevations, Block Plan and Site Location Plan</td> </tr> <tr> <td>Design & Access Statement</td> <td>29 September 2023</td> <td>Design, Access, and Heritage Statement</td> </tr> <tr> <td>Justification / Heritage Statement</td> <td>29 September 2023</td> <td>Design, Access, and Heritage Statement</td> </tr> </tbody> </table> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p>	<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>	Flood Risk Assessment	7 November 2023	Flood Risk Assessment	Proposed Floor Plan(s)	29 September 2023	RADPT.0001 Rev 2 - Proposed Ground Floor, Elevations, Block Plan and Site Location Plan	Proposed Elevation(s)	29 September 2023	RADPT.0001 Rev 2 - Proposed Ground Floor, Elevations, Block Plan and Site Location Plan	Proposed Block Plan	29 September 2023	RADPT.0001 Rev 2 - Proposed Ground Floor, Elevations, Block Plan and Site Location Plan	Location Plan	29 September 2023	RADPT.0001 Rev 2 - Proposed Ground Floor, Elevations, Block Plan and Site Location Plan	Design & Access Statement	29 September 2023	Design, Access, and Heritage Statement	Justification / Heritage Statement	29 September 2023	Design, Access, and Heritage Statement
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11.4	<p>Informative</p> <p>The applicant's attention is drawn to the response from Southern Water, noting the requirement to apply for connection to the public foul sewer - see developerservices.southernwater.co.uk. It also notes that initial investigations indicate there are no public surface water sewers in the area to serve the development so alternative means of drainage area required, and that a sewer now deemed to be public may be crossing the development site.</p>
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12.	<p>Appendices</p>
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12.1	None.
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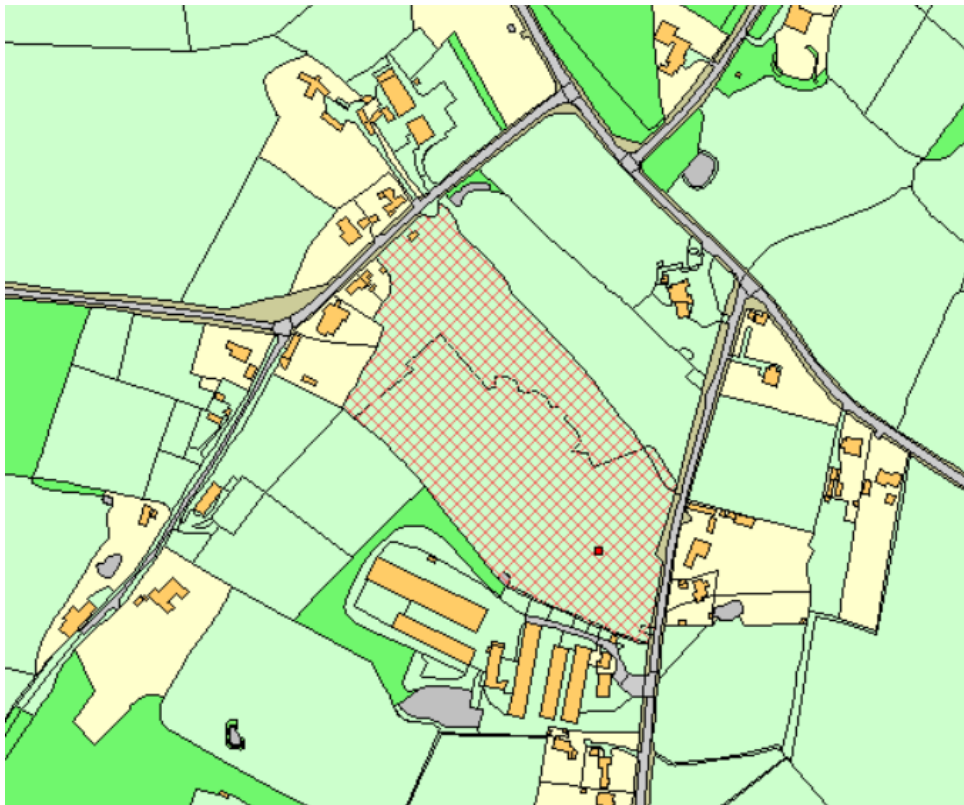
13.	<p>Background Papers</p>
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13.1	None.
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Agenda Item 9

Report to: Planning Applications Committee
Date: 6 December 2023
Application No: LW/23/0583
Location: Land North of The Old Brickworks, Station Road, Plumpton Green, East Sussex, BN7 3DF
Proposal: Development of land to provide mixed use leisure and commercial park, including new commercial units, office hub, craft workshops and a wellness/fitness centre.
Applicant: Mr B Ellis
Ward: Plumpton
Recommendation: Subject to a S106 Legal Agreement to cover the implementation and on-going maintenance of the Community Orchard, Meadow and Community Area then the application is recommended for approval subject to conditions listed in this report.
Contact Officer: **Name:** James Emery
E-mail: james.emery@lewes-eastbourne.gov.uk

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



1	Executive Summary and Relevant Planning Policies
1.1	<p><u>Reason for the Referral to Committee</u></p> <p>This application has been advertised as a departure from the Development Plan.</p> <p>Part of the site is allocated within the local plan is for a Gypsy and Traveller site (G&T).</p> <p>This proposal is recommended for approval and as such is deemed to be a departure for the adopted local plan and in terms of the constitution requires Committee endorsement.</p>
1.2	<p><u>Summary and Recommendation</u></p> <p>The application site is located to the north of Plumpton, between St Helena Lane and Station Road, to the north of the Brickworks commercial and industrial estate and to the south of The Plough public house.</p> <p>The application seeks outline permission with all matters reserved for development of the land to provide a mixed-use leisure and commercial park, including new commercial units, office hub, craft workshops and a wellness/fitness centre.</p> <p>Whist part of the site was allocated in the Local Plan as a Gypsy and Travellers site, this use has not materialised during the plan period. It is a material consideration that an alternative use an an equestrian facility for the treatment and recuperation of race/sports horses has already been approved under application LW/21/0503 – demonstrating that alternative uses have come forward..</p> <p>Para. 122 of the National Planning Policy Framework (NPPF) is quite clear that planning policies and decisions must reflect changes in the demand for land. The allocated Gypsy and Traveller use has not come forward during the current plan period, and so it is considered acceptable to engage Para.122 of the NPPF in the determination of this application.</p> <p>Officers are aware that the landowner is not now supporting this allocation and therefore it will not come forward in the plan period.</p> <p>In addition, it is acknowledged that through the emerging ‘new’ local plan an alternative site for G&T use will be allocated to meet demand and if this cannot be secured then through the strategic site allocation (general housing need) there will be a requirement to provide G&T plots to meet the demand.</p>
	<p>The indicative drawings indicate that the site has capacity to demonstrate a satisfactory layout to accommodate the amount of development proposed, allowing space on the site for access and turning, parking, sustainable drainage infrastructure, a vineyard as well as internal</p>

