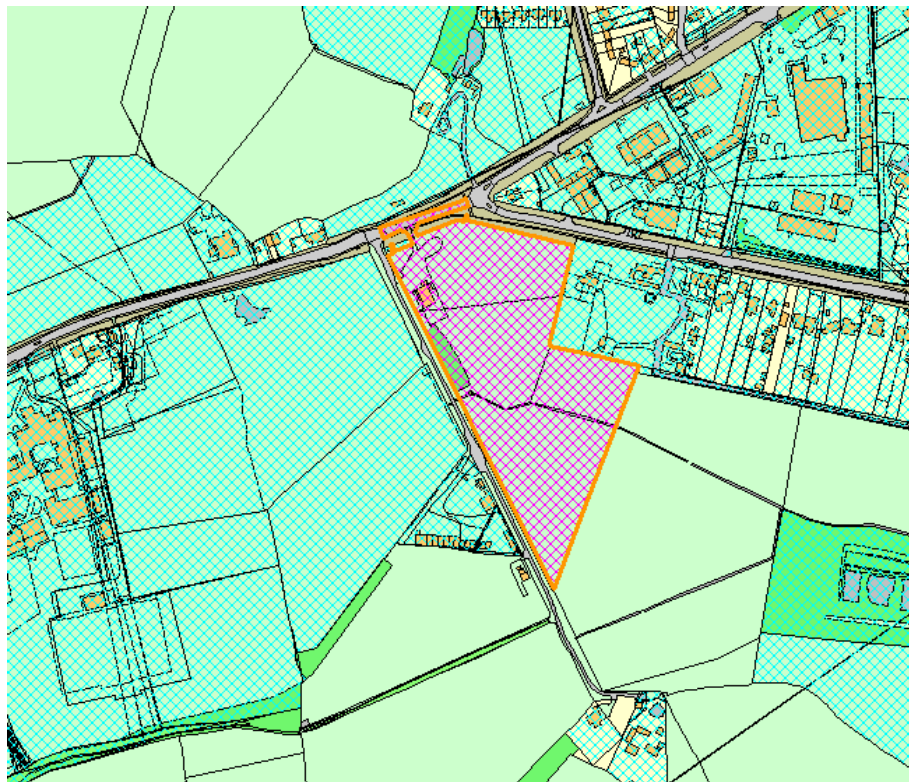


Report to: Planning Applications Committee
Date: 8 December 2021
Application No: LW/21/0302
Location: Land South of Lewes Road and Laughton Road, Chamberlaines Lane, Ringmer, East Sussex
Proposal: Outline application with all matters reserved for a mixed-use scheme comprising up to 97 residential units and community/commercial space.
Ward: Ouse Valley and Ringmer
Applicant: Bedford Park Developments
Recommendation: Delegate authority to approve subject to confirmation from ESCC highways regarding junction improvements at Earwig Corner, conditions and an s106 agreement to secure affordable housing, Community Facilities and Community Woodland Area.
Contact Officer: **Name:** Tom Bagshaw
E-mail: tom.bagshaw@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL liable.

Site Location Plan



1. **Executive Summary**

1. The submitted scheme is for all matters reserved.
2. The proposal is an 'Up to' 97 units development. The result of this is that if at reserved matters stage, site constraints dictate that a lesser provision of units is required in order for the scheme to be acceptable, then fewer units will be provided.
3. The site could comfortably accommodate 'up to' 97 units whilst also providing a good standard of living space, including residential gardens and communal green spaces. Furthermore, the size of the site and the indicative layout provided with the application, show that the proposal would not have any unacceptable impacts upon the living standards of any nearby properties.
4. The proposed development is located outside the defined planning boundaries. However, it is considered to represent sustainable development in accordance with the Interim Policy Statement for Housing Delivery on many of the criteria set out within. The only criterion which the scheme would not strictly conform with are Criteria 5 and 7, which stipulate that the scheme should result in no harm to either the South Downs National Park, or the openness of the Countryside.
5. The proposal complies with all elements of the 'Interim Policy Statement for Housing Delivery' except criteria relating to harm on the surrounding visual environment and landscape. Due to its degree of separation and the context of the development being located amongst existing built areas, the development would result in less than significant harm upon the setting of the SDNP. Nonetheless, with particular regard to the development to the south of the channel, the proposal would result in a significant harm to the openness of the surrounding countryside. However, there are significant gains to be made in terms of a net increase in planting and the mitigation offered would significantly soften the impact of the development.
6. The proposal would result in a number of benefits such as, the social gains of facilitating the provision of 'up to 97 residential units (including 40% affordable housing units) that would be of good quality and in an accessible and sustainable location. The scheme would provide community facilities which are under provided in Broyleside and it is identified in the Ringmer Neighbourhood plan that the provision of such a facility would be supported. It would provide economic benefits by generating additional custom for nearby shops and services within Ringmer. It would provide environmental gains in terms of a high biodiversity value internal layout; the provision of a high biodiversity value Woodland Community Area; preserving the existing watercourse; and the reinforcement of existing hedgerows. Overall, Officers consider that the benefits of the scheme outweigh the harms of the proposal and therefore, the scheme is acceptable in principle.
7. In respect to highways safety and capacity, the proposal would be able to reach a satisfactory internal layout with parking provision and

an acceptable access. However, ESCC Highways have concerns with regards to the junction at Earwig Corner and whether the junction has the capacity to deal with the number of trips generated by the development. This will be resolved by adding a provision within the S106 agreement with a requirement that following completion of the junction at Earwig Corner, highways modelling should be undertaken. If the modelling shows that the development would unacceptably impact highways safety and capacity, a reduced number of dwellings should be proposed at reserved matters stage that would not unduly harm the highways. Subject to the implementation of this provision, the transport impacts of the development would be acceptable.

8. The application attracted initial objection from both ESCC SUDS and The Environment Agency. The objections related to the potential of some rear gardens within the indicative layout (located within Flood Zones 2 and 3a), to block/prevent access to the existing watercourse for maintenance purposes. However, since this both statutory consultees have withdrawn their objections and have recommended conditions. The consultees withdrew their objections on the basis that the application is an 'up to ' application, and the applicant may be required to reduce the number of units on site in order to facilitate a successful SUDS layout. All other SUDS matters are resolved and therefore, the SUDS layout is acceptable subject to further information.
9. Neither a Contaminated Land Assessment, nor an Air Quality Assessment were submitted with this proposal. However, LEBC Contaminated Land and Air Quality Officers have confirmed that subject to surveys and any required mitigations being submitted prior to development of the site, the proposal would be acceptable.
10. The proposal seeks to provide, the Community Facilities, The Community Woodland Area and a 40% affordable housing contribution. All of these benefits will be secured via legal agreement.
11. The site is located nearby to previously found archaeological remains. As such, a condition requiring further surveys will be required prior to any development at the site.
12. There are a number of species to note that could be affected by the scheme, including great Crested Newts, Badgers, Bats, Dormice, Reptiles and Hedgehogs. The applicant has supplied an Ecological Appraisal which accompanies the submission. ESCC Ecologist has reviewed the report and has confirmed that the scheme would be acceptable subject to the recommended mitigations within the report.
13. Overall, subject to all the details and mitigations, the proposed benefits of the scheme would outweigh the harms (see conclusion for more detail regarding planning balance). Therefore, the proposal is considered to be acceptable and is recommended for approval

2. **Relevant Planning Policies**

National Planning Policy Framework 2019

- 2. Achieving sustainable development
- 4. Decision making
- 8. Promoting healthy and safe communities
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 14. Conserving and enhancing the historic environment

Lewes District Local Plan (Parts 1 and 2)

- LDLP1: – CP2 – Housing Type, Mix and Density;
- LDLP1: – CP10 – Natural Environment and Landscape;
- LDLP1: – CP11 – Built and Historic Environment & Design
- LDLP1: – CP12 – Flood Risk, Coastal Erosion and Drainage
- LDLP1: – CP13 – Sustainable Travel
- LDLP1: – CP14 – Renewable and Low Carbon Energy
- LDLP2: – DM1 – Planning Boundary
- LDLP2: – DM14 – Multi-functional Green Infrastructure
- LDLP2: – DM15 – Provision for Outdoor Playing Space
- LDLP2: – DM16 – Children’s Play Space in New Housing Development
- LDLP2: – DM20 – Pollution Management
- LDLP2: – DM22 – Water Resources and Water Quality
- LDLP2: – DM23 – Noise
- LDLP2: – DM24 – Protection of Biodiversity and Geodiversity
- LDLP2: – DM25 – Design
- LDLP2: – DM27 – Landscape Design
- LDLP2: – DM33 – Heritage Assets

Ringmer Neighbourhood Plan 2010-2030

- 4.1 The countryside in Ringmer
- 4.2 The South Downs National Park
- 4.6 Accessible countryside and natural or semi-natural greenspace
- 4.10 Maintaining and enhancing biodiversity
- 4.11 Avoidance of light pollution
- 7.1 Community meeting facilities

- 7.5 Outdoor play facilities for children
- 7.6 Outdoor facilities for young people & adults
- 7.9 Community assets
- 8.1 Access to the local road system
- 8.2 The local road network within Ringmer parish
- 8.3 Provision of adequate off-road parking
- 8.4 Provision of cycle ways and safe routes for cycles and mobility scooters
- 8.5 Road safety
- 8.6 Public transport
- 8.11 Drainage & sewerage
- 8.12 Waste disposal & recycling
- 9.1 Design, massing and height of buildings
- 9.2 Making good use of available land
- 9.3 Materials
- 9.4 Housing space standards
- 9.5 Pedestrian movement
- 9.6 Hard & soft landscaping
- 9.7 Types of residential development
- 9.8 Housing for the elderly & disabled
- 9.9 Housing for supported living
- 9.10 Development briefs
- 9.11 Avoidance of nuisance to neighbours

3. **Site Description**

1. The application site lies to the south of Lewes Road and Laughton Road. It is within close proximity to a number of local services in Ringmer, including the Primary and Nursery school, Community College, Local Sports and recreation facilities. It is served well by public transport links.
2. The site would form an extension to the already built area of Broyleside. It directly adjoins the defined development boundary as identified in both the Lewes Local Plan and the Ringmer Neighbourhood Plan. The northern half of the site has been identified through successive SHELAA's as having potential to be suitable for development, specifically residential development.
3. The development boundary of Broyleside adjoins the site to the east and north east. South Downs and Eridge Hunt Kennels directly adjoin the site to the north east. The western boundary is defined by Chamberlaines Lane. Ringmer Business Park is located to the south west and the Lower Broyleside Commercial Area to the north east.

4. An important consideration is that access would utilise an existing access directly onto Lewes Road, the main road running through the village rather than a secondary residential street.

4. **Proposed Development**

1. The application seeks outline planning permission for the erection of 'up to' 97 new dwellings on the site. All matters are reserved. A new access would function as the main access to the site and would be provided by way of a new crossover formed on the northern boundary and would likely be taken from Lewes Road.
2. The application is accompanied by indicative layout plans used to demonstrate the capacity of the site and how dwellings could be arranged to allow for access by servicing and emergency vehicles. The accompanying Design & Access Statement also sets out design principles and parameters. It is stated that maximum building height would be two-storey and describes how dwellings could be designed to be sympathetic to the local vernacular through the identification of characteristic architectural features and locally used materials.
3. The application is accompanied by an Affordable Housing Statement that confirms that 40% of the dwellings would be provided as affordable housing and where necessary a commuted sum will be paid where the 40% split does not equate to a whole dwelling. The split of tenures within the affordable housing would be 25% shared ownership and 75% affordable rent.
4. The proposal includes the provision of a Community Facility, which will be for the use and enjoyment of the local community. This will be secured via S106 agreement.
5. The proposal includes the provision of an offsite Community Woodland Area and will include the planting of upto 2000 new trees. This will be maintained by the current landowner and its provision along with a maintenance plan, will be secured via an S106 agreement.

5. **Relevant Planning History**

- E/55/0573 - Outline Planning Application for six detached dwellings. – [Refused] 29.08.1955
- LW/87/1842 - Barn. Restrictive Planning Condition. Temporary Permission Expires 31/01/1989. – [Approved] 19.01.1988
- LW/90/0833 - Construction of boarding kennels. – [Refused] 01.05.1990
- LW/06/0324 - Outline application for residential development (including minimum of 24 affordable dwellings) & including access [Refused] 05.05.2006

6. **Consultations**

ESCC Archaeology – no objection subject to conditions.

This application is accompanied by an archaeological desk-based assessment that places the proposed development site within an archaeological and historic context. The archaeological desk-based assessment confirms that the application site lies in an area of known prehistoric, Romano-British, medieval and post-medieval exploitation and settlement.

In light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF (the Government's planning policies for England):

Sussex Police – no objection to the residential layout with specific comments on the public conveniences outlined.

I have no immediate concerns with the residential element of the application. Outward facing dwellings, good active frontage, back to back gardens eliminating the need for vulnerable rear garden pathways, on-curtilage parking with overlooked parking courts, the open space and play area have good natural surveillance and observation over them from surrounding dwellings. All these SBD principles have all been considered in the development's design. I would however recommend one addition; lighting throughout the development will be an important consideration and where it is implemented it should conform to the recommendations within BS 5489-1:2013. SBD considers that bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime.

I have concerns regarding the proposed mixed use, flexible commercial / residential element to the application that includes public conveniences (PC). I feel this element of the development conflicts with the attributes of Safer Places – The Planning System and Crime Prevention (albeit an old document it is still very relevant).

These are:-

- maintenance in mind, to discourage crime in the present and the future.

Access and Movement; I do not understand why there is a need for a PC to be located externally to the community hub. There is no recreation ground or outdoor facilities to cater for this facility, this is a residential development. Users of the community hub will surely use the toilets provided inside the hub whilst using the community building. The PC element has the potential to create loitering, ASB and crime and disorder at the location and at the vulnerable rear car park to the rear. I recommend removing the access path from Laughton Road to the hub car park. This will encourage users to enter via the development's main entrance within observation of capable guardians (a capable guardian has a 'human element', that is usually a person who, by their mere presence, would deter potential offenders from perpetrating a

crime. However a capable guardian could also be CCTV, providing that someone is monitoring it at the other end of the camera at all times) within the development, thus removing unobserved access to the vehicles within the carpark.

Structure; The proposed community hub has community rooms on the ground floor, external PC and residential dwellings above. I feel the hub and PC will impact upon the amenity of the residents living on the 1st floor. The PC' presence brings with it a legitimate reason for being at the location creating loitering and promotes hostile reconnaissance for opportunist theft within the development.

Surveillance; The PC and rear car park have no natural surveillance over them and have the potential to attract ASB and crime and disorder. No surveillance over the access from Laughton Rod to the Hub's car park. This leaves vehicles vulnerable and unobserved. The PC provide a legitimate reason for being at the location which creates loitering in an unobserved area. There is no mention of lighting within the development.

Ownership; I do not feel that the positioning of a community hub and PC beneath two residential apartments whilst being in the close proximity to residential dwellings creates a sense of ownership or territorial responsibility within a community. This has the potential to increase the fear of crime. There is no mention of the ownership of the community hub and PC. i.e. Parish or local authority control who will 'control' the building.

Physical Protection; There is no control over the community hub rear car park. This has the potential for rogue parking, dumping of vehicles and fly tipping. There is unobserved access to the hub's car park from Laughton Road. There is no mention of lighting within the development.

Activity; I feel that the level of activity generated by the community hub and PC will impact upon the amenity of the apartments above and the immediate dwellings in the shape of noise, loitering, ASB and crime and disorder. This has the potential to increase the fear of crime at the location.

Management and maintenance; Whilst there is mention of the community hub and PC, there is no mention of who will control the facilities, hours of openings or the upkeep and maintenance for both facilities.

To summarise; from a crime pre prevention perspective I do not have concerns over the residential element of the application. It is the inclusion of the community hub, and its design and close proximity to the residential development along with the presence of the PC that causes concern. I feel that the introduction of the hub and PC would have a detrimental effect on the immediate resident's amenity and that of the surrounding development. Additionally it has the potential to place an additional burden upon Police resources. As a result Sussex Police do not support this element of the application for the above reasons.

Accordingly Sussex Police would support the application from a crime prevention perspective subject to my above concerns, recommendations and observations being satisfactorily addressed.

Waste Services

Waste Services would like to see vehicle tracking data for the proposed development. The tracking should be for a 12m long vehicle. We would also like to see the proposal for waste storage facilities at each property.

