

Report to: Planning Applications Committee  
Date: 27 April 2022  
Application No: LW/21/0754  
Location: Land Opposite South Cottage, South Road, Wivelsfield Green, East Sussex  
Proposal: Outline planning application with all matters reserved except for means of access, for the erection of up to 45 homes (including 40% affordable) and formal and informal open space including new woodland planting and play areas.  
Ward: Wivelsfield  
Applicant: Wates Developments  
Recommendation: 

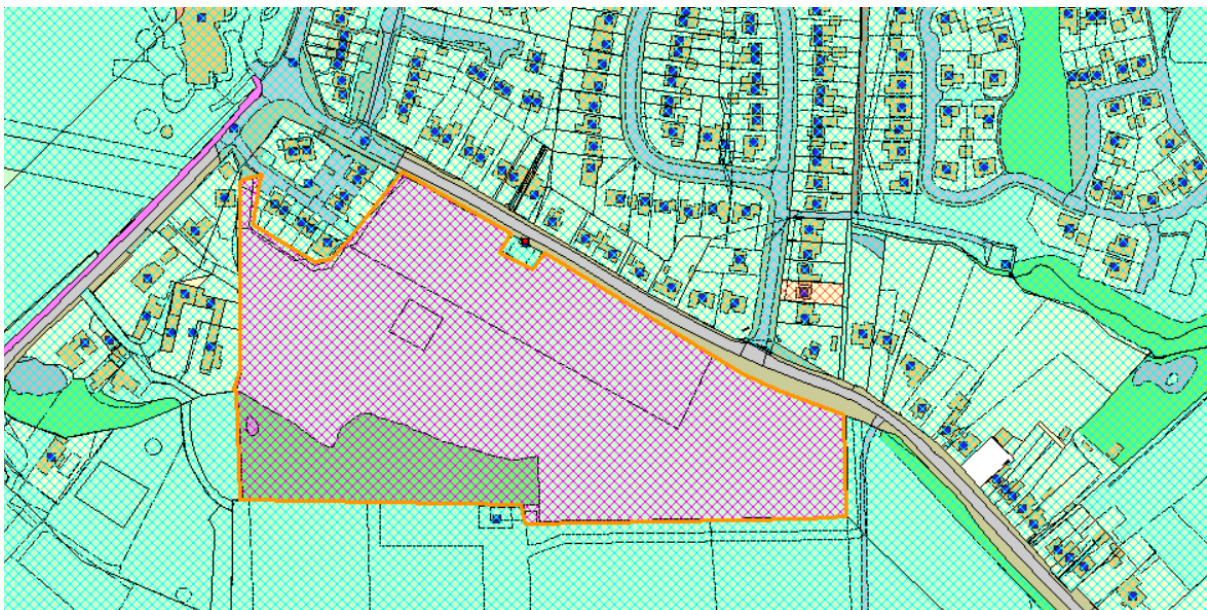
1. Refer to the application to the Secretary of state and
2. If no call in is received from the Secretary of State within 21 days from the referral then delegate authority to the Head of Planning to approve subject to a s106 agreement to secure affordable housing and Landscaped Area and the conditions as listed in this report.

  
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**IMPORTANT NOTE: This scheme is CIL liable.**

### Site Location Plan



## 1. Executive Summary

### Referral to Government Office

- 1.1 As the proposal represents a departure from the adopted Local Plan there is a requirement to refer the matter under section 77 Town and Country Planning Act 1990 In accordance with the normal procedure for dealing with these matters , the Department for Levelling Up, Housing and Communities (DLUHC) has 21 days to enable the Secretary of State to consider the 'call-in' request. The Secretary of State will, in general, only exercise his call-in powers if planning issues of more than local importance are involved.

### Scheme proposal

- 1.2 The proposal is an outline planning application for 45 units with all matters reserved except for access.
- 1.3 The site could comfortably accommodate 45 units whilst also providing a good standard of living space, including residential gardens and communal green spaces. Furthermore, the size of the site and the indicative layout provided with the application, show that the proposal would not have any unacceptable impacts upon the living standards of any nearby properties.
- 1.4 The proposed development is located outside the defined planning boundaries. However, it is considered to represent sustainable development in accordance with the Interim Policy Statement for Housing Delivery subject to conditions.
- 1.5 The proposal would result in a number of benefits such as, the social gains of facilitating the provision of '45 residential units (including 40% affordable housing units) that would be of good quality and in an accessible and sustainable location. It would provide economic benefits by generating additional custom for nearby shops and services within Wivelsfield. It would provide environmental gains in terms of a high biodiversity value internal layout including the provision of a high biodiversity value landscaped area; and would preserve and reinforcement the existing hedgerows. Overall, Officers consider that the benefits of the scheme outweigh the harms of the proposal and therefore, the scheme is acceptable in principle.
- 1.6 In respect of highways safety and capacity, the proposal would be able to reach a satisfactory internal and external layout with parking provision and an acceptable access. The proposal will include sustainable transport options and improvements that would offset the impacts of the development at detailed plans stage, via conditions and S106 agreements. The proposal would be subject to the implementation of these conditions, S106 and therefore transport impacts of the development would be acceptable.
- 1.7 The application attracted initial objection from ESCC SUDS. The objection related to the proposed indicative layout and surface water flow paths through the site. ESCC SUDS requested that the applicant demonstrate that the development would not displace surface water and increase flood risk elsewhere. However, the applicant has subsequently provided these details and ESCC SUDS have withdrawn their objections and have recommended approval subject to conditions.

- 1.8 Contaminated Land and Air Quality Officers have confirmed that subject to surveys and any required mitigations being submitted prior to development of the site, the proposal would be acceptable.
- 1.9 County Landscape officer supports the proposal subject to the landscape masterplan being implemented. The proposal seeks to provide, the communal landscaped area and a 40% affordable housing contribution. All of these benefits will be secured via legal agreement.
- 1.10 The site is located nearby to previously found archaeological remains. As such, a condition requiring further surveys prior to any development at the site has been attached to the proposal.
- 1.11 There are a number of species to note that could be affected by the scheme, including great Crested Newts, Badgers, Bats, Dormice, Reptiles and Hedgehogs. The applicant has supplied an Ecological Appraisal which accompanies the submission. ESCC Ecologist has reviewed the report and has confirmed that the scheme would be acceptable subject to the recommended mitigations within the report.
- 1.12 Overall, subject to all the details and mitigations, the proposed benefits of the scheme would outweigh the harms (see conclusion for more detail regarding planning balance). Therefore, the proposal is considered to be acceptable and is recommended for approval.

