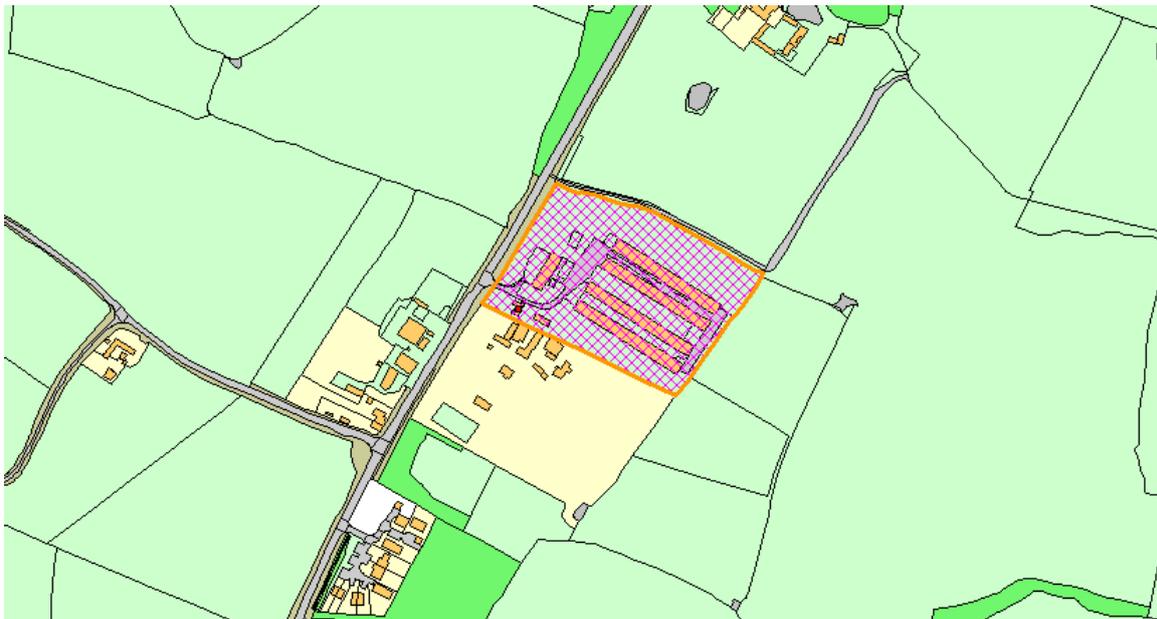


Report to: Planning Applications Committee
Date: 6 April 2022
Application No: LW/20/0011
Location: Averys Nurseries, Uckfield Road, Ringmer, East Sussex, BN8 5RU
Proposal: Outline application (Access only) for demolition of existing commercial/agricultural buildings and construction of new office/light industrial workshops (B1) and 53 dwellings, including new site entrance and A26 right turn lane.
Ward: Ouse Valley & Ringmer
Applicant: Mr R Barbour
Recommendation: Approval subject to a Section 106 legal agreement to secure affordable housing, highway works and phasing arrangements.
Contact Officer: **Name:** James Smith
E-mail: james.smith@lewes-eastbourne.gov.uk

Map Location:



1. Executive Summary

- 1.1 The site is not within, or directly adjacent to, any settlement boundary.
- 1.2 The site is allocated for employment redevelopment in the Ringmer Neighbourhood Plan
- 1.3 This is a brownfield site and is also identified as a contamination risk given its former use . The development of the site is therefore considered to contribute a benefit in remediating the land and putting it into viable use.

- 1.4 Although the site is not within a settlement, ESCC Highways have identified it as having access to public transport and, therefore, there would not be a complete reliance on the use of the private motor vehicle.
- 1.5 The site is allocated for redevelopment in the Ringmer Neighbourhood Plan. Although the allocation relates to employment use, the applicant has submitted a Financial Viability Assessment (FVA) that maintains the employment aspect of the development could not be delivered without facilitatory housing development. The FVA has been independently assessed and its conclusions have been accepted.
- 1.6 The provision of 53 dwellings would assist with housing delivery in Lewes District, which is currently unable to demonstrate a 5 year supply of housing land. The FVA recognises that there is potential for a contribution towards the provision of off site affordable housing.
- 1.7 The residential element of the development would also facilitate the delivery of modern, adaptable employment buildings with a suitable mechanism in place to ensure they are provided before dwellings are occupied. The employment use would support the changing needs of modern business, improve the local economy and provide job opportunities within the local area.
- 1.8 The consultees to this application have raised concerns regarding the sustainability of the site, delivery of biodiversity net gain and the landscape impact of the development, these concerns can be mitigated to some degree at the reserved matters stage with the inclusion of adequate biodiversity/ecological and landscape buffer within the site.
- 1.9 It is recognised that the illustrative layout is unlikely to be supportable in the light of the concerns raised, and the layout and footprints of the units would probably have to be varied/reduced.
- 1.10 On the presumption that the site is very expensive to remediate (remove the contamination) and to speculatively build the proposed employment space then on balance it is recommended for approval.

2. Relevant Planning Policies

- 2.1 National Planning Policy Framework 2021
 2. Achieving sustainable development
 4. Decision making
 5. Delivering a sufficient supply of homes
 6. Building a strong, competitive economy
 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

2.2 Lewes District Local Plan (Parts 1 and 2)

LDLP1: – CP2 – Housing Type, Mix and Density.

LDLP1: – CP4 – Economic Development & Regeneration.

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: – DM10 – Employment Development in the Countryside

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

2.3 Ringmer Neighbourhood Plan

4.1 The countryside in Ringmer

4.2 The South Downs National Park

4.9 Green corridors, ponds and streams

4.10 Maintaining and enhancing biodiversity

4.11 Avoidance of light pollution

5.1 Employment in Ringmer

6.1 Total new housing numbers in Ringmer to 2030

6.2 Affordable housing numbers and types

6.3 Scale of new residential developments

7.5 Outdoor play facilities for children

7.6 Outdoor facilities for young people & adults

8.1 Access to the local road system

8.3 Provision of adequate off-road parking

8.5 Road safety

8.6 Public transport

9.1 Design, massing and height of buildings

9.2 Making good use of available land

9.3 Materials

9.4 Housing space standards

9.6 Hard & soft landscaping

9.7 Types of residential development

3. **Site Description**

- 3.1 The site comprises a single parcel of land enclosed by hedgerow with trees in places. The western boundary is flanked by a drainage ditch, a grass verge and the A26 (Uckfield Road). The northern and eastern boundaries are bordered by fields, whilst to the south are dwellings at Merlins as well as a collection of commercial buildings and storage areas. The overall site area is 2.94 hectares.
- 3.2 The site is occupied by a single-storey timber clad building that is set back from the frontage, but is visible from the road due to being on rising land. This building has most recently accommodated a retail use. There is an existing access from the A26 which leads to a hard surfaced parking area to the front of the building. Behind the frontage building are four long rows of chicken sheds, orientated west to east. These sheds, which previously formed part of an agricultural enterprise, have been out of use for almost twenty years and are falling into disrepair, with some of the sheds having collapsed. There is a bungalow dwelling (with agricultural occupancy restriction) positioned towards the front of the site and close to the southern boundary. This dwelling is derelict and has been boarded up. The remainder of the site is predominantly grass surfaced although it is becoming overgrown in places.
- 3.3 The site, as well as the commercial development at Merlins to the south, is identified as an employment area in the Ringmer Neighbourhood Plan (site EMP20).
- 3.4 The site is located outside of the built-up area and the general character of the surrounding environment is rural. There are sporadic clusters of buildings, including residential and commercial buildings at Merlins to the south, a filling station and associated shop on the opposite side of the road to the south-west and the recently built 'Orchards' development of 12 dwellings to the south. There is a further cluster of residential development along with a garden centre and public house to the south-west, distributed along the original course of Uckfield Road and, therefore, set back from the current route. Aside from these buildings, and occasional agricultural structures, the surrounding area is largely undeveloped and is characterised by a patchwork of irregularly shaped fields set back behind hedgerows and grass banks.
- 3.5 The Plashett Park Wood SSSI/Ancient Woodland is approximately 1.5 km to the north of the site. Closer by, the network of fields at Plashett Park Farm and Clay Hill Farm, which extend to within approximately 250 metres of the northern boundary of the site, are identified in the

Ringmer Neighbourhood Plan as showing exceptional biodiversity. Clayhill House, which is approximately 200 metres to the north of the site, is Grade II Listed. Approximately 415 metres to the north-east of the site is a Scheduled Ancient Monument in the form of earthworks comprising a mound and a ditch associated with a medieval fortification.

- 3.6 The site does not fall within any recognised settlement nor is it directly adjacent to one. The relatively large village of Ringmer is approximately 2.5 km driving distance to the east whilst the smaller village of Barcombe is approximately 3 km driving distance to the west, with the hamlet of Barcombe Mills closer by.
- 3.7 Other than the neighbourhood plan designation as employment land, there are no specific planning designations or constraints attached to the site.

4. Proposed Development

- 4.1 The application seeks outline permission to remove all existing buildings and clear the site, in order to allow for the erection of 53 new dwellings and commercial buildings providing a total of 2240 m² office and light industry floor space. The development would incorporate public open space in the form of a community green and a childrens play area.
- 4.2 The applicant maintains that, although the site is identified in the Ringmer Neighbourhood Plan as suitable for development of employment uses only, the residential element is required in order to facilitate the delivery of necessary infrastructure and the remediation of the site.
- 4.3 At this stage, approval is being sought only for site access arrangements. The existing site access would be blocked off (with pedestrian access maintained) and a new access on to the A26 would be formed further to the north. The new access road would be 5.5 metres wide with the bellmouth opening onto the A26 widening to approximately 45 metres. These works would require the removal of an approximately 20 metre section of hedgerow as well as approximately 255 m² of grass verge. This would also allow the marginal widening of an approximately 115 metre stretch of the road to enable the formation of a right hand turn lane to serve the development. Off site highway works would need to be agreed with ESCC Highways and would be secured by a legal agreement.
- 4.4 Approximately 90 metres of 2 metre wide footway would be provided as an extension to the existing footway that links the bus stop to the south to the 'Orchards' development. A section of ditch would be culverted to allow the footway to pass behind a substantial roadside tree on the verge to the front of 'Merlins' and a textured paving would be provided either side of the existing crossover serving 'Merlins'. As with the road widening, the proposed works would take place on ESCC Highways land and be secured by legal agreement.