ESCC Ecology – no objections subject to mitigation and compensation measures being delivered.

Policy Context

1. Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that:

“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”

The Duty applies to all public authorities in England and Wales, including all local authorities. Conserving biodiversity includes restoring and enhancing species and populations and habitats, as well as protecting them.

2. The National Planning Policy Framework (NPPF, 2018) states that “the planning system should contribute to and enhance the natural and local environment by... protecting and enhancing ... sites of biodiversity or geological value...” and “minimising impacts on and providing net gains for biodiversity ...” (paragraph 170).

3. The NPPF sets out principles that local planning authorities should seek to apply when determining planning applications to protect and enhance biodiversity; these include refusing planning permission if significant harm to biodiversity from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for; refusing development that would result in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees), unless there are wholly exceptional reasons and a suitable compensation strategy exists; and encouraging opportunities to incorporate biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity (paragraph 175).

4. Core Policy CP10 of the Lewes District Local Plan 2016 states that the natural environment of the district, including landscape assets, biodiversity, geodiversity, priority habitats and species and locally designated sites, will be conserved and enhanced by: ensuring that new development will not harm nature conservation interests, unless the benefits of development at that location clearly outweigh the harm caused (in such cases appropriate mitigation and compensation will be required); maintaining and where possible enhancing local biodiversity resources including through maintaining and improving wildlife corridors, ecological networks and avoiding habitat fragmentation; and working with neighbouring local authorities to contribute to the delivery of biodiversity improvements within the South Downs Way Ahead Nature Improvement Area and the Brighton and Lewes Downs Biosphere Project, as well as other projects and partnerships that are established during the plan period.

Background

Designated sites and habitats

5. The site is not designated for its nature conservation interest. Given the nature, scale and location of the proposed development, there are unlikely to be any impacts on any designated sites.

6. The site currently comprises semi-improved grassland, hedgerows, tree cover, trees/treelines, dense scrub and ruderal vegetation, a watercourse, buildings and hard standing. The habitats of greatest significance are the boundary habitats, hedgerows and tree lines, and the watercourse, the majority of which are to be retained and protected. The recommendations for protection of retained habitats and pollution prevention set out in the Ecological Appraisal report (Aspect Ecology, April 2021) are supported and should be implemented.

7. The proposal to enhance the hedgerows is supported; native species-rich hedgerows are recommended. The semi-improved grassland, which forms the majority of the site, and the majority of which would be lost, is assessed as being of relatively low importance on the grounds that it is of relatively low diversity and has been regularly managed for hay/silage in the past. A reduction in management has improved the structure of the grassland such that it now offers greater potential for protected species, most notably amphibians and reptiles. Given the proposal to create and maintain a dedicated ecology area, and to create SuDS features around the central watercourse, the loss of grassland is acceptable.

Badgers

8. Badgers are protected under the Protection of Badgers Act 1992. No evidence of badgers was recorded on site, but it is possible that badgers may enter the site from the surrounding landscape. The safeguarding measures set out in the Ecological Appraisal report are therefore supported. The report also recommends an updated badger survey “if considerable time elapses” before development; it is recommended that a Reserved Matters application is informed by updated badger surveys.

Bats

9. All species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and the Conservation of Habitats and Species Regulations 2017, as amended, making them European Protected Species. The buildings on site offer negligible bat roost potential and no evidence of bats was found. Five trees were assessed as offering low bat roost potential. The current layout shows these trees as being retained. Should this change at the Reserved Matters stage, an updated bat roost assessment should be carried out. Should any trees with low bat roost potential require works or removal, precautionary measures should be taken as set out in the Ecological Appraisal report. Should any trees be found to offer greater potential for bats, additional surveys will be required.

10. The majority of habitats which offer commuting and foraging potential are to be retained under the current proposals. Artificial light can negatively impact on bats through e.g. causing disturbance at the roost, affecting feeding behaviour, avoidance of lit areas and increasing the chances of bats being

preyed upon. It is therefore recommended all lighting design should take account of national guidance (http://www.bats.org.uk/pages/bats_and_lighting.html), as recommended in the Ecological Appraisal report. The proposed ecology area and the enhancement of boundary features will enhance the site for bats.

Breeding birds

11. Under Section 1 of the Wildlife and Countryside Act 1981, as amended, wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. The hedgerows, scrub and trees on site offer potential for nesting birds. To avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation. The recommendations in the Ecological Appraisal Report are in line with best practice and should be implemented.

Hazel Dormouse

12. The hazel dormouse is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981, as amended, and Schedule 2 of The Conservation of Habitats and Species Regulations 2017, as amended, making it a European Protected Species. Scrub and hedgerows on site offer some potential for dormice, albeit limited by the site's isolation from optimal habitat. Also, the majority of suitable habitats are to be retained under current proposals. The precautionary measures recommended in the Ecological Appraisal report are therefore supported. Should the layout change at the Reserved Matters stage, potential impacts on dormice should be reassessed.

Great Crested Newts

13. The great crested newt (GCN) is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017 making it a European Protected Species. There are records of GCN within 250m of the site, and two of the ponds within 250m were assessed as offering average and excellent potential for GCN. There is also suitable terrestrial habitat on site. As such, works will require a European Protected Species licence, which will need to be informed by up-to-date surveys.

14. An alternative approach would be for the applicant to enter the forthcoming District Licensing scheme with NatureSpace. The site lies within the red zone of the Impact Risk Zone maps indicating that the area is highly suitable for GCN. Whilst a district licence has not yet been secured, the licence application is being considered by Natural England and is expected imminently.

Reptiles

15. Slow worms, grass snakes, common lizards and adders are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. There are local records of reptiles, and

the Ecological Appraisal notes that the grassland offers moderate potential for reptiles, with the boundary habitats offering elevated potential. Whilst previous regular management of the grassland may have limited reptile colonisation of the site, as the site has not been managed for some time, its suitability has increased. The Ecological Appraisal report recommends a precautionary approach to vegetation clearance. Whilst this may be appropriate if populations are low, it is recommended that a Reserved Matters application is informed by presence/absence surveys so that appropriate mitigation/compensation can be agreed. Should significant populations be recorded, then a suitable receptor site should be secured.

16. Best practice guidance is that suitable receptor sites should ideally a) be local to the donor site and as close as possible to it; b) not currently support a population of the species to be translocated, for known reasons, but be capable of supporting them given suitable remedial works if necessary; c) not be subject to planning or other threats in the foreseeable future; d) be subject to a written, agreed and funded pre-and post-translocation management agreement; and e) be subject to a written, agreed and funded pre- and post-translocation monitoring programme. A survey for a suitable receptor site or sites could entail a period of several weeks searching, as it can be difficult to ascertain without repeat visits whether a particular site is suitable and does not support the species concerned.

Other species

17. The site has the potential to support hedgehogs. The hedgehog is listed as a Species of Principal Importance (SPI) under section 41 of the NERC Act, and is classed as vulnerable to extinction on the Red List for British Mammals, as populations have suffered significant declines in recent years. The safeguarding measures set out in the Ecological Appraisal report are therefore supported.

Mitigation Measures and Biodiversity Net Gain

18. In addition to the above mitigation and compensation measures, the development should seek to enhance biodiversity and to provide biodiversity net gain, as required by the NERC Act, and national and local planning policy. The recommendations made in the Ecological Appraisal report are broadly acceptable, and it is noted that some of these recommendations have been incorporated into the Design and Access Statement and the site layout. In addition, it is recommended that new buildings should incorporate integral features for birds and bats such as integral birds/bat boxes and bat tiles. A barn owl box could be provided in the ecology area. Consideration should also be given to the provision of green (biodiverse rather than sedum) roofs where possible, and to the use of hardy wildflower mixes for amenity grassland areas. The SuDS features should be designed to maximise opportunities for biodiversity. A full application should also be supported by a Landscape and Ecological Management Plan setting out the long-term management of the new and retained semi-natural habitats, and details of the legal and funding mechanism(s) by which implementation will be secured.

19. In light of the above, and in line with BS4202:2013 Biodiversity – code of practice for planning and development, Reserved Matters applications should be informed by an up-to-date Ecological Impact Assessment (EclA). Ecological impacts should be assessed, and recommendations for

appropriate mitigation, compensation and enhancement made in accordance with CIEEM guidance. The assessment should consider the proposed development and the surrounding area, and should include a data search from the Sussex Biodiversity Record Centre. In line with the NERC Act, NPPF, local planning policy and emerging policies in the Environment Bill, it should consider the existing nature conservation resource of the site, identify impacts and assess the need for avoidance, compensation and new benefits for biodiversity, including the potential to create and/or strengthen connectivity between existing habitats and to provide biodiversity net gain. The report should be written such that it is clear and unambiguous as to whether a recommended course of action is necessary and is to be followed or implemented by the applicant. Surveys should be carried out in accordance with national best practice guidance and Natural England's standing advice. The cumulative and in combination effects of this development with other local developments/plans/projects should be considered.

20. If the Council is minded to approve the current outline application, it is recommended that the following condition is applied.

Compliance with existing detailed biodiversity method statement, strategies, plans and schemes

All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (Aspect Ecology, April 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 170 and 175 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006, and Core Policy 10 of the Lewes Local Plan.

Summary

In summary, provided the recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective. The recommended mitigation and enhancement measures set out in the Ecological Appraisal should be implemented. Reserved Matters should be informed by an up-to-date Ecological Impact Assessment.

Southern Water – Scheme requires an application to Southern Water for connection purposes.

ESCC SUDS – initial objection and subsequent support subject to conditions.

REVISED RESPONSE – 13.08.2021(Recommended Approval subject to conditions)

We met with the applicant and his engineers following the comments set out in our letter dated 14th June 2021. The applicant also provided a revised Flood Risk Assessment and Drainage Strategy undertaken by Herrington Consulting Ltd (*Document Ref: 2042 Issue 3, Rev: 1, July 2021*).

It is our understanding that the applicant is willing to change the quantum of development sought at reserved matters stage once detailed assessments have been undertaken. Consequently, our comments in this letter are made on the understanding that the proving layout submitted is indicative at this stage and subject to alteration, if necessary, to ensure effective management of flood risk and surface water drainage within the proposed development.

It is our understanding that the current hydraulic modelling undertaken to determine the fluvial flood plan extent at the application site is yet to be reviewed and agreed with the Environment Agency. However, the applicant advises that this process will be undertaken during the reserved matters stage when determining the development layout and the modelling which will support the proposed layout would have gone through the EA's technical review process.

The revised Flood Risk Assessment shows that the proving layout has been changed to take proposed properties out of the fluvial flood plain extent. There is also a demonstration that access for future maintenance of the watercourse will be provided through an open space on the northern banks of the watercourse. Sensitivity testing undertaken as part of the hydraulic modelling found some the gardens of the proposed properties south of the watercourse to be within 1 in 100 (plus 105%) flood extent (Figure 5.2 of the FRA). We recommend that any sensitivity testing undertaken at the reserved matters stage ensures that the proposed houses are not at risk of flooding during such an event.

The applicant is seeking to discharge surface water runoff from the developed site at staged greenfield runoff rates. We would have preferred that runoff is discharged at the mean annual runoff rate (Q_{bar}) to reduce the impact on receiving watercourses. Therefore, we recommend that the long-term storage volume provision be assessed at the detailed design stage of the applicant still wishes to use a staged discharge rate.

The drainage strategy relies predominantly on underground storage to provide the required attenuation to restrict runoff rate to greenfield rates. However, a storage pond has been incorporated into the outline site layout. Given that the application site is currently greenfield, we would prefer to see greener sustainable drainage systems to mimic the current conditions. Nevertheless, the applicant has indicated a willingness to incorporate close to the ground source controls SuDS features at the detailed design stage A reserved matters application which seeks to fix the development layout should demonstrate that source control SuDS features that store surface water runoff close to the ground have been incorporated into the layout.

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

ESCC Highways – scheme is acceptable in principle subject to the capacity of Earwig Corner being assessed and deemed appropriate.

Executive Summary

The applicant is seeking outline planning permission with all matters reserved for the creation of a mixed-use scheme comprising residential units and community/commercial space.

As this application is for outline planning permission with all matters reserved, this response only considers the development in principle, with commentary provided for other submitted information.

It is considered that the development is largely acceptable in principle. However, traffic surveys and junction assessment has not been undertaken for the Earwig Corner junction, and this is requested to be undertaken following the completion of the junction improvement works. I would therefore object to this application on this basis.

Comments

Site Location

The site is located on Lewes Road (B2192) and currently consists of vacant pastureland with an industrial shed and large area of hardstanding in the north west corner. The application seeks planning permission to demolish this and create a mixed-use scheme comprising residential units and community/commercial space.

Trip Generation

A TRICS assessment has been submitted as part of this application. This illustrates that the proposed development of 97 dwellings has the potential to generate approximately 56 two-way vehicular weekday AM peak trips and 58 two-way vehicular weekday PM peak trips. I would consider the methodology used in the Transport Report to be sound. It is considered that this level of additional trips would not have a significant impact on the wider transport network.

Junction assessments have also been undertaken for key junctions in the local area. These junction assessments suggest that the operation of the proposed access, and the mini-roundabout junction between Lewes Road, B2192 and Laughton Road would operate within capacity, and is therefore acceptable.

The applicant has noted junction improvements at Earwig Corner, which are to be delivered as a result of a separate development on Bishops Lane. The Highway Authority's position is that this junction is at capacity and the junction improvement works are applicable for the Bishops Lane application only. Subsequent planning applications in the Ringmer area would be required to undertake traffic surveys and junction assessment following the completion of junction improvement works to understand the impacts of the proposed development. It should also be noted that other planning applications in Ringmer may also be included in any junction assessment undertaken. It is therefore requested that the traffic surveys and junction assessment at Earwig Corner is undertaken, in consultation with the County Council.

Access

The site currently has an existing vehicular access from Lewes Road. This is to be widened as part of the proposed development. Two new pedestrian accesses from Lewes Road will be created as part of the proposed development. The proposed accesses are considered acceptable in principle.

Car Parking

In accordance with the County Council's parking guidance, 210 car parking spaces are required to serve the residential part of the development. 191 parking spaces are proposed as part of the residential development, excluding 41 spaces for visitors. This provision is in accordance with the County Council's parking guidance and is therefore acceptable in principle.

For the commercial part of the development, there are to be 13 car parking spaces shared with Unit 1 flats.

ESCC parking guidance requires the minimum dimensions of parking bays to be 5m x 2.5m, with an additional 0.5m in either/both dimensions if the space is adjacent to a wall or fence. The submitted plan indicates that the parking bays measure 4.8m x 2.4m, which is not in line with the County Council's standards.

The applicant is proposing a significant number of tandem parking. The County Council would seek to resist this arrangement, as the inconvenience of vehicles parked in the rear being blocked in would result in residents not using these spaces and parking on the highway, potentially resulting in overspill parking. Amended plans should be submitted as part of reserved matters removing the proposed tandem parking.

Cycle Parking

In terms of cycle parking provision, two spaces would need to be provided per house. Having reviewed the submitted plans, a secure cycle store is to be provided in each garden and is in line with the County Council's parking guidance. The County Council requires cycle stores to be located in a secure, convenient and covered location. Further details should be provided as part of reserved matters.

Construction

A Construction Traffic Management Plan would need to be provided with details to be agreed. This would need to include management of contractor parking to ensure no on-street parking occurs during the whole of the construction phases. This would need to be secured through a condition of any planning permission.

Public Transport and Active Travel Considerations

The site is located within 50m of existing bus stops on Lewes Road. There are regular bus services to Lewes, Uckfield and Brighton. The site is therefore considered to be in a relatively sustainable location.

Travel Plan Statement

A Travel Plan has been submitted as part of the proposal. It is recommended that the applicant provides a Travel Plan Pack for every first occupier of each dwelling, in order to encourage the uptake of sustainable modes of transport. This should include details of bus timetables, bus stops, train stations and timetables, local facilities and distances on both foot and cycle etc.

Delivery & Servicing Statement

Although a delivery and servicing statement has not been submitted, the transport statement says swept path drawings have been submitted that show

refuse vehicles can access and service the site without blocking the highway. Further drawings should be provided as part of reserved matters showing vehicles can turn around within the site.

Conclusion

It is considered that the development is largely acceptable in principle. However, traffic surveys and junction assessment would be required for the Earwig Corner junction. I would therefore object to this application, and I would request that the Earwig Corner junction assessment is undertaken.

SDNP – if minded to grant planning permission then would recommend conditions to limit impacts.