	<p>pathways from the bus stop and soft landscaping buffers along the site boundary.</p> <p>The final layout will be subject to approval under Reserved Matters (RM)</p> <p>The scheme is recommended for conditional approval.</p>
1.3	<p><u>National Planning Policy Framework</u></p> <p>2. Achieving sustainable development</p> <p>4. Decision making</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>
1.4	<p><u>Lewes Local Plan Part 1 (LLP1)</u></p> <p>CP4 - Economic Development & Regeneration</p> <p>CP11 – Built and Historic Environment & Design</p> <p>CP12 – Flood Risk, Coastal Erosion and Drainage</p> <p>CP14 – Renewable and Low Carbon Energy.</p>
1.5	<p><u>Lewes Local Plan Part 2 (LLP2)</u></p> <p>DM20 – Pollution Management</p> <p>DM23 – Noise</p> <p>DM24 – Protection of Biodiversity and Geodiversity</p> <p>DM25 – Design</p> <p>DM28 – Residential Extensions.</p>
1.6	<p><u>Plumpton Neighbourhood Plan (PNP)</u></p> <p>Policy 2 – Design.</p>
2.	Site Description
2.1	<p>The application site is located to the north of Plumpton, between St Helena Lane and Station Road, to the north of the Brickworks commercial and industrial estate and to the south of The Plough Public house.</p> <p>The application site is bounded by The Plough Inn public house and an open field to the north, Station Road lies to the east, The Old Brickworks commercial estate to the south and St Helena Lane to the west.</p> <p>The surrounding area is characterised by a scattering of buildings from a variety of periods which include a number of residential and commercial properties.</p>
2.2	<p>The topography of the site slopes from north to south with the high point at the northern end of the site and the low point at the southern corner. There</p>

	<p>are currently 3 no. vehicular access points onto the site, one at the southern corner of the site onto Station Road, another at the midpoint of the eastern boundary along Station Road and another off St Helena Lane.</p> <p>The site is located outside the planning boundary of Plumpton. There are no listed buildings or Conservation Areas on or adjacent to the site.</p> <p>The entirety of the site is located within Flood Risk Zone 1 (indicating the lowest risk).</p> <p>Save for the G&T allocation there are no specific planning designations or constraints attached to the site or the immediate surrounding area.</p>
3.	Proposed Development
3.1	<p>The application seeks permission for development of the land to provide a mixed-use leisure and commercial park, including new commercial units, office hub, craft workshops and a wellness/fitness centre.</p> <p>All matters are reserved for subsequent approval; however, the illustrative information can be described as follows: -</p> <ul style="list-style-type: none"> • The commercial units are split into sub-units to keep the layout of each unit consistent. They have been designed with roller shutter doors for vehicles and dedicated pedestrian entrances, with alternative escape access to the rear. • The studio / craft units have a single storey design, which is more rural in appearance and offer accommodation to smaller businesses such as crafts-based workshops as well as health and leisure-based companies. • The proposed wellness centre is to be accommodated in a bespoke building with entrance lobby, café, shop, toilets and Pilates/yoga studio on the ground floor and a gym, changing rooms, sauna and therapy rooms located on the first floor. The Pilates/yoga studio will have direct access to the covered, outdoor exercise areas and garden. <p>The proposed buildings will have a rural appearance, utilising a steel portal frame and an outer shell design. Internal walls have been minimised to allow for flexibility of interior spaces. Modular spans between the portal frames will enable the units to be easily split or merged.</p> <p>The materials pallet will establish a clear identity for the site - comprising dark grey single-ply membrane roofs, black coloured composite aluminium cladding walls with natural Larch cladding details. Windows and doors will be black powder coated aluminium; rainwater goods will be black coloured UPVC.</p> <p>The proposed café/restaurant and wellness centre are designed to utilise the same pallet of materials but to appear as a distinctly different building which will reflect its different use. The elevations of the office hub, studios</p>

	and commercial units also utilise the same pallet of materials with a mixture of pitched and parapeted flat roof forms to create variety and interest.
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4.	Relevant Planning History:
4.1	LW/21/0503 - equestrian facility for the treatment and recuperation of race/sports horses – Approved 07/04/2022.

5.	Consultations
5.1	<p>Plumpton Parish Council</p> <p>Plumpton Parish Council (PPC) unanimously supports this application. It would bring certainty to this site and provide employment and wellbeing amenities to Plumpton.</p> <p>It would also provide two community areas to the north of the field bordering the 'Plough' PPC notes that none of the residents neighbouring the site have objected and all have been consulted by Bedford Park Developments.</p> <p>PPC welcomes the support for a 40mph limit around the site, but this should not be a condition of planning permission. PPC notes that the site will have its own wastewater treatment plant and not be a burden on the main sewer which is at capacity.</p> <p>PPC remains opposed to any residential housing development north of the Police house and would want to be reassured that there is no part of the permission that would allow residential use.</p> <p>ESCC Highways</p> <p>Initially offered a holding response.</p> <p>OFFICER COMMENT. As this application is outline with all matters reserved, it is considered that further details can be submitted as part of a forthcoming 'Reserved Matters' application. The applicant has demonstrated that there is adequate scope for the layout and access to be developed.</p> <p>Southern Water</p> <p>Southern Water offered no objection to the proposed works.</p> <p>LDC Contaminated Land</p> <p>LDC Contaminated Land commented that, considering the historic contaminative use in the site surrounding area and some sensitive uses of the proposed development, I recommend the submission of land contamination desktop study to support the application.</p>

Sussex Police

Sussex Police offered no objection to the proposed application from a crime prevention perspective.

NatureSpace (Great Crested Newts)

NatureSpace has requested further information from the applicant in order to assess the application.

OFFICER COMMENT. As this application is outline with all matters reserved, it is considered that further details as requested by NatureSpace can be submitted as part of a forthcoming 'Reserved Matters' application.

East Sussex Fire and Rescue Service (ESFRS)

ESFRS offered no objection to the proposed development, commenting that 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. They recommended that early consultation with East Sussex Fire & Rescue Service is recommended to ensure that all needs are met.

