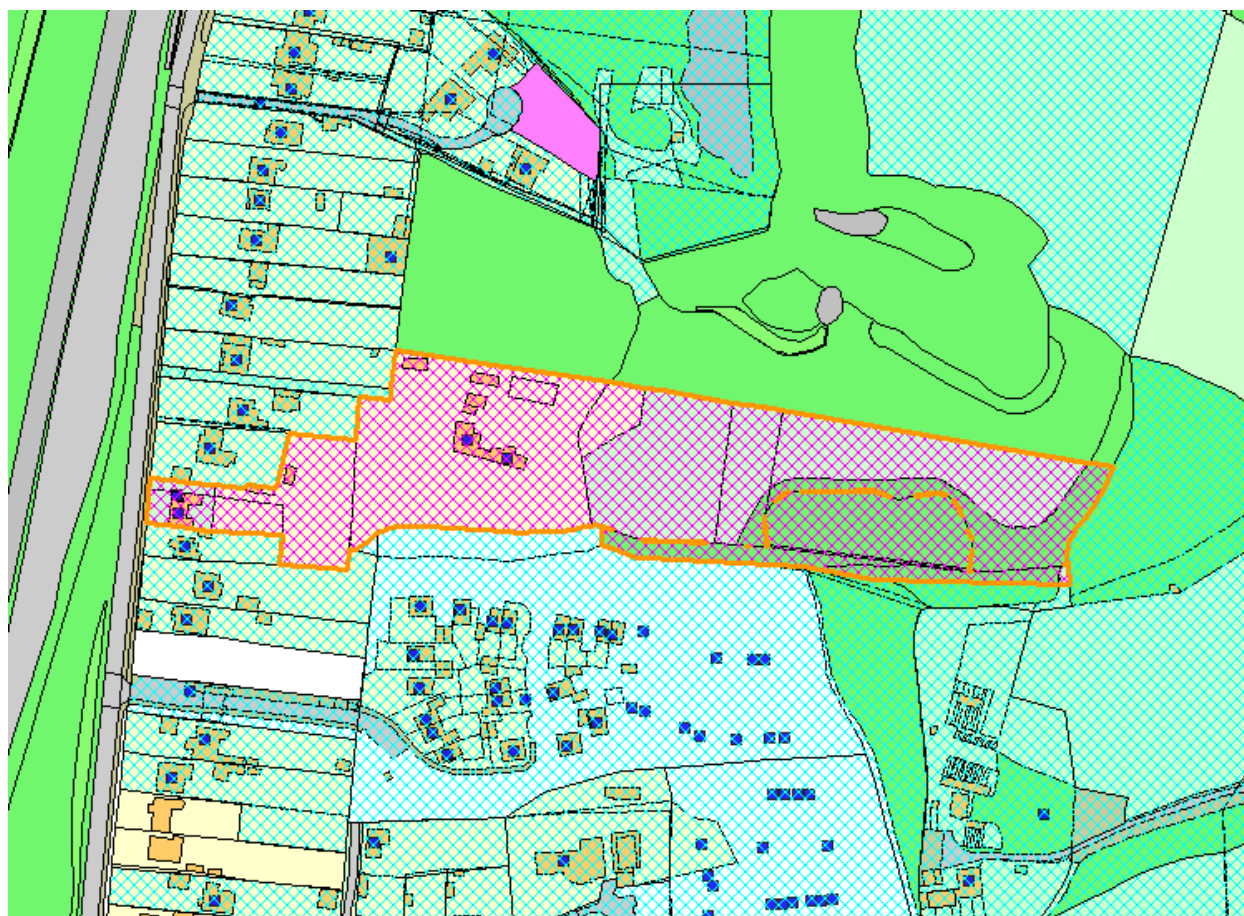


APPLICATION NUMBER:	LW/18/0566		
APPLICANTS NAME(S):	Brookworth Homes	PARISH / WARD:	Wivelsfield / Chailey & Wivelsfield
PROPOSAL:	Planning application for demolition of two existing dwellings (Pump House and Nuggets) in order to create access, and development comprising construction of 24 residential dwellings on land east of Valebridge Road (Amended Plans).		
SITE ADDRESS:	Nuggets, Valebridge Road, Burgess Hill, West Sussex, RH15 0RT		
GRID REF:			



REASON FOR REFERRAL BACK TO COMMITTEE

CHANGES TO AFFORDABLE HOUSING ELEMENT & CHILDREN'S PLAY SPACE PROVISION

Executive Summary

1.1 This application was previously presented to Planning Applications Committee on 26 June 2019 and Members resolved to approve the scheme subject to completion of a S106 Agreement securing 40% affordable housing (10 units). This was subject to meaningful progress being made towards completion of the S106 Agreement within six months.

1.2 The applicant has demonstrated on viability grounds that the affordable housing amount previously reported to members would result in an unviable development.

1.3 The applicant is seeking approval for a reduced affordable housing provision at the site reducing from 10 units to 3 units.

1.4 The non-provision of onsite play space is not considered not to give rise to a material objection to the proposal.

1.5 The principle of the redevelopment of this site has been accepted at the 26 June Committee and the new material considerations have been evaluated and the scheme is considered acceptable.

Scheme is recommended for approval

VIABILITY POSITION

1.6 The viability case presented by the applicant has been independently assessed by TWO different independent viability assessors, both of which have concluded that provision of any more than three affordable housing units would adversely affect the whole scheme coming forward.

1.7 The consultation comments from the planning policy team (see below) are noted. However, putting any further additional financial burden on the developer by way of making a financial contribution towards off-site affordable housing, may impact the three on-site affordable housing units that have been offered.

1.8 Members should also be aware that if the scheme is supported there will be an additional 7 dwellings that would now be making a Community Infrastructure Levy (CIL) payment.

CHILDREN'S PLAY SPACE

1.9 The requirement for 130 square metres of play space within the scheme was not a consideration when the application was first recommended for approval in June 2019, and has come about since the adoption of policy DM16 of the Local Plan Part 2 (adopted February 2020). There is limited scope to provide this within the development site, and the financial contribution required (£41,548) could also jeopardise the viability of providing the three affordable housing units offered.

1.10 Experience from elsewhere in the District the Towns and Parish Councils have submitted bids to the District Council to utilise CIL monies to deliver children's play space/equipment.

Officers have explored this issue with the developer and have concluded that the delivery of affordable housing albeit at a reduced threshold is the overriding material consideration in the determination of this application, and in this instance the refusal of planning permission based on the lack of play space is not justified.

RECOMMENDATION

1. Accordingly approval is recommended subject to the conditions listed below and the completion of the S106 Agreement as before, but this time securing three affordable housing units as opposed to ten.
2. Members are requested to authorise the refusal of the development under delegated powers should no meaningful progress towards the completion of the S106 Agreement have been made 6 months following the date of this resolution.

Below are updated planning policy comments received on 27 May 2020, and a copy of the report presented to planning committee on 26 June 2019

PLANNING POLICY RESPONSE

{vi Comments on the current application seeking to reduce the amount of affordable housing provided (27 May 2020):}

This planning application should be considered against the policies of the adopted 2016 Lewes District Local Part 1: Joint Core Strategy (LPP1) together with the 2020 Local Plan Part 2: Site Allocations and Developer Management Policies (LPP2). The Wivelsfield Neighbourhood Plan is 'made' and therefore also forms part of the development plan and should be considered in the determination of this planning application.

The application for full planning permission for a residential development of 24 dwellings was approved subject to section 106 agreement on 26th June 2019. However further evidence was provided to reduce affordable housing provision due to lack of viability.