- 4.5 The application is accompanied by indicative layout plans used to demonstrate the capacity of the site to support the development and associated infrastructure, and to maintain accessibility. However, these plans would not be included on any approved plans list as the design, layout, scale and landscaping of the development would be assessed at the reserved matters stage, should the application be approved.
- 4.6 Policy CP1 of Lewes District Local Plan Part 1 requires major residential developments to deliver 40% of units as affordable housing. A failure to fulfil this requirement would only be accepted where it is demonstrated that to do so would render a development unviable. In order to ascertain if this is the case, the submitted FVA has been independently assessed by a Chartered Surveyor. They have concluded that, dependent on section 106 and CIL costs, a commuted sum of up to £250,413 or an on-site provision of equivalent value could be achieved. The applicant has therefore stated that they would seek to provide 5 dwellings as affordable housing (10% of the development) in the form of 3 x 2 bed units and 2 x 3 bed units. This would be secured by a section 106 agreement

5. **Relevant Planning History**

- 5.1 **E/50/0263** – Proposed bungalow – Approved Conditionally 31st July 1950 (Agricultural occupancy condition)
- 5.2 **LW/87/0509** - Erection of agricultural building for use as retail sales – Approved conditionally 14th May 1987 (included widening of access)
- 5.3 **LW/88/1305** - Change of Use of four buildings from poultry houses to light industrial and storage use – Refused 21st December 1988
- 5.4 **LW/92/1317** - Change of use of land for storage and maintenance of public service vehicles with workshop and office – Refused 13th November 1992
- 5.5 **LW/05/0427** - Change of use (unit 2 only) of redundant poultry shed to storage of furniture for polishing and removal of feed hoppers – Approved conditionally 19th April 2005
- 5.6 **LW/06/0116** - Change of Use of redundant poultry shed to furniture production in association with Unit 2 – Approved conditionally 17th March 2006
- 5.7 **LW/15/0082** - Application for removal of condition 1 (agricultural occupancy) attached to planning approval E/50/0263 – Withdrawn 24th March 2015
- 5.8 **LW/17/0939** - Change of use of a former chicken barn to three self-contained dwellings – Refused 19th December 2017

6. **Consultations**

- 6.1 Consultations:.

Ringmer Parish Council

Objects to and recommends refusal of this application as it is a clear contravention of the Ringmer Neighbourhood Plan as well as the site being deemed in Lewes District Council's Local Plan as not appropriate for housing. Ringmer Parish Council would like to draw attention to the fact that Lewes District Council does have a 5-year housing supply.

Planning theory suggests this country site is inappropriate for large scale housing. It is remote from Ringmer's schools, services and amenities so car ownership would be essential. It would also encourage further ribbon development along the A26.

The application does not demonstrate sufficient parking provision for employees. There is also insufficient space to service the commercial element.

Ringmer Parish Council considers the housing mix to be wrong whilst the parking mentioned in the application is based on the East Sussex County Council's Policy rather than Policy 8.3 of Ringmer Neighbourhood Plan as endorsed by LDC. There will be a considerable increase of traffic movement onto the A26 as parents drive their children to school.

Ringmer Parish Council considers that the proposal of 53 dwellings, of which none are affordable, is too dense so does not provide sufficient and adequately safe areas for children to play. The location itself is not suitable for family dwellings – the only way out is by car. There is inadequate green and amenity space which is essential as there is none within walking distance.

A location for a SUDS pond has not been provided. There is no proposal for how foul sewage will be dealt with. Ringmer Parish Council also have significant concerns regarding surface water drainage disposal.

Any Council who wishes to be involved in Climate Change needs to bear in mind that this application will increase the Carbon Footprint.

Ringmer Parish Council does not consider the precedent of the 'Orchards' to be appropriate because of the large amount of housing in this case, lack of parking provision and its isolation from schools, services and amenities. It should remain a designated employment site.

The commercial success and recent expansion of nearby employment sites (e.g. Bridge Farm Barcombe) suggest that this site too is fully viable for further employment use.

Ringmer Parish Council will still hold the view, even should this Application be approved, that this is an inappropriate housing site and should be used as a commercial site as previously designated.

ADDITIONAL COMMENTS PROVIDED:

No one who gives any credence to the importance of neighbourhood planning or to the Lewes District Council declaration of a Climate Change Emergency could possibly recommend the approval of this application.

The application remains in complete conflict with the key policy 3.2 of the adopted Ringmer Neighbourhood Plan (RNP), recited below. The application proposes to take one of the new employment sites identified in the RNP and instead develop 80% of it as additional commuter housing. The

consequence would thus be to reduce the planned provision of additional local employment, at the expense of increasing the level of out-commuting by private car, for employment. Evidence from the East Sussex in Figures website is that out-commuting from Ringmer is overwhelmingly by private car, and even the few journeys recorded to take place by public transport often start with a private car drive to Lewes railway station. Such out-commuting would inevitably occur predominantly via the Earwig Corner and Southerham roundabout pinch points in the local road network. Contrary to the declaration of a Climate Change Emergency, approval of this application would create new, additional private car commuting from a rural location, the exact opposite of what is required to combat climate change.

There is no available route for residents at this site to access schools, community facilities and village services, in Ringmer or in other nearby village centres such as Barcombe, either by public transport or by safe and sustainable means of transport. The distance is too long for children to walk to either Ringmer or Barcombe schools, and there is no footpath for most of the distance, nor is there a safe cycle route. In principle the many children such a development would attract might travel by bus to South Malling School, but that school is always full with students from its own catchment area, which does not include Ringmer. Such daily travel will thus necessarily be by private car.

It is argued that it is not economically viable for this site to be developed for employment use, as proposed in the RNP policy 5.1, site EMP20. That argument is simply incorrect. This is well illustrated by the developments that have been approved and implemented under the RNP at the nearby but less well placed site EMP23 (Bridge Farm, Barcombe Mills) under planning applications LW/19/0923; LW/16/0506; LW/15/0552 & LW/15/0456. LW/19/0923 includes detailed evidence about the demand for new employment space in Ringmer and the economic viability of meeting that demand. There has been a total of 40 applications during the RNP period to date for new employment space and facilities in Ringmer, the great majority of which have been approved (with Parish Council support) and implemented. The purchase price actually paid for the present site is not a material consideration for the viability assessment if that price was inflated by hope value for inappropriate residential use.

OFFICER COMMENT: It is assumed the reference to the site being dismissed in the Lewes Local Plan relates to the 2018 SHELAA and the 2022 Land Availability Assessment where the site was screened (and therefore not fully assessed) due to it falling outside of the proximity threshold in relation to distance to nearest settlement. It should be noted that the Council can no longer demonstrate a 5-year housing land supply.

The submitted layout plan is indicative only. Parking provision would be agreed at the reserved matters stage, with the observations of ESCC Highways being reviewed at that stage.

Ward Councillor Denis

This site is in the neighbourhood plan for employment and light industrial use is entirely in keeping with this.

The housing element, however, is outside of the neighbourhood plan. While one could help finance the other there are several things to bear in mind

This adjoins a busy road where accidents are frequent. A planning condition to have reduced speeds in the hamlet should be considered and safe junction, either traffic lighted or roundabout for example would enhance safety

I am concerned about the sustainable development of a housing development away from jobs and all amenities, shops, schools ,services with the exception of a bus stop in each direction but no means of crossing the road safely, or of walking/cycling safely to quieter roads such as Barcombe Mills Road and Wellingham Lane, or across and towards the Old Uckfield Road or towards Ham Lane.

Specialist Advisor - Ecology

From the walkover, the site was recorded to comprise of a complex of buildings, mostly past agricultural usage, all in varying states of disrepair, set within ruderal and scrub habitats and bounded by established / old hedge / ditch and tree lines including a historic native hedge bank and track way to the north. The hedge banks include old coppice trees of Field Maple, Sycamore and Ash, Oak standards, with a Hawthorn, Blackthorn, Elder and Ivy understorey, with dominant English Bluebell, and Lords and Ladies ground flora. The ruderal and scrub areas include uneven, vegetated-over rubble piles, and areas holding water and of wetter ground including the presence of willow sp trees etc. Old bird nests were recorded within the buildings and Wren, Green Woodpecker, Rooks were seen / heard singing / calling on site during the visit.

The current masterplan shows the 3.2 ha site to be, on the whole, lost to development with retention of the boundary tree / hedge lines only. A section of the existing established native mixed Privet and Hawthorn boundary hedge along the western A26 boundary is also proposed to be lost / removed for the new access way.

I would object to the current scheme due to lacking sufficient information to show how it meets with current policy namely the 'achieving of net biodiversity gains', British Standards namely BS 42020:2013 Biodiversity, and how it meets with 'encouraging opportunities to incorporate biodiversity in and around developments'.

Specialist Advisor - Arboriculture

No material objections are raised in principle to the development of the site, but an objection is raised against the proposed layout in relation to the poor spatial relationship to certain trees identified for retention.

Tree survey: The submitted report deals with significant trees within the site boundary and outside but within falling distance of the site boundary. It outlines the potential impact on the trees by the development (in relation to root and crown protection or foundation design). I am broadly in agreement with its findings and conclusion.

Site Layout: There appears to be a poor relationship between domestic properties and their gardens with the eastern, southern and northern boundaries of the site. The lack of space is likely to lead to conflict with

future occupants, who will want uninterrupted sunlight and views and the Council will not be able to resist or enforce retention particularly when heavy shade impacts on the reasonable use and enjoyment of the garden.