ESCC SUDS

The Lead Local Flood Authority offered a holding objection to the proposed development, requesting further information to demonstrate the drainage strategy for the site.

OFFICER COMMENT. As this application is outline with all matters reserved, it is considered that further details as requested by SUDS can be submitted as part of a forthcoming 'Reserved Matters' application.

PLANNING POLICY

Part of the application site is allocated by Local Plan Part 2 Policy GT01 for 5 permanent Gypsy and Traveller pitches. This proposal would conflict with that allocation.

Since the adoption of LPP2 development of the site has not progressed and no applications have been submitted for the allocated use.

It is understood from the Planning Statement submitted with the application that the landowner has reconsidered their position and confirms they have no intention of delivering the site as a Gypsy and Traveller site.

The site cannot be considered deliverable for the allocated use. However, while the site is no longer deliverable for the allocated use, it remains a site allocation in the adopted Local Plan.

In terms of the proposal.

	<p>LPP1 Core Policy 4 supports the delivery of new office space to meet modern requirements, and encourages small, flexible, start-up and serviced business units.</p> <p>Core Policy 6 whilst supporting development that reinforces or enhances the identified role of the centre in the retail hierarchy, also encourages proposals for small scale rural retail and community where they provide for local needs.</p> <p>LPP2 Policy DM1 states that outside the planning boundaries, the distinctive character and quality of the countryside will be protected, and new development will only be permitted where it is consistent with a specific development plan policy or where the need for a countryside location can be demonstrated. Large scale employment development should be focused on the most sustainable settlements.</p> <p>Policy DM10 states that outside planning boundaries proposals for small scale employment development will be permitted where it involves the conversion or re-use of existing agricultural or other rural buildings.</p> <p>Policy DM11 supports the redevelopment or intensification of existing employment sites where certain criteria are met. However, the site is not considered to be a redevelopment or intensification of the existing adjacent site, it has its own access and is not linked nor dependant on the existing development and there is no information submitted setting out how the proposal would facilitate the retention of the existing site which is understood to be in active use. Therefore, it is not considered that Policy DM11 applies in this situation.</p> <p>The Planning Statement sets out that the application will bring economic and social benefits with new facilities for Plumpton, the application proposes a number of uses on the site including employment uses, commercial uses and a wellness centre. However, the site is not accessible to the village, there is no footpath connecting the site with the village and therefore it is likely that the majority of people would access the site by private car.</p>
<p>6.</p>	<p>Other Representations</p>
<p>6.1</p>	<p>We consulted with 49 adjoining neighbours.</p> <p>In response to these consultations - representations were received from six people (x1 Objection, x1 Support (from Locate East Sussex) and x4 Neutral).</p> <p>Issues raised are summarised as follows: Loss of Privacy Overlooking Ecological Impacts Security of surrounding businesses</p>

	<p>Highway Hazards Traffic Generation Overbearing Structures Drainage Loss of Open Space Noise and Disturbance Building in the Countryside Impact on existing Town Centre Impact on AONB</p> <p>OFFICER RESPONSE: This application is Outline with all matters reserved, it is considered that the objections may be overcome as more detail comes forward at Reserved Matters (RM) stage.</p>
7.	Appraisal
7.1	<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 impact upon the character and appearance of the area • neighbour amenities, • impacts upon highway/pedestrian safety. • flood risk.
7.2	<p><u>Principle of Development</u></p> <p>The site is located outside the defined planning boundary as defined by policy DM1 of the Lewes District Local Plan part 2 (LDLP Part 2), and as such will need to comply with all other applicable policies of the Local Plan to be found acceptable.</p> <p>Whilst the site was allocated in the Local Plan as a Gypsy and Travellers site, this use has not materialised during the plan period and the landowner is not now promoting the site for the allocated use.</p> <p>Para. 122 of the National Planning Policy Framework (NPPF) is quite clear that planning policies and decisions must reflect changes in the demand for land. The NPPF outlines that where the local planning authority</p>

	<p>considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan then it should:</p> <ul style="list-style-type: none"> <i>i. Reallocate the land for a more deliverable use that can help to address identified needs; and</i> <i>ii. Prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.</i> <p>This application has been advertised as a departure from the development plan and can therefore be assessed as an alternative use for the site which might address an unmet need.</p> <p>Core Policy 4 of the Lewes District Local Plan Part 1 (LDLP Part 1) outlines the Key Strategic Aim of the Council to promote economic development and regeneration. The policy sets out that development will be permitted where it would support the rural economy and enhance the vitality and viability of the district’s retail centres and local centres as hubs for shopping, business, entertainment, cultural and community life.</p> <p>Core Policy 4 of the LDLP Part 1 builds upon this Strategic Aim by elaborating that development should aim to support the appropriate intensification, upgrading and redevelopment of existing employment sites through mechanisms including mixed use schemes and encourage and support small, flexible, start-up and serviced business units in rural areas via a number of methods including development of well-designed new buildings for suitable business uses.</p> <p>It is noted that the site lies immediately adjacent to an existing to and it is contiguous with an existing employment site in Plumpton. Its siting would accord with Policy 6 of the Plumpton Neighbourhood Plan (PNP), which specifies that proposals to expand an existing employment or business use will be supported, subject to development respecting local character, residential amenity, and highway safety.</p> <p>It is therefore considered that the proposed development site can be supported in principle.</p>
7.3	<p><u>Design and Landscape Character</u></p> <p>The application is in outline only; however, the indicative drawings indicate a satisfactory layout to accommodate the amount of development proposed, allowing space on the site for access and turning, parking, sustainable drainage infrastructure, a vineyard as well as internal pathways from the bus stop and buffers along the site boundary.</p> <p>It is considered that the community open space and orchard are an essential element of the proposal in terms of providing soft buffer to the wider landscape beyond the new built-up area. This will be controlled via a S106 agreement.</p>