These comments should be read in conjunction with the comments provided by the planning policy team on 24th June 2019. On the basis of the latest information provided, from a planning policy perspective, the following issues should be considered when determining the above planning application:

- *Policy BH01 (Land at The Nuggets, Valebridge Road) of the LPP2*
- *Affordable housing provision*
- *Contribution towards infrastructure*

Policy BH01 of the LPP2

The application site is allocated within LPP2 for approximately 14 additional dwellings. The proposed development is for 22 net additional dwellings (24 gross), the former being circa 57% above the identified capacity within Policy BH01. The policy does allow some flexibility subject to its acceptability against other policies within the Development Plan. Therefore the uplift in numbers for the proposal will need to be balanced out with other aspects of the scheme.

Affordable housing provision

Further to the Planning Application Committee resolution to grant planning permission subject to section 106 agreement to include the provision of 40% affordable housing on-site as per the policy requirement, viability evidence was submitted by the applicant showing that such scheme would not be viable. As an alternative and despite the absence of viability to do so, the applicant is offering to provide 3 affordable houses.

A first review of the viability evidence was undertaken which generally agreed with the findings of the viability report provided by the applicant. In light of the recent adoption of the LPP2 and considering the early findings of the CIL Charging Schedule review, a second opinion was requested for the following reasons:

- The proposed development site is allocated within the adopted LPP2 for a smaller scale development (14 units) to deliver 40% affordable housing. The site promoter provided a statement of common ground for the purpose of the LPP2 Examination in Public stating that the site was deliverable to policy level.
- The building costs appear to be high and some adjustment may show additional viability to allow additional affordable housing delivery
- The CIL contribution was overestimated and the adjustment may allow for the provision of further affordable housing (on-site or via commuted sum)

The second review of the viability evidence included an independent review of the submitted build cost estimate. Overall it concluded that many of the assumptions were within the expected range; however some adjustments such as the level of capital contribution from ground rents and in relation to build cost revealed that the proposed scheme with 3 affordable houses if implemented is likely to be a viable scheme.

Of particular interest here, the second review showed that the adjustments mentioned above would reduce the scheme's deficit by almost £600K. The independent build cost review suggested that further saving can be achieved in relation to the external costs. Considering that the applicant was willing to provide 3 units of affordable housing despite the limited viability, it is thought that there is scope to secure further affordable contribution via commuted sum to make a contribution towards much needed affordable housing.

Contribution towards infrastructure

The proposed scheme fails to provide on-site equipped children's play space in accordance with policy DM16 of the LPP2. A development of this size and mix of dwellings requires a minimum provision of 130 square meters of equipped children's play space above the CIL contribution in order to meet the needs of the future residents. Alternatively this can be achieved via a financial contribution to be spent within the vicinity of the site.

Summary

Given the above, from a planning policy perspective, it is not thought that the proposed scheme as it stands is policy compliant. Although policy BH01 allows some flexibility, this should not be done to the detriment of other policies within the adopted development plan in particular those that aim at achieving the social objectives of sustainable development.

PREVIOUS REPORT

1. SITE DESCRIPTION / PROPOSAL

SITE DESCRIPTION

1.1 The application site is located on the eastern side of Valebridge Road on the western edge of Lewes District and within the Parish of Wivesfield. The site is occupied by two dwellings. Pump House is one of a long line of dwellings along the east side of Valebridge Road and is proposed to be demolished in order to create space for vehicular access to the site. The property is not Listed or located within a Conservation Area. To the rear, and set well back from the road, is a property known as Nuggets. This too is proposed to be demolished and its grounds form the greater part of the application site.

1.2 A substantial amount of the site is designated as Ancient Woodland and the access to the site would cut through an area of woodland subject to a Tree Preservation Order and which is partly subject to a 'Restocking Notice' issued by the Forestry Commission (understood to have been amended such that restocking is now elsewhere). This area of woodland is not designated ancient woodland although it has the same characteristics and history as the adjoining ancient woodland.

1.3 The application site lies outside of the planning boundary for Wivelsfield and the revised development boundary set out in the adopted Neighbourhood Plan. The site is allocated for housing in the emerging Lewes District Local Plan Part 2: Site Allocations and Development Management Policies Submission Document December 2018 however.

PROPOSAL

1.4 The application seeks full planning permission for development of the site by way of 24 residential units, of which 10 are to be affordable housing. Both of the existing properties are to be demolished, with the Pump House being cleared in order to create the vehicular access into the site via Valebridge Road. The access road will be routed through an area of felled trees at the opening to the site, which has the same characteristics as Ancient Woodland but is not formally designated as Ancient Woodland.

1.5 The proposed layout features an S-shape spine road with three spurs and a single bungalow dwelling is proposed nearest the site entrance. Half of the site at its eastern end will not be developed and will remain naturally landscaped and the Ancient Woodland along the southern edge of the site will be retained.

1.6 40% of the new dwellings are to be affordable, a total of 10 units. These will be a mix of 4 x 1-bed units and 6 x 2-bed apartments.

1.7 The proposed dwellings and flats are proposed to be of a traditional design, generally two storey in scale with pitched and hipped roofs, the flatted buildings having accommodation within the roof space.

1.8 The proposed vehicular access onto Valebridge Road falls within the boundary of Mid-Sussex and West Sussex County Council is the local highway authority for the area. A separate planning application has been submitted to Mid-Sussex District Council on this basis, and was approved at their Planning Committee in April 2019 (ref. DM/18/4132).

2. RELEVANT POLICIES

LDLP: – CT01 – Planning Boundary and Countryside Policy

LDLP: – ST03 – Design, Form and Setting of Development

LDLP: – SP2 – Distribution of Housing

LDLP: – CP1 – Affordable Housing

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – CP7 – Infrastructure

LDLP: – CP10 – Natural Environment and Landscape

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP12 – Flood Risk, Coastal Erosion and Drainage

LDLP: – CP13 – Sustainable Travel

LDLP: – CP14 – Renewable and Low Carbon Energy

3. PLANNING HISTORY

E/61/0702 - Planning and Building Regulations Applications for proposed addition of new wing. Building Regulations Approved. Commenced. - **Approved**

LW/83/0937 - Outline Application for the erection of four bedroomed bungalow with double garage. - **Refused**

LW/18/0566 - Demolition of two existing dwellings (Pump House and Nuggets) in order to create access, and development comprising construction of 24 residential dwellings on land east of Valebridge Road (Amended Plans). -

LW/88/1488 - Double garage and workshop. - **Permitted Development**

LW/90/1147 - Planning and Building Regulations Applications for addition of first floor with pitched roof. Building Regs. Approved Conditionally. Commenced. - **Approved**

LW/01/1297 - Section 73A Retrospective application for the conversion of domestic garage/workshop to residential annexe - **Withdrawn**

LW/93/1453 - Change of use of stables to kennels for up to 6 resting greyhounds. - **Approved**

LW/92/0553 - Single storey extension to form a new bedroom and bathroom - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Environmental Health – No objection [22 Oct 2018]

Subject to conditions relating to land contamination; unsuspected contamination; submission of a verification report; and hours of working.

ESCC Highways – No Objection [17 April 2019]

No objection is raised in response to the amended plans [17027-C101D] and the additional document "Technical Note 1: Response to Highway Officer Comments, both of which are dated 22nd February 2019.

It is noted that Mid Sussex District Council has approved the access to the site [DM/18/4132] and it falls within the area of West Sussex County Council. The road layout does not conform to Manual for Streets or East Sussex County Council's recommendations in terms of layout. However, the parking is acceptable and as the internal roads are not to be formally adopted, no objection is raised following the amendments made to the application and the previous objection dated 25 September 2018 is withdrawn.