The proposed development lies approximately 300 metres from the National Park boundary at its closest point, with the potential for longer-distance views to/from higher ground within the National Park, such as Mill Plain. The proposal therefore has the potential to have an impact upon the setting of the South Downs National Park (such considerations have recently been strengthened through inclusion in para 179 of the NPPF). The current outline application is not accompanied by sufficient information to allow these impacts to be fully assessed.

Before we can comment further, the SDNPA would recommend that the application is accompanied by a Landscape and Visual Impact Assessment that takes account of the proposed impacts upon the setting of the SDNP, including views to/from the SDNP, an assessment of any diminution of the gap between Broyle Side and Ringmer, and a more thorough assessment of existing settlement form and how the proposals respond to that. A particular concern with regard to the latter is the proposed inclusion of development within the triangular field to the south.

We would also advise submission of a lighting assessment and accompanying strategy to demonstrate that the development would not adversely affect the South Downs International Dark Skies Reserve.

The applicants should also be encouraged to further explore how the tree and hedgerow network within and around the site can be retained and enhanced and whether there are any opportunities to enhance pedestrian and cycle links between the site and the SDNP, such as a pedestrian link onto Chamberlaines Lane.

Although this is an outline application, we consider the above matters would best be assessed at the current stage as they are somewhat fundamental to the consideration of whether development of all or part of the application site would be acceptable. However, if the LPA is considering granting permission without submission of these details at this stage, we would encourage consideration of conditions requiring the following:

- submission of a Landscape and Visual Impact Assessment that includes assessment of potential impacts upon the South Downs National Park. The LVIA shall inform the reserved matters considerations including:

i) layout;

ii) scale (to include overall number of dwellings);

iii) landscaping (to include a scheme to ensure the retention and enhancement of trees and hedges around and within the site).

- submission of a lighting assessment and (if external lighting is necessary) a scheme of external lighting to be installed at the site. The lighting shall:

i) Comply with the guidance set out in the SDNPA's Dark Night Skies Technical Advice Note;

ii) Be designed to minimise impacts on wildlife.

If no external lighting is proposed, then we would recommend a condition stating that "No external lighting or floodlighting shall be installed on the development hereby permitted without the prior written approval of the local planning authority."

LDC Air Quality – original objection and subsequent support subject to conditions

REVISED RESPONSE – 13.08.2021(Recommended Approval subject to conditions)

I can confirm that my original email recommended refusal of the outline planning application due to receipt of insufficient information and that in order to recommend approval, the following conditions must be met:

1. Air Quality Assessment

Prior to the commencement of development, an Air Quality Assessment (AQA), prepared in accordance with Institute of Air Quality Management (IAQM) best practice guidance and the Sussex-air guidance document <https://sussex-air.net/Reports/SussexAQGuidanceV.12020.pdf> shall be submitted to and approved in writing by the local planning authority.

2. Low Emission Boilers - Residential

Details shall be submitted to and approved by the local planning authority prior to the first occupation of the development for the installation of Ultra-Low NOx boilers with maximum NOX Emissions less than 40 mg/kWh. The details as approved shall be implemented prior to the first occupation of the development and shall thereafter be permanently retained.

3. Electric Vehicle Infrastructure Provision

An external power point shall be supplied to each property, with an independent 32amp radial circuit and must comply with BS7671 for the purpose of future proofing the installation of an electric vehicle charging point.

LDC Contamination

I am aware that the site is adjacent to a historic landfill site and also a sewage treatment work.

A full land contamination report is condition is required to support the reserved matters application.

Environment Agency – initial objection overcome and now supportive.

REVISED RESPONSE – 25/08/2021

We are satisfied that our previous objection (as per our letter dated 14 June 2021, our ref: HA/2021/123247/02) can be removed, provided that the

requested conditions are attached to any planning permission granted, and that the details in relation to these conditions be submitted and approved by the Local Planning Authority.

Ringmer Parish Council

Ringmer Parish Council strongly objects to this application as (1) it is contrary to the adopted Ringmer Neighbourhood Plan which forms part of the existing Lewes Local Plan and (2) it proposes the development of new commuter housing at a car-dependent countryside location, contrary to the Lewes DC declaration of a Climate Change Emergency. The proposed scheme would be the wrong development at the wrong place, contributing unnecessarily to climate change, and would have, in combination with other development already approved, an unacceptable impact on infrastructure including primary and nursery schools and healthcare facilities. The additional commuter traffic generated would put unacceptable pressure on Earwig Corner.

The Ringmer Neighbourhood Plan is focused on four key principles (Policies 3.1-3.4 of the Ringmer Neighbourhood Plan). These seek to retain Ringmer's 'village feel'; to improve its sustainability by providing more local employment and thus reduce the need for the excessive existing out-commuting for employment, almost all of which is by private car; to improve the balance, health and inclusivity of the community and to respect the South Downs National Park. This application flies directly in the face of all four key principles.

This application envisages yet another large new commuter housing estate unsustainably located in the countryside, unaccompanied by any provision for additional local employment. Out-commuting from Ringmer by private car is already, according to East Sussex in Figures, higher than in any other town or parish in the District, and there is absolutely no reason to imagine that the new commuters that would be attracted by this development would behave any differently. The location of the proposed development, not contiguous with existing housing and forming a new finger of development pushing out from the edge of the Broyleside settlement into the surrounding countryside, and a long and unpleasant walk along a busy main road to Ringmer's shops and services, means that that new residents here would be even less likely to use sustainable means of transport than other Ringmer residents.

The location of the proposed development expands out from the Broyleside towards the edge of the South Downs National Park, so the new development would be very visible from higher ground within the SDNP. In recommending the dismissal of an appeal for an immediately adjacent site [Broyle Gate Farm, application LW/14/0947, appeal number 3133436] the inspector gave weight to its negative landscape impact, including both its impact on the setting of the SDNP and its erosion of the present sense of clear separation between Ringmer village and the Broyleside, an important contributor to Ringmer's 'village feel', or sense of place. The inspector's view was endorsed

by the Secretary of State, who dismissed the called-in appeal. Both these considerations apply with equal force to the present application.

The application is also quite excessive in scale, and thus contrary to policy 6.3 of the Ringmer Neighbourhood Plan, which requires new development to be on a village scale of 10-30 new homes. This policy was also given weight by the inspector in appeal 3133436. There was clear evidence that residents strongly preferred multiple smaller developments of this scale (such as the successful new developments at Clarks Croft and Round House Road) than urban-scale developments as proposed here. The site now proposed is substantially larger than even that submitted to last autumn's "Call for Sites" [04RG] and the number of new homes proposed is almost twice as large. Nevertheless, even with the enlarged site, it is far from evident that the excessive number of homes proposed could actually be accommodated on the site. A stream that qualifies as a 'main river' flows through the site, and the surrounding land lies in Flood Zones 2/3, but the indicative outline for the development shows this land at risk of flooding as the small rear gardens of the new houses.

Ringmer Primary School was recently extended from 1 class to 1.5 class entry to accommodate the increasing numbers of children now living in Ringmer. The Primary School and the Nursery School are both full. Currently more than 200 new houses are under construction (but not yet occupied) in Ringmer, at the Bovis Homes site on Bishops Lane; the Riverdale Development site at Caburn Fields; the Optivo site at Lower Lodge; and the Diplocks site on Bishops Lane. Previous experience in Ringmer is that such new housing attracts a disproportionate share of children nursery and primary school age, and assessment by the Neighbourhood Plan suggested that it would be very likely to be necessary to expand the Primary School to 2-class entry to accommodate them. However, no such expansion is currently envisaged, and it remains to be seen how well the new children will be accommodated as they arrive over the next 12-18 months. There is no evidence at all how the children from the large additional development proposed in this application could be accommodated, without travel (inevitably by private car) to village schools elsewhere in the county. There are no spare school places available in Lewes.

Other related infrastructure questions not addressed in the application are whether the Ringmer Health Centre can accommodate the extra patients or whether the Ringer WWTW can accommodate the extra sewage to be created within the time scale proposed.

The site lies immediately adjacent to the Southdown Hunt Kennels. The hunt is an important contribution to Ringmer's role as a rural service centre and includes the Historic England-listed Huntsman's House and additional locally-listed buildings within the curtilage [Ringmer Neighbourhood Plan policy 4.7, heritage assets H11]. The site is currently not screened from the Kennels, and forms part of its setting. The application proposes to mitigate the nuisance of the noise produced on regular occasions by the baying hounds by the erection of an acoustic barrier fence along the site boundary. As can be seen elsewhere in Ringmer, such barrier fences are extremely unattractive. This would have a strongly negative impact on the setting of this listed building and

its associated heritage assets. The hounds' kennel is just a few yards from the joint boundary. The proposed development would also have a strongly negative impact on the experience of users of Ringmer public footpath no.20, which runs immediately adjacent to the site.

The Lewes Local Plan allocated 385 new homes to Ringmer, the number being fixed by the inspector at examination after a careful and detailed review of the potential capacity of Earwig Corner, through which almost all commuter traffic from Ringmer must pass. He concluded that this was the maximum number that could reasonably be accommodated, once improvements that were then envisaged and are now under construction had been completed. After hearing detailed evidence, he concluded that no further housing allocation could be made to Ringmer, as no alternative scheme was available that could further increase the capacity of this junction and the subsequent A26 junctions connecting Ringmer to Lewes and the A27 at Southerham. The inspector's statement to this effect is included in the Lewes Local Plan. To date 384 new homes in Ringmer have been built, are currently under construction, or have full planning permission. In addition sites for about 60 further homes are allocated in the Ringmer Neighbourhood Plan, and are still expected to come forward within the plan period (6 are on this week's list). In addition there has been additional unforeseen development at Barcombe and Isfield, and a very large new Uckfield development near the A26/A22 junction, that will put yet more pressure on Earwig Corner. There is no credible evidence accompanying the application to suggest that all the additional commuter traffic created by this development can be accommodated by Earwig Corner and the other critical junctions between there and the A27, without causing further congestion and the consequent unacceptably low air quality in the town of Lewes..

Neighbour Representations

A total of 190 letters of objection and 24 letters of support had been received at the time of writing this report. A summary of material planning matters raised is provided below. Content of any additional letter received will be summarised in the supplementary report:-

Letters of Objection

Principle

- Conflict with Ringmer Neighbourhood Plan
- Outside development plan boundaries
- Over development of Ringmer

OFFICER COMMENT: The principle has been assessed in the appraisal of this report.

Highway Impact:

- Cumulative increase in traffic with other developments
- Local road infrastructure in capable of coping
- Construction disruption

- Impact upon earwig corner
- Traffic at roundabout
- Proximity to roundabout causes safety issues
- Damage to bridge at Chamberlaines Lane resulting in residents not being able to access their properties
- Parking should meet set standards
- Poor access to Lewes
- Disruption during construction

OFFICER COMMENT: The highway impact has been assessed in the appraisal of this report..

Ecological Impact:

- Unknown impact on biodiversity
- Previous harm to verges on Chamberlaines Lane resulting in an inability to assess ecological impact
- Impact on protected species

OFFICER COMMENT: The ecological impact has been assessed in the appraisal of this report..

Visual Impact:

- Loss of open space
- Erode gap between Ringmer and Broyleside
- Out of character with rural setting
- Loss of countryside
- Impact upon SDNP
- Impact upon the character of the village becoming a town
- Light pollution affecting countryside

OFFICER COMMENT: The visual impact has been assessed in the appraisal of this report.

Flooding & Drainage:

- Area known to flood
- Existing sewers at capacity

OFFICER COMMENT: The drainage details have been assessed by the Lead Local Flood Authority (LLFA) and the Environment Agency (EA) who are satisfied with the principle of the scheme put forward with additional details being secured by condition.

Community Facilities

- Anti-social behaviour
- No requirement for community facilities

- Who will maintain community facilities

Sustainability:

- Doesn't reduce carbon emissions

OFFICER COMMENT: The sustainability impact has been assessed in the appraisal of this report.

Amenity

- Generate noise and disturbance
- Loss of open spaces
- Noise from kennels impact residents
- Inability to use existing social infrastructure

OFFICER COMMENT: The residential amenity impact has been assessed in the appraisal of this report.

Letters of Support

Community Facilities

- Putting something back into the village.
- Community toilets

Location

- Located well in relation to shops and schools.
- Proximity to local shops will benefit business.
- Located close to amenities.

Appearance

- Family accommodation will fit in well.
- Appear sympathetic to the environment
- Site comfortable in its environment
- Good quality open space
- Provide play space

Transport

- Well served by public transport.
- Proximity to amenities minimises need for car journeys.
- Adjoins main road is positive

Providing new accommodation

- Lack of affordable housing in the area.
- Two flats above the community facilities will be a benefit to the local area
- Increasing housing supply

Employment

- Create employment through building works
- Employment in the community hub
- New residents to support local business

Infrastructure

- The infrastructure in the area is capable of supporting growth

Environment

- Development sensitive to wildlife.

Other Representations

Councillor Macleod - I would like to as ward councillor voice my objection to this application, Ringmer has a very thorough neighbourhood plan and it's clear that this development is against it, and while our Local plan has expired it is still given considerable weight and this site was not in the local plan.

Ringmer has many issues with local roads and they are not prepared for even more traffic and earwig junction is already a major bottleneck and these developments are not taken into account. Ringmer Primary school has already had to expand its classes due to increased demand this year.

- We need to see clear and evidential evidence that Dr surgery can accommodate even more development.
- we also need to see clear evidence that secondary and primary schools have capacity
- one thing that has been clearly lacking across the district is NHS dental provision where currently there is none available anywhere in the district. We can't support the council in building more houses when we know there is not the infrastructure in place to meet demand.
- If this development is agreed all roads on the development have to be 20mph maximum speed, and surrounding roads should be reviewed.

I think it's very important that Lewes District Council decides where it see Ringmer village status, if it wants Ringmer to become a town then we need a meeting to discuss the ways that Lewes District Council are going to meet the infrastructure demands that a town needs, that Ringmer has the amenities for what a small town needs. I can't support the district council in allowing this development without a clear plan on where it sees Ringmer and a discussion with local residents on the future of its village status, many who are greatly upset that Lewes District Council are trying to erode it. We must support our villages and keep our green spaces. Any further expansion should be through the local plan process not via speculative development.

Councillor O'Brien - As an Ouse Valley and Ringmer District Councillor I am objecting in principle to this application being submitted for determination as a speculative application outside of the Local Plan Process, and outside the planning boundary in the 2016 local plan.

I believe development on this scale should only be determined via a local plan process which can look at the cumulative effect alongside other development; and which is able to properly consider the infrastructure required.

Railfuture - The reasons for our objection are two-fold:

- ~ the proposed development is contrary to policy
- ~ the proposed development is not sustainable

To elaborate, the proposed development is contrary to established planning policies as the site is not allocated for residential development in the Lewes Local Plan or Ringmer Neighbourhood Plan. Furthermore, the proposal is contrary to sustainable development as it is predominantly car-based.

Ringmer Community Land Trust – Support on the basis that the proposal will provide community facilities and affordable units

Southdown & Eridge Hunt - Should the development be granted outline planning permission, we feel that it is imperative that we are given the opportunity to engage with the developers, to ensure that the final design of the development is sympathetic to the health and welfare of our hounds, horses and staff.

Ringmer AFC – in our opinion if you are looking to work with a developer who gives something back, we can certainly recommend working with Bedford Park Developments and this scheme gets our full support.

7. Appraisal

Key Considerations

1. The main considerations relate to the principle of the development; the impact upon the character and appearance of the area and the openness of the countryside; neighbouring amenities; impacts upon highway/pedestrian safety; flood risk; quality of accommodation; archaeology; sustainability; ecology/biodiversity; affordable housing/planning obligations and environmental health and the overall merits of the scheme in terms of the balance of economic, environmental and social objectives that comprise sustainable development.
2. It is important to note that the application is for outline approval for **up to 97** units only. Indicative plans have been provided to demonstrate the capacity of the site as well as to indicate how the scheme can respond to specific requirements of the Lewes Local Plan Parts 1 and 2. Full details of the layout, design, scale and landscaping of the development would be afforded full scrutiny as part of an application for approval of reserved matters, should outline permission be granted.
3. All planning obligations need to be agreed at the outline stage, as this represents the overall planning permission for any such development. As such, a Section 106 legal agreement has been drafted to secure affordable housing contributions, the provision of the community hub and the provision of a community woodland.