	<p>Being contiguous with an existing employment site, the proposed development would not unacceptably harm the character of the area. A substantial portion of the north of the site would remain undeveloped, contributing to the rural nature of the area between Station Road and St Helena Lane. The final layout will be subject to approval under Reserved Matters (RM).</p> <p>Detailed design, landscaping and materials will be the subject of further consideration under RM. However, the drawings and the Design and Access Statement indicate, materials, scale, style, and typology that is acceptable. It is considered that the proposal can comply with policies CP11, DM25 of the LDLP Parts 1/2 and Policy 2 of the PNP</p>
7.4	<p><u>Impact upon Neighbour Amenities</u></p> <p>The application is in outline only; however, the indicative drawings indicate that the site has sufficient space to accommodate the amount of hard and soft landscaping required.</p> <p>It is not considered that this proposed development would unacceptably harm the amenities of neighbours through overlooking, noise, access, or overshadowing. It is noted that the final details will be submitted under Reserved Matters (RM).</p> <p>Regarding Land Contamination, a condition is suggested requiring submission of a contamination report prior to works commencing on site as requested by the LDC Contaminated Land Officer.</p>
7.5	<p><u>Sustainability and Drainage</u></p> <p>This application has been submitted on the basis that wastewater from the site will be handled by a new private package treatment system and as such there will be no impact on Southern Water's foul water network from the proposed development.</p> <p>The applicant is pro-actively working with the LLFA and has confirmed that they agree to a condition requiring detailed surface water drainage proposals to be submitted at RM stage.</p> <p>Regarding Ecological impacts, the site itself is not subject to any statutory ecological designations, nonetheless a Preliminary Ecological Appraisal has been submitted with the application. The report concludes that the site primarily comprises a species-poor improved grassland field, with areas of dense scrub, scattered trees, and hardstanding.</p> <p>The PEA report concluded that potential adverse effects on designations are unlikely subject to the implementation of appropriate mitigation measures.</p> <p>As previously outlined, this application is an outline permission with all matters reserved, and as such it is considered that conditions requiring further survey work and mitigation measures to be carried out, prior to any</p>

	<p>works commencing on site in order to ensure no protected species are present on the site. In the unlikely event that protected species are found to be present there is ample land within the applicant's ownership outside of the red line of the application site to facilitate appropriate mitigation and/or compensation all of which may be secured by condition.</p>
7.6	<p><u>Access Transport and Parking</u></p> <p>The proposed access point is the same as the previously approved equestrian facility under application ref: LW/21/0503 which was Approved by the LPA.</p> <p>The development would be accessed via the existing Station Road site access, with proposed emergency access to the north along Station Road and additional access to the vineyard on St Helena Lane.</p> <p>The main access point appears wide enough to allow two vehicles to pass each other and therefore preventing the risk of vehicles stopping and obstructing the road whilst waiting to turn into the site.</p> <p>The applicant has submitted a sustainable transport strategy to accompany the proposals. It is the intention of the applicant to develop a cycling hub and ensure provision of direct links to the nearby bus stop via an internal footpath to the bus stop and public house. The development would contribute to reduction commuting times and provide EV charging infrastructure.</p> <p>However, as all matters including access are reserved in this outline application further detailed designs and technical scaled plans are required to be submitted and duly considered within a future RM application.</p>
7.7	<p><u>Human Rights Implications</u></p> <p>The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been considered fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.</p>
7.8	<p><u>Conclusion</u></p> <p>The proposed development represents an appropriate use of the land and would integrate well with the existing employment site to the south, whilst preserving the setting of the wider rural environment. This would be achieved without adverse impact upon the amenities of neighbouring residents.</p> <p>As well as being contiguous with the existing employment site, it would deliver much needed amenities for rural citizens within close proximity of acceptable road, rail, and bus links.</p>

8.	Recommendations
8.1	Subject to a S106 Legal Agreement to cover the implementation and ongoing maintenance of the Community Orchard, Meadow and Community Area then the application is recommended for approval subject to conditions listed in this report.
9.	Conditions
9.1	<p>1.Time Limit</p> <p>The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters, as defined in condition 2; to be approved, whichever is the later.</p> <p>Reason: To enable the LPA to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).</p>
	<p>(hereinafter called "the Reserved Matters") have been submitted to and approved in writing by the LPA. Application for the approval of the Reserved Matters shall be made within three years of the date of this permission. The development shall accord with the approved details.</p> <p>Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).</p> <p>3.Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Location Plan (2209-P-100)</p> <p>Existing Site Plan (2209-P-001).</p> <p>Reason: For the avoidance of doubt and in the interests of proper planning.</p> <p>4.Construction Management Plan</p> <p>No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period.</p>

The Plan shall provide details as appropriate but not necessarily be restricted to the following matters;

- the anticipated number, frequency and types of vehicles used during construction.
- the method of access and routing of vehicles during construction
- the parking of vehicles by site operatives and visitors
- the loading and unloading of plant, materials, and waste.
- the storage of plant and materials used in construction of the development.
- the erection and maintenance of security hoarding
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway.
- details of public engagement both prior to and during construction works.
- location of welfare facilities

Reason: In the interests of highway safety and the amenities of the area and to accord with Policy CP11 of the LPP1, policies DM20 and DM23 of the LPP2.

5.Tree Protection

No development shall commence, including any works of demolition or site clearance, until details of the protection of the trees to be retained has been submitted to and approved in writing by the LPA. The measures of protection should be in accordance with BS5837:2012 and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the Root Protection zones.

Reason: In the interests of the amenity and the landscape character of the area in accordance with LPP1 policy CP10, LPP2 policy DM27 and section 15 of the NPPF.

6.Contamination report

No development shall take place, including any demolition, ground works, site clearance, until (or such other date or stage in development as may be agreed in writing with the LPA), the following components of a scheme to deal with the risks associated with potential contamination of the site have been submitted to and approved, in writing, by the LPA:

- a. A preliminary risk assessment which has identified:
 - (i) all previous uses
 - (ii) potential contaminants associated with those uses
 - (iii) a conceptual model of the site indicating contaminants, pathways, and receptors
 - (iv) potentially unacceptable risks arising from contamination at the site.

b. A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c. The site investigation results and the detailed risk assessment (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

d. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance, and arrangements for contingency action.

Any changes to these components require the express consent of the LPA. The scheme shall be implemented as approved.

Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with NPPF, para 174, 183 and 184].

7.Materials

No development above slab level shall be carried out unless and until details and/or samples of materials and finishes to be used for the external walls, roofs, doors, and windows of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and/or samples.

Reason: To protect the appearance of the area and to accord with policy CP11 of the Lewes District Local Plan Part 1 and policies DM25 of the LLP2.

8.Hard and Soft Landscaping

No development above slab level shall be carried out unless and until full details of a hard and landscaping scheme shall be submitted to and approved by the Local Planning Authority. These and these works shall be carried out as approved and completed prior to the first use of the building or in accordance with the programme agreed by the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of comparable size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and of the environment of the development and to accord with policies CP10 and CP11 of the Lewes District Local Plan part one and policies DM25 and DM27 of the LLP2.

9.Works of Construction or Demolition

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:

Monday – Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank/Public Holidays no work permitted.

Reason: In the interest of residential amenities of the neighbours having regard to Policy DM25 of LPP2.

