

**Supplementary report to the Planning Applications Committee**  
**on 6 April 2022**

**LW/20/0011**  
**Averys Nursery**

**Page 9-52**

Letters of objection:

Since the committee agenda was published, an additional 48 letters of objection have been received. A summary of the relevant content of the letters (relating to material planning concerns) is provided below:-

- Contrary to neighbourhood plan;
- Car dependent development;
- Lack of affordable housing;
- Would be a hazard to pedestrians and motorists;
- Lack of local infrastructure;
- Traffic impact, particularly upon Earwig Corner;
- Would be a blot on the landscape;
- Socially isolated development;
- Failure to deliver employment space for which there is a demand;
- Increased pollution on A26 corridor;
- Scale out of proportion with its surroundings;
- Urbanisation of rural landscape;
- Does not align with objectives to combat climate change;
- The site was classified red in the recently published Land Availability Assessment (LAA);
- Viability issues result from an inflated land value;
- Planning Inspectors have dismissed refusals against similar applications for residential development of allocated business sites;
- Concern that the capacity of the site would not allow for 53 dwellings to be accommodated without a reduction in the commercial space provided;
- There is demand for employment sites as evidenced by developments at nearby Bridge Farm;
- No direct connection to Ringmer;
- Will exacerbate existing issues relating to discharge of untreated sewage into watercourses;
- Noisy road would cause disturbance to residents;
- The site is contaminated with asbestos;
- The site could not accommodate parking of a sufficient quantum to meet the standards of the Ringmer Neighbourhood Plan;
- The proposed road crossing would be unsafe;
- Cumulative impact with other permitted and proposed developments in Ringmer needs to be taken into account;

OFFICER COMMENT: The red listing of the site in the LAA does not preclude residential development of the site. It is based on a general evaluation and it is important to note para. 2.5 which states that 'commentary relating to a site

**Supplementary report to the Planning Applications Committee**  
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within the LAA (does not) constitute formal planning advice. Planning applications would need to follow the normal application process and will continue to be considered against the appropriate policies. The assessment of a site within the interim LAA does not preclude it from being considered for other uses. In this instance, following a detailed assessment of the scheme presented, it is considered that development accords with key local and national planning policies and objectives and should be supported.

**Objection from Ward Member Cllr O'Brien**

As a ward councillor I strongly object to this development. It is in an unsustainable car development location without pedestrian or cycle access to village services.

The development is contradictory to local plan and neighbourhood plan in which it is allocated as an important employment site.

A development on this scale can only realistically be considered via a local plan process so that the substantial infrastructure constraints can be looked at in the round alongside other development. As a ward councillor I know is inadequate infrastructure to take this scale of development - including roads, public transport, schools and GPs.

At inspection of the current local plan it was clarified by the inspector that the Earwig corner improvements set out in 6.42 of the local plan would only cover the development already set out via that plan, and they would not provide road capacity for additional development (the residential development would generate greater traffic than the employment use). Further major development would therefore require substantial upgrading of infrastructure. Therefore, on that basis alone this development is unacceptable. Additionally the council is legally obliged by the National Planning Policy Framework to consider in planning decisions **all forms of pollution including to rivers and seas**. As clarified by legal advice (attached) the council is required not only to look on pollution a case by case basis but to **consider cumulative impact of pollutants**. Southern Water discharged sewage into local rivers & seas in Lewes District over 800 times in 2020 totalling over 11,000 hours of sewage discharge in just one year. It is clear that releasing sewage into rivers is no longer an emergency-only situation occurring as a result of severe storms, but an everyday occurrence even in 'normal' rainfall, and that we are in a situation of cumulative overload on the sewage and wastewater system. There is no information available to assess the impact of this development on the sewage system i.e. whether or not it will increase the number or duration of sewage discharges into local rivers or seas. I therefore urge that this application is refused or at least delayed whilst this information is sought or the council will be failing to meet our legal obligations under the NPPF set out above.

OFFICER COMMENT: The development would not connect to the Southern Water network and sewage would instead be treated on site. The principle of

**Supplementary report to the Planning Applications Committee**  
**on 6 April 2022**

on-site treatment has been accepted by the Environment Agency and would be subject to necessary licensing arrangements.

**Objection from Cllr Lamb (Lewes Bridge Ward)**

As a ward Councillor for Lewes Bridge I strongly object to the impact of this development on the roads and services in Malling. Traffic between Earwig Corner and Culfail Tunnel is already heavy and speed and noise are an issue with residents on this stretch of the A26. The development is also likely to affect Church Lane which will also come under strain from developments at Old Malling Farm and South Downs Road.