Natural England – Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England advises that the proposal as presented has the potential to adversely affect woodland classified on the Ancient Woodland Inventory. Natural England refers you to our Standing Advice on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

Tree & Landscape Officer Comments – Objection in principle

An objection in principle is raised against the loss of part of the ancient woodland identified as W1 of the Tree Preservation Order and which is partly subject to a 'Restocking Notice' issued by the Forestry Commission (understood to have been amended such that restocking is now elsewhere). The access road will occupy part of the (undesignated) ancient woodland.

An objection is also raised against the indirect adverse impact on ancient woodland in accordance with the government's standing advice such as breaking up or destroying connections between woodlands, reducing the amount of semi-natural habitats, increasing disturbance to wildlife, increasing light or air pollution, the impact of domestic pets and changing the landscape character of the area

There is no objection to the principle of development in the garden of the 'Pump House' and its associated paddock or to the development of the foot print of the various buildings associated with 'Nuggets' (subject to the siting of the access).

ESCC SUDS – No Objection [16 May 2019]

The information provided is satisfactory and enables the LLFA to determine that the proposed development is capable of managing flood risk effectively. Although there will be a need for standard conditions which are outlined in this response.

The applicant submitted additional information on 1 May 2019. The additional information has addressed earlier concerns regarding the proposed discharge rate (greenfield runoff rate for the proposed developable areas) and detailed hydraulic calculations.

Due to the ground levels, surface water runoff will be discharged to the ditch at the north of the application site for the majority of the site, and to an existing chamber which is connected to a drainage ditch in Valebridge Road for a small section of the access road. The condition of the existing drainage system (existing chamber and route) should be investigated before discharge of surface water runoff from the development is made. This should include CCTV survey. Any required improvements to the condition of the watercourse should be carried out prior to construction of the outfall.

The British Geological Survey data that is held shows high groundwater levels within the development site, less than 3m below the ground level. Furthermore, the trial pit record undertaken showed seepages at 0.3m and 0.65m below ground levels within TP01 and TP02 respectively. Therefore ground water levels should be investigated to ensure that the base of the permeable paving is at least 1m above the maximum anticipated groundwater level taking account of the seasonal variations in levels. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system should be provided.

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

1. Surface water discharge rates not exceeding 3.0 l/s for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
2. The condition of the existing drainage system (proposed catchment B outfall) should be investigated before discharge of surface water runoff from the development is made. This should include CCTV survey. Any required improvements to the condition of the watercourse should be carried out prior to construction of the outfall.
3. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
4. The detailed design of the permeable pavement should be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.
5. A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan should cover the following:
 - a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details.
 - b) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.
6. The applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.
7. Prior to occupation of the development, evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Previous objections dated 15 March 2019 and 28 August 2018 (which can be viewed on line) have been overcome.

Main Town Or Parish Council – Objection

- o The proposed development lies outside the planning boundary
- o We have concerns about the accumulative effect of additional traffic movements on Valebridge Road.
- o We are concerned about the buffer to the ancient woodland in respect to the turning bay/road ending on the north side of the plot.
- o Should permission be granted, we would ask that replacement trees are sourced locally.

No further comments received after re-consultation.

Planning Policy –

Formerly presented on the Supplemental Report (25 June 2019):

Updated comments from Planning Policy –

This planning application should be considered against the policies of the adopted 2016 Lewes District Local Part 1: Joint Core Strategy (LPP1) together with the retained 'saved' policies of the 2003 Lewes District Local Plan (LDLP) as listed in Appendix 2 of the LPP1, so far as they are consistent with the National Planning Policy Framework (NPPF), the Wivelsfield Neighbourhood Plan (WNP) and the NPPF itself. In addition, the emerging Local Plan Part 2: Site Allocations and Development Management Policies (LPP2) is a material consideration and has now reached the stage where substantial weight can be given to a number of policies.

The application is for full planning permission for a residential development of 24 dwellings. From a planning policy perspective, the following issues should be considered when determining the above planning application:

- Principle of development;
- Emerging LPP2 Policy BH01;
- District Council's five year housing land supply; and
- Wivelsfield Neighbourhood Plan.

Principle of development in this location

The application site is located east of Valebridge Road, on the north eastern edge of Burgess Hill. Except for the point of access, which lies within Mid Sussex district, the proposal is within the Lewes district and Wivelsfield Parish.

The proposal is located outside the planning boundary as defined by Policy CT1, and emerging LPP2 Policy DM1, which seek to restrict development in the countryside. Ordinarily a proposal such as this in the countryside would attract a policy objection. However, Spatial Policy 2 (SP2) of LPP1 identifies a minimum of 100 net additional dwellings to be delivered in this general location (i.e. Edge of Burgess Hill within Wivelsfield Parish). Two developments to the south of the application site (Medway Gardens and land east of The Rosery) are together contributing 81 net dwellings towards the required minimum 100 net dwellings. As such, a minimum of 19 net dwellings are still required to deliver SP2.

As highlighted above, LPP2 is a material consideration with substantial weight to be given to certain policies where there are no outstanding objections. The application site is a proposed allocation (Policy BH01) for approximately 14 net additional dwellings. However, two Main Modifications are proposed to this allocation by the Inspector, therefore only limited weight should be given.

It is acknowledged that the proposed development is for 22 net dwellings (24 gross), the former being circa 57% above the identified capacity within Policy BH01. However, the policy allows some flexibility for proposals to come forward below or above the 14 net dwellings, subject to its acceptability against other policies within the Development Plan. In addition, the proposal includes a mix of house type, with 40% being flats allowing for a greater density to be delivered. All units are between 1 and 3 bedrooms delivering the smaller sized units identified as needed by Core Policy 2 (Housing Type, Mix and Density) of LPP1. The individual circumstances of the site will need to be taken into account when considering if the uplift is acceptable.

It should also be noted that approximately 15% of the site is designated as Ancient Woodland with a further parcel of Ancient Woodland located adjacent to the site's north eastern boundary. A TPO Group designation also runs along the southern boundary and partially along the western boundary. Proper consideration must be given to any buffers required in order to provide the necessary protection, including at least a 15m buffer to the Ancient Woodland, as set out in the proposed modification to Policy BH01.

Housing land supply

Paragraph 73 of the NPPF (2019) requires local planning authorities to identify a five year supply of deliverable land for housing. As at 1st April 2019, the Council is able to demonstrate a supply of deliverable housing land equivalent to 5.59 years (a surplus of 207 units) outside the South Downs National Park (SDNP) and against its separated housing requirement figure (5,494 net dwellings).

The latest housing land supply position is calculated in the context of the publication of Government's Housing Delivery Test results in February 2019. The HDT compares the number of houses delivered against the housing requirement over the last three year period. Depending on the outcome certain actions must be implemented.

The Council has significant concerns with the requirement figures used by Government which do not reflect the position that the Council has an adopted Local Plan. Until the time when the above is resolved the Council will calculate its HDT using the agreed separated housing requirement for Lewes district outside the National Park. Further information on the Council's five year housing land supply position can be found in the published 5 Year Housing Land Supply Position Note.

As such, relevant policies within the Development Plan, including the Local Plan and neighbourhood plans, are considered up to date. Decision making on planning applications should therefore be made against policies within the adopted development plan.

Wivelsfield Neighbourhood Plan

The Wivelsfield Neighbourhood Plan (WNP) was 'made' (adopted) on 7th December 2016. As with Policies CT1 and DM1 highlighted above; Policy 1 of the WNP seeks to restrict housing development outside the planning boundary as amended by the WNP.