10.Hours of Use (operational)

No commercial activity is permitted unless within the following hours - 0700 to 2300 hours, on any day.

Reason: In the interest of residential amenities of the neighbours having regard to Policy DM25 of LPP2

11.Noise Management Plan (all units except Wellness Centre)

No unit with the exception of the Wellness Centre shall be occupied until a Noise Management Plan for that use, including hours of operation, full details of loading/unloading arrangements, noisy activities, and all appropriate noise mitigation measures, has been submitted to and approved in writing by the Local Planning Authority. The Noise Management Plan shall be implemented in full on occupation (initial or subsequent) of each unit and complied with thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: to protect the amenity of local residents and to accord with Policies DM23 and DM25 of the LLP2.

12.Noise Management Plan (the Wellness Centre)

The Wellness Centre shall not be occupied until a Noise Management Plan for its use, including hours of operation, full details of external activities and all appropriate noise mitigation measures, has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall be implemented in full on occupation and complied with thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: to protect the amenity of local residents and to accord with Policies DM23 and DM25 of the LLP2.

13.Deliveries and collections:

No deliveries or collections of commercial goods or waste is permitted outside the following hours:

Mon to Fri 07:00 to 19:00 hours

Sat 08:00 to 13:00 hours

Sun and Public Holidays: none permitted.

Reason: to protect the amenity of local residents and to accord with Policy DM25 of the LLP2.

14.Noise levels from fixed plant and machinery

Unless otherwise agreed in writing, noise associated with fixed plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed 43dB LA90, (T). The Rating Level is to be determined as per the guidance provided in BS 4142:2014. Details of fixed plant or machinery and any mitigation measures required to achieve this standard shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the commercial operation concerned begins operating on site, and thereafter be maintained in accordance with the approved details. Details of post installation testing shall be submitted to the LPA upon request.

Reason: to protect the amenity of local residents and to accord with Policies DM23 and DM25 of the LLP2.

15.Car parking and turning

No part of the development shall be occupied until the car parking spaces and all turning areas have been constructed and provided in accordance with plans and details submitted to and approved in writing by the local planning authority as part of the Reserved Matters application. The areas shall thereafter be retained for those uses and shall not be used other than for the parking or turning of motor vehicles.

Reason: To provide adequate on-site car parking space for the development and to comply with policy CP13 of the LLP1.

16.Cycle parking

No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the local planning authority

as part of the reserved matters application. The area shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to comply with policies CP11 and CP13 of the Lewes District Local Plan Part 1, policy DM25 of the LLP2.

17.External lighting

Details of any external lighting to the site shall be submitted to and approved in writing by the Local Planning Authority before the first occupation of any building. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and of the environment of the development and to accord with policies CP10 and CP11 of the Lewes District Local Plan part one and policies DM25 of the LLP2.

18.Surface Water Drainage

Prior to the commencement of development, a detailed scheme for surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems, as set out in Approved Document H of the Building Regulations and the SuDS Manual produced by CIRIA. The surface water drainage scheme shall include detailed drainage drawings, surface water run-off rates and calculations of flows, a survey of ditches and any required improvements to ditches, outfall flows and related details, and timetable for the completion of the surface water drainage scheme. The surface water drainage scheme shall be implemented in accordance with the approved details, including the approved timetable.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve existing habitats in accordance with LLP1 policy CP12, LLP2 policy DM22 and para. 167 of the NPPF.

19.Groundwater

Prior to the commencement of development, winter groundwater monitoring, to establish the highest annual ground water levels will be required to identify and evaluate all potential impacts of high groundwater levels to the Site and any elements of the drainage design so affected.

Where any such potential impacts are identified, a robust solution and supporting details will be provided to ensure that all elements of the Site and drainage apparatus are protected from the occurrence of hydrostatic uplift from the high groundwater. (These may include, but not be limited to the following; to a system of under drains/ land drainage constructed

beneath the base and banks of the basins to re-direct groundwater from beneath the basins to alleviate hydrostatic pressure acting on the basins, placement of soil or suitable planting medium on the liner will also to apply a downward force to further prevent floatation).

Reason: To protect the drainage system and the Site from the occurrence of hydrostatic pressure/ uplift and ensure the Sustainable Drainage Design continues to function as designed

20.Surface Water Drainage Management

A maintenance and management plan for the entire drainage system shall be submitted to the Local Planning Authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:

- a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
- b) Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development

These details shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall thereafter remain in place for the lifetime of the development.

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve existing habitats in accordance with LLP1 policy CP12, LLP2 policy DM22 and para. 167 of the NPPF.

21.Foul Water Drainage

The development hereby permitted shall not commence until a foul water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and completed prior to the development being brought into use.

Reason: In order to ensure foul water is managed effectively.

22.Highway construction

No part of the development shall be occupied until the roads, footways and parking areas serving that part of the development have been constructed, surfaced, drained, and lit in accordance with plans and details submitted to and approved in writing by the local planning authority as part of the reserved matters application.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, having regard to the provisions of Policy CP13 of the LLP1.

	<p>23. Prevention of surface water discharge onto the highway</p> <p>Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway into the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.</p> <p>Reason: To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding and to accord with LLP1 policy CP12, and policy DM22 of LLP2.</p> <p>24. Visibility Splays</p> <p>The access shall not be used until visibility splays 2.4m x 120m are provided in each direction. The splays are to be cleared of all obstructions exceeding 600 mm in height and kept clear thereafter.</p> <p>Reason: In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to accord with Policy CP13 of the LLP1.</p>		
10.	Informatives		
10.1	None.		
11.	Plans		
11.1	This decision relates solely to the following plans:		
	<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
	Site Location Plan	06.10.2023	2209-P-100
	Existing Site Plan	26.09.2023	2209-P-001
12.	Appendices		
12.1	None.		
13.	Background Papers		
13.1	None.		

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Report to: Planning Applications Committee

Date: 6th December 2023

Title of report: Planning Appeal Decisions and Analysis
 Recap of Appeals Performance 2021 to 2023
 Appeal Performance 2023-24 to date
 Lewes Likely Designation on Quality Decisions Indicator and Proposed Action Plan

Recommendation: To note the report for information and comment.