Principle

Residential

4. National Planning Policy Framework Paragraphs 7 and 8 state that there are three dimensions to sustainable development: economic, social and environmental. The social role of the planning system should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural wellbeing.
5. The Economic objective helping to build a strong, responsive economy and ensuring that the right types of sufficient land are available in the right places, and the environmental objective making efficient and effective use of land to improve the environment.
6. Development proposals that accord with an up-to-date Development Plan should be approved and where a planning application conflicts with an up-to-date Development Plan, permission should not usually be granted (Paragraph 12).
7. Section 5 of the Framework sets out policies aimed at delivering a sufficient supply of houses and maintaining the supply to a minimum of five years' worth (Paragraph 73).
8. Spatial Policy 1 (Provision of housing and employment land) states that in the period between 2010 and 2030, a minimum of 6,900 net additional dwellings will be provided in the plan area (this is the equivalent of approximately 345 net additional dwellings per annum).
9. Since its introduction through the NPPF in 2018, local housing need is calculated using a standard method contained within Planning Practice Guidance¹. As such this is a Government initiative that sets the framework within which local housing need is assessed. The standard method uses a formula to identify the minimum number of homes expected to be planned for, in a way which addresses projected household growth and historic under-supply. Under the Government's standard method, the local housing need for the whole of Lewes District at 11th May 2021 is 782 homes per year.
10. However, approximately half of the area of Lewes District is in the South Downs National Park, which is not under the planning jurisdiction of Lewes District Council. Planning Practice Guidance states that where strategic policy-making authorities do not align with local authority boundaries, an alternative approach to identifying local housing need will have to be used, and such authorities may identify a housing need figure using a method determined locally. In these situations, Planning Practice Guidance also confirms that this locally derived housing requirement figure may be used for the purposes of the five-year housing land supply calculation where the local plan is more than 5 years old.
11. The Council has published its Approach to Local Housing Need for Lewes district outside the South Downs National Park for the purposes of the Five-Year Housing Land Supply (May 2021). This sets out a locally derived method for calculating local housing need for the plan area (i.e. Lewes district outside of the SDNP) on the basis

of how the total number of dwellings in the District is split between inside and outside the National Park. This results in a locally derived housing requirement figure of 602 homes per year, which will be the housing requirement against which the housing supply will be assessed.

12. The Joint Core Strategy pre-dates the NPPF and in accordance with para 13 of the Framework, the policies of the core strategy should be given due weight according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). In the case of the old housing targets within SP1 and SP2 limited weight should be given, and housing targets which will be given substantial weight in the decision making process are those targets set out in the 'locally derived method for calculating local housing need' (602 dwelling per year).
13. Given the use of the Governments standard method for calculating housing need has derived a figure significantly greater than the previous position then this will have a direct impact upon the land available to meet this inflated need. The Council currently has a supply of deliverable housing land equivalent to 2.9 years outside the South Downs National Park (SDNP). This means that the local plan policies that are most important for determining an application carry less weight, and the NPPF's presumption in favour of sustainable development will apply to decision making.
14. In terms of housing delivery, the Council was found to be delivering 86% of the figure required by the Housing Delivery Test (HDT). The NPPF sets out certain 'actions' that must be implemented depending on the HDT result with less than 95% delivery triggering the requirement of the LPA to produce an Action Plan. The Action Plan produced in 2019 sets out a number of positive actions for the Council to implement in order to increase housing supply, one of the measures being the imminent adoption of the Lewes District Local Plan (part two) 2020.
15. Given the Council's position on housing delivery, in March 2021 the Council published the 'Interim Policy Statement for Housing Delivery'(IPSHD). This sets out a number of criteria which the Council considers developments need to achieve in order to be considered sustainable development. This policy statement simply directs the decision maker to the pertinent parts of Development Plan which should be used to inform and decide the application against.
16. Officers have (for ease of reference) later in this report outlined how the scheme compares against the Interim Policy Statement and goes further to outline how the scheme engages with the Development Plan
17. Listed immediately below are the criteria of the interim Policy Statement:
 1. The site boundary is contiguous with an adopted settlement planning boundary, as defined on the Local Plan Policies Map

2. The scale of development is appropriate to the size, character and role of the adjacent settlement, having regard to the settlement hierarchy set out in LPP1 Table 2 (attached as an Appendix). In deciding whether the scale is appropriate, the Council will take account of the cumulative impact of extant unimplemented permissions in the relevant settlement.
 3. The proposed development will provide safe and convenient pedestrian and cycle access to key community facilities and services within the adjacent settlement.
 4. The proposed development, individually or cumulatively, will not result in the actual or perceived coalescence of settlements. Where appropriate, this should be demonstrated through the submission of a visual and landscape character impact assessment.
 5. Within the setting of the South Downs National Park, an assessment is undertaken to demonstrate that the proposed development will conserve the special qualities of the National Park. This assessment should be informed by the SDNP View Characterisation & Analysis Study 2015, the SDNP Tranquillity Study 2017, and the SDNP Dark Skies Technical Advice Note 2018.
 6. An ecological impact assessment is undertaken and appropriate measures identified and implemented accordingly to mitigate any potential adverse impacts of the development on biodiversity and secure biodiversity net gain in accordance with the Council's Biodiversity Net Gain Technical Advice Note (February 2021).
 7. The proposed development will make the best and most efficient use of the land, whilst responding sympathetically to the existing character and distinctiveness of the adjoining settlement and surrounding rural area. Arbitrarily low density or piecemeal development, including the artificial subdivision of larger land parcels, will not be acceptable.
 8. It can be demonstrated that the proposed development is deliverable and viable, having regard to the provision of necessary on-site infrastructure, including affordable housing, green infrastructure and other requirements. Where the proposed development would create the need to provide additional or improved off-site infrastructure, a programme of delivery should be agreed with the relevant infrastructure providers to ensure that these improvements are provided at the time they are needed.
18. At 11 May 2021 (five years after the adoption of LPP1) the District's housing land supply will be assessed against a locally derived housing requirement figure of 602 homes per year. The District are unable to demonstrate a 5-year housing land supply and as a consequence decisions on planning applications involving the

provision of housing will be tilted in favour of sustainable development in accordance with paragraph 11 of the NPPF.

19. In recognition that Policy DM1 can only carry moderate weight in decision making under such circumstances, the Council has approved an 'Interim Policy Statement for Housing Delivery' (IPSHD). This statement identifies the factors that the Council considers are critical to achieving sustainable development in relation to the provision of housing outside of the settlement planning boundaries (Above). The statement does not form part of the development plan and does not alter the statutory planning framework, but is intended to be used as a guidance document in the determination of planning applications. Please note these criteria are not numbered in order of importance, the numbers have been allocated purely for purposes of clarity.

Criteria 1 of the IPSHD

20. The site is contiguous with the Ringmer settlement boundary at the sub settlement of Broyleside. The north east corner of the site is contiguous with the boundary, albeit separated by Laughton Road. The south western end of the site is contiguous with the settlement boundary at Ringmer Business Park, although separated by the highway at Chamberlaines Lane. Therefore, the site is considered to be contiguous with two different Ringmer settlement boundaries and Officer's consider that the site complies with criteria 1 of the IPSHD in this regard.

Criteria 2 of the IPSHD

21. The site extends south beyond existing settlement boundary. Criteria 2 of the IPSHD requires that the scale of the development should be an appropriate size to the existing settlement. This is supported by Ringmer Neighbourhood Plan Policy 6.3 which states that all new proposals within or extending the planning boundary should respect the village scale.
22. Although the scheme falls outside of the planning boundary, it also abuts the planning boundary at Ringmer Business Park. Therefore, the proposal would be considered to infill the space between two separate settlement boundaries.
23. The site would be located immediately adjacent to residential properties on the south of Laughton's Lane. It is noted that the residential properties to the south of Laughton's Lane do not fall within the Development boundary, however they do represent developed land in the form of residential properties and gardens.
24. Therefore, the proposal would slot into a plot of land that is situated between the Ringmer Business Park, the properties to the south of Laughton Lane and the Development Plan Boundary at Broyleside. As such, the site would be bounded by three separate existing areas of developed land and would sit amongst the built form of the Ringmer settlement rather than be separate from it.
25. The site would undoubtedly be an addition to the Broyleside settlement however, it is not considered to be an excessive or

dominant addition to the settlement. The proposal would be subordinate to the village scale and would be considered to act as an infill development rather than an additional limb in the footprint of the settlement. The proposal would therefore comply with criteria 2 of the IPSHD.

26. Criteria 2 states that the Council will take account of the cumulative impact of extant unimplemented permissions in the relevant settlement. Up until March 31st, 2021 Ringmer had the following consents/commitments:

Sites with extant permissions at 31st March = 201 units

Development plan allocations not yet with consent = 48 units

Permission since March = 66 units

27. Major sites still delivering housing include the site at Land north of Bishops Lane with a further 85 units to be delivered (this scheme is 110 total, allocation SP6 in LPP1, ref LW/18/0331), and Caburn Field total dwellings 77 (no completions yet, allocation RG01 LPP2 Ref LW/18/0808). These are within the 201 extant permissions; the remainder of the sites are mostly smaller sites with the exception of LW/18/0880 which is 16 units at Lower Lodge Farm and is yet to commence.
28. Ringmer Neighbourhood Plan Adopted in 2015 set out that 240 new dwellings would be provided by 2030. Should this application be approved that would result in an approximate maximum figure of 386 new dwellings being committed to since the adoption of the Ringmer Neighbourhood Plan, which would exceed the figure in the Neighbourhood Plan by 146 units (60.8% Increase).
29. Notwithstanding this however, since the adoption of the Ringmer Neighbourhood Plan, new Government legislation in the form of a revised NPPF has been released that supersedes the previously set housing targets for the district. Given the scale of the housing targets for the area, there is undoubtedly increased potential of Ringmer to accommodate additional dwellings over and above the previously set targets. The provision of approximately 386 new dwellings, would represent a 60.8% increase in the housing target set out in the Neighbourhood Plan. This increase in housing delivery given the scale of the housing target would not have a cumulative unacceptable impact upon the village in terms of density or its setting and would offer a valuable contribution to housing land supply.

Criteria 3 of the IPSHD

30. The application is outline and all matters are reserved. However, the layout shows a connection to the existing footpath on Lewes Road is possible, which would provide pedestrian access to both Ringmer and Broyleside.
31. The site would be easily accessible via a range of transport options including walking, motor vehicle, cycle and bus stops (Kennel Corner and Roundhouse Road). Therefore, Criteria 3 has been met in this regard.

Criteria 4 of the IPSHD

32. Criteria 4 states that Officer's should assess whether the site would result in actual or perceived coalescence of settlements. Whilst both demarcated within the Ringmer Neighbourhood Plan Boundary, Broyleside and Ringmer are clearly separate settlements with different histories and circumstances regarding their foundation. Therefore, although argued by the applicant within the planning statement that they are the same settlement, Officer's will consider them as separate entities for purposes of Criteria 4.
33. The location of the site although reducing separation between Broyleside and Ringmer Village, is located in between Broyleside and Chamberlaines Lane. Officers consider than Chamberlaines Lane forms a defensible development boundary to stop development further progressing from Broyleside towards Ringmer Village.
34. The current separation between Broyleside and Ringmer is approximately 350 metres, the reduction in separation distance between the two settlements would be approximately 115 metres. Therefore, the proposal would retain of a minimum 235 metres of open countryside between the two settlements.
35. Given that the reduction in separation distance between the two settlements is less than a third of the existing separation distance, the proposal would retain a clear separation between Ringmer and Broyleside. Due to the retained separation distance, in unison with the presence of a defensible boundary at Chamberlaines Lane, there would not be any unacceptable coalescence of settlements in this case.

Criteria 5 of the IPSHD

36. The site is located approximately 300 metres from the South Downs National Park. Due to the Proximity of the National Park to the site, it is considered that the proposal will have some impacts upon its setting.
37. Paragraph 176 of the NPPF sets out that development within the setting of national parks should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
38. Therefore, the impact upon the setting of the SDNP will be given significant weight when determining this application. Given that the impact upon the SDNP is intrinsically linked to the landscape and visual impact of the scheme, this will be assessed along with Criteria 7, in the '*Design, Character and Impact Upon Landscape*' section below.

Criteria 6 of the IPSHD

39. Criteria 6 relates to the ecological impact of the development. This is assessed in more detail in the '*Ecology and Biodiversity*' section of this report. However, no objections were raised from East Sussex County Council's Ecology Officer and conditions have been recommended in order to ensure biodiversity net gain.

40. Furthermore, the applicant has included the provision of a Community Woodland Area (CWA), which would deliver approximately 2000 new trees and shrubs. This would undoubtedly have a significant benefit in terms of its ecological impact.
41. Therefore, subject to the successful discharge of the recommended ecology conditions and the provision of a CWA, Criteria 6 of the IPSHD is considered to be satisfied.

Criteria 7 of the IPSHD

42. Criteria 7 requires that developments should make the most efficient use of land, whilst responding sympathetically to the surrounding rural environment.
43. The assessment in regard to whether or not the proposal would be sympathetic to the surrounding environment and its impact upon the SDNP is set out below in section '*Design, Character and Impact Upon Landscape*'.
44. Policy CP2 of the Local Plan Part 1 sets out that within village scales density should range between 20-30 units per hectare in order to respect the village context. This proposal seeks a maximum density of 24.49 dwellings per hectare, which would be in accordance with Policy CP2. The proposed density would be considered to respect the village scale whilst realising the potential of the site.
45. The proposal would be considered to fall within the density expected in this location and would make appropriate and efficient use of the land in accordance with adopted policies. The proposal therefore satisfies Criteria 7 in this regard.

Criteria 8 of the IPSHD

46. Criteria 8 sets out that it should be demonstrated that the scheme is deliverable with regard to elements such as, infrastructure and affordable housing.
47. The proposal seeks to deliver a 40% affordable housing contribution and it will be Liable for Community Infrastructure Levy Contributions. There is no evidence which suggests that the scheme would not be delivered with these benefits. However, Officers do note that the application is for outline consent and therefore, all reserved matters are required to be discharged, with this in mind it may be sometime before housing completions take place at this site. Nonetheless, this would not be sufficient to demonstrate that the site is not deliverable and Officers consider that the proposal would not be contrary to Criteria 8 of the IPSHD purely on the basis that it is an application for outline planning consent.

Community Facilities

48. Paragraph 92 of the NPPF states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:
 - promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong

neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

- are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and
 - enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.
49. Core Policy 7 – ‘Infrastructure’ of the Lewes District Local Plan Part 1, seeks the creation of sustainable communities in the district by protecting, retaining and enhancing existing community facilities and services, including facilities which serve older people. New community facilities should be located within the defined planning boundaries where they will be most accessible. In exceptional circumstances, such facilities may be located outside of these areas where it can be demonstrated that this is the only practicable option and the site is well related to an existing settlement.
50. Paragraph 7.1.4 of the Ringmer Neighbourhood Plan states that the Broyleside has no social facilities or public meeting place. As such, the Ringmer Neighbourhood Plan actively seeks to encourage the provision of community facilities and Policy 7.1 further states that applications to provide additional community meeting facilities will be supported.
51. It is noted that Sussex Police have objected to the proposed community facilities due to the potential issues with regards to security and anti-social behaviour. The application at present is all matters reserved. It is considered that at the reserved matters stage a secure by design solution can be achieved at this site. Details relating to the design and security of the community facilities will be discharged in consultation with Sussex Police, in order to achieve the safest final arrangement.
52. Therefore, the provision of community facilities is considered to be supported by local and national planning policy. It is considered that the security issues can be mitigated and on balance the provision of a community facility is considered to be a significant benefit of the scheme, which would address an issue that is identified within the Ringmer Neighbourhood Plan.

Community Woodland Area (CWA)

53. Core Policy 8 – ‘Green Infrastructure’ seeks to conserve and enhance the natural beauty, wildlife, and the high quality and character of the district’s towns, villages, and rural environment. The policy sets out that it would achieve this by resisting development that would result in the loss of existing green spaces, unless either mitigation measures

are incorporated within the development or alternative and suitable provision is made elsewhere in the locality.