Soft Landscaping: Note: This should be read in conjunction with our ecological expert, Kim Dawson, comments which seeks to incorporate, enhance and or create habitat for wildlife. Overall, the density of development is considered to be too high to provide adequate space for soft landscaping. The use of domestic garden to provide soft landscaping for the site as a whole is not considered to be acceptable and the enforcement burden would untenable.

The boundary trees and vegetation are the only means of visually softening the impact of the development on the open countryside. Whilst the garden orientation is considered to be good, the close proximity of the domestic properties to boundary trees and hedges will become a source of conflict with future occupants. They are likely to bring pressure to bear on the Council – or the management company - to lop, top or otherwise remove trees and hedges to alleviate fears of wind-throw or branch shedding episodes, loss of direct and indirect light, and loss or obstruction of views.

I would like to see the eastern and northern boundaries separated from private gardens and made subject to a separate management plan with stated objectives. This will avoid piecemeal work for each property and lessen the problem of enforcing and implementing a specific management plan. Appropriate access these areas would need to be designed in.

Landscape Management Plan: In general terms this is supportable, but the details can be sorted out as a reserved matter. It is strongly suggested that the landscape management plan is withdrawn until the layout, density and communal spaces are agreed. Trying to judge something in advance of the fundamental elements being agreed would be a waste of time.

ESCC Highways

Notwithstanding the issues concerning Earwig Corner (see below), the highway issues have been resolved and the application proposal is now acceptable subject to off-site Highway Works, Travel Plans and Travel Plan Audit Fee, secured through a s106 agreement, and highway conditions attached to any approval as detailed at the end of this report.

However, despite the above it is understood that there is some debate over the actual use of the existing buildings and whether the 2500sqm quoted by the applicant can be correctly used and thus whether business park use should be used to determine the existing trip generation. Should Lewes District Council clarify that the existing commercial use has less floor area and/or different type of use then the impact of the development on the local highway network, and in particular Earwig Corner, would need to be reassessed by the applicant. This being the case the application would attract a highway holding objection until this satisfactorily resolved which is line with other recent applications in the vicinity. Thus, the following similar objection would apply: -

Earwig Corner

The highway authority is unable to determine the impact of this development upon the highway network until the Earwig Corner junction improvement scheme is completed and traffic flow surveys have been completed following these works. Although these works are substantively complete, the traffic flow surveys have not been undertaken and will need to be carried out during a neutral period which may not be possible now until early 2022.

The Highway Authority is concerned about the highway impact on the network, particularly Earwig Corner. A full assessment of the completed Earwig Corner junction, including traffic surveys, needs to be undertaken for the proposed 53 dwellings/ 2240sqm commercial space plus committed developments and live applications at the time, and this is requested to be undertaken during a neutral period agreed by the Highway Authority

Highway modelling requirements would be for a survey to be carried out at the junction to provide an up-to-date baseline, to add the committed development that are either under construction, yet to commence or yet to be occupied to provide a forecast baseline; and to add the proposal traffic to provide a baseline + development forecast for the expected opening year and an agreed future year to safeguard effective operation at this junction. These forecasts would also require a growth factor to be added using TEMPRO.

Earwig Corner signalised junction was designed to accommodate the expected growth that was set for Ringmer in the Local Plan Part 1: Joint Core Strategy and available headroom for growth was significantly constrained, and thus requires testing to ensure that the level of housing proposed as part of this application can be accommodated.

The site itself has been deemed as a suitably accessible site, with available transport options aside from the private car to reach employment, education, shopping, and leisure. The remaining highway requirement to deem the site acceptable for development is the wider impact on the highway network, which is currently not known or to what degree.

Thus, as the highway impact of the development on the highway network cannot be determined at this stage the application as submitted attracts a holding objection.

A Transport Assessment [TA] has been submitted, and the applicant has also included an illustrative site layout plan [No.100-P8] which show both possible house type split and number of parking spaces. Whilst the layout of the site, including parking, is to be dealt with at detailed/reserved matters stage the parking and turning areas as illustrated would not be acceptable. The applicant should also take into account those comments at a later date as it could affect the overall layout of the site.

1. The site and location

The applicant is proposing 53 dwellings [net gain 52] and 2095sqm of B1 and 145sqm of A1 use on land at Avey's Nursery, Uckfield Road, Clayhill, Ringmer consisting of an indicative mixture of housing tenure, size and type to be determined at reserved matters stage. The site is situated on the

eastern side of the A26 Primary Route within the hamlet of Clayhill some 2 km to the north west of Ringmer Village.

Clayhill benefits from a petrol station with convenience store and a fireplace/woodstove business which is to the immediate south west of the site within easy walking distance of the site. Ringmer benefits from most local services (pubs, primary school, petrol/small car repair shop, community college, doctor's surgery, convenience store and a few small shops). Bus services by Brighton and Hove buses route along the A26 between Brighton, Lewes, Uckfield, and Tunbridge Wells with regular half hourly services Monday to Sunday.

2. Transport Statement/Trip Generation

The TA suggests that any commercial use ceased on this land some time ago [circa 2017] however, the site appears to benefit from planning permission for B1/B8 use. The applicant has assessed the existing trips associated with 2500sqm as existing Business park use. In order to determine the AM and PM peak traffic flows for this development and impact on the highway network the applicant has used the Trip Related Information Computer System [TRICS] database for the residential element and business park aspect. This reveals that the current use [including 1 dwelling] could generate 541 vehicular trips a day with 58 & 71 in the AM and PM peaks.

The proposed development could generate a total of 783 a day with 84 & 97 in the AM/PM peaks respectively. Thus, an increase of 230 vehicular trips a day with up to 26 [rounded up] extra trips generated in the AM & PM peaks. These are shown to be roughly equally split north and south. These in turn would be dispersed west along Barcombe Mills Road and east along Ham Lane [through Ringmer village] with approximately 7 derived to go through Earwig Corner to Lewes. These trip rates were agreed with the applicant/agent when the application was submitted at the beginning of 2020.

The impact of the proposed traffic flows to this development on the local highway network at peak times has been modelled by the applicant using Picady. This reveals that the junction would operate satisfactorily without any undue delay on the highway network.

3. Access/Visibility

A new access is proposed to serve this development together with the existing access to be permanently closed off to vehicles. The existing access would be narrowed down to provide an alternative pedestrian/cycle route into the site.

The new access is shown to be in the form of a simple ghost island junction with a right turn facility on the A26 and is indicated as being 5.5m wide with 15m junction radii together with a new footway around the junction.

In accordance with Design Manual for Roads and Bridges visibility splays of 2.4m x 215m should be provided. As a result of a satisfactory speed survey carried out in 2018 the applicant suggests that the splays can be reduced to 190m in accordance with the recorded speeds. These have been adequately shown on the submitted plans to be provided. Visibility splays of

2.4m x 215m have also been shown to be provided. I am confident that these splays can be achieved and can be conditioned.

A stage 1 Road Safety Audit [RSA] has been satisfactorily carried out on the access proposals. Problems raised within the Audit have been addressed by the Designers Response and which have been accepted by the Auditor.

Some concern is expressed by ESCC at the provision of double white lines on the A26, however, I am content that this detail can be dealt with through the s278 detailed design and RSA procedure. Thus, the access is acceptable in this location.

4. Vehicle Tracking

A swept path for a refuse truck with specification 11.97m x 3m x 3m passing through the access has been provided in accordance with 'Good Practice Guide (GPG) Refuse & Recycling Storage at New Residential Developments within Eastbourne, Hastings, Rother and Wealden'. This demonstrates on drawing Nos. 210 & 211 that such a vehicle can access the site.

5. Layout/Accessibility

The proposed access geometry is shown to be 5.5m wide with 15m radii with a 2m wide footway around the bell mouth on the southern side only. This is shown to link to the new proposed footway along the site frontage to the south and is shown to connect to the footway on the western side of the A26 with appropriate uncontrolled crossing points [dropped kerbs/tactile paving]. As the desire line for pedestrians is to the south no footway is required on the northern side of the vehicle access.

The desire line from this site by pedestrians is likely to be to the south to reach bus stops (known as Barcombe Mills Stops) north and southbound, facilities in Lewes and Uckfield town centres for employment, for leisure purposes and visitors to this site. The submitted plans show this as the desire line.

The submitted plan 200F also shows a pedestrian connection from the site in the southwestern corner of the site in the position of the existing vehicular access which is to be narrowed to provide an additional pedestrian link. Whilst it is noted that the site boundary does not extend far enough north it would be beneficial for the site occupiers if a connection could be made to connect the site to Footpath Ringmer 10/1 to the north for leisure purposes.

All these improvements would need to be appropriate to the setting and secured through a s278 agreement with all details to be agreed prior to commencement of development.

The internal layout of the site would need to be in accordance with Manual for Streets. It is not clear if the internal roads are to be offered for adoption. However, the proposed illustrative layout would not be acceptable as shown as there is no formal turning head or continuous footways [2m wide] on both sides of the estate roads.

The development is well located in terms of access to public transport being well within the recommended 400 metres walking distance from a bus stop. Brighton and Hove Buses route 29 & 29x currently provides a regular service

Monday to Sunday to/from Brighton/Lewes/Uckfield and Tunbridge Wells and provides half hourly service for commuters.

In order to encourage occupiers/villagers to use public transport bus stop infrastructure would need to be improved with the provision of real time passenger information signs at the Barcombe Mills bus stops. This should be provided in the form of a contribution of £25,000 for two signs. In addition, three months free bus travel followed by 3 months of discounted travel for each property would also be required and included within a Travel Plan.

All the off-site highway works would need to be secured through a s106 and detailed design agreed through a s278 Agreement with ESCC.

6. Travel Plan

This level of development does not normally require a full Travel Plan in accordance with ESCC Travel Plan guidance (February 2020) to ensure that private car trips to and from the site are minimised with the threshold being 80 dwellings or 2500sqm. However, given the residential element combined with the commercial floor space and given the location of the site it is recommended that a full travel plan is required to be provided.