Paragraph 1.6 is clear that the WNP focuses on allocating sites to meet the minimum 30 net additional dwellings at Wivelsfield Green, as required by SP2. Consequently, the

emerging LPP2 must deliver the minimum 100 net additional dwellings identified at the Edge of Burgess Hill (within Wivelsfield Parish). It is therefore necessary to allocate land within LPP2 outside the planning boundary where capacity has been identified through the Strategic Housing and Economic Land Availability Assessment.

Regard should also be given to Policy 5 (Design) and Policy 6 (Green Infrastructure & Biodiversity) of the WNP.

Community Infrastructure Levy

It is acknowledged that, given the close proximity of the proposal, future residents are likely to use the services and facilities within Burgess Hill. The developer of the proposal will be required to pay financial contributions which, through the CIL bidding process, can be bid for by Mid Sussex District Council and/ or West Sussex County Council (WSCC). The opportunity for this is set out in the Council's CIL Governance arrangements.

These monies can then be spent on improvements to, or provision of, infrastructure as identified to support the development. Previously the approach had been to collect infrastructure contributions via S106 agreements, which were then passed to Mid Sussex District and West Sussex County Councils.

The Council will continue to work with Mid Sussex and WSCC on identifying such infrastructure requirements.

Summary

The proposed development is located outside the planning boundary but an identified housing allocation within the emerging LPP2, which is a material consideration.

Given the above, from a planning policy perspective, provided that the determining officer is satisfied the uplift in dwellings being proposed can be delivered without unduly impacting on the amenity of both existing and future residents and other policy criteria can be met, then it is recommended for approval.

Below are some points of clarification in respect of the main committee report.

Location of application site

The application site is within the Parish of Wivelsfield, which is within Lewes District. However, the existing homes along the eastern side of Valebridge Road have the postal address of Burgess Hill and they also have postcodes starting with RH (for the Redhill area). On the planning application form submitted, Nuggets has a Burgess Hill postal address, although it is geographically within the boundary of Lewes District.

Therefore, although physically within Lewes District, the nearest town to the new homes is Burgess Hill and the new properties are likely to have RH postcodes, although this will ultimately be for Royal Mail to decide.

The adopted Joint Core Strategy states at part 2.1, "The towns of Haywards Heath and Burgess Hill in Mid Sussex District abut the north-western boundary [of Lewes District] and due to their available range of employment opportunities, retail, other services and facilities, including public transport links to areas such as London and Gatwick, they exert a strong influence on the rural communities within the northern part of Lewes District.

Dwelling mix

Although the application site falls within the postal area of Burgess Hill, the new houses will be physically within Lewes District and as such the affordable housing nominations will come from the Lewes and Wivelsfield housing registers.

The meaning of 'surrounding area' in the comments on Page 10

Spatial Policy 2 - "Distribution of Housing" within the Lewes District Local Plan Part One: Joint Core Strategy at part (2) lists the settlements identified for planned housing growth, and this includes "Burgess Hill (within Wivelsfield Parish) – a minimum of 100 net additional units".

The term surrounding may therefore be considered to mean land within Wivelsfield Parish, but having the postal address of Burgess Hill. Therefore the last two lines on page 10 should begin 'Wivelsfield and surrounding parishes', as should the line above 'Figures from the Lewes District Council Housing Register shows the following need for dwellings in Wivelsfield and surrounding area'.

Policy & Engagement Co-ordinator –

The Lewes District Council (LDC) Affordable Housing Supplementary Planning Document (SPD) provides an explanation of how the Council's affordable housing policy as set out in the Lewes District Local Plan Part 1 – Joint Core Strategy is to be implemented. The LDC Affordable Housing SPD webpage explains:

'July 2018 update - Lewes Affordable Housing SPD

Since the adoption of the Lewes Affordable Housing Supplementary Planning Document government has published an update to the National Planning Policy Framework (NPPF). Paragraph 63 states that "Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas". The NPPF defines major developments as "For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more."

Therefore, the requirement for 40% affordable housing will now apply to developments of 10 or more homes, rather than 11 or more, or a site area of 0.5 hectares or more. This should be noted when reading the Lewes Affordable Housing SPD.'

Number of affordable dwellings

Core Policy 1 of the Lewes District Local Plan Part 1 – Joint Core Strategy (2016) explains that a district wide target of 40 per cent affordable housing, including affordable rented and intermediate housing, will be sought.

The Public Access – Public Application Form proposes 25 dwellings: 15 market housing units and 10 affordable housing units.

40 per cent of 25 dwellings equates to 10 affordable units ($0.4 \times 25 = 10$).

A policy compliant number of affordable housing units are proposed for this development.

Dwelling mix

Figures from the Lewes District Council Housing Register show the following need for dwellings in Burgess Hill and the surrounding area:

Lewes District Council Housing Register	1 bed	2 bed	3 bed	4 bed	5 bed	Total
Burgess Hill and surrounding area	20	10	8	5	0	43
Burgess Hill and surrounding area %	46.5	23.3	18.6	11.6	0	100

The Public Access - Planning Application Form states that the dwellings will consist of 25 dwellings. The 15 market dwellings are proposed to consist of 6no. two bedroom houses and 9no. three bedroom houses. The affordable dwellings are proposed to consist of 4no. one bedroom flats/maisonettes and 6no. two bedroom flats/maisonettes.

Paragraph 3.7 (pp.10-11) of the Lewes District Council Affordable Housing Supplementary Planning Document SPD explains that 'The provision of onsite affordable housing should be integrated into the layout of the development through 'pepper-potting' within market housing, in order to fully reflect the distribution of property types and sizes in the overall development.'

The dwelling mix of the overall development should be reflected in the affordable housing dwelling mix and reflect the housing need as represented by the Housing Register. Ideally, the dwelling mix of the affordable housing would include houses to reflect the proposed development's overall dwelling mix, and three bedroom dwellings to reflect the housing need.

The planning application documents do make reference to pre-planning advice which was given regarding the possibility of inclusion of affordable three bedroom dwellings. Further discussion concerning the dwelling mix of the affordable dwellings would be useful.

Tenure Split

Core Policy 1 of The Joint Core Strategy states: 'The guideline affordable housing tenure split will be 75% affordable rented and 25% intermediate (shared ownership). The local planning authority will negotiate the appropriate tenure split on a site by site basis based upon the latest evidence of needs in the site locality.'

A 75/25 tenure split would comprise of 7 or 8 affordable rent dwellings, and 3 or 2 intermediate dwellings ($0.75 \times 10 = 7.5$; $0.25 \times 10 = 2.5$), resulting in a total of 10 units.

Although the tenure split set out in Core Policy 1 is briefly discussed in the planning application documents, from the planning application documents publicly available it is not clear what tenure split is proposed for the affordable dwellings for this development.

Size of dwellings

From the planning application documents that are publicly available it is not clear what sizes are proposed for the affordable dwellings for this development. Consequently, it would be useful to have further discussions regarding the sizes of the affordable dwellings.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

A letter in support of the application has been submitted by the applicant and occupiers of Nuggets, stating that the development will bring much needed new homes, including affordable housing, and the proposals will reflect the character of Valebridge Road and have a sylvan environment and adequate parking.