54. Policy 4.6 of the Ringmer Neighbourhood plan states that the development of accessible natural or semi-natural greenspace, including a community-managed woodland, in Ringmer parish will be supported.
55. The proposal includes the provision of an offsite CWA, which the applicant submits would result in the planting of approximately 2000 additional trees. Whilst the proposal as a whole would result in the loss of what is currently greenfield land, a CWA would significantly offset some of the harms of the development and provide a public benefit of the scheme. The full extent of the harm to the landscape caused by the development is assessed in section '*Design, Character and Impact Upon Landscape*' below and it is clear that the inclusion of the woodland would not completely mitigate the harm resulting from the proposal. However, in principle the provision of the offsite Woodland would undoubtedly be a positive outcome of the proposal and is supported by Policy CP8.
56. The proposed woodland would be secured via S106 agreement, which will include a requirement to produce a long-term maintenance plan for the area in order to secure its long-term benefits.
57. In conclusion, the proposal seeks to deliver up to 97 new dwellings at the site. Given the Council's housing requirement and the lack of a 5-year housing land supply, the Council are applying the presumption in favour of sustainable development. Given the scale of the Council's housing deficit the delivery of up to 97 units would be considered a significant benefit of the scheme.
58. However, the site falls outside of the defined development boundaries. The IPSHD produced by the Council sets out the criteria which it considers to define sustainable development. This document sets out eight criteria which are to be used as a guide to determine what is sustainable development. As set out above, the proposed scheme would satisfy the majority of the criteria set out in the 'IPSHD on an in-principle basis. However, this is subject to the separate assessment of the impacts upon the setting of the South Downs National Park and the wider policies of the development plan that include the visual impact upon the countryside, which is set out in section '*Design and Character and Impact Upon Landscape*' below and is required by Criteria 5 and 7 of the IPSHD.
59. The proposed community facilities will provide an amenity which has been identified within the Ringmer Neighbourhood Plan as desirable, due to the lack of similar facilities in the Broyleside Area. The provision of these facilities is supported by national, local and neighbourhood planning policies. However, Sussex Police have objected to the community facilities on grounds of security and the potential for anti-social behaviour. Officers are content that a design solution could be achieved at reserved matters stage in consultation with Sussex Police that would mitigate these potential issues. On balance, subject to the resolution of the security issues relating to the

design and layout the development, the proposed community facilities would be a significant benefit of the scheme

60. The proposal seeks to provide a CWA, with approximately 2000 new trees to be planted. This would provide community amenity facilities and would undoubtedly have ecological benefits for the surrounding area. The CWA would be a significant benefit of the scheme.
61. On balance, the principle of the application is generally acceptable. The proposal would have benefits in the form of 97 new dwellings contributing to housing supply; the provision of community facilities sought after in the Neighbourhood Plan; and, a CWA for the use and enjoyment of the local population. However, Officers recognise that this is to be weighed against the impact upon the surrounding landscape and the impact upon the setting of the SDNP (section 'Design, Character and Impact Upon Landscape' below) in accordance with the IPSHD and the NPPF. Subject to any potential harm of the development not outweighing the benefits, the principle of the development is considered to be acceptable.

Design, Character and Impact Upon Landscape

62. The proposed development site is comprised of two large and one smaller open agricultural fields, which are enclosed by tree belts along the northern and western boundaries. The fields are divided by hedgerows and a tree belt associated with the stream which crosses the site. These tree belts, hedgerows and the stream are distinctive landscape features of the site. The open character of much of the site makes it visually sensitive, as there are potentially long views across the area towards the site and particularly from the SDNP.
63. Paragraph 131 of the NPPF stresses the importance of trees to the placemaking process. The indicative layout plan shows that green spaces and planting will be integrated throughout the site. However, a detailed landscaping plan will be required as part of the reserved matters. The landscaping plan will be required to retain as much existing vegetation as possible whilst providing a net gain of high biodiversity value trees and shrubs throughout the site.
64. In terms of design, the indicative plans and Design & Access Statement confirm that dwellings and flats would not exceed two-storeys in height. An appraisal of surrounding development will be required to identify key architectural features and materials within the surrounding area to inform the design of the buildings within the development.
65. The proposed development seeks a maximum density of 24.49 dwellings per hectare and would be in accordance with Policy CP2, which sets out that within village settings the maximum density should be between 20-30 dwellings per hectare. This density would be further reduced if the number of units delivered on site were lessened at the reserved matters stage, creating a more spacious site layout, in keeping with the village to rural transition area in which the site is located.

66. The details of access will form part of the reserved matters submission. The formation of the site access would be via an existing access from Lewes Road. The access would be required to be upgraded as a part of this application. The works may lead to the removal/cutting back of some of the existing tree line/hedgerow flanking Lewes Road, to allow for a wider opening and visibility splays. The loss of hedgerow would likely be minor and this loss can be effectively mitigated by the planting of new native hedgerow to reinforce the existing hedgerows. This new planting could connect with the existing hedgerows. Therefore, Officers consider that the proposal would only result in a minor degree of harm to the surrounding landscape and streetscene due to the presence of the existing access and potential for mitigation.
67. The indicative masterplan proposes to retain the majority of the boundary trees. However, the access through the central tree belt would require further tree loss and the mature hedge bounding the eastern side of the smaller field would also likely be lost to the development. It is recommended that the applicant is required to provide an arboriculture survey and impact assessment which outlines proposed tree and hedgerow protection measures where possible.
68. The indicative layout plan shows that the site has capacity for buildings and infrastructure to be set back from the road. This would allow for space for mitigation hedge and tree planting, as well as the creation of open green space that would interact with the wider street scene.
69. It is considered that there is ample opportunity for mitigation in the form of planting that would maintain the verdant nature of this section of Lewes Road passing the site. Any planting would also provide a visually sympathetic screen to the proposed development that would amalgamate effectively with surrounding landscaping from street level. The indicative layout plans show that planting could provide an integral part of the development through additional screening and creation of mixed habitats that could enrich the visual quality of the site margins and soften the visual impact of the development.
70. Notwithstanding site boundary landscaping, the rising topography of the surrounding area means the proposed development would be visible from a significant distance away. In particular, the proposed development lies approximately 300 metres from the SDNP boundary at its closest point and there is the potential for longer-distance views to and from higher ground within the National Park, such as Mill Plain. The proposal therefore has the potential to have an impact upon the setting of the South Downs National Park (such considerations have recently been strengthened in para 177 of the NPPF).
71. However, it is noted that existing views on this approach include dwellings and other development at Ringmer Business Park, Laughton's Lane and the Broyleside settlement. It is considered that the proposed development would somewhat integrate with these

neighbouring developed areas, marking the edge of the settlement and the transition from the rural environment to the village.

72. Although full details of design, scale, layout and landscaping are reserved matters, it is clear that the proposed development will involve building over a site that has not previously been developed and is currently unmaintained greenfield land. Notwithstanding this, the site is not isolated, being directly adjacent to the established settlement boundary of Broyleside and Ringmer Business Park.
73. The northern half of the site (north of the stream) has been identified in the most recent SHLAA as being available and deliverable for housing development. The northern half of the development site would appear as a more natural extension to the west of the Broyleside settlement and fits comfortably within the confines of Chamberlaines Lane and Broyleside. Notwithstanding this, it is important to note that all development outside of the planning boundary would by definition cause some level of harm to the surrounding landscape. In this case, given its location and context, the level of harm upon the surrounding landscape and the setting of the SDNP attributed to the northern half of the site would be less than significant harm.
74. The extent of the proposed development would project a significant distance from Lewes Road in a southerly direction. It is considered that the southern half of the development (south of the stream) would represent the most significant level of harm that would arise from the development. The southern half of the development would undoubtedly be prominent within the landscape and particularly from the SDNP.
75. The South Downs National Park Authority (SDNPA) has raised concerns regarding the lack of a Landscape Visual Impact Assessment (LVIA) to accompany the submission and that without one the extent of the harm cannot be fully quantified. It is worth again reiterating that this application would be an 'up to' development with no lower limit. The SDNPA have therefore requested that to aid in determining the reserved matters an LVIA is submitted to support any proposals brought forward. The SDNPA and ESCC Landscape Officer both state that the area of the site that they have particular concern regarding was the proposed inclusion of development to the south of the site.
76. Notwithstanding the fact that the scale of the development can be reduced at reserved matters stage, the southern half of the site does form a part of this submission and therefore its level of harm must be considered to its fullest extent. The southern half of the site would abut Laughton's Lane and Ringmer Business Park, however, its proximity to nearby development does not completely compensate for its intrusion into the countryside. It would be clearly visible from the surrounding area and would be a less natural extension of the settlement than the northern half of the site. Therefore, Officers consider that the southern half of the site would result in harm to the openness of the countryside.

77. The SDNP is 300 metres removed from the site but would still be affected by the proposal in terms of its setting. However, these reaching views from the park are set against a backdrop of existing development in the form of the Broyleside settlement which would lessen the impact. The SDNP Authority response does not recommend refusal but does suggest conditions to inform later iterations of the development. With this in mind, Officers consider that a development solution could be reached which would not attract an objection from the SDNPA, subject to an LVIA informing the final housing numbers and design (with particular regard to the southern half of the proposal). Therefore, Officers consider that the level of harm arising from the southern half of the site upon the SDNP to be less than significant harm, subject to conditions.
78. The proposal would offer a mitigation in the form of the large CWA to the South West of the site, which would result in the planting of up to 2000 new trees. Whilst this would not completely mitigate the impact of the development, it would go some way to softening its impact, particularly from street level. The CWA would be visible from the SDNP and with proper maintenance and management would undoubtedly soften the impact of outward views from the national park.
79. Further mitigation will be required in the form a lighting assessment with any reserved matters, which would soften the impacts of the development by informing a design with limited light spill from the site, in accordance with the SDNP Dark Skies TAN. Further to this significant planting towards the southern end of the site would also help soften the impact of the development from a southerly aspect.
80. The proposed site itself would comfortably accommodate a development of 97 units whilst staying within the housing density required by Policy CP2. The reserved matters will require the submission of elevations and layout plans and this will be informed by a character assessment of the surrounding area in order to achieve a vernacular that matches the areas character. The maximum building height will be two stories
81. Trees, shrubs and hedgerows will play a key role in the successful delivery of this proposal. Hedgerows and landscaping have the potential to significantly soften the visual impact of the development. Additional planting as well as reinforcing existing vegetation and planting where possible, will be a key requirement of any detailed plans submission.
82. The site access would be formed by enhancing an existing access. The enhancements will be required to create an opening large enough for two vehicles to pass each other and create sufficient visibility splays. This may lead to a minor loss of hedgerows. However, with mitigation in the form of additional planting, this would only be considered to result in minor harm to the street scene and wider area.
83. The proposal will undoubtedly have visual ramifications for the surrounding landscape. This site sits amongst existing development

and as such, the proposal does not represent wholly new development in the countryside.

84. For purposes of this assessment, the scale of the impact resulting from the proposal can be divided between the northern half and the southern half of the site.
85. The proposal would include a large CWA to the south west of the site, resulting in the planting of approximately 2000 new trees. This would significantly soften the visual impact of the development and would give a more verdant appearance to the area, especially from a western aspect.
86. The northern half of the site would have a significantly lesser impact on the surrounding Area. Both ESCC Landscaping Officers and the SDNPA suggest that the impact caused by the northern half of the site warrants a lesser concern than the southern half. This is due to the northern half of the site forming a more natural extension of the built form of the Broyleside settlement. Officers consider that the northern half of the site represents a less than significant harm to the countryside and the SDNP.
87. The southern half of the site extends more deeply into the countryside, this would have far reaching views from the wider environment and the SDNP and would result in a greater degree of harm upon the surrounding landscape. Mitigations are offered in the form of the creation of the large CWA, the requirement for a lighting assessment and extensive planting along the periphery of the site. Nonetheless, Officers consider that to its fullest extent the southern half of the site would result in harm to the openness of the countryside. Due to its separation, the harm to the SDNP would be lesser, however harm can still be attributed which could be quantified as a less than significant harm to the SDNP, subject to relevant mitigations.
88. Overall, the development would result in harm to the countryside at the southern half of the site and less than significant harm to the SDNP. However, there are significant gains to be made in terms of a net increase in planting. Mitigation offered would significantly soften the impact of the development. However, notwithstanding this, the harm to the countryside would still be considered to be significant, even if to a lesser degree.

Highways and Transport

89. The site would be accessed on the northern boundary, directly from Lewes Road. The access includes a footway on both sides, ensuring the needs of cyclists and pedestrians, as well as motorists, are met. It is noted that the application is all matters reserved which includes access and therefore, specific details of the access would be dealt with at the detailed plans stage. However, ESCC highways have reviewed the site of the proposed access and have not objected to its location or potential impacts upon highways safety. Therefore, the siting and location of the access would be acceptable in terms of highways capacity and safety.

90. The site is located within 50 metres of existing bus stops on Lewes Road. There are regular bus services to Lewes, Uckfield and Brighton. The site is therefore considered to be in a relatively sustainable location with regards to public transport.
91. The final layout plan would need to be able to demonstrate that adequate turning space for service vehicles would be provided within the site, in order to ensure that they can enter and leave in forward gear. This will specifically include details of how a refuse vehicle could navigate the site, as requested by LDC Waste Services.
92. The applicant has agreed that the quantum of parking spaces will be informed by and comply with both ESCC parking standards and the standards set out within the Ringmer Neighbourhood Plan Policy 8.3. Subject to compliance with parking standards, it is considered that the proposal would result in an acceptable parking arrangement.
93. The commercial/community hub element of the development would likely provide thirteen car parking spaces to be shared with the two flats above. The details and layout of the parking would be dealt with at reserved matters stage, in consultation with ESCC Highways Officers. However, the Highways Authority has confirmed that they are content that the site could accommodate all the required parking spaces and would be acceptable in this regard.
94. ESCC parking guidance requires the minimum dimensions of parking bays to be 5 metres in depth by 2.5 metres in width, with an additional 0.5 metres in either/both dimensions if the space is adjacent to a wall or fence. This will be a requirement at the discharge of the reserved matters.
95. The indicative layout proposes a significant number of tandem parking spaces. The Highway Authority has voiced their concerns and would seek to resist this arrangement. This is due to the inconvenience of the vehicles parked in the rear being blocked and how this would result in residents not using these spaces and parking on the highway, potentially resulting in overspill parking. Details submitted as part of the reserved matters should remove the proposed tandem parking where possible and this will be dealt with at reserved matters stage.
96. In terms of cycle parking provision, two spaces would need to be provided per house. The submitted details propose secure cycle stores to be provided in each garden, which is in line with ESCC parking guidance. The Highways Authority requires cycle stores to be located in a secure, convenient and covered location. Further details should be provided as part of reserved matters.
97. A Construction Traffic Management Plan would need to be provided with details to be agreed. This would need to include management of contractor parking to ensure no on-street parking occurs during the whole of the construction phases. This would be secured via condition to be discharged.
98. A Travel Plan has been submitted as part of the proposal. It is recommended that if the application comes forward, that the applicant

provides a Travel Plan Pack for every first occupier of each dwelling, in order to encourage the uptake of sustainable modes of transport.

99. A Transport Assessment has been submitted as part of this application. This illustrates that the proposed upper limit of the development of 97 dwellings has the potential to generate approximately 56 two-way vehicular weekday AM peak trips and 58 two-way vehicular weekday PM peak trips. ESCC Highways have reviewed the assessment and has confirmed that the methodology is acceptable.
100. The transport assessment includes junction assessments of key junctions in the local area. The junction assessments suggest that the operation of the proposed access, and the mini-roundabout junction between Lewes Road, B2192 and Laughton Road would operate within capacity at the expected number of additional trips.
101. However, the transport assessment also eludes to the junction improvements at Earwig Corner, which are to be delivered to accommodate a separate development on Bishops Lane. The junction improvements at Earwig Corner are yet to be completed and until this point it would not be possible to model the impact of the development upon the junction in its improved state. The Highways Authority has insisted that until the works at Earwig Corner are complete, it is not possible to understand the extent that the development would impact the junction, and whether or not this junction could accommodate the proposed development. As such, the Highways Authority originally refused their support for the scheme until an assessment of the junction at Earwig Corner can be undertaken.
102. The Highway Authority's position is clear that the only concern which would attract their objection to this scheme is the impact upon Earwig Junction and whether or not the yet to be completed junction would have the capacity to cope with the increased traffic from the site.
103. However, since the initial objection the LPA and the Highways authority have agreed to an approach to determining this application whereby if a positive recommendation is to be reached, the S106 would include a requirement that requires the works to the junction at Earwig Corner to be completed, modelled and submitted to the Council prior to any other reserved matters being discharged. This modelling exercise should show that the junction would have capacity to cope with the trips generated by the proposed development. The Highways Authority would be consulted and be required to agree in writing that the impact of the development would not unacceptably impact highways capacity at Earwig Corner, or that the impact of the development upon the junction could be successfully mitigated (It should also be noted that other planning applications in Ringmer may also be included in any junction assessment undertaken).
104. Should mitigations not be achievable, the number of units to be provided in the remainder of the reserved matters would be reduced to within levels that the junction could accommodate.