## 2. **Relevant Planning Policies**

### 2.1 **National Planning Policy Framework**

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

### 2.2 **Lewes District Local Plan**

- LDLP1: – CP2 – Housing Type, Mix and Density.
- LDLP1: – CP10 – Natural Environment and Landscape.
- LDLP1: – CP11 – Built and Historic Environment & Design
- LDLP1: – CP12 – Flood Risk, Coastal Erosion and Drainage
- LDLP1: – CP13 – Sustainable Travel
- LDLP1: – CP14 – Renewable and Low Carbon Energy
- LDLP2: – DM1 – Planning Boundary
- LDLP2: – DM14 – Multi-functional Green Infrastructure
- LDLP2: – DM15 – Provision for Outdoor Playing Space
- LDLP2: – DM16 – Children’s Play Space in New Housing Development

LDLP2: – DM20 – Pollution Management

LDLP2: – DM22 – Water Resources and Water Quality

LDLP2: – DM23 – Noise

LDLP2: – DM24 – Protection of Biodiversity and Geodiversity

LDLP2: – DM25 – Design

LDLP2: – DM27 – Landscape Design

Affordable Housing SPD July 2018

Interim Policy Statement for Housing Delivery March 2020

Five Year Housing Land Supply Position Statement March 2021

## **2.3 Wivelsfield Neighbourhood Plan 2015-2030**

Policy 1 - A Spatial Plan for the Parish

Policy 2 - Housing Site Allocations

Policy 4 - Community Facilities

Policy 5 - Design

Policy 6 - Green Infrastructure & Biodiversity

Policy 7 - Local Green Spaces

## **3. Site Description**

- 3.1 The application site lies to the south of South Road in Wivelsfield Green and measures approximately 3.68 hectares in a triangular shape. It is within close proximity to a number of local services, including the Primary school, post office facilities and a local shop. It is served well by public transport links.
- 3.2 The site comprises an agricultural field, with pedestrian access achieved via a track adjacent to Shepherds Close. It is largely open, and existing mature vegetation and trees is situated along its boundaries.
- 3.3 The site would form an extension to the already built area of Wivelsfield Green. It directly adjoins the defined development boundary as identified in both the Lewes Local Plan and the Wivelsfield Neighbourhood Plan.
- 3.4 The site has been identified through successive SHELAA's as not suitable for residential development.
- 3.5 The development boundary of Wivelsfield Green adjoins the site to the north on the opposite side of South Road and the west at the properties at Coldharbour Farm.
- 3.6 An important consideration is that the access would be directly onto South Road, the main road running adjacent the site rather than a secondary residential street.

## **4. Proposed Development**

- 4.1 The application seeks outline planning permission for the erection of 45 new dwellings on the site. All matters are reserved except for access which would be located to the north of the site onto South Road.

- 4.2 The application is accompanied by indicative layout plans used to demonstrate the capacity of the site and how dwellings could be arranged to allow for access by servicing and emergency vehicles. The accompanying Design & Access Statement also sets out design principles and parameters. It is stated that maximum building height would be two-storey and describes how dwellings could be designed to be sympathetic to the local vernacular through the identification of characteristic architectural features and locally used materials.
- 4.3 The application is accompanied by an Affordable Housing Statement that confirms that 40% of the dwellings would be provided as affordable housing and where necessary a commuted sum will be paid where the 40% split does not equate to a whole dwelling. The split of tenures within the affordable housing would be 25% shared ownership and 75% affordable rent.
- 4.4 The proposal includes the provision of a communal landscaped area. This will be maintained by the current landowner and its provision along with a maintenance plan, will be secured via an S106 agreement.

## 5. Relevant Planning History

- 5.1 LW/15/0466 - Outline planning application for residential development for up to 55 new dwellings and new access off South Road, with all other matters reserved – Refused.

### Reasons for Refusal

- The site lies outside of any defined settlement boundary where Policy CT1 of the Local Plan, which is to be retained and carried forward in the emerging Joint Core Strategy, seeks to control unplanned development proposals except in certain circumstances, none of which are met by these proposals. The Council is able to show within its most recent housing land supply figures, dated 1st April 2015, that Lewes District has a five year supply for housing, which includes an additional buffer of 5%, as required by paragraph 47 of the NPPF. The application is considered contrary to current development plan Policy CT1 of the Lewes District Local Plan, and the National Planning Policy Framework, particularly paragraphs 11, and 196.
- The proposed development, outside of the defined settlement boundary, would have an unacceptable and detrimental impact on the visual amenity and character of this area of countryside, contrary to Policies CT1 and ST3 of the Lewes District Local Plan, and Core Policy 10 of the Joint Core Strategy Submission Document.
- Had the overriding planning objections set out in Reasons 1 and 2 not applied, the Local Planning Authority would have sought the completion of a Section 106 Obligation to secure financial contributions towards education, rights of way, recreation, recycling and school transport along with affordable housing, and highway provisions as set out in the delegated report. In the absence of such an agreement the application conflicts with Policy ST1 of the Lewes District Local Plan.

## 6. Consultations

### 6.1 LDC Air Quality

6.1.1 No objection subject to conditions

### 6.2 LDC Contaminated Land

6.2.1 No objection subject to conditions

### 6.3 Natural England

6.3.1 No Comments

### 6.4 Environment Agency

6.4.1 No Comments

### 6.5 ESCC Archaeology.

6.5.1 This application is accompanied by a thorough desk – based archaeological assessment that considers the results of a geophysical survey of the site and sets the project within an archaeological and historic context.

6.5.2 In light of the clear 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.

### 6.6 ESCC Landscape Officer

6.6.1 REVISED RESPONSE – 22.12.2021 (Full response is available on the Councils website)

6.6.2 It is recommended that the proposed development can be supported subject to the full implementation of the most recent landscape masterplan and satisfactory detailed designs for hard and soft landscape materials. Other mitigation measures in relation to the proposed building heights and the use of vernacular materials would need to be secured through reserved matters.

### 6.7 Waste Services

6.7.1 Waste Services require a swept path analysis to be carried out for a 12m long/ 2.6m wide collection vehicle to confirm sufficient vehicle access to the proposed properties. The need for waste collection vehicles to reverse should be kept to an absolute minimum and the swept path analysis should demonstrate consideration of this.

### 6.8 ESCC Ecology

6.8.1 Full response is available on the Councils website

6.8.2 Summary

6.8.3 In summary, provided the recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective.

Conditions for a sensitive lighting strategy, biodiversity method statements for the protection of habitats, badgers and reptiles, an ecological design strategy setting out mitigation and compensation measures as well as measures to achieve measurable biodiversity net gain, and a landscape and ecological management plan for the long term management of the site are recommended.

## **6.9 ESCC SUDS**

- 6.9.1 REVISED RESPONSE – 27.01.2022 (Recommended Approval subject to conditions)
- 6.9.2 Detailed Comments:
- 6.9.3 We previously objected to the proposed development due to the presence of a surface water flow paths through the site. The applicant has undertaken direct rainfall hydraulic modelling to demonstrate that development at the site will not increase flood risk elsewhere.
- 6.9.4 The modelling includes a preliminary layout however access roads and proposed ground levels have not been included in the model. This is acceptable at this stage given that the planning application is outline with all matters reserved and given that the application is for up to 45 residential units, rather than a fixed number of units. There are also significant areas of open space within the preliminary layout which will allow for flexibility when fixing the layout at reserved matters stage, should there be a need to avoid areas of higher flood risk.
- 6.9.5 We will require that further detailed modelling is carried out at the reserved matters stage when the applicant seeks to fix the scale and layout of the proposed development. This modelling should include the proposed ground levels and location of access roads as they will have a significant impact on post-development surface water flow paths.
- 6.9.6 The applicant has previously submitted a drainage strategy demonstrating how surface water runoff arising from the increased impermeable area at the site will be managed. This is acceptable however we will require further information at the detailed design stage.
- 6.9.7 If the Local Planning Authority is minded to grant planning permission, the LLFA requests the following comments act as a basis for conditions to ensure surface water runoff from the development is managed safely.