The travel plan should include targets for reduced car use and a monitoring programme to ensure these targets are met. The Travel Plan and Audit fee of £6,000, should be secured by a s106 legal agreement.

7. Parking

Parking is to be dealt with at detail stage and would need to be in accordance with ESCC's parking guidelines (October 2017).

Residential – Any garages shall measure at least 3m by 6m (internally). In accordance with ESCC's current parking standards integral garages only count as a third of a parking space within the parking allocation as they are unlikely to be utilised to their designated use, especially if vehicles are in regular use and convenience of parking on street occurs instead. Similarly, tandem parking should also be avoided.

As a result, some of the dwellings would only appear to be provided with 1 allocated space. This is not sufficient and 2 on plot spaces need to be allocated to 2,3 & 4 bedroomed houses.

The removal on integral spaces and tandem parking from the provision may result in a shortfall of spaces. Although an illustrative plan shows the house type split/number of bedrooms these would be finalised at detail stage and cannot be fully assessed at present.

The parking spaces should also be 2.5m x 5m to meet current day standards, or 2.5 x 6m for parallel spaces. The distribution of unallocated spaces for residents and visitors should be evenly spaced through the development. Thus, the parking layout would need to be revised in accordance with ESCC's parking calculator at detail stage. It should be noted that this could affect the overall layout of the site. Cycle parking would need to be provided at detail stage in accordance with ESCC's parking guidelines.

OFFICER COMMENT: The site benefits from permitted use for employment purposes and is identified in the Ringmer Neighbourhood Plan as a major

employment site with the former chicken farm area having considerable unrealised potential for redevelopment as a large business site. Policy 5.1 b) of the Neighbourhood Plan states that the more intensive use of the existing major employment, retail, service and leisure sites listed below. Proposals for the more intensive use of these sites, and the upgrading of their facilities, will be supported. Policy 5.1 c) supports proposals for the conversion to employment use of suitable redundant agricultural buildings.

The potential for impact on Earwig Corner would have been assessed when the neighbourhood plan was examined, and the allocation clearly allows for an intensification of the use of the site. As such, the holding objection based on headroom at Earwig Corner is not considered to be applicable.

ESCC Landscape Officer

It is acknowledged that the application is outline and that the detailed layout and extent would be for reserved matters. However, the proposed scale and density of a development with 53 houses and associated business units would represent a considerable change from the baseline situation. High density residential development of two and possibly three stories would be of a very different character to the existing development on the site and surrounding area. The proposed houses and associated garden paraphernalia would be very close to the southern, eastern and northern boundaries of the site. The northern and eastern boundaries are adjacent to open countryside.

It is noted that several trees would be lost to the development including four category B trees to the site entrance. The gardens and in places the houses are within the crown spread of the boundary trees. This could cause damage to the root protection areas of the trees and would be likely to lead to future issues for the residents in terms of nuisance from roots, overhanging branches and shade. The proposed new pavement adjacent to the A26 would be within the crown spread of 2 category A oak trees. These are outside the site adjacent to the Highway, if the development were permitted these trees would need to be protected during construction.

The application is supported by a landscape masterplan which indicates the internal landscape treatments and proposed open spaces. It does not provide adequate enhancement or reinforcement of the site boundaries. The proposed density and layout of the development would not allow for sufficient space to provide the required green infrastructure for landscape and visual mitigation, tree protection and biodiversity net gain.

If permitted the proposed development would need to incorporate suitable landscape mitigation measures to ensure that it would meet the requirements of the NPPF. This would require a landscape led development proposal which enhances and protects existing landscape features and incorporates multifunctional green infrastructure for the benefit of local residents and wildlife.

A landscape and visual appraisal would help to inform a landscape led masterplan. This would need to ensure that an adequate undeveloped buffer is provided around the site boundaries to address the following:

- a) Mitigation for the likely adverse effects on local landscape character and visual amenity.

- b) Adequate protection for boundary trees to avoid conflict between future residents and existing trees.
- c) A green infrastructure buffer zone to the countryside which is shared space and not in private gardens.

It is recommended that whilst the principal of development on this site could be acceptable the proposal for 53 houses would be unlikely to deliver an acceptable scheme in relation to local landscape character and views.

Lead Local Flood Authority

There are a number of matters that need be considered at the detailed design stage, notably the discharge point for the commercial part of the site. However, overall, the proposals are acceptable in principle and we are pleased to see the use of permeable paving considering the contamination issues with the existing site.

We note that the northern part of the site (commercial use) will discharge into a ditch at a rate of 2.7 l/s (Qbar). This ditch is a highway asset, and the applicant will need to agree this discharge rate with the Highway Authority, along with any other requirements that they may have for discharging runoff to their assets.

Any works affecting the ditch that will act as a discharge point for the southern catchment (proposed discharge rate of 8.9 l/s) will have to be discussed and agreed to by the County Council. The applicant should approach the LLFA for discussions once the nature of these works is known.

The plans appear to indicate that part of the overall attenuation storage will be provided through an offline tank located under one of the roads. We would not be in support of this design as it may impede maintenance access to undertake works on the tank, or if the tank requires replacing. We request that clear justification for this is provided, and that the tank is relocated into a communal green space or green corridor to ensure the viability of future maintenance.

Southern Water

The wastewater discharged from the proposed development will be drained to Southern Water's SMALLHOLDINGS RINGMER Wastewater Treatment Works. The works currently does not have the capacity to accommodate flows from the proposed development. The proposed site is included in the Southern Water's Regional Forecast for growth within this area. However, there is a Southern water scheme ongoing and due to be completed in 2022. Capacity should be available to service this particular development site once these works are completed.

Should planning approval be granted then Southern Water recognises its obligations under the new charging regime to provide capacity in the existing sewerage system to accommodate the needs of the proposed development. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme.

Southern Water and the Developer will need to work together in order to review if the delivery of our network reinforcement aligns with the proposed

occupation of the development, as it will take time to design and deliver any such reinforcement.

It may be possible for some initial dwellings to connect, pending network reinforcement. Southern Water will review and advise on this following consideration of the development program and the extent of network reinforcement required.

Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of works required (If any).

Environment Agency

The previous use of the proposed development site as a poultry farm/piggery presents a medium risk of contamination that could be mobilized during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a Principal Aquifer.

The application's site investigation demonstrates that it will be possible to manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the Local Planning Authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy as set out above. This should be carried out by a competent person in line with paragraph 178 of the NPPF.

Without this condition we would object to the proposal in line with paragraph 170 of the NPPF because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

We appreciate that the Applicant has already submitted a site investigation report based upon intrusive and walkover methods. The site investigation indicates that a remediation strategy and verification report will be forthcoming. We require clarification on one issue - the report indicates that the site sits upon Weald Clay, however, the BGS records indicate that the southern half of the site rests upon the Lower Greensand. Could the Applicant provide some clarification as to the thickness of any clay cover over the southern half of the site? It is noted that groundwater was not encountered during the investigation. However, the groundwater levels are highly variable, and we would expect this risk to be fully assessed.

The previous use of the proposed development site as poultry farm/piggery presents a medium risk of contamination that could be mobilized by surface water infiltration from the proposed sustainable drainage system (SuDS). This could pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is on Principal Aquifer.

In light of the above, we do not believe that the use of infiltration SuDS is appropriate in this location. We therefore request that the above planning condition is included as part of any permission granted. Without this condition, we would object to the proposal in line with paragraph 170 of the NPPF because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

ESCC Archaeology

The proposed development is of archaeological interest due to its proximity to known Roman and medieval activity.

In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a *programme of archaeological works*. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either 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):

The *written scheme of investigation*, referred to in the recommended condition wording above, will set out the contracted archaeologist's detailed approach to undertake the programme of works and accord with the relevant sections of the Sussex Archaeological Standards (2019).

7. Neighbour Representations

7.1 Eleven letters of objection have been received, the relevant contents of which are summarised below:-

On a dangerous stretch of road.

Will lead to more development in the immediate area that will create a residential nucleus where currently there is none.

Car dependent development

No foul sewage facilities available

Would be remote from other settlements and services.

Does not meet the qualitative need for housing. No affordable housing or homes for the elderly are provided. Development is therefore in conflict with para. 61 of the NPPF.

Contrary to the Ringmer Neighbourhood Plan.

Loss of allocated employment land

Increased carbon footprint due to traffic generated
Pressure on local infrastructure
Public transport not accessible
Overdevelopment of plot
Negative landscape impact

8. **Appraisal**

8.1 Key Considerations

- 8.1.1 The site is allocated for employment development and is in a relatively isolated location. Residential development would not normally be accepted on a site with these attributes.
- 8.1.2 Therefore, a key consideration is whether there is sufficient justification, on viability grounds, for housing to be provided as a means to facilitate the delivery of new commercial buildings as well as the remediation of the site.
- 8.1.3 The applicant has submitted a Financial Viability Assessment that concludes a proportion of housing is required to facilitate the delivery of the commercial element of the scheme. Two scenarios are modelled within the FVA a) 41 house scheme which was found to be unviable with or without affordable housing contributions factored in and b) a 53-house scheme which is consistent with the submitted application.
- 8.1.4 Notwithstanding the above, the benefits of the development will need to be assessed against any adverse impacts.
- 8.1.5 Matters relating to landscape sensitivity, highway safety and sustainability are of particular importance in this assessment, as is the ability of the development to contribute to the rural and wider economy, as well as responding to housing need in the district.
- 8.1.6 All planning obligations need to be agreed at the outline stage as this represents the overall planning permission for any such development. As such, if to be supported a Section 106 legal agreement would be drafted to include highway modifications/improvements, a Travel Plan monitoring fee, affordable housing and a mechanism will also be added to allow for the viability of the scheme to be reviewed

8.2 Principle

- 8.2.1 The site is situated outside of the settlement boundary as defined in the Lewes District Local Plan Part 1 (LLP1). As LLP1 is now over 5 years old, the housing delivery target set out in policy SP1 (approx. 275 net dwellings per annum) is obsolete and the target is instead based on local housing need calculated using the standard method set out in national planning guidance as per para. 74 of the National Planning Policy Framework (NPPF). This has resulted in the delivery target rising to 782 dwellings per annum.