Representations have been received from Viconella, Lorelei, Ledbury, Glenhaven, Glenwood, The Willows, and Woodlands, Valebridge Road; Theobalds Farm and Brier Cottage, Theobalds Road; 2 Rose Walk; objecting to the application for the following reasons:-

- Building in countryside
- Outside planning boundary
- Out of character
- Over development
- A third housing estate
- Contrary to policy
- Loss of semi-rural character
- Loss of trees
- Not allocated in Neighbourhood Plan
- Parking issues
- Inadequate access
- Highway hazards
- Inadequate street lighting
- Poor condition of public footway
- Traffic generation
- Traffic on A259
- Speed limit should be reduced along Valebridge Road
- Noise and disturbance
- Overlooking / loss of privacy
- Flooding
- Drainage
- Blocked highway drains
- Damage to sewerage system
- Effect on wildlife
- Lack of infrastructure
- Not sustainable
- CIL monies will not go to Wivelsfield
- Effect on town centre viability

6. PLANNING CONSIDERATIONS

6.1 The main considerations in the determination of the application include the principle of development; design; the impact on amenity; accessibility and sustainable transport.

6.2 As the access between the site and Valebridge Road falls within the jurisdiction of Mid Sussex District Council, for which West Sussex County Council is the highway authority, a separate application has been submitted to, and approved by Mid Sussex District Council. As such the current application does not need to consider the impact on highway safety, visibility or the impact of any increase in the number of vehicular movements upon congestion or emissions/air quality, as these have been taken into consideration separately by Mid Sussex District Council. Furthermore, the necessary highway improvements and requirements have been secured by conditions between the applicant, Mid Sussex District Council and West Sussex County Council and in this instance Mid Sussex District Council may seek to bid for some of the CIL monies coming forward from the proposed development in order to improve the infrastructure in the vicinity of the application site that will be put under increased pressure as a result of the housing development.

PRINCIPLE

6.3 The site falls outside of the planning boundary of Wivelsfield as defined by the Lewes District Local Plan and the more recently adopted Wivelsfield Neighbourhood Plan (WNP).

6.4 However, the site is allocated within Lewes District Local Plan Part 2: Site Allocations and Development Management Policies Submission Document 2018 wherein policy BH01 seeks to allocate the Nuggets site for approximately 14 net additional dwellings. Taking into account the two existing houses, the gross number of dwellings would be approximately 16 units. The inclusion of the site within Part 2 of the Local Plan has ensured the site has come forward through the plan-led process and with the required consultations and Sustainability Appraisal. Therefore, the proposed use of the site is therefore deemed to be compliant with retained policy CT1 of the JCS, which is the Council's key countryside policy. The site is well related to existing residential development.

6.5 The Lewes District Local Plan Part 1: Joint Core Strategy (JCS), sets out the proposed housing delivery and distribution for the District for the years 2010-2030, noting that a minimum of 100 dwellings are to be provided at Burgess Hill (within Wivelsfield Parish). The housing distribution set out by Policy SP2 of the JCS was based on an approach that reflected the findings of the evidence base (including where the greatest levels of housing need are), the input from the consultation and engagement undertaken, and the findings of the Sustainability Appraisal process. The Council's Strategic Housing Land Availability Assessment (SHLAA) forms part of this evidence base and provides an indication of the potential capacity of settlements to accommodate housing development, but it is not a policy document in itself. This site was one of only a small number of sites identified by the SHLAA as being suitable, available and achievable for housing development at Burgess Hill (within Wivelsfield Parish) in this broad location.

6.6 Whilst the current planning application proposed 10 more units than the 14 set out in the policy allocation contained within the emerging Local Plan Part 2, it is considered that where the scheme can demonstrate acceptable design, sufficient parking and adequate property sizes and amenities, such as back gardens, whilst at the same time safeguarding the biodiversity of the site and making provision for electric vehicle charging points, the site can be shown to accommodate more housing without a significant adverse impact in comparison with a scheme for 14 units. In addition, although a larger scheme in terms of the number of overall residential units, in terms of physical buildings within the site there would be 15, and as such with respect the layout, scale and massing of the proposed development, it would not be dissimilar to a scheme for 14 units. The increase over the number set out in Local Plan Part 2 will also make a greater contribution towards the 100 dwelling units which are acutely needed in this location to the period 2030.

6.7 In view of the above, development of this site would accord with the broad distribution of Policy SP2 of the JCS in principle, and could help meet the District's housing needs over the period to 2030. The proposal is for 24 residential units, which is 8 units (10 if you include the two existing dwellings), or 50% more, than set out in policy BH01 - 14 units. However, for the reasons given above, the proposal is considered acceptable in principle and would bring forward 40% affordable housing.

MIX OF UNITS

6.8 40% of the new dwellings are to be affordable, a total of 10 units. These will be a mix of 4 x 1-bed units and 6 x 2-bed apartments.

6.9 The Council's Affordable Housing SPD (supplementary planning document) was adopted on 16 July 2018. Affordable housing units should be integrated throughout a development site and should be indistinguishable in design and materials from the market housing on the site and should remain affordable in perpetuity.

6.10 In this instance, as the affordable units are to be flats and the market units are to be dwellings, the affordable units will not be indistinguishable from the market units. In addition, the two buildings containing the affordable units will be adjacent to each other, and therefore not integrated throughout the site.

6.11 On balance however, it is considered that due weight must be given to the scheme providing 40% affordable housing in this location and taking account that a large portion of the site is subject to constraints and cannot be developed. The proposals are considered to be acceptable in principle, and will also help to meet the housing targets set out in the Local Plan Part 2.

DESIGN

6.12 The applicant has submitted a Landscape and Visual Impact Assessment, which concludes that the scale and nature of the development and its relationship with nearby residential development is of medium landscape character sensitivity and the magnitude of change is small. The proposals would therefore have a minor landscape effect. The visual effects of the proposed development would be minimal due in most part to dense interceding vegetation between the viewer and site, the topography in the area and the similar setting of the proposed scheme.

6.13 Mitigation measures that have been proposed as part of the development would include:

- o Native tree and hedgerow planting to the site boundaries;
- o Management and maintenance of existing surrounding hedgerow and trees;
- o The use of materials for the external envelope of the buildings which minimise potential visual intrusion and follow the local vernacular to aid visual blending.

6.14 This mitigation is considered to be acceptable and the scheme, though partially separated by a landscaped buffer, would form a natural continuation of the nearby housing development at The Rosery.

6.15 The new houses would have a traditional and semi-rural form in keeping with the style of existing housing in this location. The use of pitched and half-hip roofs together with variations in the external finishes, for example tile hanging and weather-boarding, and the inclusion of quality design details such as pitched roof porches to the entrances, should result in a development that has an attractive appearance and a degree of individual visual interest whilst retaining group value in the design of the overall scheme. Nonetheless, the visual impact will be limited by the filtered views through existing planting and trees, and the development should not significantly affect the street scene in Valebridge Road, aside from the visibility of the new access road.

AMENITY

6.16 The siting of the proposed dwellings is to be set well back from Valebridge Road, and the distance between the new homes and existing neighbouring dwellings, including those in The Rosery, is such that the amenity of neighbouring residents would not be significantly

adversely affected by way of overlooking, loss of privacy or an overbearing impact. The new homes would also be screened by existing and proposed planting that would filter and soften views of the development from neighbouring properties.

6.17 In terms of the amenity of future residents, the proposed layout has been carefully considered so that flank windows avoid overlooking, and the principal elevations of the dwellings generally would be opposite the flank walls of properties on the other side of the same length of access road.

6.18 In terms of internal floor areas for the new dwellings, the smallest of the 2-bed houses would be 77 square metres, and the smallest of the 3-bedroom homes would be 99 square metres. This compares favourably with the national space standards, which requires 70 square metres for a 3-person 2-bedroom home and 93 square metres for a 5-person 3-bedroom house.