## **6.10 ESCC Highways**

- 6.10.1 The highway issues have been resolved and the application proposal is now acceptable subject to off-site Highway Works, Travel Plan, Travel Plan Audit Fee, and contributions secured through a s106 agreement, and highway conditions attached to any approval as detailed at the end of this report. The full response is available on the Council's website

## **6.11 Wivelsfield Parish Council**

6.11.1 Objected to the proposal for numerous reasons as summarised below:

- Outside development boundary
- Visual Impact
- Impact upon Highway
- Loss of greenspace
- Fail to Meet Criteria 2 of the Interim Statement
- Would Not Constitute Sustainable Development
- Lack of infrastructure
- Flood Risk
- Doesn't Overcome Previous Reasons for refusal

. Full response is available on the Councils website.

## **7. Other Representations**

### **7.1 Neighbour Representations**

7.1.1 A total of 199 letters of objection have been received at the time of writing this report. A summary of material planning matters raised is provided below. Any further representations will be summarised and included within the Supplemental Report.

Letter(s) of Objection

Principle

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

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

Highway Impact:

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

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

Ecological Impact:

- Unknown impact on biodiversity
- Impact on protected species

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



Visual Impact:

- Loss of open space
- Out of character with rural setting
- Loss of countryside
- Impact upon the character of the village
- Light pollution affecting countryside

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

Flooding & Drainage:

- Existing sewers at capacity

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

Sustainability:

- Drainage

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

Amenity

- Generate noise and disturbance
- Loss of open spaces
- Current inability to use existing social infrastructure

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

## 7.2 **Other Representations**

Maria Caulfield MP -

- I wish to join many local residents in Wivelsfield Green to object to the above planning application.
- The proposed site is outside the planning boundary, it is not included in the Wivelsfield Neighbourhood Plan and it is not in the Lewes District local Plan. The developments we've already had in recent years in Wivelsfield Green have pushed the area over the figure Lewes District Council had stated they felt Wivelsfield Green able to accommodate in the Lewes Local Plan.
- This significant development in the village will pose huge problems for residents, both current and future. The local school and nearby GP surgeries will be severely impacted by such a large number of people. The local country road will be made incredibly busy with so many additional vehicles traveling in and out of the village.

- This application is completely inappropriate for the village. This planning application should be rejected, and I hope that the Planning Committee will be able to agree with this.

## 8. **Appraisal**

8.1.1 The main considerations relate to

- the principle of the development.
- the impact upon the character and appearance of the area
- the openness of the countryside.
- neighbouring amenities.
- impacts upon highway/pedestrian safety.
- flood risk.
- quality of accommodation.
- archaeology.
- sustainability.
- ecology/biodiversity.
- affordable housing/planning obligations
- environmental health and
- the overall merits of the scheme in terms of the balance of economic, environmental, and social objectives that comprise sustainable development.

8.1.2 It is important to note that the application is for outline approval for 45 units only. Indicative plans have been provided to demonstrate the capacity of the site as well as to indicate how the scheme can respond to specific requirements of the Lewes Local Plan Parts 1 and 2. Full details of the layout, design, scale and landscaping of the development would be afforded full scrutiny as part of an application for approval of reserved matters, should outline permission be granted.

8.1.3 All planning obligations need to be agreed at the outline stage, as this represents the overall planning permission for any such development. As such, a Section 106 legal agreement has been drafted to secure affordable housing contributions, and the provision of a community woodland.

## 8.2 **Principle**

### Residential

8.2.1 National Planning Policy Framework Paragraphs 7 and 8 state that there are three dimensions to sustainable development: economic, social, and environmental. The social role of the planning system should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment,

with accessible local services that reflect the community's needs and support its health, social and cultural wellbeing.

- 8.2.2 The Economic objective helping to build a strong, responsive economy and ensuring that the right types of sufficient land are available in the right places, and the environmental objective making efficient and effective use of land to improve the environment.
- 8.2.3 Development proposals that accord with an up-to-date Development Plan should be approved and where a planning application conflicts with an up-to-date Development Plan, permission should not usually be granted (Paragraph 12).
- 8.2.4 Section 5 of the Framework sets out policies aimed at delivering a sufficient supply of houses and maintaining the supply to a minimum of five years' worth (Paragraph 73).
- 8.2.5 Spatial Policy 1 (Provision of housing and employment land) states that in the period between 2010 and 2030, a minimum of 6,900 net additional dwellings will be provided in the plan area (this is the equivalent of approximately 345 net additional dwellings per annum).
- 8.2.6 Since its introduction through the NPPF in 2018, local housing need is calculated using a standard method contained within Planning Practice Guidance<sup>1</sup>. As such this is a Government initiative that sets the framework within which local housing need is assessed. The standard method uses a formula to identify the minimum number of homes expected to be planned for, in a way which addresses projected household growth and historic under-supply. Under the Government's standard method, the local housing need for the whole of Lewes District as of 11th May 2021 is 782 homes per year.
- 8.2.7 However, approximately half of the area of Lewes District is in the South Downs National Park, which is not under the planning jurisdiction of Lewes District Council. Planning Practice Guidance states that where strategic policy-making authorities do not align with local authority boundaries, an alternative approach to identifying local housing need will have to be used, and such authorities may identify a housing need figure using a method determined locally. In these situations, Planning Practice Guidance also confirms that this locally derived housing requirement figure may be used for the purposes of the five-year housing land supply calculation where the local plan is more than 5 years old.
- 8.2.8 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.

- 8.2.9 The Joint Core Strategy pre-dates the NPPF and in accordance with para 13 of the Framework, the policies of the core strategy should be given due weight according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). In the case of the old housing targets within SP1 and SP2 limited weight should be given, and housing targets which will be given substantial weight in the decision making process are those targets set out in the 'locally derived method for calculating local housing need' (602 dwelling per year).
- 8.2.10 Given the use of the Governments standard method for calculating housing need has derived a figure significantly greater than the previous position then this will have a direct impact upon the land available to meet this inflated need. The Council currently has a supply of deliverable housing land equivalent to 2.9 years outside the South Downs National Park (SDNP). This means that the local plan policies that are most important for determining an application for housing carry less weight, and the NPPF's presumption in favour of sustainable development will apply to decision making.
- 8.2.11 In terms of housing delivery, the Council was found to be delivering 86% of the figure required by the Housing Delivery Test (HDT). The NPPF sets out certain 'actions' that must be implemented depending on the HDT result with less than 95% delivery triggering the requirement of the LPA to produce an Action Plan. The Action Plan produced in 2019 sets out a number of positive actions for the Council to implement in order to increase housing supply, one of the measures being the imminent adoption of the Lewes District Local Plan (part two) 2020.
- 8.2.12 Given the Council's position on housing delivery, in March 2021 the Council published the 'Interim Policy Statement for Housing Delivery'(IPSHD). This sets out a number of criteria which the Council considers developments need to achieve in order to be considered sustainable development. This policy statement simply directs the decision maker to the pertinent parts of Development Plan which should be used to inform and decide the application against.
- 8.2.13 Officers have (for ease of reference) outlined below how the scheme compares against the Interim Policy Statement and goes further to outline how the scheme engages with the Development Plan.
- 8.2.14 Listed immediately below are the criteria of the interim Policy Statement:
1. The site boundary is contiguous with an adopted settlement planning boundary, as defined on the Local Plan Policies Map
  2. The scale of development is appropriate to the size, character, and role of the adjacent settlement, having regard to the settlement hierarchy set out in LPP1 Table 2 (attached as an Appendix). In deciding whether the scale is appropriate, the