- 8.2.2 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.
- 8.2.3 As this level of growth is unlikely to be deliverable wholly within the planning boundaries set in LLP1 it is accepted that development outside of these boundaries should be explored where appropriate. An Interim Policy Statement for Housing Delivery was issued in March 2021 to help define suitable conditions for development outside of the planning boundary. This statement will be referred to throughout this report.
- 8.2.4 The 'tilted balance' set out in para. 11 (d) of the NPPF also applies. This approach is based on the approval of development other than where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 8.2.5 It should be noted that the NPPF does not recognise settlement boundaries but does seek to avoid the development of isolated homes within the countryside (para. 80).
- 8.2.6 Whilst the proposed development does not fall within any settlement recognised in the development plan, it is noted that there are a number of residential properties nearby, with some being long established, and there is also a fairly large convenience store within the filling station opposite the site. It is therefore considered that, whilst outside settlement boundaries defined in the local development plan, the site is not considered to be in an isolated location.
- 8.2.7 The site, along with part of the neighbouring site 'Merlins' and the filling station and depot on the opposite side of the road, is identified as an employment site (EMP20) in the Ringmer Neighbourhood Plan. Policy 5.1 of the Neighbourhood Plan seeks to retain these sites or develop for employment use the major business, retail, service and leisure. Appendix 2 of the Neighbourhood Plan specifically identifies the site as having considerable unrealised potential for redevelopment as a large business site.
- 8.2.8 The quantum of commercial floor space provided would be comparable with the existing provision but with significant enhancements in terms of adaptability, functionality and longevity as a result of the buildings being purpose built for commercial use, benefitting from improved access and service yard arrangements and being served by improved infrastructure. Furthermore, they would provide enhanced employment opportunities close to Ringmer and would reduce the potential for longer distance journeys from Ringmer to alternative employment sites.

- 8.2.9 Para. 85 of the NPPF maintains that planning decisions ‘should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements...’ and that ‘the use of previously developed land... should be encouraged where suitable opportunities exist.’
- 8.2.10 The use of previously developed land for mixed use schemes that can deliver net environmental gains and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land is encouraged by para. 120 of the NPPF. This stance is also reflected in policy CP4 of LLP1 of which a main objective is to ‘safeguard existing employment sites from other competing uses unless there are demonstrable economic viability or environmental amenity reasons for not doing so.’
- 8.2.11 In this instance, the applicant submits that the provision of the housing would be crucial in order to facilitate the viable development of the commercial use of the site. This is due to the costs associated with the remediation of the site and the need to provide necessary infrastructure (including significant highway works).
- 8.2.12 In order to ensure that the commercial aspect of the development is delivered, a phasing condition would be attached to any approval. This would require the commercial element of the scheme to be completed before any works commence on the residential part of the scheme.
- 8.2.13 The principle of the development could therefore be considered to be acceptable, on the condition that it can be clearly demonstrated that the residential component of the development facilitates the delivery of the enhancements to the employment use.
- 8.2.14 Notwithstanding the above, the development would only be considered acceptable provided that the benefits of the development are not significantly outweighed by the adverse impacts within the context of the NPPF and relevant Local Plan policies along with the concerns derived from the consultation responses

8.3 Planning Obligations

- 8.3.1 The proposed scheme represents major development (more than 10 new dwellings) and, as such, there is a requirement for affordable housing to be provided, at a rate of 40% of the total number of units as per Policy CP1 of the Lewes District Core Strategy. This would amount to a provision of 21.2 units. In order to fully comply with the standards set out in the Lewes District Council SPD for affordable housing, 21 units would need to be incorporated into the development with the remaining 0.2 unit required being secured as a pro-rata commuted sum.
- 8.3.2 A Financial Viability Assessment (FVA) has been submitted and has been independently reviewed. Para. 4.4 of the Affordable Housing SPD states that the policy is not intended to operate in a way that renders development non-viable and thereby should not reduce development coming forward. Para. 6.13 states that to abandon the requirement for affordable housing to be provided or funded as a

consequence of the development will not normally be considered unless there is clear, justifiable and independently verified evidence that none of the options set out in the SPD are viable.

- 8.3.3 Following review, the assessor concluded that the development may be able to deliver a £250,413 contribution towards affordable housing (or equivalent on-site provision), although this figure may be impacted upon by other section 106 and CIL contributions. The applicant has agreed to provide 5 dwellings (10%) of the dwellings as affordable housing. The provision would comprise 3 x 2 bed dwellings and 2 x 3 bed dwellings and would be secured by section 106 agreement. The tenure mix would be reviewed as part of the section 106 process and be agreed with the applicant based on sound viability evidence.
- 8.3.4 As a means to ensure that the commercial aspect of the development is delivered, the section 106 agreement would include a requirement that a minimum of 50% of the commercial floorspace will be fully complete externally and to shell specification internally before any of the residential units are occupied. Once the first 50% of the commercial floor space is built then a maximum of 50% of the floor area of the residential units can be occupied. Occupation of the remaining 50% of the residential floor area would not take place until the rest of the commercial space has been fully completed externally and to shell spec internally. If more than 50% of the commercial floorspace is completed in phase one then the agreement would allow for occupation of a higher percentage of residential units at that stage, commensurate with the percentage of commercial floor space provided.
- 8.3.5 In addition to the above, a section 106 agreement would need to be entered into in order to secure mitigation measures required by ESCC Highways. Which are as follows: -
- Right turn lane access from the A26 including closure of existing access and new road markings.
 - New footway along the eastern side of the A26 from the new site access to connect to the existing footway to the south together with new crossing points on the A26 to enable pedestrians to reach bus stops north and southbound.
 - Contribution of £25,000 towards provision of Real Time Information Signs for the two bus stops on the A26.
 - Travel Plans [residential and commercial elements] developed in accordance with ESCC Travel Plan Guidance for developers (Feb 2020) including Travel Plan Audit Fee of £6,000

8.4 Site Access:

- 8.4.1 The application seeks approval for site access arrangements only. Albeit additional information has been submitted by the applicant as a means to demonstrate the capacity of the site and the ability to address constraints present that would, if not addressed, impact upon the principle of the development.

- 8.4.2 The site is currently accessed directly from the A26 via a crossover positioned towards the southern end of the site. The proposed development would involve closing off this access (although an opening would be retained for pedestrian use) and providing a new two-way access further to the north of the site.
- 8.4.3 The opening onto the A26 would be approx. 50 metres in width, tapering to approx. 15 metres where it would cross the site boundary and the access road would ultimately reduce to 5.5 metres, allowing for two carriageways to be formed. Similar improvements would be required were the site to be redeveloped solely for employment use given the narrow width of the existing access and its proximity to the access to the neighbouring site, Merlins.
- 8.4.4 Visibility spays of 2.4 metres by 190 metres would be provided either side of the junction. These could be maintained as they are over the existing ESCC Highways owned grass verge area flanking the road, with trees and hedgerow being set further back from the road.
- 8.4.5 A new right-hand turn lane would be formed on the approach to the site from the south.
- 8.4.6 This southbound lane off the A26 would be widened by approx. 1.1 metres around the site access to allow for the right-hand turn lane to be accommodated. The widening works would be carried out on ESCC Highway land which is currently part of the grass verge. The north and southbound lanes would be reduced to approx. 3 metres in width either side of the proposed turning lane, with the turning lane itself being approx. 2.5 metres in width.
- 8.4.7 A new two-metre wide footway would be formed on the existing grass verge, extending from the existing footway connecting The Orchards with the bus stop to the south of the site. The new footway would continue northward where it would enter the site at the point where the current vehicular access is positioned. The footway would be largely straight but would skirt around a mature oak tree, allowing for its retention.
- 8.4.8 A Road Safety Audit has been provided. The audit identifies potential hazards associated with the new access arrangements and makes recommendations on how they can be mitigated. Identified hazards, which all relate to the footway, include the danger of pedestrians losing their footing on the pavement and falling into the steep ditch that it flanks, the gradient of the footway and the presence of street furniture/trees that may obstruct pedestrian movements.
- 8.4.9 In response, a hand rail/barrier would be positioned alongside the footway to prevent pedestrians from falling into the ditch, the gradient of the footway and the access to Merlins would be kept to a suitable level and street furniture, such as the existing BT cabinet, would be re-sited.
- 8.4.10 ESCC highways have reviewed the submitted plans and confirmed that the proposed junction would be in a position where an acceptable level of visibility, compliant with Design Manual for Roads and Bridges standards, can be provided. As such, motorists waiting

to leave the site would have long range views of traffic approaching from both directions. They have also confirmed that the additional vehicular movements associated with the development could be accommodated on the surrounding highway network, provided the right-hand turn lane is formed prior to development commencing

- 8.4.11 It is therefore considered that the site would be served by a safe and effective access and that safe pedestrian links to the public transport system and the nearby shop would also be available.
- 8.4.12 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. It would also need to show that a suitable quantum of parking could be provided and that the dimensions of all spaces would be compliant with ESCC standards.
- 8.4.13 It is therefore considered that the submitted site access arrangements provide sufficient capacity to serve the development and would not result in an unacceptable highway or pedestrian safety hazard.
- 8.4.14 The proposed scheme is therefore considered to comply with LLP2 policy DM25 and paras. 108, 109 and 110 of the National Planning Policy Framework (NPPF).