6.19 Of the proposed flats, the 2-bedroom homes would be 68 square metres and the 1-bed flats 45 square metres. This does not compare as favourably with the national space standards which suggest 70 square metres and 50 square metres respectively. The 1-bedroom flats within the roof space of each flat building (so 2 in total) would be 51 square metres but due to the pitched roof design only 31 square metres would allow future residents to stand. As such these units would only be well suited to single occupancy.

6.20 Each of the houses would benefit from a back garden of just over 10m in length, allowing for satisfactory private and useable amenity space. The proposed flats would not have any private outdoor amenity space. However, a large portion of the overall site is to remain green and wooded, and this should provide some degree of outdoor green space for residents.

6.21 In summary, the proposed development is not considered likely to have a significant adverse impact on the amenity and living conditions of either existing neighbouring residents or future residents of the new development.

TREES AND LANDSCAPE

6.22 One of the key issues in the determination of the application is the impact on trees. Indeed the Trees and Landscape Specialist, has raised an objection to the development in principle specifically due to the siting of the access road. This is because the access road is to be routed through woodland and would result in the loss of undesignated ancient woodland, described as such because it has the same characteristics and has been connected to the other areas of designated Ancient Woodland both within the site and adjoining the site. These trees were cut down prior to the planning application being submitted, and were subject to a "Re-stocking Notice" instructed by the Forestry Commission.

6.23 The main issue relates to the potential loss of (undesignated) ancient woodland as a result of the construction of the access road. This area is subject to a Tree Preservation Order and the adverse impact that the development might have on the existing designated ancient woodland network in and around the application site. The proposed access road and pavement would create a permanent gap of some 7.45m in width through this area of woodland.

6.24 The Specialist for Trees and Landscape has maintained an objection in principle throughout the application process. However, should the access location be considered acceptable no objections are raised to the rest of the application.

ACCESSIBILITY AND SUSTAINABLE TRANSPORT

6.25 The highway authority is satisfied that the type and number of open-front garages and off-street parking provision is satisfactory, and that any overspill parking on street would occur on private roads within the application site, as these roads are not to be adopted.

6.26 There is capacity within the site to provide secure and sheltered cycle parking for the dwellings and as such a planning condition is recommended in order to secure both details and provision. Similarly, electric vehicle charging points will be provided within the scheme, in accordance with details to be submitted subsequently in order to comply with the relevant planning condition.

6.27 The application site is some 1.1km from Wivelsfield mainline railway station (less than a 13 minute walk) which has good access to London, Brighton and Lewes, and which would be attractive to commuters. There are also bus stops on Valebridge Road some 350m from the application site with good services to Brighton, East Grinstead, Haywards Heath, the centre of Burgess Hill and also Wivelsfield railway station.

6.28 For the above reasons the site is reasonably well located in terms of access to sustainable forms of transport and future residents of the development would not need to be solely reliant on private car use for all of their journeys. With these alternative options available the impact of the development on matters such as congestion and air quality can be minimised.

6.29 In these respects the proposed development meets the requirements of policies CP13 and CP14 of the JCS and is therefore considered to be acceptable.

FLOOD RISK

6.30 Following an initial objection to the proposed development from ESCC as the Lead Local Flood Authority (SuDS) for the area, the applicant submitted additional information to address the concerns raised in respect of the proposed discharge rate along with detailed hydraulic calculations. Due to the ground levels, surface water runoff is to be discharged to a ditch at the north of the application site and to an existing chamber which is connected to a drainage ditch in Valebridge Road for a small section of the access road. Conditions are recommended in respect of full assessment of the condition of the existing drainage system and any improvements required together with a full assessment and investigation of the groundwater levels to ensure that the base of any permeable surfaces is at least 1m above the maximum groundwater levels taking into account seasonal variations.

6.31 In view of this, it is considered that flood risk can be managed in a satisfactory and sustainable manner and in this regard the proposed development is, subject to conditions, acceptable.

ECOLOGICAL AND ARCHAEOLOGICAL IMPACT

6.32 Part (f) of policy BH01 of the emerging Lewes District Local Plan Part 2, which allocates the application for housing development, requires an ecological impact assessment to be undertaken and appropriate measures identified and implemented accordingly, in order to mitigate potential adverse impacts, either directly or indirectly, on biodiversity, including irreplaceable habitats.

6.33 The applicant has submitted an Ecological Impact Assessment which states that whilst the site is generally of low ecological value, the Ancient Woodland within and

adjacent to the application site is of national value. Mitigation measures have been outlined to ensure that the Ancient Woodland is not adversely affected by the proposed development. The assessment submitted includes an extended Phase I Survey and protected species surveys.

6.34 A reptile mitigation strategy has also been outlined and will involve the translocation of reptiles (slow worm and grass snake) to a receptor area within the application site. Such translocations are seasonally restricted to between March and October inclusive.

6.35 The hedgerows and mature trees are to be retained within the proposed development and the remaining grassland is to be managed in order to promote species diversity. Subject to these compensatory measures and the above translocation strategy, the loss in ecological value of the application site will be minimal. In addition the Ancient Woodland would be subject to root protection areas and grassland buffers, to be fenced during construction, in order to result in a neutral impact of the development on the Ancient Woodland.

6.36 Detailed proposals have also been submitted in respect of ensuring the proposed development has a neutral impact on any bats within the trees, foraging badgers and common newts, frogs and toads. The submitted survey concludes that the presence of Great Crested Newts within the water bodies within the site has been ruled out following the extended investigations.

6.37 New areas of planting are proposed in order to maintain existing levels of potential bird nesting sites.

6.38 Paragraph 6.53 of the Ecological Assessment sets out measures for provision of bat boxes, bat tubes, bird nesting boxes and hedgehog boxes, and specifies how many, and to which dwellings, these measures are to be put in place.

6.39 To conclude, the applicant is proposing satisfactory mitigation measures, and conditions are recommended in order to ensure that these strategies are carried out.

6.40 The applicant has also submitted an Archaeology and Heritage Assessment, in line with the requirements of policy BH01 of Part 2 of the Local Plan. The report has drawn from various sources, including the Historic Environment Records and the East Sussex Record Office. The application site has been concluded not to contain any heritage assets or features of archaeological interest, aside from wood banks and ditches along a belt of woodland to the southern boundary of the site. These areas are to be protected during construction and retained thereafter.

6.41 A number of listed buildings have been identified near to the site, including the Grade II listed farmhouse at Theobald's, which is 200m to the south of the application site. These would not be adversely affected by the proposed development, particularly in light of intervening recent housing development at The Rosery.

S106 AGREEMENT

6.42 40% affordable housing comprising 6 x 2-bed flats and 4 x 1-bed flats to be split 75/25 between affordable rent and intermediate housing.

7. RECOMMENDATION

7.1 The proposed development is on balance, and notwithstanding the impact on trees at the entrance to the site, considered to be acceptable and approval is recommended subject to the conditions listed below and the completion of a S106 Agreement.

7.2 Members are requested to authorise the refusal of the development under delegated powers should no meaningful progress towards completion of the S106 Agreement have been made 6 months following the date of this resolution.

The application is subject to the following conditions:

1. No development shall commence until such time as temporary arrangements for access and turning for construction traffic has been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: To secure safe and satisfactory means of vehicular access to the site during construction.

2. Works to construct the new houses hereby permitted shall not commence until the new estate road[s] have been completed to base course level, together with the surface water and foul sewers and main services, to the approval of the local planning authority.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large.

3. No development above ground level shall take place until an external lighting strategy, to include full details of lighting, including street lighting, security lighting and lighting to individual buildings, has been submitted to and approved by the local planning authority. The lighting shall be installed in accordance with the approved details prior to the first occupation of the dwellings unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory appearance to the development and in order to safeguard the amenities of neighbouring residential properties having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

4. No development shall take place until details of electric vehicle charging points have been submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be installed in accordance with the approved details prior to the first residential occupation of the development hereby permitted and retained as such thereafter.