Council will take account of the cumulative impact of extant unimplemented permissions in the relevant settlement.

3. The proposed development will provide safe and convenient pedestrian and cycle access to key community facilities and services within the adjacent settlement.
4. The proposed development, individually or cumulatively, will not result in the actual or perceived coalescence of settlements. Where appropriate, this should be demonstrated through the submission of a visual and landscape character impact assessment.
5. Within the setting of the South Downs National Park, an assessment is undertaken to demonstrate that the proposed development will conserve the special qualities of the National Park. This assessment should be informed by the SDNP View Characterisation & Analysis Study 2015, the SDNP Tranquillity Study 2017, and the SDNP Dark Skies Technical Advice Note 2018.
6. An ecological impact assessment is undertaken and appropriate measures identified and implemented accordingly to mitigate any potential adverse impacts of the development on biodiversity and secure biodiversity net gain in accordance with the Council's Biodiversity Net Gain Technical Advice Note (February 2021).
7. The proposed development will make the best and most efficient use of the land, whilst responding sympathetically to the existing character and distinctiveness of the adjoining settlement and surrounding rural area. Arbitrarily low density or piecemeal development, including the artificial subdivision of larger land parcels, will not be acceptable.
8. It can be demonstrated that the proposed development is deliverable and viable, having regard to the provision of necessary on-site infrastructure, including affordable housing, green infrastructure, and other requirements. Where the proposed development would create the need to provide additional or improved off-site infrastructure, a programme of delivery should be agreed with the relevant infrastructure providers to ensure that these improvements are provided at the time they are needed.

#### Criteria 1 of the IPSHD

- 8.2.15 The site is contiguous with the Wivelsfield settlement boundary at the at Wivelsfield Green. The north of the site is contiguous with the boundary, albeit separated by South Road. The western end of the site is contiguous with the settlement boundary at on Hundred Acre Lane. Therefore, the site is considered to be contiguous with the Wivelsfield settlement boundary and Officer's consider that the site complies with criteria 1 of the IPSHD in this regard.

#### Criteria 2 of the IPSHD

- 8.2.16 The site extends south beyond existing settlement boundary at Wivelsfield Green. Criteria 2 of the IPSHD requires that the scale of

the development should be an appropriate size to the existing settlement. This is supported by Wivelsfield Neighbourhood Plan Policy 1 which states that all new proposals within or extending the planning boundary will only be granted if they are consistent with the countryside policies of the development plan.

- 8.2.17 Although the scheme falls outside of the planning boundary, it also abuts the planning boundary at Coldharbour Farm. Therefore, the proposal would be considered to be contiguous with two separate settlement boundaries.
- 8.2.18 The site would be located immediately adjacent to residential properties on Shepherds Close. It is noted that the residential properties at Shepherds Close do not fall within the Development boundary, however they do represent developed land in the form of residential properties and gardens.
- 8.2.19 Therefore, the proposal would slot into a plot of land that is situated between the Cold Harbour Farm, the properties on Shepherds Close and the Development Plan Boundary at Wivelsfield Green. As such, the site would be bounded by three separate existing areas of developed land and would sit amongst the built form of the Wivelsfield settlement rather than be separate from it.
- 8.2.20 The site would undoubtedly be an addition to the Wivelsfield Green settlement however, it is not considered to be an excessive or dominant addition to the settlement. The proposal would be subordinate to the village scale and would be considered to act as an infill development rather than an additional limb in the footprint of the settlement. The proposal would therefore comply with criteria 2 of the IPSHD.
- 8.2.21 Criteria 2 states that the Council will take account of the cumulative impact of extant unimplemented permissions in the relevant settlement. Until March 31st 2022 LEBC Planning Policy Officers stated that Wivelsfield had the following consents/commitments:  
Dwellings approved until 31st March 2022= 258 units
- 8.2.22 Major sites still delivering housing include the site at nuggets.
- 8.2.23 Wivelsfield Neighbourhood Plan Adopted in 2016 set out that 30 new dwellings would be provided by 2030. However, this is superseded by the Local Plan Part 1 Spatial Policy 2 which sets out that within the parish of Wivelsfield near Burgess Hill, a 'minimum' of 100 new dwellings should be provided but sets no upper limit. Should this application be approved that would result in an approximate maximum figure of 303 new dwellings being committed to within the Wivelsfield neighbourhood Area, which would exceed the figure set out in the Local Plan by 203 units (203% Increase).
- 8.2.24 Notwithstanding this however, since the adoption of the Wivelsfield Neighbourhood Plan, new Government legislation in the form of a revised NPPF has been released that outlines how growth should be accommodated in terms of housing delivery. Given the scale of the housing targets for the area, there is undoubtedly increased potential

of Wivelsfield to accommodate additional dwellings over and above the previously set targets. The provision of approximately 304 new dwellings, would represent a significant increase in the housing target set out in the Local Plan. However, it is worth noting that this is a minimum target. Nonetheless given the scale of Wivelsfield Parish this increase in housing delivery given, the scale of the housing need, would not have a cumulative unacceptable impact upon the village in terms of density or its setting and would offer a valuable contribution to housing land supply.

#### Criteria 3 of the IPSHD

- 8.2.25 The application is outline and all matters are reserved. However, the layout shows a connection to the existing footpath on Hundred Acre Lane via a footpath to the south of Shepherds Close is possible, which would provide pedestrian access to Wivelsfield Green.
- 8.2.26 The site would be easily accessible via a range of transport options including walking, motor vehicle, cycle, and bus stops (Primary School and Downsview Drive). Therefore, Criteria 3 has been met in this regard.

#### Criteria 4 of the IPSHD

- 8.2.27 Criteria 4 states that Officer's should assess whether the site would result in actual or perceived coalescence of settlements. The site is located at the southern edge of Wivelsfield Green and is set in amongst existing development land to the west and north of the site. There are no nearby settlements within a proximity which would result in any significant risk of coalescence.
- 8.2.28 Officers consider that this criterion has been met in this regard.