8.5 Highway Impact

- 8.5.1 The potential highway impact of the development has been thoroughly assessed by ESCC Highways. They regard the site as suitably accessible, with available transport options aside from the private car to reach employment, education, shopping, and leisure.
- 8.5.2 Although there are no significant operations currently being undertaken on the site and the bungalow dwelling is boarded up, the site is considered to have the potential to generate up to 541 vehicular trips per day if the dwelling was to be re-occupied and approved commercial use was to be brought back into operation to its full extent.
- 8.5.3 ESCC Highways estimate that the proposed use would generate up to 783 vehicular movements per day, an increase by 242 trips, including an additional 26 during AM and PM peaks. Based on these trip rates, ESCC Highways conclude that the proposed junction would operate satisfactorily without any undue delay on the highway network. Due to the flexibility provided by use class E, a condition would need to be used to restrict the use of the commercial buildings to business park uses within that class so as to prevent alternative uses that may generate additional trips.
- 8.5.4 Although the impact on the immediate highway network has been determined to be acceptable, ESCC Highways note that modelling of impacts upon the revised highway arrangements at Earwig Corner are unknown as these works have only recently been completed.
- 8.5.5 In response to this it is suggested that a resolution is made on the general principle of the development and that the scheme is delegated back to officers to secure appropriate modelling and

confirmation from ESCC that the impact upon Earwig Corner would be acceptable.

8.6 Visual Impact

- 8.6.1 As the application seeks approval for site access only this is the only part of the scheme that can be fully assessed at this stage.
- 8.6.2 Indicative plans have been submitted by the applicant as a means to demonstrate the capacity of the site to support the development and the proportion that could be retained for biodiversity enhancements/landscaping.
- 8.6.3 The indicative layout of the site, which has an overall area of approx. 2.9 hectares indicates that the commercial aspect of the development could be accommodated within an approx. 4770 m² area along the western boundary of the site, retaining approx. 2.42 hectares for residential development. On this basis, the residential density of the development would equate to approx. 22 dwellings per hectare. It is noted that the density of neighbouring development is approx. 14.5 dwellings per hectare (following the recent approval to increase the amount of units on site to 12 approved under LW/20/0198) and it is considered that the density of the proposed development would not be significantly greater than that of the Orchards scheme.
- 8.6.4 It is noted that the Ringmer Neighbourhood Plan encourages the efficient use of land, with policy 9.2 stating that housing densities outside of 20-30 dwellings per hectare require special justification.
- 8.6.5 The County Landscape Architect has stated that 'The settlement of Clayhill is a ribbon development of mixed commercial and residential uses strung along the A26. The existing residential development is typically of individual houses in large plots. An exception to this is the recently constructed small residential cul-de-sac to the south of the site. The site is noted as detracting from the character of the landscape in its current form due to its derelict and overgrown appearance although attention is drawn to the positive contribution that mature boundary trees make to the wider landscape character.
- 8.6.6 The County Landscape Architect considers that the principle of the development of the site could be acceptable but has objected to the density of the residential component of the development, with concerns being raised over the limits this may place on the ability of the site to incorporate biodiversity net gain as well as how the development would sit within the wider landscape.
- 8.6.7 Concerns are also raised that the development could encroach on the root protection areas for some of the boundary trees. These comments are based on the indicative site plans and landscaping masterplan. Similar concerns have been raised by the Council's arboriculturist.
- 8.6.8 Whilst the concerns over the indicative plans are noted, these can be appropriately addressed via conditions and at the reserved matters stage in consultation with ESCC's Landscape Officer and LEBC's Arboriculturist. However, it is important to note that the indicative plan

submitted would not be considered acceptable and that the developable area, and potentially the scale of the development, may need to be adjusted to reflect a reduced developable area.

- 8.6.9 The site has a built-up appearance when viewed from the A26 on account of the presence of the site access, hard surfacing and existing frontage commercial unit. The site is visible from the public right of way RIN/10/1, particularly where it approaches on raised ground to the north east. The footpath crosses from east to west, running roughly parallel to the northern boundary of the site, with a separation of approx. 250 metres.
- 8.6.10 Views of the site directly from the north are relatively limited due to intervening landscaping at the Grade II Listed Clayhill House. As the site is already comprised of built upon commercial land and is approx. 200 metres from Clayhill House, the setting of the heritage asset would remain relatively unchanged. Therefore, by reason of the separation distance to the site, the fact that the site is already developed upon land and the presence of existing screening, officers consider that the proposal would have negligible impacts upon the setting of the Grade II Listed Clayhill House.
- 8.6.11 The site is self-contained, being enclosed by a mix of trees and hedgerow and is clearly distinct from the surrounding patchwork of fields. Although considering the density of development to be inappropriate, the landscape architect does state that, if development were to be approved, it could be on condition that the scheme is designed as a landscape led development which enhances and protects existing landscape features and incorporates multifunctional green infrastructure for the benefit of local residents and wildlife.
- 8.6.12 It is considered the site provides the opportunity for existing landscape features, particularly boundary screening, to be preserved and enhanced and achieving this would be sacrosanct in the consideration of any reserved matters application. There would also be a requirement for an undeveloped buffer to be provided around boundaries. This would need to be communal land and not within private gardens. Should outline permission be granted then this would need to be addressed at the reserved matters stage.
- 8.6.13 It is therefore considered that the significance of any harm to the character of the landscape could be realistically reduced through the use of a robust and sympathetic landscaping scheme, controls over the design and scale of the buildings (with reference to RNP policy 9.1) and controls over the use of hard surfacing. Permitted development rights could also be restricted so as to control the future extension of any of the approved buildings and the use of hard surfacing.
- 8.6.14 It is therefore considered that the significance of the harm upon the landscape, with appropriate control measures in place, could be managed so as not to significantly outweigh the benefits the development would deliver.

8.6.15 It is therefore considered that the application complies with policy CP10 of LLP1, policies DM25 and DM27 of LLP2, policies 4.1, 4.9 and 4.10 of the RNP and paras. 127 and 170 of the NPPF insofar as the outline details of the scheme are concerned.

8.7 Living Conditions for Future Occupants

8.7.1 The mixed-use nature of the development means that the proposed dwellings, particularly those towards the western side of the site, would be positioned close to commercial buildings. It is important that the surrounding residential development is not exposed to unacceptable levels of noise, light and air emissions generated by commercial uses in the interest of residential amenity. It is also important that nearby residential use does not impede upon the ability of businesses occupying those buildings to carry out their operations without causing nuisance.

8.7.2 It is therefore considered that the commercial use of the site is best suited to use class E (g) which comprises uses which can be carried out in a residential area without detriment to its amenity. Suitable uses include offices, research and development of products or processes and suitable industrial processes. It is therefore considered that the proposed development would allow for a suitable level of flexibility. Notwithstanding residential amenity concerns, it is also considered that industrial processes which generate significant levels of noise, light or air emissions would not be suitable for the site due to the impacts this would have upon the tranquillity of the surrounding rural environment.

8.7.3 It is considered that the occupants of the proposed development would not be subject to an unacceptable sense of isolation. The proposed development would provide a quantum of housing that would be sufficient to provide the development with a clear sense of space and identity.

8.7.4 Whilst the location of the development would result in a certain level of reliance on private motor vehicles, there are frequently served bus stops adjacent to the site that are on the Brighton to Tunbridge Wells route, which also serves nearby towns such as Lewes, Uckfield and Crowborough. There is also a fairly large convenience store directly opposite the site which would be accessible to future occupants on foot. The mixed-use nature of the scheme also presents a realistic possibility of future occupants working within the site and therefore not needing to travel for work.

8.7.5 The overall quality of the development in terms of living environment would be more thoroughly assessed at the reserved matters stage, where compliance with national design codes would be expected, with all dwellings providing an appropriate amount of internal space, having access to natural light and ventilation and engaging with their surroundings.

8.7.6 It is therefore considered that the proposed development complies with policy CP2 of LLP1, policy DM15, DM16 and DM25 of LLP2, policy 9.4 of the RNP and section 8 of the NPPF.

8.8 Flooding and Drainage

- 8.8.1 The site falls within Flood Zone 1 and is therefore not identified as being subject to any significant risk of flooding from tidal and fluvial sources.
- 8.8.2 Environment Agency mapping also shows that the majority of the site is at very low risk from surface water flooding. However, there are small pockets towards the east of the site where this increases to low risk and a very small area where risk increases to medium. It is noted that there is a ditch to the front of the site, following the course of the western boundary, running between the site and the A26. There are also ditches following the course of the northern and eastern boundaries.
- 8.8.3 A Flood Risk Assessment and Surface Water Drainage Strategy has been submitted. The assessment states that the likely site coverage of buildings if the development were to go ahead would be 14,650 m², an increase from the existing coverage of 6925 m². The proposed site coverage represents approx. 50% of the overall site area.
- 8.8.4 The submitted drainage strategy states that the drainage scheme for the development would address the existing localised surface water flood risk on parts of the site.
- 8.8.5 . Infiltration is not appropriate for the site due to the presence of clay in the soil and has therefore been discounted. The Environment Agency have also raised concerns that infiltration drainage could mobilise contaminants that would pollute controlled waters. Instead, the development would be drained using the existing ditches on the northern, eastern and western boundaries.
- 8.8.6 Attenuation would be required in order to provide storage of surface water during periods of heavy rain. This would allow for the flow rate into the drainage ditches to be controlled to a suitable rate, taking into account 1 in 100-year storm events as well as the predicted impacts of climate change). The drainage strategy states that the use of permeable paving and retention basins would allow for a level of attenuation; however, it is likely that specific attenuation tanks may be required.
- 8.8.7 There is no sewer infrastructure within the immediate vicinity of the site and, in response to this, the applicant has stated that foul water would be treated on site by a below ground package treatment plant capable of processing 60,000 litres of wastewater per day, with the treated water then being discharged into the surrounding ditches. This method of disposal would require a permit to be issued by the Environment Agency, separate to the planning process. The Environment Agency have not objected to the principle of the use of the package treatment plant or discharge of treated water into watercourses.
- 8.8.8 The Lead Local Flood Authority (LLFA) have been consulted on the application and have accepted the principle of the drainage system put forward. This is subject to detailed drawings and calculations being provided at the reserved matters stage; a survey being carried

out on the ditches and improvements being made where necessary; details of means of connection to the ditch being provided; and, details on how surface water would be managed if it exceeds the capacity of the drainage system. A management and maintenance plan would also be required.