Contact Officer: **Name:** Leigh Palmer
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1.	Executive Summary
1.1	<p>Committee is asked to note this report for information and to acknowledge the commitment to working to explore mitigation measures “Appeals and Decision-Making Action Plan” at Section 9.</p> <p>Sections 2 to 5 Sets out an Analysis of Appeal Decisions between 2021 and March 2023. Overall, this shows that appeal numbers are going up, (particularly in 22-23) and that the LPA is increasingly losing significantly more major appeals.</p> <p>This has coincided with the Lewes Local Plan “housing delivery polices” going out of date and the Authority not being able to show a 5-year housing land supply. In turn, particularly on major applications, Planning Inspectors are giving significant weight to “housing delivery,” even when they are outside planning settlement boundaries.</p> <p>Since Lewes’ loss of a 5-year land supply, the Council’s loss rate on appeals has increased from 11% (2021/22) to 42% (2022/23), and to 44% (2023/24) this is likely to increase further.</p> <p>Awards of Costs against the LPA is also increasing significantly.</p> <p>Section 6 Sets out strong likelihood of Lewes being designated as “failing the national planning indicator P152 for Quality Decision on Major Applications”, this looks at the number of decisions overturned at appeal.</p> <p>The threshold for designation is 10% of major appeals lost compared to major decisions made.</p> <p>Lewes is currently at 32%.</p>

	<p>Calculation = 12 major appeals allowed, (between April 1st, 2021, and Nov 2023) divided by 37 major application decisions made (between April 1st, 2021, and 31st March 2023).</p> <p>This section sets out the implications of such a designation which is likely to occur in Q3 2023/24.</p> <p>Section 7 Updates Committee on key issues and trends and again highlights the risk of the LPA being designated on the P152 Indicator “Quality of Decisions for Major Applications”.</p> <p>Section 8 Officer General Advice to LPAC.</p> <p>Section 9 Members are invited to explore “2024 Appeals and Decision-Making Action Plan”, which is likely to be requested of Lewes by Central Government, as part of any final designation as “failing the national planning indicator P152 for Quality Decision on Major Applications”.</p>
2.	<u>Previously Reported</u> – April 2021 to March 2022 (19 decisions in 12 months – all appeal decisions)
2.1	<p>19 appeal decisions, of which 17 were dismissed (89%) and 2 allowed (11%). This equates to the fiscal years performance.</p> <p>1 application for award of costs (included above) was made <u>and not supported</u>.</p> <p>Of the 19 decisions</p> <ul style="list-style-type: none"> - 14 Delegated Refusal. - 1 Committee Refusal. - 3 Committee Overturns - 1 Non – Determination <p>No Judicial Reviews were received.</p>
3.	<u>Previously Reported</u> - April 2022 to March 2023 (33 decisions in 12 months – all appeal decisions)
3.1	<p><u>33 appeal decisions, of which 19 were dismissed (59%) and 14 allowed (41%).</u></p> <p>6 applications for awards of costs were made. 3 were not supported and 3 were partially awarded.</p> <p>Therefore, Council in 2022-23 has paid £15,000 in awarded appeal costs.</p> <p>Of the 33 decisions:</p> <ul style="list-style-type: none"> - 24 Delegated Refusal. - 1 Committee Refusal.

	<ul style="list-style-type: none"> - 5 Committee Overturns - 3 Non – Determination <p>1 Judicial Review was received.</p> <p>(JR – South of Lewes Road, Broyleside Ringmer. 68 homes PINS 3299940 LW-22-0104).</p>																																																				
4.	April 2023 to March 2024 to Date (18 decisions in 9 months)																																																				
4.1	<p><u>18 appeal decisions, of which 10 were dismissed (55%) and 8 allowed (45%).</u></p> <p>4 applications for awards of costs were made.</p> <p>1 were not supported, and 3 were awarded.</p> <p>Therefore, Council in 2023-24 is likely to pay at least £150,000 in awarded appeal costs. <u>This is a substantial increase on previous years.</u></p>																																																				
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5.1	<table border="1"> <thead> <tr> <th>DISMISSED or ALLOWED</th> <th>21/22</th> <th>22/23</th> <th>23/24 To Date 21-11-23.</th> </tr> </thead> <tbody> <tr> <td>All Appeal Decisions</td> <td>19</td> <td>33</td> <td>18</td> </tr> <tr> <td>Appeals Dismissed</td> <td>17 (89%)</td> <td>19 (56%)</td> <td>10 (55%)</td> </tr> <tr> <td>Appeals Allowed (lost)</td> <td>2 (11%)</td> <td>14 (42%)</td> <td>8 (44%)</td> </tr> <tr> <td>Cost Applications Made</td> <td>1</td> <td>6</td> <td>4</td> </tr> <tr> <td>Costs Awarded to Appellant</td> <td>0</td> <td>3 (partial)</td> <td>3</td> </tr> <tr> <td>Judicial Reviews (JR) Made</td> <td>0</td> <td>1</td> <td>0</td> </tr> <tr> <td> </td> <td></td> <td></td> <td></td> </tr> <tr> <td>TYPE OF REFUSAL</td> <td>21/22</td> <td>22/23</td> <td>23/24 (TBC)</td> </tr> <tr> <td>Delegated Refusal</td> <td>13</td> <td>23</td> <td></td> </tr> <tr> <td>Committee Refusal</td> <td>1</td> <td>1</td> <td></td> </tr> <tr> <td>Committee Overturn</td> <td>3</td> <td>5</td> <td></td> </tr> <tr> <td>Non – Determination</td> <td>1</td> <td>3</td> <td></td> </tr> </tbody> </table>	DISMISSED or ALLOWED	21/22	22/23	23/24 To Date 21-11-23.	All Appeal Decisions	19	33	18	Appeals Dismissed	17 (89%)	19 (56%)	10 (55%)	Appeals Allowed (lost)	2 (11%)	14 (42%)	8 (44%)	Cost Applications Made	1	6	4	Costs Awarded to Appellant	0	3 (partial)	3	Judicial Reviews (JR) Made	0	1	0	 				TYPE OF REFUSAL	21/22	22/23	23/24 (TBC)	Delegated Refusal	13	23		Committee Refusal	1	1		Committee Overturn	3	5		Non – Determination	1	3	
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6.	<u>Quality of Decisions National Performance Indicator for Major Applications, and the Likelihood of Designation</u>																																																				
6.1	<p>“Improving Planning Performance – Criteria for Designation Rev 2022” sets out a critical national performance indicator P152a.</p> <p><u>Improving planning performance: criteria for designation - GOV.UK (www.gov.uk)</u></p> <p>Assessment Period</p> <p>April 2021 – March 2023, (plus 9 months to Dec 2023 to receive major appeal decisions from major application decided in 2021-2023)</p> <p>Performance Measure</p>																																																				

Percentage of total number of major application decisions made that are subsequently overturned at appeal, once 9 months, (after the assessment period) has elapsed, to allow appeal decisions to come through and be taken into account.