105. In summary, the site would be accessed from the northern boundary, directly from Lewes Road. The site is located in close proximity to bus stops and walking routes and is considered to be a sustainable location in close proximity to nearby amenities and transport links.
106. The proposal would seek parking provision in compliance with ESCC parking standards and the Ringmer Neighbourhood Plan. Concerns were raised relating to the proposed tandem parking spaces and their layout. However, the application is all matters reserved and it is considered that the parking layout can be resolved in a way to make the arrangement acceptable at reserved matters stage. The site layout will be resolved in consultation with ESCC Highways Officers.
107. The Highway Authority has initially objected to the proposal on the basis that the junction at Earwig Corner is yet to be completed and that until the works are complete it would not be possible to confirm whether or not the junction can cope with the cumulative impacts of the development. There are no other concerns raised by the Highway Authority that would warrant the refusal of the scheme and it has been confirmed that all other outstanding matters could be resolved at reserved matters stage.
108. Officers therefore seek to resolve the application by placing a condition that requires details to be submitted prior to the discharge of any other reserved matters, in relation to the completion of the works at Earwig Corner. This approach has been agreed by ESCC highways who retain a standing objection subject to this resolution, conditions and legal agreements. These details should include relevant highways modelling and assessments. If the highway modelling and the Highways Authority deems that the junction cannot sustain the proposed development the then number of units proposed should be reduced to within acceptable levels, in order to not have any unacceptable cumulative impacts upon the junction at Earwig Corner.
109. Overall, the proposal is considered to be acceptable subject to the successful resolution of concerns regarding Earwig Corner. It is on this basis that Officers consider the highways impacts acceptable.

Residential Amenity

110. This is an outline application where, if permission is granted, the details of the layout will be reserved for further consideration under a subsequent planning application. However, the indicative drawings inform the layout and heights of the proposed development and provide an expectation of what would be delivered. For the most part, the indicative drawings show that the development maintains separation distances between proposed and adjoining existing properties and would not be in close proximity to any existing properties at Laughton's Lane or Chamberlaines Farm. Furthermore, the application is an 'up to' outline application and it would be within the gift of the LPA to reduce the numbers in order to protect the amenity of nearby properties.
111. Although the new houses would be clearly visible from surrounding properties and may obstruct existing views across open parts of the

site, there is no material right to a view. The separation distances shown in indicative drawings would preclude what would be regarded, in planning terms, significant overlooking, loss of outlook or obtrusiveness that would be considered to materially harm the living conditions for the occupants of existing nearby properties. Nonetheless, the detailed reserved matters will include boundary planting and landscaped buffers, which would help to mitigate noise disturbance and harm to views for the neighbouring properties.

112. The proposed development is all matters reserved with an upper limit of 97 units. The indicative layout submitted with the proposal, in unison with the two storey heights of the proposed structures would not be considered to result in any unacceptable impacts upon any existing neighbouring properties in terms of overbearing, overshadowing, overlooking or daylighting/sunlighting. It is considered that the proposal could accommodate the upper development limit of 97 units within the site, whilst not resulting in any unacceptable internal or external residential amenity issues.
113. The application is considered to be acceptable in terms residential amenity subject to conditions and further details.

Living Conditions for Future Occupants

114. It is considered that the indicative layout plans demonstrate that the site could accommodate a development of up to 97 dwellings, that would also provide a good sense of place and community. However, it is expected that less than 97 units would be delivered given other site constraints such as SUDS and Landscaping, resulting in a more generous site layout in terms of living conditions. Nonetheless, the indicative layout shows that there would be sufficient space to provide soft landscaping and greenery as well as communal open areas. The site would be located adjacent to the existing settlement of Broyleside and would not be isolated and would have good connections to the existing community and services. It is therefore considered that occupants of the proposed dwellings would not feel a sense of detachment from their wider surroundings and would have a good standard of environment within the site itself.
115. It is stated that all housing units would meet the Nationally Described Space Standards and based on measurements of the footprint of each dwelling; it is considered there is ample room for all dwellings to be delivered as meeting or exceeding the space standards. Furthermore, each dwelling would be able to accommodate a good-sized garden, whilst communal green space would also be available.
116. The proposed development would include safe pedestrian links to Lewes Road in the form of raised kerb footways. There is a pedestrian link connecting the site to both Ringmer and Broyleside meaning that residents of the existing settlements and residents of the site can easily access the existing and proposed community facilities and local amenities.
117. An acoustic survey and report accompany the submission. The survey was undertaken over a number of days and nights to

specifically assess levels of noise emanating from the South Downs and Eridge Hunt Kennels to the north of the site. The wider general conclusions are that no other relevant noise sources will detrimentally affect the proposal.

118. The results of the analysis conducted within the report show that for the most exposed facades facing towards the kennels, an acceptable noise level could not be achieved with windows open. However, using readily available glazing and ventilation products, sound reduction could be achieved to acceptable levels of noise. For facades facing away from the hunting kennels, an acceptable level of noise could be achieved with windows open.
119. The acoustic report concludes that with appropriate mitigation in the form of acoustic fencing and screening, the impacts of the noise upon open facades facing the kennels could be mitigated to within acceptable levels for all properties. This in unison with good acoustic design in the fabric of the dwellings closest to the source of the noise, would not result in any unacceptable impacts upon the living standards of the future occupiers of the proposed dwellings.
120. The site would be a sufficient size and scale to sustain a development of 'up to' 97 units comfortably, whilst providing adequate living standards in terms of local environment and internal and external quality of private accommodation.
121. It is worth noting that although 97 units could be delivered on site, the detailed submission is an 'up to' application with 97 units being the upper limit. It is more than likely that given other site constraints that this number is likely to be below this figure, allowing for a more spacious site layout.
122. The site is well connected with existing public services meaning that the residents of the existing settlements can easily access the public realm improvements and the CWA and community facilities within the site. The pedestrian and vehicular links to Broyleside and Ringmer would allow residents of the site to easily access the amenities at the existing settlements.
123. The site is situated adjacent to the South Downs and Eridge Hunt Kennels. An acoustic report has assessed the impact of the kennels and concluded that subject to sufficient mitigation, the noise from the kennels would not detrimentally impact the living conditions of the future residents of the site. Therefore, subject to details of the acoustic fencing being submitted and approved by the LPA, the proposed development would not be considered to offer an unacceptable standard of living in terms of noise and disturbance.
124. It is therefore considered that the proposed development complies with Policy CP2 of LPP1, policy DM15, DM16 and DM25 of LPP2 and Section 8 of the NPPF.

Flooding and Drainage

125. The proposed development would involve the introduction of buildings and impermeable surfaces (equating to a total area of approx. 3.96 hectares) on what is currently an undeveloped greenfield site.
126. The site is intersected by a major stream/river. According to the Environment Agency's Flood Map For Planning, the areas immediately surrounding this stream are located within Flood Zones 2 (4% of the total site) and 3a (13% of the total site) which puts these areas at risk of fluvial flooding. The remainder of the site falls within Flood Zone 1.
127. It is worth noting that the proposal is an all matters reserved application, so therefore final details of the layout of the site are unconfirmed. However, the applicants indicative site layout has demonstrated that the dwellings would only be located within Flood Zone 1. Only the less sensitive uses such as, roads and footpaths would be located within Flood Zones 2 and 3a. Flood Zones 2 and 3a will also feature green spaces, which adds amenity and biodiversity value to the site.
128. The NPPF requires that developments in areas at risk of flooding (Flood Zones 2 and 3) carry out the sequential test. The indicative layout plan sets out that all of the proposed dwellings would be located within Flood Zone 1 and therefore, the proposal is in accordance with the sequential test and the exception test is not a requirement of the proposal.
129. The Flood Risk Assessment (FRA) includes details of how flood risk would be managed. The proposal would include flood protection measures such as, raising the floor levels of the properties by 150mm above finished ground level where practicable.
130. However, ultimately surface water would be managed by runoff being directed via a piped drainage network into three geo-cellular storage ponds (two for northern catchment of the site one for the southern catchment). Which would allow controlled discharge at a restricted rate into adjacent watercourses. Attenuation would be designed to account for a 1 in 100-year weather event, with an additional 40% contingency as an allowance for climate change. Hydraulic modelling for the attenuation tanks provided in the FRA indicates that discharge into the water course will be less than it is at present.
131. Pollution control measures could be integrated into the drainage scheme to prevent discharge of pollutants into surrounding watercourses or onto surrounding land.
132. The FRA includes details of other sustainable SUDS mechanisms to be incorporated into the scheme such as, swales, permeable paving, rain gardens, tree pits and water butts.
133. Following the initial objections, the applicant has worked with both ESCC SUDS and the EA to resolve the concerns. At this point it is again worth reiterating that the scheme is an 'up to' development with a ceiling of 97 units and there is scope to reduce this number.

134. The applicant has made it clear that at the reserved matters stage they would reduce the number of units in accordance with the requirements of both the EA and ESCC SUDS. The reserved matters will be discharged in consultation with both ESCC SUDS and the EA to achieve a favourable layout. This layout would be required to maintain full access for maintenance of the watercourse, without increasing the risk of flooding. As such, due to site limitations the applicants have indicated that they are currently working to an assumption of a maximum of 91 units at the site to address comments relating to flooding.
135. Further to the above agreement to discharge the reserved matters in accordance with the EA and ESCC SUDS, the applicant submitted an updated FRA assessment to address Reason 2 of the EA's initial objection, which includes additional information and clarification on the points raised.
136. Since the above agreements and additional information was submitted, both ESCC SUDS and the EA have revised their comments and have both submitted responses which state that they have no objections subject to conditions.
137. In conclusion, the site is intersected by a major stream/river and falls partly in Flood Zones 2 and 3a. Residential properties are only proposed within the Flood Zone 1 areas of the site to minimise the risk to the health and well-being of the future occupants. Surface water would be managed by surface water runoff being directed via a piped drainage network into three geo-cellular storage ponds, which would then be released back into the watercourse at a controlled rate.
138. The initial objections raised by both ESCC SUDS and the EA have been resolved by implementing conditions and limiting the extent of the development so that the watercourse can be effectively managed. Both statutory consultees have therefore withdrawn their objections and have recommended approval subject to conditions. Details of the reserved matters will be carried out in consultation with both the EA and ESCC SUDS, who are both content an effective SUDS solution can be achieved.
139. It is considered that the proposed drainage scheme would meet the criteria of sustainable drainage as set out in para. 051 of the Planning Policy Guidance on Flood Risk and Coastal Change in that it would manage run-off, control water quality and maintain amenity space and wildlife areas. The Lead Local Flood Authority (LLFA) have stated that they are satisfied that the surface water generated by the proposed development can be managed effectively.
140. It is therefore considered that surface water run-off generated by the development can be adequately managed without unacceptable risk of flooding. The development is therefore considered to comply with policy CP12 of LPP1 and paras. 161 and 162 of the NPPF.

Ecology & Biodiversity

141. The application is accompanied by an Ecological Appraisal Report, which sets out the impact of the proposal on a number of protected

species. The Ecological Appraisal Report identifies the primary ecological hotspots of the proposed development as being the river, the hedgerows and the trees at the site. Most of which are to be retained in the indicative layout plan. The majority of the grassland is categorised as being of low ecological value, but it is noted that there are areas of priority habitats supporting the potential presence of Great Crested Newt, nesting birds, foraging bats, hazel dormouse and reptiles.

142. The report sets out a range of mitigation measures to minimise the impact upon wildlife during site clearance and construction works. This includes the translocation of reptiles from the construction zone to a suitable receptor site, prior to the site preparation and the commencement of works, to avoid the risk of killing/injuring reptiles. The report also suggests the timing of all vegetation clearance works to avoid hibernating, maternity and nesting seasons for bats, birds, mammals, and reptiles.
143. Further measures will be taken to ensure all retained trees and hedgerow are protected during site clearance and construction works; that external lighting is avoided or minimised where possible; that excavations and open pipework is covered overnight; and that new boundary fencing includes mammal gates.
144. A number of opportunities for ecological enhancements/biodiversity net gain are identified within the report. These include the creation of a generously sized Community Woodland Area, which will be secured via legal agreement and will provide up to 2000 new trees. Further enhancement measures and recommendations for the site and the Community Woodland Area include: the use of native wildflower and grass seed mix in areas of green space; the creation of roosting opportunities: the installation of bat and bird roost/nest boxes: and the creation of a barn owl box.
145. ESCC Ecology Officer has assessed the appraisal and the details of this response are set out below.

Designated sites and habitats

146. The site is not designated for its nature conservation interest. Given the nature, scale and location of the proposed development, there are unlikely to be any impacts on any designated sites.
147. The site currently comprises semi-improved grassland, hedgerows, tree cover, trees/treelines, dense scrub and ruderal vegetation, a watercourse, buildings and hard standing. ESCC Ecology Officer has identified that the habitats of greatest significance are the boundary habitats, hedgerows and tree lines, and the watercourse. Many of the existing habitats are to be retained and protected.
148. The proposal seeks to enhance the hedgerows, which is supported by ESCC Ecology Officer. All new hedgerows are recommended to be comprised of native species with high biodiversity value. Historically semi-improved grassland forms most of the site, the majority of which would be lost in this proposal. However, semi improved grassland is

of relatively low importance, on the grounds that it is of a low diversity value and has been regularly managed for hay/silage in the past.

149. A reduction in management in recent times has improved the structure of the grassland such that it now offers greater potential for protected species, most notably amphibians and reptiles.
150. The impacts and mitigations upon all species for consideration are set out below.

Badgers

151. Badgers are protected under the Protection of Badgers Act 1992. No evidence of badgers has been recorded on site, but it is possible that badgers may enter the site from the surrounding landscape, as they are a relatively common and widespread species. The report sets out several mitigations for during construction.
152. Details of construction management and ecology mitigation will be secured at the detailed plans stage. However, ESCC Ecology Officer confirms that the safeguarding measures set out in the Ecological Appraisal report are supported. However, as the application still has to progress through detailed plans stage and it is likely to be some time before the development breaks ground, ESCC Ecology has recommended that a Reserved Matters application is informed by updated badger surveys.

Bats

153. All species of bats are fully protected under the Wildlife and Countryside Act 1981, (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), making them a European Protected Species.
154. The existing buildings on site offer negligible bat roost potential and no evidence of bats was found. Five trees were assessed as offering low bat roost potential. The indicative layout shows these trees as being retained. However, should this change at the Reserved Matters stage, an updated bat roost assessment will be required.
155. The Ecological Appraisal report sets out a number of mitigations for circumstances where any trees with low bat roost potential require works or removal. The mitigation measures would require the felling of such trees to be undertaken under an ecological watching brief and would be required to be carried out using the 'soft-felling' technique. The 'soft felling' technique is carried out by cutting sections of the tree and lowering them to the ground. This is followed by leaving the felled sections on the ground for a period of at least 24 hours to allow any bats, should these be present, to escape.
156. ESCC Ecology Officer confirms that the proposed Community Woodland Area and the enhancement of boundary features will enhance the site for bats. These elements are therefore considered to be a positive benefit of the development with regards to bats and their protection/enhancement.

Breeding birds

157. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken.
158. The hedgerows, scrub and trees on site offer potential for nesting birds. To avoid disturbance to nesting birds, any demolition of buildings or the removal of scrub/trees that could provide nesting habitat should be carried out outside of the breeding season (generally March to August).

Hazel Dormouse

159. The hazel dormouse is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017 (as amended), making it a European Protected Species.
160. Scrub and hedgerows on site offer some potential for dormice, albeit limited by the site's isolation from optimal habitat. Also, the majority of suitable habitats are to be retained under current proposals. The report suggests precautionary measures in the eventuality that there is any removal of dense scrub or tree cover. The mitigation measures suggested are that this should be undertaken under a watching brief, ideally within the active season for dormice, and that the removal is preceded by a search of the vegetation by a suitably qualified ecologist.
161. ESCC Ecology Officer has confirmed that the precautionary measures recommended in the Ecological Appraisal report are supported. Should the layout significantly change from the indicative layout at reserved matters stage, the potential impacts on dormice should be reassessed and an updated report submitted.