#### Criteria 5 of the IPSHD

- 8.2.29 Paragraph 176 of the NPPF sets out that development within the setting of national parks should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas
- 8.2.30 The site is located approximately 2 miles from the South Downs National Park. Due to the distance from the national park the proposal is not considered to result in any noticeable impacts upon its setting.
- 8.2.31 Therefore, the impact upon the setting of the SDNP is negligible and would not be given any weight in the planning balance. The proposal is considered to comply with criteria 5 of the IPSHD

#### Criteria 6 of the IPSHD

- 8.2.32 Criteria 6 relates to the ecological impact of the development. This is assessed in more detail in the 'Ecology and Biodiversity' section of this report. However, no objections were raised from East Sussex County Council's Ecology Officer and conditions have been recommended in order to ensure biodiversity net gain.
- 8.2.33 Furthermore, the applicant has included the provision of a large, landscaped area to the east of the site, which would deliver new trees and shrubs in an area that is presently of relatively low

biodiversity value. This would undoubtedly have a significant benefit in terms of its ecological impact.

- 8.2.34 Therefore, subject to the successful discharge of the recommended ecology conditions and the provision of a landscaped area, Criteria 6 of the IPSHD is considered to be satisfied.

Criteria 7 of the IPSHD

- 8.2.35 Criteria 7 requires that developments should make the most efficient use of land, whilst responding sympathetically to the surrounding rural environment.

- 8.2.36 The assessment in regard to whether or not the proposal would be sympathetic to the surrounding environment and is set out below in section 'Design, Character and Impact Upon Landscape'.

- 8.2.37 Policy CP2 of the Local Plan Part 1 sets out that within village scales density should range between 20-30 units per hectare in order to respect the village context. This proposal seeks a maximum density of 12.22 dwellings per hectare. Whilst this is below the recommended density for making most efficient use of the land, a large portion of the site is dedicated to landscape enhancements. As such, the proposed density would be considered to respect the village scale whilst realising the potential of the site in a manner sympathetic to its rural location.

- 8.2.38 The proposal would be considered to fall within the density expected in this location and would make appropriate and efficient use of the land in accordance with adopted policies. The proposal therefore satisfies Criteria 7 in this regard.

Criteria 8 of the IPSHD

- 8.2.39 Criteria 8 sets out that it should be demonstrated that the scheme is deliverable with regard to elements such as, infrastructure and affordable housing.

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

Landscaped and Woodland Area

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



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

- 8.2.42 Policy 6 of the Wivelsfield Neighbourhood plan states the aim of this policy is to protect, conserve and where possible enhance the parish's green infrastructure and wildlife habitats.
- 8.2.43 The proposal includes the provision of a large onsite landscaped area. Whilst the proposal as a whole would result in the loss of what is currently greenfield land, a landscaped would significantly offset some of the harms of the development and provide a public benefit of the scheme. The full extent of the harm to the landscape caused by the development is assessed in section 'Design, Character and Impact Upon Landscape' below. In principle the provision of the large ecology landscaped area would undoubtedly be a positive outcome of the proposal and is supported by Policy CP8.
- 8.2.44 The proposed landscaped area would be secured via S106 agreement, which will include a requirement to produce a long-term maintenance plan for the area in order to secure its long-term benefits.
- 8.2.45 In conclusion, the proposal seeks to deliver 45 new dwellings at the site. Given the Council's housing requirement and the lack of a 5-year housing land supply, the Council are applying the presumption in favour of sustainable development. Given the scale of the Council's housing deficit the delivery of 45 units would be considered a significant benefit of the scheme.
- 8.2.46 However, the site falls outside of the defined development boundaries. The IPSHD produced by the Council sets out the criteria which it considers defining sustainable development. This document sets out eight criteria which are to be used as a guide to determine what is sustainable development. As set out above, the proposed scheme would satisfy the majority of the criteria set out in the 'IPSHD on an in-principle basis. However, this is subject to the separate assessment to the visual impact upon the countryside, which is set out in section 'Design and Character and Impact Upon Landscape' below and is required by criteria 7 of the IPSHD.
- 8.2.47 The proposal seeks to provide a large, landscaped area. This would provide community amenity facilities and would undoubtedly have ecological benefits for the surrounding area. This would be a significant benefit of the scheme.
- 8.2.48 On balance, the principle of the application is generally acceptable. The proposal would have benefits in the form of 45 new dwellings contributing to housing supply: the provision of ecology and amenity facilities for the use and enjoyment of the local population in the form of the landscaped area. However, Officers recognise that this is to be weighed against the impact upon the surrounding landscape in accordance with the IPSHD and the NPPF. Subject to any potential harm of the development not outweighing the benefits, the principle of the development is considered to be acceptable.

### **8.3 Design, Character and Impact Upon Landscape**

- 8.3.1 The proposed development site is comprised of one large open agricultural field, which is enclosed by hedgerows and a woodland along the western side of the southern boundary. The open character of much of the site makes it visually sensitive from a northern aspect and particularly from South Road and Downsview Road in the Wivelsfield Green Settlement Boundary,
- 8.3.2 Paragraph 131 of the NPPF stresses the importance of trees to the placemaking process. The indicative layout plan shows that green spaces and planting will be integrated throughout the site. However, a detailed landscaping plan will be required as part of the reserved matters. The landscaping plan will be required to retain as much existing vegetation as possible whilst providing a net gain of high biodiversity value trees and shrubs throughout the site.
- 8.3.3 The proposal includes a large Community Landscape Area to the east of the site and a Woodland which would adjoin and extend the existing woodland along the southern boundary.
- 8.3.4 In terms of design, the indicative plans and Design & Access Statement confirm that dwellings would not exceed two-storeys in height. An appraisal of surrounding development will be required to identify key architectural features and materials within the surrounding area to inform the design of the buildings within the development at detailed plans stage.
- 8.3.5 The proposed development seeks a maximum density of 12.22 dwellings per hectare and would be in accordance with Policy CP2, which sets out that within village settings the maximum density should be between 20-30 dwellings per hectare. Given the semi-rural nature of the site and the fact that large parts of this development are dedicated to landscaping, the density is considered to be in keeping with the rural nature of the site whilst maximising its housing potential.
- 8.3.6 The details of access will form part of the reserved matters submission. The formation of the vehicular site access would be via the north eastern side of the site at South Road. A pedestrian access will be formed on the north western side of the site also at South Road. A final pedestrian access will be created at the south western side of the site connecting to Shepherds Close. The works will lead to the removal/cutting back of some of the existing tree line/hedgerows at these accesses, to allow for an opening and visibility splays. The loss of hedgerow would be unfortunate but can be somewhat mitigated by the planting of new native hedgerow to reinforce the existing hedgerows and other onsite landscaping enhancements. Therefore, Officers consider that the loss of hedgerow would only result in a minor degree of harm to the surrounding landscape and streetscene due to the potential for mitigation.
- 8.3.7 The indicative layout plan shows that the site has capacity for buildings and infrastructure to be set back from the road. This would allow space for planting, as well as the creation of open green space that would interact with the wider street scene.