Residents at the proposed Avery Farm Development will likely look to Malling for school and medical services, which are already stretched and likely to become even more so as Old Malling Farm and South Downs Road become occupied. According to the much overridden Ringmer Neighbourhood Plan the Averys site is designated for commercial use to generate much needed jobs for this expanding village.

**Objection from Maria Caulfield MP**

The development is in contravention of many aspects of the Ringmer Neighbourhood Plan. Ringmer infrastructure, including Earwig Corner junction, public transport facilities. Available school places, fresh water supplies, foul drainage and the capacity of Ringmer dental practice and doctors' surgery simply cannot accommodate further new homes beyond those already approved.

The proposed development will be close to the roadside and urbanise the rural landscape and have a detrimental impact upon it.

This proposed Averys development contradicts the Lewes District Council policy of 40% affordable housing and has no affordable housing whatsoever, is remote, car dependent, does nothing to assist the local community and prevents the area being used solely for commercial use, as outlined in the Ringmer Neighbourhood Plan. Consequently, it brings no benefits to the village of Ringmer.

I hope you will seriously consider this objection and those of my constituents and reject this planning application.

OFFICER COMMENT: The majority of comments made are discussed in the officer report. It is important to clarify that 10% affordable housing would be secured by legal agreement.

**Legal advice on determination:**

Legal advice has been provided by a third party which states that a Local Planning Authority is entitled to make its own assessment of matters relating to discharge of foul water and is not obliged to base this on comments from statutory undertakers alone.

**Supplementary report to the Planning Applications Committee**  
**on 6 April 2022**

OFFICER COMMENT: Whilst this is correct insofar that the Local Planning Authority is ultimately responsible for assessing the merits and harms of any planning application, it would be remiss not to give significant weight to professional advice, particularly when concerning technical matters. Any failure to do so would a refusal significantly less sound, should it be taken to appeal. It is noted that the legal advice acknowledges that would rely on consultees 'in most cases'.

In this instance, the applicant intends to process effluent to be treated on site using a package plant. This would require licensing from the Environment Agency, who have raised no objections against the proposed development. It is also noted that the Council's own Environmental Health officers have not objected to the development.

**Correction to the report:** Paragraphs 8.5.4 and 8.5.5 are removed.

**LW/21/0503**  
**Plumpton**

**Page 53**

Cllr Banks (ward councillor) made comments neither objecting to or supporting the Planning Application:

I note the proposed building under LW/08/0165 appears not to have been erected, can you confirm if planning permission is still valid?

Item 4.23 of the application states: 'The rainwater runoff from buildings will be channelled into the drainage ditch.' I understand some hard surfacing is planned for car parking, meaning further water run-off. The application does not include a SUDS system to mitigate the risk of off-site flooding and that should be considered.

I would like clarity on what the status of the site would be and clarity that this will be a commercial site for the purposes applied for only - an equestrian facility for the treatment and recuperation of race/sports horses - and would not be subject to permitted development rights that could change its use materially.

OFFICER COMMENT: Application LW/08/0165 was implemented and therefore is still 'live'. However it is unlikely that it could be implemented if this application was approved and implemented. Drainage issues are covered by conditions. The site would be a commercial enterprise for an equestrian facility for the treatment and recuperation of race/sports horses, as applied for.

Officers are recommending that conditions 15 and 16 as they appear on the agenda area replaced by the following single condition:

The applicant shall notify the Local Planning Authority within 28 days of the first siting of the mobile home on the application site the date on which the

**Supplementary report to the Planning Applications Committee**  
**on 6 April 2022**

mobile home had been brought onto the site. Thereafter the mobile home hereby approved shall be occupied by an essential full time employee from the site, a widow or widower of such a person, and any resident dependants and no other person, for the period of THREE years from the date of its first siting on the application site or, failing to notify the Council within 28 days of the first siting the period shall be 3 years from the date of this decision, after which the mobile home shall be vacated and shall be removed from the land, and the land upon which the mobile home sits shall be restored to its former condition.

Reason: To enable the Local Planning Authority to review the viability of the enterprise and the need for the accommodation and to ensure that temporary accommodation on the site does not detract from the character of the countryside, having regard to Policies DM1 and DM3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2021.

Condition 6 reworded as follows:

No development above ground floor slab level shall take place until full details of both hard and soft landscape (including bunding) works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within 6 months of the first use of the development. If within a period of five years from the date of the planting any tree, or any tree planted in replacement for it, is removed, uprooted destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To enhance the general appearance of the development and to protect residential amenity having regard to policies CP10 and CP11 of the Lewes District Local Plan and to comply the National Planning Policy Framework.