Great Crested Newts

162. The Great Crested Newt (GCN) is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017 (As amended), making it a European Protected Species.
163. There are records of GCN within 250 metres of the site, and two of the ponds within 250 metres were assessed as offering average and excellent potential for GCN. There is also suitable terrestrial habitat on site. As such, works will require a European Protected Species Licence, which will need to be informed by up-to-date surveys.
164. ESCC Ecology Officer has suggested that an alternative approach would be for the applicant to enter the forthcoming District Licensing scheme with NatureSpace. The site lies within the red zone of the Impact Risk Zone maps, indicating that the area is highly suitable for GCN. Whilst a district licence has not yet been secured, the licence application is being considered by Natural England and is expected imminently.
165. Subject to applying for and receiving the appropriate licenses, the proposal would not result in any unacceptable impacts upon GCN.

Reptiles

166. Slow worms, grass snakes, common lizards and adders are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).
167. There are local records of reptiles, and the Ecological Appraisal notes that the grassland offers moderate potential for reptiles, with the boundary habitats offering elevated potential. Whilst previous regular management of the grassland may have limited reptile colonisation of the site, as the site has not been managed for some time, its suitability has increased.
168. The Ecological Appraisal report recommends a precautionary approach to vegetation clearance. Whilst this may be appropriate if populations are low, ESCC Ecology Officer has recommended that a Reserved Matters application is informed by presence/absence surveys so that appropriate mitigation/compensation can be agreed.

Other species

169. The site has the potential to support Hedgehogs. The Hedgehog is listed as a Species of Principal Importance (SPI) under section 41 of the NERC Act, and is classed as vulnerable to extinction on the Red List for British Mammals, as populations have suffered significant declines in recent years.
170. The Ecology Appraisal sets out mitigation measures in the form of:
 - Implementing a watching brief, which should be maintained for Hedgehog and other small mammals throughout any clearance works,.
 - Any piles of material already present on site, particularly vegetation/leaves, etc. and any areas of dense scrub or hedgerows, shall be dismantled/removed by hand and checked for Hedgehog prior to the use of any machinery/disposal.
 - Any material to be disposed of by burning, particularly waste from vegetation clearance and tree works, should not be left piled on site for more than 24 hours in order to minimise the risk of Hedgehogs occupying the pile.
 - The development should include mammal gates in residential gardens
 - Any injured hedgehogs found during construction should be taken to a vet immediately
171. ESCC Ecology Officer has confirmed that the safeguarding measures set out in the Ecological Appraisal report are supported.

Mitigation Measures and Biodiversity Net Gain

172. In addition to the above mitigation and compensation measures, the development should seek to enhance biodiversity and to provide biodiversity net gain, as required by the NERC Act, and national and local planning policy.

173. ESCC Ecology Officer confirms that the recommendations made in the Ecological Appraisal report are broadly acceptable, and it is noted that some of these recommendations have been incorporated into the Design and Access Statement and the site layout.
174. In addition to the recommendations in the Ecology Appraisal, it is recommended that new buildings should incorporate integral features for birds and bats such as, integral bird/bat boxes and bat tiles, and a barn owl box could be provided in the Woodland Community Area.
175. Consideration should also be given to the provision of green (biodiverse rather than sedum) roofs where possible, and to the use of hardy wildflower mixes for amenity grassland areas. The SuDS features should be designed to maximise opportunities for biodiversity. A full application should also be supported by a Landscape and Ecological Management Plan, setting out the long-term management of the new and retained semi-natural habitats.
176. In summary, there are several different species which may be affected by the proposal, but there is also potential for ecological benefits. The proposal includes a Community Woodland Area, which will result in significant biodiversity net gain for the area and will be secured via legal agreement. The Community Woodland Area's longevity will be insured by a requirement within the legal agreement to provide an ongoing management and maintenance plan.
177. ESCC Ecology Officer has confirmed that if the recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective with regard to protected species. Further mitigation is recommended by ESCC Ecology Officer which can be secured at the reserved matters stage and detailed in an updated Ecological Impact Assessment.
178. Overall, the proposal seeks adequate mitigation and would result in significant biodiversity enhancement measures. ESCC Ecology Officer has confirmed that they have no objection to the proposal and therefore, the ecological impact of the proposal is acceptable.

Environmental Health

Air quality

179. The initial response from LDC's Air Quality Officer recommended refusal of the proposed development, due to the absence of an air quality assessment. However, since the initial response, an updated response has been received which withdraws the objections. The response sets out that the air quality assessment and any required mitigation can be achieved at the reserved matters stage. As such, it is considered that a successful resolution in terms of air quality can be achieved for this scheme.
180. Therefore, Officers have no air quality concerns subject to conditions.

Contamination

181. The proposal does not include any Ground Contamination Assessment. However, LDC's Contamination Officer has provided a

response which sets out that a Ground Contamination Assessment and any required remediation can be submitted at the reserved matters stage, as it is considered that a successful resolution can be achieved for this scheme.

Environmental Health Conclusion

182. Neither a Ground Contamination Assessment nor an Air Quality Assessment have been submitted with this proposal. However, the proposal is all matters reserved and both assessments can be effectively dealt with at reserved matters stage. Any recommended reports and subsequent mitigation will be required prior to any development commencing at this site. Therefore, there are no environmental health concerns resulting from the proposal subject to additional details.

Sustainability

183. The application is in outline form and, as such, it is not possible for all sustainability measures to be detailed at this stage. It is, however, noted that the development would utilise sustainable drainage systems. This includes restricting development surrounding existing watercourses to provide an amenity and habitat asset. This, as well as other open green space within the overall site area is considered to support the delivery of multi-functional green infrastructure as required by LPP2 Policy DM14.
184. The application for Reserved Matters would need to include a sustainability statement that confirms compliance with the aims and objectives of the recently adopted TANs for Circular Economy, Sustainability in Development and Biodiversity Net Gain. This would include, but not be limited to, details on how water consumption would be kept to 100-110 litres per person per day, renewable energy and carbon reduction measures, building layouts that maximise access to natural light, support for sustainable modes of transport, provision of electric vehicle charging points (minimum of one per dwelling), and facilities to support working from home.
185. A Site Waste Management Plan (SWMP) should be submitted at the reserved matters stage in full accordance with the Site Waste Management Plan Regulations 2008.

Archaeology

186. An Archaeological Desk Based Assessment (DBA) of the site has been carried out and a report submitted as part of the suite of documents supporting the application.
187. The DBA places the proposed development site within an archaeological and historic context and confirms that the application site lies in an area of known prehistoric, Romano-British, medieval and post-medieval exploitation and settlement.
188. ESCC Archaeological Officer has reviewed the report and generally agrees with its conclusions. In light of the potential for impacts to heritage assets with archaeological interest, it is recommended that

the area affected by the proposals should be the subject of a programme of archaeological works, in order to determine the impact of the proposal.

189. This programme of works would enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. This schedule of works will be required at the reserved matters stage.
190. Due to the archaeological potential of the site, a schedule of archaeological works will be required to be carried out at the reserved matters stage at the advice of ESCC Archaeological Officer.
191. Therefore, subject to additional details being received at reserved matters stage, the proposed development complies with Policy CP11 of LPP1, DM33 of LPP2 and section 16 of the NPPF.

Planning Obligations

192. The proposed scheme represents major development and, as such, there is a requirement for affordable housing to be provided. At a rate of 40% of the total number of units being provided as affordable housing, the proposal is in accordance with Policy CP1 of the Lewes District Core Strategy. No specific numbers have been agreed as the scheme is an 'up to' application. However, with an upper limit of 97 units, the maximum number of affordable housing units would be 38.8 units.
193. In order to fully comply with the standards set out in the Lewes District Council SPD for affordable housing, all the whole units would need to be incorporated into the development with any remaining decimal points being secured as a pro-rata commuted sum. This approach is compliant with the appropriate use of commuted sum as set out in para. 5.2 of the LDC Affordable Housing SPD. Any commuted sum will be calculated using the Affordable Housing Commuted Sum Table provided in the Affordable Housing SPD.
194. The applicant has confirmed that affordable housing would be provided in compliance with the requirements of CP1 and a Section 106 legal agreement has been drafted to secure this. A provisional dwelling mix with a tenure split of 75% affordable rent and 25% intermediate has been agreed.
195. The applicant has agreed to provide a Community Woodland Area to the south west of the site which is demarcated in plan 2103-F-022 . The applicant has indicated that the landowner will be responsible for the ongoing maintenance of the woodland area. The provision of the Community Woodland Area will be secured by S106 Agreement. A planting plan along with a woodland maintenance plan will be required by the S106.
196. The community facilities proposed by the applicant will be secured by S106 agreement. The community facilities including the two flats above, will be managed and operated by a nominated operator, who will be confirmed and agreed with the Council. These facilities will be

gifted in their entirety to the nominated operator and will be maintained using funds received via rent and fees for other services.

197. Officers seek to resolve Highways objections by placing a provision within the S106 agreement that requires details to be submitted prior to the discharge of any other reserved matters, in relation to the completion of the works at Earwig Corner. The reserved matters application should reflect the outcomes of the assessments of the new junction and this will be secured via S106.

Human Rights Implications

198. The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.

Planning Balance

199. The provision of 'up to' 97 units given the scale of the Councils housing requirement would play a role in reaching the target of 602 homes per year. It is noted that this number may be reduced at reserved matters stage to ensure that other technical considerations of the scheme are acceptable. Therefore, Officers consider that the provision 'up to' 97 homes would carry significant positive weight in the planning balance.
200. At a rate of 40% of the total number of units being provided as affordable housing, the proposal is in accordance with Policy CP1 of the Lewes District Core Strategy. With an upper limit of 97 units, the maximum number of affordable housing units would be 38.8. The policy compliant affordable housing would be a significant benefit of the scheme and would carry significant positive weight in the planning balance.
201. Overall, due to its degree of separation and the context of the development being located amongst existing built areas, the development would result in less than significant harm upon the setting of the SDNP subject to the reserved matters being informed by an LVIA. However, there are significant gains to be made in terms of a net increase in planting. Mitigation offered would significantly soften the impact of the development upon the national park. However, notwithstanding this, the harm to the would still be noticeable and the SDNP is an asset of significant importance. Therefore, it is attributed moderate negative weight in the planning balance.
202. The proposal complies with all elements of the 'Interim Policy Statement for Housing Delivery' except criteria relating to harm on the surrounding visual environment and landscape. This harm varies at different areas of the site but overall, the impact upon the surrounding landscape would be significant. Mitigations are offered which would go some way to softening the visual appearance of the development. However, the impact upon the landscape resulting from the

development, particularly for the southern half of the site, would carry negative weight in the planning balance.

203. The proposal includes the provision of a Community Woodland Area to the south west of the site (demarcated in plan 2103-F-022) which would provide approximately 2000 new trees. The proposed CWA would be accessible to the public and would provide a host of benefits including, softening the visual impact of the development; providing outdoor amenity space; and contributing to biodiversity net gain. The CWA would not completely mitigate the harms of the development however, its provision is supported by neighbourhood, local and national planning policy and it would undoubtedly result in benefits. Due to the range of benefits resulting from the provision of the CWA this would carry moderate positive weight in the planning balance.
204. The proposal includes the provision of community facilities. To resolve the lack of community facilities in Broyleside is an objective of the Ringmer Neighbourhood plan and thus the provision of such facilities carries with it positive weight. However, the provision of such facilities would not wholly balance out the harm resulting from the development. Officers consider that the provision of the community facilities would carry a minor positive weight.
205. The proposal seeks adequate mitigation and would result in significant biodiversity enhancement measures. ESCC Ecology Officer has confirmed that they have no objection to the proposal subject to conditions. Overall, the proposal would result in the loss of a low biodiversity value greenfield and some established hedgerows. However, it would offer enhancements in the form of an internal landscaping scheme, the CWA, the retention and enhancement of the river and enhancement and retention of the remaining hedgerows. On balance, the proposed biodiversity enhancements would be positive but limited to some degree. On this basis the biodiversity enhancements would carry minor positive weight in the planning balance.
206. Officers seek to resolve Highways objections by placing a provision within the S106 agreement that requires details to be submitted prior to the discharge of any other reserved matters, in relation to the completion of the works at Earwig Corner. If the highway modelling and the Highways Authority deems that the junction cannot sustain the proposed development the then number of units proposed should be reduced to be within acceptable levels. Subject to the successful resolution of impacts upon the highway, this would carry neutral weight in the planning balance.
207. The site is situated within an area with archaeological interest. Due to the archaeological potential of the site, a schedule of archaeological works will be required to be carried out at the reserved matters stage at the advice of ESCC Archaeological Officer. Subject to conditions, the archaeological impacts can be acceptably resolved, and this therefore bears neutral weight in the planning balance.
208. It is considered that surface water run-off generated by the development can be adequately managed without unacceptable risk

of flooding, subject to the reserved matters submission limiting the locations of dwellings and residential gardens to flood zone 1. Subject to conditions the flooding and SUDS impacts can be acceptably resolved, and this therefore bears neutral weight in the planning balance.

209. Neither a Ground Contamination Assessment nor an Air Quality Assessment have been submitted with this proposal. However, the proposal is all matters reserved and both assessments can be effectively dealt with at reserved matters stage. Subject to conditions, the environmental health impacts can be acceptably resolved, and this therefore bears neutral weight in the planning balance.
210. The site would be a sufficient size and scale to sustain a development of 'up to' 97 units comfortably, providing adequate living standards in terms of local environment and internal and external quality of private accommodation, whilst not harming the amenity of existing properties nearby. Subject to details at reserved matter stage the living standards and residential amenity impacts can be acceptably resolved, and this therefore bears neutral weight in the planning balance.
211. Overall, Officers consider that the significant benefits in terms of the provision of 'up to' 97 Units and a policy compliant affordable housing provision, the moderate benefits in terms of the provision of a Community Woodland Area, and the minor benefits in terms of a biodiversity net gain and the provision of community facilities, would outweigh the harm resulting upon the Visual Landscape, and the moderate harms upon the setting of the SDNP. Therefore, Officers consider that the scheme would be acceptable and is therefore recommended for approval.

Recommendation

Part A) Subject to the successful completion of an S106 agreement under the following Heads of Terms:

- Provision of 40% of the residential units as Affordable Housing
- Provision of Community Woodland (Plan 2103-F-022)
- Provision of Community Hub
- Provision to delay the reserved matters submission until Earwig Corner improvements are completed and modelled. The reserved matters submission should reflect the outcome of this assessment.

The Planning Applications Committee grant the Head of Planning delegated authority to **APPROVE** the permission subject to conditions listed below.

Part B) Subject to the LPA and the applicant failing to successfully complete an S106 agreement to secure necessary legal requirements (referred to in Part A) by the 10th of February 2022 or a time frame agreed with the LPA, the Planning Applications Committee grant the

Head of Planning delegated authority to **REFUSE** the application for the following reason(s):

- The application fails to provide the necessary Affordable Housing, Community Facilities or Community Woodland Area for the proposed development, contrary to policy CP1 of LPP1, DM25 of LPP2, 7.1 of the Ringmer Neighbourhood Plan and the National Planning Policy Framework.

Conditions

1. 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.

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).

2. No development shall commence until details of the:
 - a) Layout (including site levels)
 - b) scale
 - c) design
 - d) landscaping
 - e) access

(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.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

3. The development hereby permitted shall be carried out in accordance with the following approved drawings:

| <u>PLAN TYPE</u> | <u>DATE RECEIVED</u> | <u>REFERENCE</u> |
|------------------|----------------------|-------------------------------|
| Other Plan(s) | 27 April 2021 | 2013-F-020 Site Location Plan |
| Other Plan(s) | 27 April 2021 | 2103-F-021 Context Plan |
| General | 27 April 2021 | Chamberlaines Final 2-Sheet 1 |
| General | 27 April 2021 | Chamberlaines Final 2-Sheet 2 |
| General | 27 April 2021 | Chamberlaines Final 2-Sheet 3 |
| General | 27 April 2021 | Chamberlaines Final 2-Sheet 4 |
| General | 27 April 2021 | Context Document |
| General | 27 April 2021 | Design and Access Statement |
| General | 27 April 2021 | Planning Statement |

| | | |
|---------|----------------|-------------------------------------|
| General | 27 April 2021 | Planning Statement Appendix 1 |
| General | 27 April 2021 | Planning Statement Appendix 2 |
| General | 27 April 2021 | Planning Statement Appendix 3 |
| General | 27 April 2021 | Planning Statement Appendix 4 |
| General | 27 April 2021 | Planning Statement Appendix 5 |
| General | 27 August 2021 | 2103-F-022 – Legal Agreement Plan 3 |
| General | 27 August 2021 | 2103-F-021 – Legal Agreement Plan 2 |
| General | 27 August 2021 | 2103-F-020 – Legal Agreement Plan 1 |

Other plans submitted are indicative only and, whilst use to inform the decision, are not approved at this stage as they relate to reserved matters.