- 8.3.8 It is considered that there is ample opportunity for mitigation in the form of planting that would maintain the verdant nature of this section of South Road abutting the site. Any planting would also provide a visually sympathetic screen to the proposed development that would soften the impact from street level. The indicative layout plans show that planting could provide an integral part of the development through additional screening and creation of mixed habitats that could enrich the visual quality of the site margins and soften the visual impact of the development.
- 8.3.9 Although full details of design, scale, layout, and landscaping are reserved matters, it is clear that the proposed development will involve building over a site that has not previously been developed and is currently greenfield land. Notwithstanding this, the site is not isolated, being directly adjacent to the established settlement boundaries of at Wivelsfield Green and Hundred Acre Lane.
- 8.3.10 Notwithstanding site boundary landscaping, the rising topography of the site means the proposed development would be particularly visible from South Road and Downsvie Road. The scheme would undoubtedly harm rural views from this aspect which would be given due weight in the planning balance.
- 8.3.11 Notwithstanding the above, the rising topography of the site would result in the impacts upon the countryside being contained to south Road and Downsvie Road. The woodland and landscape planting in unison with the rising topography of the site would result in the development being screened from far reaching views. The result is that the proposal would have a very localised impact on the countryside and would therefore not be particularly sensitive to wider landscape impacts. ESCC's Landscape Officer has reviewed the proposal and has stated that subject to design details such as certain properties in sensitive locations being erected as bungalows and a well-designed landscaping scheme, there are no objections to the proposal on a wider landscape basis.
- 8.3.12 Further mitigation will be required in the form of a lighting assessment with any reserved matters, which would soften the impacts of the development by informing a design with limited light spill from the site.
- 8.3.13 In conclusion the proposed site itself would comfortably accommodate a development of 45 units whilst not exceeding the housing density required by Policy CP2. The reserved matters will require the submission of elevations and layout plans and this will be informed by a character assessment of the surrounding area in order to achieve a vernacular that matches the areas character. The maximum building height will be two stories.
- 8.3.14 Trees, shrubs, and hedgerows will play a key role in the successful delivery of this proposal. Hedgerows and landscaping have the potential to significantly soften the visual impact of the development. Additional planting as well as reinforcing existing vegetation and planting where possible, will be a key requirement of any detailed plans submission.

- 8.3.15 The site accesses would be formed by removing existing hedgerows and planting. The main vehicular access will be required to create openings large enough for two vehicles to pass each other and create sufficient visibility splays. This may lead to a loss of hedgerows. However, with mitigation in the form of additional planting, this would only be considered to result in minor harm to the street scene from South Road and Downsview Road and the wider area.
- 8.3.16 The proposal will undoubtedly have visual ramifications for the outward views from South Road and Downsview Road. This coupled with the loss of the vegetation to form the site accesses would be considered to result in a moderate harm to the landscape.
- 8.3.17 However, the sites topography coupled with significant landscaping and planting would limit the impacts of the development to the northern aspects of South Road and Downsview Road. The resulting scheme would only have a particularly local sensitivity to wider landscape impacts and would not result in harms to the wider rural landscape.
- 8.3.18 Overall, the development would result in moderate harm to the setting and openness of the countryside from the view of South Road and Downsview Road. However, there are significant gains to be made in terms of a net increase in planting. Mitigation offered would significantly soften the impact of the development. Notwithstanding this, the harm to the countryside would still be considered to be moderate, which will be considered in the planning balance.

#### **8.4 Transport and parking**

- 8.4.1 In summary, the site would be accessed from the northern boundary, directly from South Road. The site is located in close proximity to bus stops and walking routes and is considered to be a sustainable location in close proximity to nearby amenities and transport links subject to various proposed upgrades in public transport services.
- 8.4.2 The proposal would seek parking provision in compliance with ESCC parking standards. Concerns were raised relating to the proposed tandem parking spaces and their layout. However, the application is all matters reserved and it is considered that the parking layout can be resolved in a way to make the arrangement acceptable at reserved matters stage. The site layout will be resolved in consultation with ESCC Highways Officers.
- 8.4.3 The Highway Authority initially objected to the proposal on the basis that the modelling in the applicants Transport Assessment was not accurate. ESCC has since undertaken their own junction assessment and modelling and has concluded that the highway network could accommodate the proposed development. There are no other concerns raised by the Highway Authority.
- 8.4.4 The proposal would include various improvements in public transport provision via S106 agreements, such as bus stop improvements, contribution for increased services and school bus passes and the

provision of a car club. The proposal would also enhance pedestrian access routes through the site in eastern and western directions which would be secured at detailed plans stage, via conditions and S106 Agreement.

- 8.4.5 Overall, the proposal is considered to be acceptable from a highway's perspective, subject to S106 and Conditions. It is on this basis that Officers consider the highways impacts acceptable.

## **8.5 Residential Amenity**

- 8.5.1 This is an outline application where, if permission is granted, the details of the layout will be reserved for further consideration under a subsequent planning application. However, the indicative drawings inform the layout and heights of the proposed development and provide an expectation of what would be delivered. For the most part, the indicative drawings show that the development maintains separation distances between proposed and adjoining existing properties and would not be in close proximity to any existing properties at Shepherds Close.
- 8.5.2 Although the new houses would be clearly visible from surrounding properties and may obstruct existing views across open parts of the site, there is no material right to a view. The separation distances shown in indicative drawings would preclude what would be regarded, in planning terms, significant overlooking, loss of outlook or obtrusiveness that would be considered to materially harm the living conditions for the occupants of existing nearby properties. Nonetheless, the detailed reserved matters will include boundary planting and landscaped buffers, which would help to mitigate noise disturbance and harm to views for the neighbouring properties.
- 8.5.3 The indicative layout submitted with the proposal, in unison with the two storey heights of the proposed structures would not be considered to result in any unacceptable impacts upon any existing neighbouring properties in terms of overbearing, overshadowing, overlooking or daylighting/sunlighting. It is considered that the proposal could accommodate the development limit of 45 units within the site, whilst not resulting in any unacceptable internal or external residential amenity issues.
- 8.5.4 The application is considered to be acceptable in terms residential amenity subject to conditions and further details.

## **8.6 Living Conditions for Future Occupants**

- 8.6.1 It is considered that the indicative layout plans demonstrate that the site could accommodate a development of 45 dwellings, that would also provide a good sense of place and community. The indicative layout shows that there would be sufficient space to provide soft landscaping and greenery as well as communal open areas. The site would be located adjacent to the existing settlement of Wivelsfield Green and would not be isolated and would have good connections to the existing community and services. It is therefore considered that occupants of the proposed dwellings would not feel a sense of

detachment from their wider surroundings and would have a good standard of environment within the site itself.