- 8.8.9 The LLFA have drawn attention to the fact that the ditch on the western boundary is a highway asset and, therefore, the discharge rate into this ditch would need to be agreed with the Highway Authority. They have also stated that the detailed design should include attenuation tanks being positioned below communal space in order to allow for ease of access for maintenance and monitoring purposes.

8.9 Land Contamination:

- 8.9.1 The Environment Agency have noted the sensitivity of the site due to it being positioned on a principal aquifer. The previous use of the site is likely to have resulted in the presence of contaminants that could be mobilised and infiltrate into controlled waters if surface water is not correctly managed on site and if remediation works are not carried out.
- 8.9.2 The site is currently hard surfaced in many areas and the discharge of contaminants into controlled waters is therefore an existing concern.
- 8.9.3 Through the undertaking of remediation works, which would be secured by condition, as well as the provision of a suitably designed drainage system, it is considered that the proposed development would allow for the remediation of despoiled, degraded, derelict and contaminated land. Substantial weight is attached to the value of such a development as per para. 120 of the NPPF.

8.10 Landscape, Ecology & Biodiversity

- 8.10.1 The application is accompanied by an Ecological Impact Assessment which covers the full extent of the site. The assessment notes the different habitats provided on site, the majority of the area that has not been built upon or hard surfaced being tall ruderal habitat and dominated by nettles. Areas of scrub and patches of overgrown amenity grassland are noted as well as scattered trees in the south-eastern corner of the site.
- 8.10.2 The assessment identifies the hedgerow on the northern and eastern boundaries as being intact but species poor, with native hedge species interspersed with trees. The western boundary, which flanks the A26, is also identified as being species poor and comprises a mix of privet and hawthorn with no notable trees present. Due to the species poor quality of site hedgerow, the assessment considers the site to be of limited ecological value and negligible value to dormice.
- 8.10.3 A number of ponds within 500 metres of the site were identified as providing good conditions for great crested newts and eDNA surveys carried out in a number of these ponds returned positive results for great crested newts. The tall ruderal habitat and rough grassland within the site was also identified as providing optimal terrestrial

habitat for great crested newts and the common toad. The County Ecologist states that the site could provide habitat for newts and further details of how the newt population would be protected from harm should the development go ahead is required. This would be secured by condition and would need to be supported by the County Ecologist.

- 8.10.4 Reptile surveys were carried out using 40 artificial hibernacula positioned towards the northern end of the site where the optimal habitat for reptiles is concentrated. The surveys did not return any records of reptiles and the assessment concludes that the site is of negligible value to reptiles.
- 8.10.5 The assessment maintains that all but one of the buildings on site are of negligible value as bat roosts due to either being tightly sealed (the building to the front of the site); being subject to high levels of noise or light (former chicken sheds currently in commercial use); or, being a damp environment. The vacant bungalow dwelling was regarded as offering low roosting potential as gaps in roof tiles and crevices in the chimney could potentially be used by bats. One mature oak tree within the eastern boundary hedge was identified as offering modest roosting potential within cracks and splits. Bat emergence surveys recorded a pipistrelle bat leaving the tree, but the assessment considers the roost to be of low conservation significance due to its small size and occupation by a common species of bat. The tree would, in any case, be retained and protected during construction works. Bat activity surveys recorded foraging bats following the tree line on the southern boundary but none within the site interior.
- 8.10.6 Surveys did not record any evidence of badger either living or foraging on the site.
- 8.10.7 Any hedgehogs present would be concentrated towards the hedge line due to the sub optimal habitat provided within the site itself.
- 8.10.8 The report concludes that the limited diversity in flora across the site would be likely to reduce the range of invertebrates that it supports.
- 8.10.9 The report identifies the hedgerow, particularly on the southern boundary, as providing the best quality habitat within the site, supporting nesting birds, hibernating hedgehogs and foraging bats amongst others. It is noted that, other than the section of hedgerow on the western boundary to be removed to allow for site access, the remainder would be retained and a landscaped buffer of 5-10 metres width, outside of private garden space, would be maintained to the front of the northern, eastern and southern hedgerow. There is also the potential to secure enhancement of the existing species poor hedgerow through a suitable landscaping scheme that could be secured by planning condition.
- 8.10.10 At the reserved matter stage and guided by a landscape led approach it is possible that the loss of grassland and ruderal habitat as a result of the works could be mitigated.
- 8.10.11 The reports set out a range of mitigation measures to minimise impact upon wildlife during clearance and construction works. This includes

the translocation of reptiles from the construction zone to a suitable receptor site prior to site preparation and commencement of works. Furthermore, mitigation would include the timing of all vegetation clearance to avoid interfering with hibernation, mating and nesting seasons for bats, birds, mammals and reptiles.

- 8.10.12 Further measures will be taken to ensure that all retained trees and hedgerows are protected during site clearance and construction works; that external lighting is avoided or minimised; that excavations and open pipework is covered overnight; and, that new boundary fencing includes small gaps underneath to allow for small mammals to commute through the site.
- 8.10.13 A number of opportunities for ecological enhancements/biodiversity net gain are identified. These include the use of native wildflower and grass seed mix in areas of green space; hedgerow replacement and enhancement to include native fruit, seed, nut and nectar-bearing shrub species; use of the attenuation pond to provide a habitat; planting that supports food sources for bats as well as roosting opportunities; installation of bat and bird roost/nest boxes; creation of piles and hibernacula for amphibians, invertebrates and reptiles; and, retention of corridors of less intensively managed vegetation to maintain ecological connectivity through the site for reptiles, particularly along the western boundary adjacent to off-site woodland.
- 8.10.14 Full details of site landscaping would be secured at the Reserved Matters stage. A minimum of 10% Biodiversity Net Gain (based against a baseline figure to be agreed with the County Ecologist) would need to be achieved if the development is to go ahead.
- 8.10.15 It is therefore considered that the development complies with policy CP10 of LLP1, policies DM24 and DM27 of LLP2, policies 4.9 and 4.10 of the RNP and paras. 170 and 175 of the NPPF.

8.11 Sustainability

- 8.11.1 The application is in outline form and, as such, it is not possible for all sustainability measures to be detailed at this stage. However, it is noted that the development would utilise sustainable drainage systems. The drainage would include the formation of an attenuation pond that will also provide an amenity and habitat asset. This, as well as other open green space within the overall site area is considered to support the delivery of multi-functional green infrastructure as required by LLP2 policy DM14.
- 8.11.2 The site is not within or adjacent to any recognised settlement and, as such, it is considered that there would be likely to be a level of dependence upon the use of the private motor vehicle. However, it should be noted that ESCC Highways regard the site as being well located in terms of access to public transport due to the proximity to existing bus stops. Planning obligations sought by ESCC include improvements to the existing bus infrastructure in the form of real time passenger information signs as well as occupants being provided with 3 months free, and a further 3 months discounted bus travel. A travel plan that would include targets for reduced car use

and a monitoring programme to ensure these targets are met would also be required.

- 8.11.3 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.
- 8.11.4 The applicant has stated that a Site Waste Management Plan (SWMP) will be produced for the scheme in full accordance with the Site Waste Management Plan Regulations 2008. This should be submitted at the reserved matters stage.

8.12 Archaeology

- 8.12.1 The ESCC Archaeologist has noted that the site falls within an area of archaeological interest. Their response draws attention to archaeological remains associated with the Arlington to Barcombe Roman road and a medieval settlement that was uncovered during investigative works carried out at The Orchards, to the south of the site. The proximity to the Scheduled Ancient Monument at Clay Hill Mount, approx. 525 metres to the north-east of the site, is also noted.
- 8.12.2 In response to this, the ESCC Archaeologist has recommended that a programme of archaeological works is carried out to ensure archaeological deposits are either preserved in-situ or recorded. A planning condition would be used to secure the required works.
- 8.12.3 It is therefore considered the proposed development complies with policy CP11 of LLP1, DM33 of LLP2 and section 16 of the NPPF.

8.13 Planning Balance:

- 8.13.1 The recommendation for the approval of this application is made on the balance of the benefit of the development not being significantly outweighed by the harmful impacts.
- 8.13.2 It is acknowledged that the site is not contiguous with any existing settlement boundary, is in a location where there would be a degree of reliance on private car ownership and may impact upon the character of the surrounding landscape.
- 8.13.3 Given the condition of the site it is considered that there is potential for a suitable level of biodiversity enhancement to be provided. The concerns of the ecologist are noted, and it is paramount that these be addressed if and when an application for approval of reserved matters is received.
- 8.13.4 As a consequence, it is highly unlikely that the scheme as represented in the indicative layout drawings would be acceptable if promoted at the reserved matter stage as the developable area of the

site is likely to decrease in order to allow for necessary landscape buffers to be provided.

- 8.13.5 The composition of the residential elements would therefore likely need to be adjusted, with a greater number of smaller units being delivered or, potentially, a reduction in the quantum of dwellings.
- 8.13.6 To be weighed against the above are the benefits the application offers in terms of the development of a dilapidated brownfield site which the LLFA have noted is contaminated.
- 8.13.7 The principle of development of the site is considered to be accepted by its allocation in the Ringmer Neighbourhood Plan and, whilst the proposal does not deliver a 100% commercial scheme, independently assessed documents support the case that residential development is required to facilitate the delivery of the commercial element of the development, which will provide jobs and contribute towards the local economy. The site should be seen unique in this regard and it is not considered that the approval of the proposed development would set a precedent for further ribbon development along this part of the A26.
- 8.13.8 Significantly, the proposed development would deliver new housing that help address the shortfall in housing delivery within the district and, potentially, reduce pressure to develop greenfield sites.
- 8.13.9 Overall, Officers consider that on balance the benefits of this scheme outweigh the harm and the application is therefore considered to be acceptable subject to conditions and mitigations.

9. **Human Rights Implications**

- 9.1 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.

10. **Recommendation**

- 10.1 Approval subject to a section 106 legal agreement to secure affordable housing, highway works and phasing arrangements.