Reason: For the avoidance of doubt and in the interests of proper planning.

4. No development shall commence, including any ground works or works of demolition, until details of the layout of the new and the specification for the construction of the access, which shall include details of drainage and visibility splays have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the use hereby permitted shall not commence until the construction of the access has been completed in accordance with the approved details.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LPP2 policy DM25 and para 110, 111 and 112 of the NPPF.

5. No development shall commence, including any ground works or works of demolition, until a Landscape and Visual Impact Assessment has been submitted to the LPA to aid in informing the final design of the proposed development. The LVIA shall inform the reserved matters considerations including:

- i) layout;
- ii) scale (to include overall number of dwellings);
- iii) landscaping (to include a scheme to ensure the retention and enhancement of trees and hedges around and within the site)

Reason: to ensure a satisfactory design of the proposal and to minimise the impact upon the South Downs National Park in accordance with DM25 and para 177 of the NPPF.

6. No development shall commence, including any ground works or works of demolition, until a lighting assessment and (if external lighting is necessary) a scheme of external lighting to be installed at the site have been submitted to and has been approved in writing by the LPA in consultation with the South Downs National Park Authority. The lighting shall:

- i) Comply with the guidance set out in the SDNPA's Dark Night Skies Technical Advice Note;
- ii) Be designed to minimise impacts on wildlife.

Reason: to ensure a satisfactory design and appearance of the proposal and to minimise the impact upon the South Downs National Park in accordance with DM25 and para 177 of the NPPF.

7. No development shall commence, including any works of demolition, until a Sustainability Statement has been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of amenity and landscape character in accordance with LPP1 policies CP10 and CP08, CP09, CP14 and LPP2 policy DM24 and Section 15 of the NPPF

8. No development shall commence until an arboriculture survey and impact assessment has been submitted to and approved in writing by the Local Planning Authority. The scheme as submitted shall be in accordance with British Standard 5837 (2005).

Any mitigations proposed and agreed in writing will be implemented prior to any development on site and shall be retained until the completion of the development.

Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies CP8 and CP10 of LPP1 DM24 and DM25 of LPP2, and the NPPF

9. No development shall commence, including any works of demolition or site clearance, until the following documents have been submitted to and approved in writing by the LPA in relation to the Community Woodland Area shown in plan reference 2103-F-022:

- Tree Planting and Hard and Soft Landscaping Plan
- Woodland Maintenance Plan

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.

10. No development shall commence, including any works of demolition or site clearance, until the following document have been submitted to and approved in writing by the LPA in relation to the Community Facilities shown in plan reference 2103-F-021:

- Site Layout Plan
- Management Plan
- Secured by Design Statement

Reason: In the interests of the character and appearance of the community facilities, its long-term maintenance and its security, in accordance with policy DM25 of the LPP2 and para 92 and 97 of the NPPF.

11. No development shall take place, including any ground works or works of demolition, until such time as a technically accepted highway scheme [layout of the new access, pedestrian facilities, bus stop relocation, details incorporating the recommendations given in a Stage 2 Road Safety Audit and accepted in the Designers Response] has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved highway scheme shall be completed prior to first occupation of the development hereby permitted.

Reason: In the interests of road safety.

12. No development shall commence, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the LPA. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. 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,
- means of reusing any existing materials present on site for construction works,
- 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 (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.
- address noise impacts arising out of the construction;
- address vibration impacts arising out of the construction;
- dust mitigation measures,
- demonstrate that best practicable means have been adopted to mitigate the impact of noise and vibration from construction activities;
- include details of the use of protective fences, exclusion barriers and warning signs;
- provide details of the location and appearance of the site offices and storage area for materials, including a bunded area with solid base for the storage of liquids, oils and fuel;
- details of any external lighting.

Reason: In order to safeguard environmental and residential amenity and in the interests of highway safety and the wider amenities of the area having regard to Policy CP11 of the LPP1, policies DM20 and DM23 of the LPP2 and the Circular Economy Technical Advice Note.

13. No development shall commence, including any works of demolition, until a detailed surface water drainage system shall be submitted in support to and approved in writing by the LPA. The proposed drainage strategy should incorporate source control sustainable drainage systems which manage surface water runoff close to the ground as much as possible. The surface water drainage system shall incorporate the following:
- a) Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to the greenfield runoff rates for all rainfall events including those with a 1 in 100 (plus 40% for climate change). The calculation should incorporate a 10% allowance for urban creep.
 - b) The details of the outfall of the proposed drainage system and how it connects into the watercourse shall be submitted as part of a detailed design including cross sections and invert levels.
 - c) The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
 - d) The detailed design of the surface water drainage features (attenuation tank and pond) shall be informed by findings of groundwater monitoring between autumn and spring at the location of the proposed drainage structures as minimum. The design should leave at least 1m unsaturated zone between the base of the drainage structures 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 hydraulic capacity and structural integrity of the drainage system should be provided

Reason: In order to ensure surface water is managed effectively in accordance with LPP1 policy CP12, LPP2 policy DM22 and para 166 and 168 of the NPPF.

14. No development shall commence, including any works of demolition, until a maintenance and management plan for the entire drainage system has been submitted to the planning authority, 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 LPA and shall thereafter remain in place for the lifetime of the development.

Reason: In order to ensure surface water is managed effectively in accordance with LPP1 policy CP12, LPP2 policy DM22 and para 166 and 168 of the NPPF.

15. No development shall commence, including any ground works or works of demolition, until the following has been submitted to and approved in writing by the LPA:

- details of the proposed clear span bridge, or alternative method of crossing the watercourse (i.e. the designated main river called ‘the Bulldog Sewer and Green Man Spur’); and
- evidence to demonstrate that the proposed clear span bridge, or alternative method of crossing the watercourse, will not increase flood risk on site or elsewhere (particularly downstream of the site).

Reason: Structures over watercourses can increase flood risk if they impede or block flood flows. Sufficient information about the proposed watercourse crossing will be required to show that it will not have detrimental impacts upon flood risk both on-site and offsite (particularly downstream) in accordance with LPP1 policy CP12, LPP2 policy DM22 and para 166 and 168 of the NPPF

16. 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.

17. No development shall commence, including any works of demolition, until details of earthworks have been submitted to and approved in writing by the LPA. These details shall include the proposed grading of land area including the levels and contours to be formed and showing the relationship to existing vegetation and neighbouring development. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of amenity and landscape character in accordance with LPP1 policies CP10 and CP11, LPP2 policies DM25 and DM27 and section 15 of the NPPF.

18. No development shall commence, including any works of demolition, until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the LPA. The CEMP (Biodiversity) shall include the following:

- risk assessment of potentially damaging construction activities;
- identification of “biodiversity protection zones”;
- practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);

- the location and timing of sensitive works to avoid harm to biodiversity features;
- the times during construction when specialist ecologists need to be present on site to oversee works;
- responsible persons and lines of communication;
- the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure that any adverse environmental impacts of development activities are mitigated, to avoid an offence under the Wildlife and Countryside Act 1981, as amended, The Conservation of Habitats and Species Regulations 2017, as amended, and the Protection of Badgers Act, 1992, and to address Core Policy CP10 of LPP1.

19. No development commence, including any demolition, ground works, site clearance, until a method statement for the rescue and translocation of reptiles has been submitted to and approved in writing by the LPA. The content of the method statement shall include the:

- purpose and objectives for the proposed works;
- detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- extent and location of proposed works shown on appropriate scale maps and plans;
- timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- persons responsible for implementing the works;
- initial aftercare and long-term maintenance (where relevant);
- disposal of any wastes arising from the works.
- The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended.

20. No development shall commence, including any ground works or works of demolition, until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity, in line with the recommendations in the Ecological Addendum Report, Aspect Ecology, dated June 2021, has been submitted to and approved in writing by the LPA. The EDS shall include the following:

- purpose and conservation objectives for the proposed works;

- review of site potential and constraints;
- detailed design(s) and/or working method(s) to achieve stated objectives;
- extent and location /area of proposed works on appropriate scale maps and plans;
- type and source of materials to be used where appropriate, e.g. native species of local provenance;
- timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- persons responsible for implementing the works;
- details of initial aftercare and long-term maintenance;
- details for monitoring and remedial measures;
- details for disposal of any wastes arising from works.
- The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, para 170 and 175 of the NPPF, and CP10 of LPP1.

- 21.No development shall take place, including any demolition, ground works, site clearance, until an Air Quality Assessment (AQA), prepared in accordance with Institute of Air Quality Management (IAQM) best practice guidance and the Sussex-air guidance document <https://sussex-air.net/Reports/SussexAQGuidanceV.12020.pdf> has been submitted to and approved in writing by the LPA.

Reason: Reason: Reduce harmful emissions and minimising the impact of the development on air quality, in accordance with policies CP9, CP13 and CP14 of the LPP1 and LPP2 and having regard to the NPPF.

- 22.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 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].

23. No development shall take place, including any demolition, ground works, site clearance, until details have been submitted showing that development shall incorporate an appropriately sized children's play area that is integral to the overall design and layout of the development, is sited in a safe, open and welcoming location which are overlooked by dwellings and well used pedestrian routes, is provided with seating for accompanying adults, is additional to any incidental amenity space; and is properly drained, laid out, landscaped and equipped for use at an agreed stage or stages no later than the occupation of the 5th unit of the development.

The details shall thereafter remain in place for the lifetime of the development unless otherwise agreed by the LPA.

The play equipment shall be designed, manufactured, installed and maintained in accordance with European Standards EN1176 and EN1177 (or any superseding legislation) and the submitted details shall be accompanied by a management and maintenance plan for the play area.

Reason: To provide a healthy living environment in accordance with policies DM15 and DM16 of LPP2 and section 8 of the NPPF.

24. No development shall take place, including any demolition, ground works, site clearance, until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the LPA.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with Policy CP11 LPP1 and the NPPF.

25. No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the LPA. The archaeological site

investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition 25.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with Policy CP11 LPP1 and the NPPF.

26. Prior to occupation of the development hereby approved, full details of storage for refuse and recycling bins shall have been submitted to and approved in writing by the LPA. These areas shall thereafter be retained.

Reason: In the interests of the amenities of the area, having regard to policy DM26 and guidance within the National Planning Policy Framework.

27. Prior to occupation of the development hereby approved, details of sound protective fencing to the north east of the site adjacent to the South Downs and Eridge Hunt Kennels, shall be submitted to and approved in writing by the LPA. These details shall thereafter be retained.

Reason: in order to safeguard environmental and residential amenity and in the interests of highway safety and the wider amenities of the area having regard to Policy CP11 of the LPP1, policies DM20 and DM23 of the LPP2 and the Circular Economy Technical Advice Note.

28. Prior occupation of the development, details shall be submitted to and approved in writing by the LPA for the installation of Ultra-Low NOx boilers with maximum NOX Emissions less than 40 mg/kWh. The details as approved shall be implemented prior to the first occupation of the development and shall thereafter be permanently retained.

Reason: To reduce harmful emissions and minimising the impact of the development on air quality, in accordance with policies CP9, CP13 and CP14 of the LPP1, LPP2 and having regard to the NPPF.

29. Prior to occupation of the development hereby approved, turning area/s for vehicles will have been provided and constructed in accordance with the details which have been submitted to and approved in writing by the Planning Authority and the turning space shall thereafter be retained for that use and shall not be obstructed

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

30. Prior to occupation of the development hereby approved, car parking areas shall have been provided in accordance with details which have been submitted to and approved in writing by the LPA in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LPP2 policy DM25 and para 108, 109 and 110 of the NPPF.

31. Prior to occupation of the development hereby approved, cycle parking areas shall have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be

retained for that use and shall not be used other than for the parking of cycles

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development in accordance with policy CP13 of LPP1 and para 104 of the NPPF.

32. Prior to occupation of the development hereby approved, a Travel Plan Statement shall have been submitted to and approved in writing by the LPA in consultation with the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport in accordance with LPP1 policy CP14 and section 9 of the NPPF.

33. Prior to occupation of the development hereby approved, evidence (including photographs and as built drawings) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: In order to ensure surface water is managed effectively in accordance with LPP1 policy CP12, LPP2 policy DM22 and para 166 and 168 of the NPPF.

34. Prior to occupation of the development hereby approved, 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 LPA. 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 LPA.

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].

35. The development shall be carried out in accordance with the submitted Flood Risk Assessment (Flood Risk and Drainage Strategy, ref: 3042, dated July 2021, by Herrington Consulting Ltd) and the following mitigation measures it details:

- All buildings shall be located within Flood Zone 1 and outside of the flood extents for the Upper End climate change scenario (105%) (Section 6.1).
- No land raising or gardens of the proposed properties shall be located within the design flood extents (for the 1:100 45%cc event) (Section 6.2).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with LPP1 policy CP12, LPP2 policy DM22 and para 166 and 168 of the NPPF.

The condition is in line with the Planning Practice Guidance to the NPPF for Flood Risk and Coastal Change.

36. On each side of the watercourse (i.e. the designated main river called 'the Bulldog Sewer and Green Man Spur') an 8 metre wide buffer zone shall be maintained in accordance with the submitted plan (ref: 2103-F-003-B) (measured from the top of each riverbank). The buffer zone shall be kept free from any built development including lighting, domestic gardens and formal landscaping.

The buffer zone shall be kept free from any built development for the lifetime of the development.

Reason: A buffer zone is required to ensure there is the ability for riparian owners and/or the Environment Agency to access the watercourse to carry out essential or emergency maintenance activities to reduce and/or manage any flood risk. In addition, a buffer zone allows the river to be more naturalised which creates benefits for reducing flood risk, increasing resilience to climate change and creating valuable habitats for aquatic and semi-aquatic flora and fauna.

37. An external power point shall be supplied to each property, with an independent 32amp radial circuit and must comply with BS7671 for the purpose of future proofing the installation of an electric vehicle charging point.

Reason: Reason: To encourage the uptake of electric vehicles in the interests of reducing harmful emissions and minimising the impact of the development on air quality, in accordance with policies CP9, CP13 and CP14 of the LPP1 and having regard to LPP2 and the NPPF.

38. The new estate roads shall be designed and constructed to a standard approved by the Planning Authority in accordance with Highway Authority's standards with a view to its subsequent adoption as a publicly maintained highway

Reason: In the interest of highway safety and for this benefit and convenience of the public at large in accordance with LPP2 policy DM25 and para 110, 111 and 112 of the NPPF.

39. No external lighting or floodlighting shall be installed on the buildings or the road and parking areas hereby permitted without the prior written approval of the LPA.

Reason: To protect the amenity and character of the surrounding countryside and to prevent disturbance of nocturnal species having regard

to Policy CP10 of the LPP1, policies DM20 and DM24 of the LPP2 and para 174, 180 and 185 of the NPPF.

40. The completed access shall have maximum gradients of 5% (1 in 20) from the channel line for the first 5 metres into the site and 10% (1 in 10) thereafter.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LPP2 policy DM25 and para 110, 111 and 112 of the NPPF.

41. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).

Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with policy DM25 and para 108, 109 and 110 of the NPPF.

42. No buildings or structures within the development shall exceed two storeys in height.

Reason: In order to control the scale of the development in the interest of visual amenity and landscape impact in accordance with LPP1 policies CP10 and CP11, LPP2 policies DM25, DM27 and DM33 and sections 15 and 16 of the NPPF.

43. All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (Aspect Ecology, April 2021) as already submitted with the planning application and agreed in principle with the LPA prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by para 174 and 180 of the NPPF, Section 40 of the Natural Environment and Rural Communities Act 2006, and CP10 of LPP1

44. Construction work shall be restricted to the hours of 0800 to 1800 Monday to Fridays and 0900 to 1300 on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

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

45. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the LPA for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

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].

Informative(s)

1. All waste material arising from any site clearance, demolition, preparation and construction activities should be stored and removed from the site and disposed of in an appropriate manner. It is offence to burn trade waste. So, there should be no bonfire onsite

8. **Background Papers**

- 8.1 None.