So, the number of major appeals allowed/lost, (during the assessment period) divided by the number of major planning application decisions between April 2021 and March 2023.

Threshold

10%+ of the total number of major decisions on applications overturned, (allowed/lost) at appeal, would make the LPA liable for “designation”.

Designation

Designation is not automatic, and the LPA may discuss with DLUCH an action plans and mitigating circumstances.

Designation means that planning applicants can ask the Planning Inspectorate, (instead of the LPA) to determine major planning applications, but the LPA would continue to fund the costs of processing the planning applications, and carry out their administration, the application fee would go to the Government.

All Planning powers could be taken away from the Council and Government officials step in, and if to occur would have reputational damage to the authority.

April 2021 – March 2023, (plus 9 months to Dec 23 to receive major appeal decisions of major refusals decide in 2021-23)

Over the assessment period 37 major application decisions were made by Lewes District Council (10 in 21-22 and 27 in 22-23).

To date (April 21 to Nov 23), 21 major appeal decisions have been received – 9 have been dismissed and 12 have been allowed. 12 = 32%.

Note that the threshold for designation is 10% and there is one month remaining of the assessment period.

P152 for Quality Decision on Major Applications - Lewes

Year	Major Apps Decided	Major Appeal Decisions	Dismiss/Allow	Quality Indicator %
21-22	10	4	4/0	
22-23	27	10	3/7	
23-24 to date		7	2/5	
All	37	21	9/12	32 (i.e.,12/37)

Lewes All Appeals % Allowed/Lost

Year	All Appeal Decisions Dismissed/Allow	% of Appeal Allowed/Lost	
21-22	19	17/2	11
22-23	33	19/14	42
23-24 to date	18	10/8	44

12 Major Decisions Allowed/Lost 2021 – 2023/24 to date.

Sep 22 - 21/0754 Wivelsfield, 45 homes (PAC Overturn)
Nov 22 – 21/0937 Broyle Gate Ringmer, 100 homes (Non determination)
Dec 22 – 21/0967 Sutton Rd Seaford, 36 homes (Non determination)
Dec 22 – 21/0700 Telephone Ex Newick, 36 homes (PAC Overturn)
Dec 22 – 21/0272 Nolands Farm Plumpton, 86 homes (PAC endorsed refusal)
Feb 23 – 21/0729 Ditchling Rd Wivelsfield, 96 homes (PAC Overturn)
Mar 23 – 20/0011 Avery’s Ringmer, 53 homes (PAC Overturn)
Aug 23 – 22/0356 Con Club Seaford, 40 Flats (Non determination)
Sep 23 – 22/0255 Round H. Rd Ringmer, 53 homes (Delegated)
Oct 23 – 22/0153 Barcombe High St, 26 homes (PAC Overturn)
Nov 23 – 22/0175 Bennett’s Field, Falmer 555 student rooms (Delegated)
Nov 23 – 21/0694 Bishops Lane, Ringmer, 68 homes (PAC Overturn)

7. Summary of Key Issues and Trends

7.1 Lack of a 5-year housing land supply (5yls)

More appeals are being submitted since Central Government altered the NPPF resulting in the Local Planning Authority’s (LPA) Lewes Local Plan “housing delivery policies” being considered to be out of date and therefore having to apply the Standard Methodology for housing need. As a result of this the LPA cannot show a 5year land supply (5yls). It is currently running at between 2.7 and 3.2 years. This means that in planning appeals for new homes, in principle, the delivery of homes is given significant planning weight in the “planning balance for decisions to approve or refuse.”

7.2 More Appeals are being Allowed/Lost

More appeals are being allowed/lost, and more costs are being awarded, when major appeals are allowed.

DISMISSED or ALLOWED	21/22	22/23	23/24 To Date 21-11-23.
All Appeal Decisions	19	33	18
Appeals Dismissed	17 (89%)	19 (57%)	10 (55%)
Appeals Allowed (lost)	2 (11%)	14 (42%)	8 (42%)

7.3 More Hearings and Public Inquires

	<p>There were no Hearings or Public Inquiries in 2021-22.</p> <p>In 2022-23 there have been 5 Hearings, and 4 Public Inquiries.</p> <p>To date in 2023-24 there have been 4 Hearings and 7 Public Inquiries.</p>
7.4	<p>Public Inquiries 2022-23</p> <p>22/23 No 16 - LW/22/0754, South Road Wivelsfield, 45 UNITS ALLOWED</p> <p>22/23 No 20 - LW/21/0937, Broyle gate Farm, Ringmer, 100 UNITS ALLOWED</p> <p>22/23 No 21 - LW/21/0262, Nolands Farm, Plumpton, 86 UNITS ALLOWED</p> <p>22/23 No 29 - LW/21/0729, Ditchling Road Wivelsfield, 96 UNITS ALLOWED</p>
7.5	<p>Hearings 2022-23</p> <p>22/23 No 22 - LW/21/0660, Sutton Road Seaford, 37 UNITS DISMISSED</p> <p>22/23 No 23 - LW/21/0967, Sutton Road Seaford, 36 UNITS ALLOWED</p> <p>22/23 No 24 - LW/21/0700, Telephone Exchange, Newick, 36 UNITS ALLOWED</p> <p>22/23 Nos 28 - LW/22/0104, Chamberlains Lane, (land south of Lewes Road/Laughton Road) Ringmer, 68 UNITS DISMISSED (South Downs and Heritage issues) currently being challenged in the High Court.</p> <p>22/23 Nos 30 – LW/20/0011, Averys Nursery, Uckfield Road, Ringmer, 53 UNITS ALLOWED</p>
7.6	<p>Public Inquiries/Hearings 2023-24 and 2023/24 Pipeline</p> <p>1) LW/20/0104 - Downland Park Newhaven, Caravan Site LIVE – Hearing - 18th April 2023 – Delayed to 16th January 2024</p> <p>2) LW/22/0175 - Bennetts Car Park Falmer, 555 UNITS Public Inquiry - 30th May 2023 – Delayed to 15th August 2023 ALLOWED + Costs not supported.</p> <p>3) LW/21/0986 - Harrisons Lane Ringmer, 200 UNITS Public Inquiry – 13th June 2023 AWAITING DECISION</p>