- 8.6.2 It is stated that all housing units would meet the Nationally Described Space Standards and based on measurements of the footprint of each dwelling; it is considered there is ample room for all dwellings to be delivered as meeting or exceeding the space standards. Furthermore, each dwelling would be able to accommodate a good-sized garden, whilst communal green space would also be available.
- 8.6.3 The proposed development would include safe pedestrian links to South Road in the form of raised kerb footways. There is a pedestrian link connecting the site to Hundred Acre Lane and Wivelsfield green meaning that residents of the existing settlements and residents of the site can easily access the existing and proposed local amenities including the proposed landscaped area.
- 8.6.4 Overall, the site would be a sufficient size and scale to sustain the development proposed comfortably, whilst providing adequate living standards in terms of local environment and internal and external quality of private accommodation. The site is well connected with existing public services meaning that the residents of the existing settlements can easily access the public realm improvements and the landscaped area. The pedestrian and vehicular links to Wivelsfield Green would allow residents of the site to easily access the amenities at the existing settlement.
- 8.6.5 It is therefore considered that the proposed development complies with Policy CP2 of LPP1, policy DM15, DM16 and DM25 of LPP2 and Section 8 of the NPPF.

## **8.7 Flooding and Drainage**

- 8.7.1 The proposed development would involve the introduction of buildings and impermeable surfaces (equating to a total area of approx. 3.68 hectares) on what is currently an undeveloped greenfield site.
- 8.7.2 The NPPF sets out a Sequential Test, which states that preference should be given to development located within Flood Zone 1 and at a low risk of flooding from other sources.
- 8.7.3 The proposed development site lies in an area designated by the EA as Flood Zone 1 and is outlined to have a chance of flooding of less than 1 in 1,000 in any year.
- 8.7.4 It is worth noting that the proposal is an all matters reserved application, so therefore final details of the layout of the site are unconfirmed. However, as the residential development would be located within Flood Zone 1 the final layout is not considered to represent any unacceptable risk of flooding.
- 8.7.5 Surface water runoff will be increased by the proposed scheme as the proposal will increase impermeable surface on site. Ultimately surface water would be managed by surface water from the proposed development will be attenuated and discharged to the

ordinary watercourse to the north-east of the site via an existing sewer or a new sewer in South Road/Downsview Drive.

- 8.7.6 In order to prevent flooding, both on and off the site, Sustainable Drainage Systems (SuDS) will be utilised to control surface water flows, via the inclusion of an attenuation basin (north of the site adjacent the access), with the potential for the inclusion of permeable paving which will be required via condition. These features will be designed to store the volume of water associated with a 1 in 100-year rainfall event, plus an additional allowance to account for increased rainfall due to climate change, providing a betterment over the existing scenario
- 8.7.7 The scheme initially attracted an objection from the Lead Local Flood Authority (LLFA). The initial objection related to a lack of hydraulic modelling in relation to the presence of surface water flow paths through the site. The applicant has undertaken direct rainfall hydraulic modelling to demonstrate that development at the site will not increase flood risk elsewhere and as such, the LLFA withdrew their objection to the scheme.
- 8.7.8 In conclusion, the site is situated in a Flood Zone 1, surface water will be attenuated on site via the inclusion of an attenuation basin before being discharged into the ordinary watercourse on South Road/Downsview Road. The initial objections from the LLFA have been resolved and the objection has been withdrawn in favour of a recommendation for approval subject to conditions.
- 8.7.9 It is considered that the proposed drainage scheme would meet the criteria of sustainable drainage as set out in para. 051 of the Planning Policy Guidance on Flood Risk and Coastal Change in that it would manage run-off, control water quality and maintain amenity space and wildlife areas. The LLFA have stated that they are satisfied that the surface water generated by the proposed development can be managed effectively.
- 8.7.10 It is therefore considered that surface water run-off generated by the development can be adequately managed without unacceptable risk of flooding. The development is therefore considered to comply with policy CP12 of LPP1 and paras. 161 and 162 of the NPPF.

## **8.8 Ecology & Biodiversity**

- 8.8.1 The application is accompanied by an Ecological Appraisal Report, which sets out the impact of the proposal on a number of protected species. The Ecological Appraisal Report identifies the primary ecological hotspots of the proposed development, most of which are to be retained in the indicative layout plan. The majority of the grassland is categorised as being of low ecological value, but it is noted that there are areas of priority habitats supporting the potential presence of Great Crested Newt, nesting birds, foraging bats, hazel dormouse and reptiles.
- 8.8.2 The report sets out a range of mitigation measures to minimise the impact upon wildlife during site clearance and construction works. This includes: protective fencing to be erected surrounding retained

protected habitats; the supervised clearance of any reptile habitats, to avoid the risk of killing/injuring reptiles and subsequent translocation of reptiles still on site; and, the requirement for a European Protected Species License (Hazel Dormouse) issued by Natural England prior to any works commencing. The report also suggests the timing of all vegetation clearance works to avoid hibernating, maternity and nesting seasons for bats, birds, mammals, and reptiles.

- 8.8.3 Further measures will be taken to ensure all retained trees and hedgerow are protected during site clearance and construction works; that external lighting is avoided or minimised where possible; that excavations and open pipework is covered overnight; and that new boundary fencing includes mammal gates.
- 8.8.4 A number of opportunities for ecological enhancements/biodiversity net gain are identified within the report. These include the creation of a generously sized Community Landscaped Area, which will be secured via legal agreement. Further enhancement measures and recommendations for the site include: the Community Landscaped Area and woodland habitats for a range of species: the creation of a high biodiversity value attenuation pond: and, the installation of bat and bird roost/nest boxes.
- 8.8.5 ESCC Ecology Officer has assessed the application and offered their qualified support for the proposal..
- 8.8.6 In addition to the mitigation and compensation measures required, the site offers opportunities for enhancement which will help the Council address its duties and responsibilities to provide measurable BNG under national and local planning policy and the NERC Act. The Biodiversity Net Gain Assessment submitted with the application (ECOSA, September 2021) concludes that the proposed development, based on the plans set out in the Proposed Site Layout, will result in BNG of 10.97% for habitats and 33.10% for hedgerows. Whilst the assessment was not based on the most up to date version of the Biodiversity Metric, it is accepted that assessments were started before the publication of version 3 and Natural England's advice is that in such cases, the continued use of an earlier version is acceptable.
- 8.8.7 The assessment is based on the creation of 0.16km of native species rich hedgerow. As stated above, this is unclear from the plans provided. It is recommended that a species rich native hedgerow is planted along the west side of the proposed public open space, and that this is managed for wildlife rather than for amenity. As stated above, it is recommended that an Ecological Design Strategy is required by condition which will clearly set out measures for mitigation, compensation and to achieve biodiversity net gain. As BNG should be secured for at least 30 years, a LEMP should set out long term management and how it will be funded.
- 8.8.8 In summary, there are several different species which may be affected by the proposal, but there is also potential for ecological benefits which will be secured via conditions and legal agreements.



The proposal includes a Community Landscaped Area, which will result in significant biodiversity net gain for the area and will be secured via legal agreement. The Community Landscaped Area's longevity will be insured by a requirement within the legal agreement to provide an ongoing management and maintenance plan.