Reason: To encourage the uptake of electric vehicles in the interests of reducing harmful emissions in accordance with policies CP9, CP13 and CP14 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

5. No development shall take place above ground floor slab level until details and samples of all external materials including the fenestration; hard surfaces; roof materials and external finishes to the walls, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and samples and retained as such thereafter.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policy ST3 of the Lewes District Local Plan, policy CP11 of the Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework .

6. No development shall commence until details of the location and extent of the construction compound(s) have been submitted to and approved in writing by the local planning authority. The compound(s) shall be located in accordance with the approved details before any development commences.

Reason: To ensure a satisfactory appearance to the development and in order to safeguard the amenities of neighbouring residential properties having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework.

7. Notwithstanding anything contained in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any amendment or replacement thereof, prior to the commencement of any building or engineering operations for the development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include the following information and the development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority:-

- a) The temporary arrangements for access and turning for construction traffic;
- b) The size of vehicles (contractors and deliveries);
- c) The routing of vehicles (contractors and deliveries) and traffic management (to allow safe access and turning for construction vehicles);
- d) The temporary arrangements for parking of vehicles associated with deliveries, site personnel, operatives and visitors;
- e) A contractors' parking and Travel Plan;
- f) Facilities for the loading and unloading of plant and materials;
- g) The location(s) for storage of plant and materials used during construction;
- h) The location(s) of any site huts/cabins/offices;
- i) Details of temporary lighting during construction;
- j) Details of the proposed security arrangements for the site including temporary site security fencing and site hoardings;
- k) Hours of construction and hours of deliveries;
- l) Details of the precautions and facilities put in place to guard against the deposit of mud and substances from the application site on the public highway, to include wheel washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed in order to be free of mud and similar substances prior to entering the public highway;
- m) Details outlining the proposed range of dust and dirt control measures and noise mitigation measures during the course of construction of the development, having regard to Section 61 consent under the Control of Pollution Act 1974;
- n) Details of off-site monitoring of the CEMP; and
- o) Assurance that the construction will be undertaken in accordance with the Considerate Constructor's Scheme.

Reason: In the interests of the residential amenities of the neighbours and to secure safe and satisfactory means of vehicular access to the site during construction, having regard to retained policy ST3 and Core Policies 11 and 13 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework.

8. Construction works and deliveries to and from the application site shall be restricted to between the hours of 0800 and 1800 Mondays to Fridays and 0830 until 1300 on Saturdays. No construction works or deliveries in association with the development hereby permitted shall take place on Sundays or on Bank/Statutory Holidays.

Reason: In the interests of the residential amenities of the neighbours having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework.

9. No development above ground level shall take place until the following details have been submitted to and approved in writing by the local planning authority:-

- a) A detailed planting plan including both the positions and species of tree planting having regard to BS:8545:2014 "Trees from the nursery to independence in the landscape";
- b) A detailed landscape plan identifying all planting outside of private domestic gardens and including a plan identifying all communal areas to be managed separately.

The development and all hard and soft landscaping works shall be carried out in accordance with the approved details prior to the first residential occupation of any dwelling, and retained as such for the life of the development unless otherwise agreed in writing by the local planning authority. All hard surfaces should be either permeable materials to allow for natural soakage of surface water into the land or direct surface run-off to soakaways within the application site.

Reason: In the interests of visual amenity and integration of the development into the existing landscape, neighbour amenity, managing and mitigating flood risk, and to ensure a satisfactory appearance to the development in accordance with retained policy ST3 and Core Policies 10, 11 and 12 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

10. Arboricultural Method Statement & Tree Protection Measures

- a) No development shall take place until an arboricultural method statement, to include details of all works within the root protection area, or crown spread [whichever is greater], of any retained tree, has been submitted to and agreed in writing by the District Planning Authority. Thereafter, all works shall be carried out and constructed in accordance with the approved details and shall not be varied without the written consent of the District Planning Authority.
- b) This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction.
- c) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during site clearance operations, site preparation and subsequent development operations and up until completion and full occupation of the buildings for their permitted use within 2 years from the date of the occupation of the buildings for their permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.
- d) No development shall take place, including site clearance or installation of temporary plant or structures associated with the construction of the development, until full details of the measures to be implemented in order to safeguard and protect the hedgerows to be retained have been submitted to and approved in the writing by the local planning authority.

Reason: To enhance the general appearance of the development and in the interests of preserving the amenity of the locality having regard to Policy ST3 and policies CP10 and CP11 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

11. No development shall commence until precise details of the existing and proposed finished floor levels and overall roof heights of the development in relation to nearby datum

points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

12. No part of the development shall be occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the local planning authority to prevent surface water draining onto the public highway.

Reason: In the interests of highway safety and safeguarding amenity in accordance with retained policy ST3 and Core Policy 13 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

13. No development shall take place until a drainage strategy detailing the proposed means of foul and surface water sewerage disposal and a timetable for implementation of the strategy have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and timetable unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of amenity and to ensure the development is undertaken in a manner which reduces any potential risk to public infrastructure in accordance with retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

14. No development shall take place until full details of a sustainable urban drainage system (SuDS) have been submitted to and approved in writing by the local planning authority, in order to ensure that surface water runoff from the development is managed safely. Such details shall include:-

a) Evidence (in the form of hydraulic calculations and detailed drainage drawings) of the surface water discharge rates not exceeding 3.0 l/s for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features.

b) Investigation of the condition of the existing drainage system (proposed catchment B outfall) before discharge of surface water runoff from the development is made. This should include CCTV survey. Any required improvements to the condition of the watercourse should be carried out prior to construction of the outfall.

c) Detailed design to include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

d) Detailed design of the permeable pavement, to be informed by the findings of groundwater monitoring between Autumn and Spring, having at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.

e) A maintenance and management plan for the entire drainage system to ensure the designed system taking into account design standards of those responsible for maintenance. The management plan should cover the following:

i) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.

ii) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development shall be submitted to the local planning authority.

- f) Details of measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or be incorporated into the Construction Environmental Management Plan for the development.
- g) Prior to the first residential occupation of the development, evidence (including photographs) shall be submitted to the local planning authority showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: In the interests of amenity and to ensure that flood risk is managed, in accordance with Core Policies 11 and 12 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

15. Unless otherwise agreed in writing by the local planning authority, all temporary buildings relating to the implementation of the planning permission shall be located within enclosed construction compounds within the application site. The temporary buildings shall be no higher than 6m above natural ground level.

Reason: To ensure a satisfactory appearance to the development and in order to safeguard the amenities of neighbouring residents having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework.

16. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out (unless otherwise agreed in writing with the local planning authority) until the developer has submitted, and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework.

17. The tree protection measures detailed in section 10 of the report and in conjunction with the Tree Protection Plan AR-3744 app C TPP -01 Rev B shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, detailed in section 12 of report, by a suitably qualified tree specialist.

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.

18. The development hereby permitted shall not be occupied until a management plan for the woodland and communal soft landscaped areas has been submitted to and approved in writing by, the Local Planning Authority. The management plan should include the following elements:

- a) A statement of the overall design vision for the woodland and for the communal areas retained as part of the development - including amenity classification, nature conservation value and accessibility.
- b) Type and frequency of management operations to achieve those aims, and to provide reinstatement including planting where tree loss or vandalism occurs.
- c) Frequency of safety inspections, which should be at least three yearly in areas of high risk, less often in lower risk areas

- d) Confirmation that the tree pruning work is carried out by suitably qualified and insured tree contractors to British Standard 3998 (2010).
- e) Special measures relating to Protected Species or habitats, e.g. intensive operations to avoid March - June nesting season or flowering period.
- f) Recommendations relating to how trees within the immediate vicinity of properties or within private areas are to be protected, such that these are retained without the loss of their canopy or value as habitat.
- g) Confirmation of cyclical management plan assessments and revisions to evaluate the plan's success and identification of any proposed actions.