Conditions

- 1. **TIME LIMIT:** 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 Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

- 2. **APPROVED PLANS:** This decision relates solely to the following plans:

Stage 1 Road Safety Audit - Version 1 and 2
Location Plan - 6366 LOC 01 Rev P1
Flood Risk Assessment - 4124 FRA SWDS V 2.0
Financial Viability Assessment
200 Rev F - Proposed Access Arrangements
210 - Vehicle Tracking
211 - Vehicle Tracking

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

PRE-COMMENCEMENT CONDITIONS:

3. **RESERVED MATTERS:** No development shall commence until details of the:
- a) Layout (including site levels)
 - b) scale
 - c) design
 - d) landscaping

(hereinafter called "the Reserved Matters") have been submitted to and approved in writing by the Local Planning Authority. Application for the approval of the Reserved Matters shall be made within three years of the 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).

4. **PHASING:** No development shall be commenced until a phasing plan is submitted to and agreed with the Local Planning Authority. This should include provision for the commercial aspect of the development to be completed prior to the occupation of any of the dwellings.

Reason: In order to ensure the employment use for which the site is allocated is delivered in a timely fashion in accordance with policy CP4 of LLP1.

5. **VISIBILITY SPLAYS:** The Development shall not commence until such time as the visibility splays at the access works and for the highway works are agreed with the Highway Authority.

Reason: In the interests of road safety.

6. **ACCESS GRADIENT:** The access shall have maximum gradients of 2.5% (1 in 40) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.

Reason: In the interests of road safety

7. **WHEEL WASHING:** No development shall take place, including demolition, on the site unless and until an effective vehicle wheel-cleaning facility has been installed in accordance with details provided to and approved in writing by the Local Planning Authority and such facility shall

be retained in working order and utilised throughout the period of work on site to ensure the vehicles do not carry mud and earth on to the public highway, which may cause a hazard to other road users.

Reason: In the interests of road safety.

8. HIGHWAY DRAINAGE: Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.

Reason: In the interests of highway safety

9. ROAD DETAILS: Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed roads, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with the Highway Authority

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

10. CONSTRUCTION TRAFFIC: Development shall not commence until such time as temporary arrangements for access and turning for construction traffic has been provided in accordance with plans and details that shall have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

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

11. CONTAMINATION: Prior to each phase of development approved by this planning permission, no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

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

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

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework (NPPF).

12. VERIFICATION REPORT: Prior to each phase of development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the NPPF.

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

Reason: To ensure that the proposed non-mains drainage system does not harm groundwater resources in line with paragraph 170 of the NPPF and the 'The Environment Agency's approach to groundwater protection'.

14. SURFACE WATER DRAINAGE: The development permitted shall not commence until detailed drainage drawings and calculations are submitted to and approved in writing by the Local Planning Authority. Surface water runoff from the proposed development shall be limited to the greenfield runoff rates for rainfall events with an annual probability of occurring greater than 1 in 2.33 and 11.6 l/s (Qbar) for rainfall events with an annual probability of occurrence less than 1 in 2.33, including those with a 1 in 100 (plus climate change) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) shall be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.

The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely. Details shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and paras. 167 and 169 of the NPPF.

15. DITCH CONDITION: Prior to the construction of the outfall, a survey of the condition of the ditches, including the highway ditch which will take surface water runoff from the development shall be investigated. Results of the survey shall be submitted to and approved in writing by the Local Planning Authority. Any required improvements to the condition of the ditch shall also be included and, if approved by the Local Planning Authority, implemented accordingly.

Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and paras. 167 and 169 of the NPPF

16. WATER OUTFALL: The details of the outfall of the proposed permeable pavement and how it connects into the ditch shall be submitted as part of a detailed design including cross sections and invert levels.

Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and paras. 167 and 169 of the NPPF

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

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

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

Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and paras. 167 and 169 of the NPPF

18. CMP: No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not 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.
- 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.
- Waste minimisation statement

Reason: In the interests of highway safety and the amenities of the area in accordance with LLP2 policies DM20, DM23 and DM25 and paras. 110, 111 and 112 of the National Planning Policy Framework (NPPF).

19. **EARTHWORKS:** Prior to the commencement of the development hereby permitted details of earthworks shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading of land area including the levels and contours to be formed and showing the relationship to existing vegetation and neighbouring development. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development and in the interests of amenity and landscape character in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM25 and DM27 and section 15 of the NPPF.

20. **GREAT CRESTED NEWTS:** Development shall not commence until further details of a scheme for the protection of Great Crested Newts, including a detailed evidence-based assessment showing how an offence under the Conservation of Habitats & Species Regulations 2010 will not occur, the provision of compensatory/mitigation habitat and measures to minimise the area temporarily disturbed, has been submitted to and approved by the local planning authority. Work shall be carried out strictly in accordance with the agreed method statements, exclusion plan and mitigation scheme, as approved by the local planning authority, in accordance with the agreed timescale.

Reason: To ensure that any adverse environmental impacts of development activities are mitigated, to avoid an offence under the Wildlife and Countryside Act 1981, as amended, The Conservation of Habitats and Species Regulations 2017, as amended, and the Protection of Badgers Act, 1992, and to address Core Policy CP10 of the LLP1.

21. CEMP: No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) risk assessment of potentially damaging construction activities.
- b) identification of “biodiversity protection zones”.
- c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) the location and timing of sensitive works to avoid harm to biodiversity features.
- e) the times during construction when specialist ecologists need to be present on site to oversee works.
- f) responsible persons and lines of communication.
- g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) use of protective fences, exclusion barriers and warning signs.

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 the LLP1.

22. PROTECTED SPECIES: No development shall take place (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 local planning authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works.
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used).
- c) extent and location of proposed works shown on appropriate scale maps and plans.
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction.
- e) persons responsible for implementing the works.

- f) initial aftercare and long-term maintenance (where relevant).
- g) disposal of any wastes arising from 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.

23. **ECOLOGY:** No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works.
- b) review of site potential and constraints.
- c) detailed design(s) and/or working method(s) to achieve stated objectives.
- d) extent and location /area of proposed works on appropriate scale maps and plans.
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) persons responsible for implementing the works.
- h) details of initial aftercare and long-term maintenance.
- i) details for monitoring and remedial measures.
- j) details for disposal of any wastes arising from works.

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, paragraphs 174 and 179 of the National Planning Policy Framework, and Core Policy CP10 of the Lewes District Local Plan 2016.

24. **ARCHAEOLOGY:** No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition

Reason: To enable the recording of any items of historical or archaeological interest in accordance with Core Policy 11 in the Lewes District Local Plan Part 1; Joint Core Strategy 2010 – 2030; coupled with the requirements of paragraphs 189 - 199 of the National Planning Policy Framework 2018.

25. TREE PROTECTION: Prior to the commencement of the development hereby permitted details of the protection of the trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. 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 LLP1 policy CP10, LLP2 policy DM27 and section 15 of the NPPF.

PRE-OCCUPATION

26. CAR PARKING: The development shall not be occupied until parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

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

27. CAR CHARGING POINTS: Prior to the first occupation of any part of the development hereby permitted, a minimum of one electric vehicle car charging point shall be provided for each property and shall be maintained in an operable condition thereafter for the lifetime of the development.

Reason: To encourage alternative, more sustainable modes of transport and to reduce local contributing causes of climate change in accordance with Policies CP13 and CP14 of Lewes District Local Plan, para. 112 of the Revised National Planning Policy Framework, the LDC Electric Vehicle Charging Points Technical Guidance Note. And the LDC Sustainability in Development Technical Advice Note.

28. CYCLE PARKING: No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

29. INTERNAL ROADS: No part of the development shall be occupied until the roads, footways and parking areas serving the development have been constructed, surfaced, drained and lit in accordance with plans and details submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: To secure satisfactory standards of access for the proposed development.

30. ROAD SPECIFICATION: 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/their] 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

31. INFRASTRUCTURE: Before house building commences, the new estate roads shall be completed to base course level, together with the surface water and foul sewers and main services to the approval of the Planning Authority in consultation with the Highway Authority

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

32. DRAINAGE INSTALLATION: Prior to occupation of the development, evidence (including photographs) shall 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 LLP1 policy CP12, LLP2 policy DM22 and paras. 167 and 169 of the NPPF

33. PLAY AREA: The 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 safe, open and welcoming locations 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 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 LLP2 and section 8 of the NPPF.

COMPLIANCE CONDITIONS

34. USE CLASS RESTRICTION: The employment element of the development hereby approved shall be restricted to uses falling within class E(g) of the Town and Country Planning (Use Classes) Order 1987 (as amended) only and for no other purpose unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway capacity and the amenities of neighbouring residents in accordance with policies CP11 and CP13 of LLP1, policies DM20, DM23 and DM25 of LLP2 and para. 110 and 185 of the NPPF.

35. **PARKING SPACE DIMENSIONS:** The vehicle parking spaces shall measure 2.5m by 5m with an extra 0.5m to either or both dimensions where spaces abut a wall, fence or hedge.

Reason: To provide appropriate car-parking space for the development.

36. **UNEXPECTED CONTAMINATION:** If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the NPPF.

37. **INFILTRATION:** No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the NPPF.

38. **HEIGHT LIMIT:** 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 LLP1 policies CP10 and CP11, LLP2 policies DM25, DM27 and DM33 and sections 15 and 16 of the NPPF.

39. **CONSTRUCTION HOURS:** Construction work shall be restricted to the hours of 0800 to 1800 Monday to Fridays and 0830 to 1300 on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

Reason: In the interest of residential amenities of the neighbours having regard to Policy DM25 of the Lewes District Local Plan.

40. **EXTERNAL LIGHTING:** No external lighting or floodlighting shall be installed on the buildings or the road and parking areas hereby permitted without the prior written approval of the local planning authority.

Reason: To protect the amenity and character of the surrounding countryside and to prevent disturbance of nocturnal species having regard to Policy CP10 of the Lewes District Local Plan part one, policies DM20 and DM24 of the Lewes District Local Plan part two and paras. 174, 179 and 185 of the NPPF.

11. **Background Papers**

11.1 None.