	<p>DISMISSED (South Downs issue)</p> <p>4) LW/22/0472 - Harrisons Lane Ringmer, 75 UNITS Public Inquiry – 13th June 2023 AWAITING DECISION DISMISSED (South Downs issue)</p> <p>5) LW/22/0153 - Barcombe High Street 26 UNITS Public Inquiry – 4th July 2023 AWAITING DECISION (Committee Overturn) ALLOWED + Costs supported.</p> <p>6) LW/22/0356 – Seaford Constitutional Club, Crouch Lane, Seaford 40 UNITS Public Inquiry – 18th July 2023 ALLOWED</p> <p>7) LW/21/0694 - Bishops Close, Ringmer, 68 UNITS Public Inquiry – 3rd October 2023 (Committee Overturn) ALLOWED + Costs supported.</p> <p>8) LW/22/0282 - Land South of the Broyle, Ringmer, 70 UNITS LIVE Hearing 14th November 2023 – Delayed to 9th January 2024</p> <p>9) LW/22/0255 – Round House Road, Ringmer, 53 UNITS Public Inquiry 1st August 2023 ALLOWED + Costs supported.</p> <p>10) LW/22/0459 - Barcombe Mills, 70 Units LIVE - Hearing 14th November LIVE Hearing - AWAITING DECISION</p> <p>11) LW/22/0286 – Florence House, Seaford, 60 care bed homes LIVE – LIVE Hearing 14th November – Delayed to 12th December 2023</p>
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7.7	<p>Committee Overturns</p> <p>Committee Overturns, over the survey period as a whole, (including for all types of application), are increasing - 2021-22 (3) and 2022-23 (5).</p>
7.8	<p>Appeal Costs</p> <p>Going forward, officers advise members to be increasingly and appropriately aware of overturn appeal cases in the pipeline, particularly those related to significant housing schemes on the boundaries of designated settlements. These are at risk of being “allowed/lost” and are likely to include further applications for awards of costs – again for the reasons set out at 7.1 above.</p> <p>Whilst cost issues should not be a decision-making issue, they are certainly indicative of real and serious policy tensions Lewes is experiencing in terms of its lack of a 5-year land supply and the nationally</p>

	<p>agreed importance the Planning Inspectorate is according larger housing schemes. Officers, therefore, ask Committee members to consider this matter carefully, in their deliberations.</p>
7.9	<p>The Cost of Appeals in 2022/24 to date</p> <p>For background information, members should note that costs associated with defending these larger appeals, have been as follows. 2022/224 to date = £652,000</p> <p>Costs awarded against the Council for unreasonable behaviour at appeal 2022/24 to date = £ 151,000</p> <p>This cost is being covered directly from Council reserves. This will become an increasing cause for concern if the appeals continue at the same frequency and cost, and be “allowed/lost.”</p>
7.10	<p>For appeals administered by way of a written representations and hearings that are small in nature and complexity - these are normally covered by direct staffing costs.</p>
7.11	<p>For those appeals administered by way of Public Inquiry and Hearing that are large scale schemes often outside the settlement boundaries - costs include: Legal representation (barrister), expert witnesses (planning, landscape etc), venue hire and printing.</p>
7.12	<p>As noted above the costs to date is significant and amount to an average cost of defending a Public Inquiry £54,000 per case and this does not include staff costs in supporting the process.</p>
8.	<p>Officer General Advice to LPAC</p>
8.1	<p><u>Interim Policy Statement on Housing Delivery (IPSHD) 2020 – 8 Tests</u></p> <p>The IPSHD was introduced to guide major housing development assessments whilst the Lewes LP was “out of date” and being reviewed. In principle, meeting the 8 tests would mean a development, could be supported.</p> <p><u>2020 IPSDH – 8 Tests</u></p> <p>1.Site/development should be contiguous with settlement boundary.</p> <p>2. Scheme should be appropriate to the size, character, and role of the adjacent settlement, having regard to the settlement hierarchy, taking into account the cumulative impact of extant settlement unimplemented permissions.</p>

	<p>3. The scheme should provide safe and convenient pedestrian and cycle access to local facilities and services in the adjacent settlement.</p> <p>4. The scheme should not result in actual or perceived coalescence of settlements.</p> <p>5. Within the setting of the SDNP, the proposed scheme demonstrates it will conserve the special qualities of the SDNP.</p> <p>6. The scheme can achieve Biodiversity Net Gain (BNG), through ecological impact assessments and biodiversity measures.</p> <p>7. The scheme would make the best and most efficient use of land and responds sympathetically to the existing character and distinctiveness of the local countryside and adjoining settlement. (Arbitrary low density and piecemeal development will not be acceptable)</p> <p>8. The scheme would be deliverable and viable, including affordable housing; on and off-site infrastructure and green infrastructure.</p> <p><u>Officer Advice to Committee</u></p> <p>Officers continue to advise Committee that the IPSHD is relevant guidance to Committee to aid their decision making.</p> <p>More major applicants assess schemes against the 8 test criteria.</p> <p>The 8 tests of IPSH, broadly equate to LPA search criteria for new “allocated housing sites” for the new Lewes Local Plan.</p> <p>LPAC is therefore asked to consider these conclusions when making decisions over the next 1-2 years.</p>
9.	Proposed “2024 Appeals and Decision-Making Action Plan”
9.1	<p>It is now highly likely that Lewes will be “designated” as failing to meet the national planning indicator for “quality decisions” on major applications.</p> <p>Should this happen, it will increasingly impact on major application decision making and the reputation of the Council and Service.</p> <p>Further sessions will be arranged with ALL Members and Subs of Planning Applications Committee to discuss and agree the range of activities/workstreams that can be instigated to explore and potentially mitigate the risk of decisions being overturned at appeal.</p>
10.	Legal Implications
10.1	<p>Considering “costs.”</p> <p>As a general rule it is appropriate for members to be cognisant of costs risks in decision making. Case law has established that the risk of adverse</p>

	<p>costs is not in itself a material consideration when considering individual planning applications.</p> <p>This means Committee should not use costs information to make a different decision to the one that would have otherwise been made. However, as indicated above, (paragraph 7.8-12), “allowed/lost appeals and associated costs”, particularly with similar type/size applications, is a strong indication that the Planning Inspectorate views these Lewes decisions as being at some risk. Decision makers should therefore appreciate these indicative signals, and focus on the importance of having reasons for refusal that can stand up to scrutiny on the planning merits, supported by robust evidence, and up to date National and Local policy.</p>
11.	Recommendation
11.1	Members to note the content of this report and Comment on Section 9.
12.	Background papers
12.1	<p>Improving Planning Performance – Criteria for Designation Rev 2022</p> <p>Improving planning performance: criteria for designation - GOV.UK (www.gov.uk)</p>