Reason: Required to ensure that woodland areas are satisfactorily safeguarded, managed and maintained in the long term /in perpetuity in the interest of nature conservation and the visual amenity of the area and to enhance the general appearance of the development having regard to Policy ST3 and policies CP10 and CP11 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

19. The development hereby permitted shall not be occupied until a schedule detailing sizes and numbers of all proposed trees/plants in accordance with the Landscape Strategy BRO21295 11E Sheet 1, 2 and 3, has been submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- a) Proposed hardstanding and boundary treatment:
- b) A schedule detailing sizes and numbers of all proposed trees/plants
- c) Sufficient specification to ensure successful establishment and survival of new planting.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Any new tree(s) that die(s), are/is removed, become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality having regard to Policy ST3 and policies CP10 and CP11 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

20. 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.

Reason: In order to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality having regard to Policy ST3 and policies CP10 and CP11 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

21. The development hereby permitted shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected within and, where necessary, around the

perimeter of the application site, including details of the balustrade around the edge of the top floor roof terrace. The boundary treatment shall be completed in accordance with the approved details prior to the occupation of the dwelling units or commercial units, whichever is the sooner, and retained as such thereafter.

Reason: To enhance the general appearance of the development having regard to retained policy ST3 of the Lewes District Local Plan, Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

22. The development hereby permitted shall not be occupied until full details of the covered and secure cycle parking spaces have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be implemented prior to the first residential occupation of the development, and be retained thereafter for the parking of cycles associated with residents and visitors to the development hereby permitted.

Reason: To provide alternative travel options and encourage use of alternatives to the use of the private car, in the interests of sustainability in accordance with current sustainable transport policies including retained policy ST3 and Core Policy 13 of Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework.

23. No part of the development shall be occupied until the car parking has been constructed and provided in accordance with the approved plans. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: In the interests of amenity and highway safety and to ensure adequate car-parking provision for the development.

24. No part of the development shall be occupied until the road(s), footways and parking areas serving 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.

Reason: In the interests of amenity and sustainability and to provide sufficient off-street car parking for the approved development, in accordance with retained policy ST3 and Core Policy 13 of Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework.

25. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

- (a) all previous uses
- (b) potential contaminants associated with those uses
- (c) a conceptual model of the site indicating sources, pathways and receptors
- (d) potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) 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.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) 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 local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with National Policy Guidance contained in the National Planning Policy Framework.

26. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with National Policy Guidance contained in the National Planning Policy Framework.

27. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of how the development will incorporate measures to reduce carbon energy use, facilitate renewable energy installations, and lower household water consumption, have been submitted to and approved in writing by the local planning authority. The approved measures shall be put in place prior to the first residential of the new dwellings as they are each completed, and retained as such thereafter.

Reason: In order to reduce locally contributing causes of climate change in accordance with policy CP14 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework 2019.

28. The reptile translocation, habitat mitigation strategies and habitat enhancement measures shall be carried out in strict accordance with the approved Ecological Impact Assessment by ACD Environmental (ref. BR)21295EcIA) unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of safeguarding and promoting biodiversity within the application site in accordance with policy BH01 of the Lewes District Local Plan Part 2 "Site Allocations and Development Management Policies Submission Document" and having regard to policies CP10 and CP11 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework.

29. No development shall take place until the applicant has provided a programme of archaeological works in accordance with a written scheme of investigation, to include a Watching Brief during construction, and if appropriate, details of trial trenching, that shall be submitted to and approved in writing by the local planning authority. A written record of any archaeological works undertaken shall be submitted to the local planning authority within 3 months of the completion of the archaeological investigation unless an alternative timescale for the submission of the report is agreed in writing by the local planning authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recording to comply with policy CP11 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

INFORMATIVE(S)

1. In respect of compliance with condition 19, reference shall be made to the following
 - a) BS: 3882:2015 Specification for topsoil
 - b) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
 - c) BS: 3998:2010 Tree work - Recommendations
 - d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
 - e) BS: 4043:1989 Recommendations for Transplanting root-balled trees
 - f) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
 - g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
 - h) BS: 8545:2014 Trees: from nursery to independence in the landscape - Recommendations
 - i) BS: 8601:2013 Specification for subsoil and requirements for use
2. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>
3. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
4. All waste material arising from any clearance and construction activity at the site should be stored, removed from the site and disposed of in an appropriate manner. It is an offence to burn trade waste, so there should be no bonfires on site.
5. The applicant is advised that as the estate roads are to remain private/unadopted, the highway authority would require provisions in any S106 Agreement to confirm that the estate roads would not be offered for adoption at a later date and wording included to ensure that the carriageways, footways and casual parking are properly constructed, surfaced, drained and where appropriate lit, and that the works are appropriately certified from a suitably qualified professional confirming the construction standard.

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Tree Statement/Survey	16 July 2018	AR-3744 Rev C Tree Survey and Arboricultural Statement
Additional Documents	16 July 2018	BRO21295 - Landscape and Visual Impact Assessment
Additional Documents	16 July 2018	TRANSPORT STATEMENT
	16 July 2018	S101
Existing Block Plan	16 July 2018	S102
Planning Statement/Brief	20 August 2018	Affordable Housing Statement
Technical Report	2 January 2019	Technical Note 1: Response to Highway Officer comments
Technical Report	4 January 2019	Stage 1 Road Safety Audit
Other Plan(s)	11 January 2019	P111 Rev D - Proposed Plans and Elevations Plot 2
Other Plan(s)	11 January 2019	P112 Rev B - Proposed Plans and Elevations Plot 3
Other Plan(s)	11 January 2019	P113 Rev B - Proposed Plans and Elevations Plot 4
Other Plan(s)	11 January 2019	P114 Rev B - Proposed Floor Plans [and Elevations] Plots 5-6
Other Plan(s)	11 January 2019	P115 Rev B - Proposed Elevations [and Plans] Plots 7-8
Other Plan(s)	11 January 2019	P116 Rev C - Proposed Plans and Elevations Plots 9-11
Other Plan(s)	11 January 2019	P117 Rev C - Proposed Plans and Elevations Plots 10-11
Other Plan(s)	11 January 2019	P118 Rev C - Proposed Plans and Elevations Plots 11 _ 12
Other Plan(s)	11 January 2019	P119 Rev B - Proposed Plans and Elevations Plots 13 _ 14
Other Plan(s)	11 January 2019	P121 Rev A - Proposed Plans and Elevations Plots 15-19
Other Plan(s)	11 January 2019	P122 Rev A - Proposed Plans and Elevations Plots 20-24

Proposed Layout Plan	29 January 2019	P101 Rev M - Site Plan
Other Plan(s)	29 January 2019	P123 Rev A - Plot 1 Garage
Other Plan(s)	29 January 2019	P110 Rev C - Proposed Plans and Elevations Plot 1
Landscaping	7 March 2019	BRO21295 11G - Sheet 1 - Landscape Proposals
Landscaping	7 March 2019	BRO21295 11G - Sheet 2 - Landscape Proposals
Landscaping	7 March 2019	BRO21295 11G - Sheet 3 - Landscape Proposals