- 8.8.9 ESCC Ecology Officer has confirmed that if the recommended mitigation, compensation, and enhancement measures are implemented, the proposed development can be supported from an ecological perspective with regard to protected species. Further mitigation is recommended by ESCC Ecology Officer which can be secured at the reserved matters stage and detailed in an updated Ecological Impact Assessment.
- 8.8.10 Overall, the proposal seeks adequate mitigation and would result in significant biodiversity enhancement measures. ESCC Ecology Officer has confirmed that they have no objection to the proposal and therefore, the ecological impact of the proposal is acceptable

## **8.9 Environmental Health**

### Air quality

- 8.9.1 The initial response from LDC's Air Quality Officer's response sets out that an air quality assessment and any required mitigation can be achieved at the reserved matters stage subject to a condition requiring these details to be submitted to and approved by Council Officer's. As such, it is considered that a successful resolution in terms of air quality can be achieved for this scheme.
- 8.9.2 Therefore, Officers have no air quality concerns subject to conditions.

### Contamination

- 8.9.3 The proposal does not include any Ground Contamination Assessment. However, LDC's Contamination Officer has provided a response which sets out that a Ground Contamination Assessment and any required remediation can be submitted at the reserved matters stage, as it is considered that a successful resolution can be achieved for this scheme.
- 8.9.4 Overall, neither a Ground Contamination Assessment nor an Air Quality Assessment have been submitted with this proposal. However, the proposal is all matters reserved and both assessments can be effectively dealt with at reserved matters stage. Any recommended reports and subsequent mitigation will be required prior to any development commencing at this site. Therefore, there are no environmental health concerns resulting from the proposal subject to additional details.

## **8.10 Sustainability**

- 8.10.1 The application is in outline form and, as such, it is not possible for all sustainability measures to be detailed at this stage. It is, however, noted that the development would utilise sustainable drainage systems. This, as well as other open green space within the overall

site area is considered to support the delivery of multi-functional green infrastructure as required by LPP2 Policy DM14.

- 8.10.2 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.
- 8.10.3 A Site Waste Management Plan (SWMP) should be submitted at the reserved matters stage in full accordance with the Site Waste Management Plan Regulations 2008

## **8.11 Archaeology**

- 8.11.1 An Archaeological Desk Based Assessment (DBA) of the site has been carried out and a report submitted as part of the suite of documents supporting the application.
- 8.11.2 The DBA places the proposed development site within an archaeological and historic context and confirms that the application site lies in an area with moderate potential for Mesolithic and low to moderate potential is considered for Neolithic, Bronze Age and Roman deposits. The mid-19th century place name for the site suggests possible kiln activity at the site settlement.
- 8.11.3 ESCC Archaeological Officer has reviewed the report and generally agrees with its conclusions. In light of the potential for impacts to heritage assets with archaeological interest, it is recommended that the area affected by the proposals should be the subject of a programme of archaeological works, in order to determine the impact of the proposal.
- 8.11.4 Therefore, subject to additional details being received at reserved matters stage, the proposed development complies with Policy CP1 of LPP1, DM33 of LPP2 and section 16 of the NPPF.

## **8.12 Planning Obligations**

- 8.12.1 The proposed scheme represents major development and, as such, there is a requirement for affordable housing to be provided. At a rate of 40% of the total number of units being provided as affordable housing, the proposal is in accordance with Policy CP1 of the Lewes District Core Strategy. units, the maximum number of affordable housing units would be 18 units.
- 8.12.2 The applicant has confirmed that affordable housing would be provided in compliance with the requirements of CP1 and a Section 106 legal agreement has been drafted to secure this. A provisional dwelling mix with a tenure split of 75% affordable rent and 25%

- 8.12.3 The applicant has agreed to provide a Communal Landscaped and Woodland Area to the east of the site. The S106 agreement will include a provision that a maintenance plan is produced for the ongoing maintenance of the Communal Landscaped and Woodland Area and contributions will be received in the form of a commuted sum for its maintenance over. The provision of the Communal Landscaped and Woodland Area will be secured by S106 Agreement. A planting plan along with a woodland maintenance plan will be required by the S106.
- 8.12.4 Officers seek to resolve Highways issues where appropriate by S106 agreement. The highways S106 requirements are as follows:
- Travel Plan developed in accordance with ESCC Travel Plan Guidance for developers (Feb 2020) including Travel Plan Audit Fee of £6000
  - Access from South Road including road markings etc as shown illustratively on plan Nos. 001-G and PL-01L
  - Improvements to two existing Bus stops on South Road to include shelters [to be agreed with parish council] seating at both stops, together with raised kerbs, bus stop clearway at westbound stop.
  - New 2-metre-wide footway from the site access along South Road to the east as shown illustratively on drawing Nos. 001-G and PL-01L.
  - Appropriate uncontrolled crossing points [dropped kerbs and/or tactile paving] across South Road to connect the site to the Primary School and village to the west and the bus stops to the east on South Road.
  - Appropriate uncontrolled crossing points [dropped kerbs and and/or tactile paving across both ends of Allwood Crescent at its junctions with Downsvie Crescent and across Downsvie Crescent at its junction with South Road.
  - A £5000 contribution towards the administrative costs of a Traffic Regulation Order for implementation of any possible parking restrictions required on South Road and/or for the extension to the 30mph within the site and/or towards the bus stop clearway consultation.
  - A Permissive route to be provided through the site for public use in order for the existing residents of Wivelsfield to utilise the use of the proposed car club bay [if provided].
  - A contribution of £89,775 towards free school transport [£665 per child per year assuming 1 child per dwelling] for a 3-year period.
  - A contribution of £45,000 [£1000 per dwelling] towards improving the 166 [or its replacement] Bus Services.
- 8.12.5 Subject to the above provisions, the application is considered to be acceptable.

### **8.13 Human Rights Implications**

8.13.1 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 considered fully in balancing the planning issues; and furthermore, the proposals will not result in any breach of the Equalities Act 2010.

### **8.14 Conclusions**

- 8.14.1 The provision of 45 units given the scale of the Councils housing requirement would play a significant role in reaching the target of 602 homes per year. Therefore, Officers consider that the provision 45 homes would carry significant positive weight in the planning balance.
- 8.14.2 At a rate of 40% of the total number of units being provided as affordable housing, the proposal is in accordance with Policy CP1 of the Lewes District Core Strategy. With a development of 45 units, the number of affordable housing units would be 18. The policy compliant affordable housing would be a significant benefit of the scheme and would carry significant positive weight in the planning balance.
- 8.14.3 The proposal complies with all elements of the 'Interim Policy Statement for Housing Delivery' except criteria relating to harm on the surrounding visual environment and landscape. This harm varies at different areas of the site but overall, the impact upon the surrounding landscape are largely limited to South Road and Downsview Road. Mitigations are offered which would go some way to softening the visual appearance of the development. However, the impact upon the landscape resulting from the development, would be moderate harm due to the visuals presence of the site from those roads to the north. The impact upon the character of the landscape would have moderate negative weight in the planning balance.
- 8.14.4 The proposal includes the provision of a communal landscaped area and a woodland area to the east of the site (demarcated in plans 7050 PL-05 & 7050 PL-06:). The proposed community Landscaped and Woodland areas would be accessible to the public and would provide a host of benefits including, softening the visual impact of the development; providing outdoor amenity space; and contributing to biodiversity net gain. The Community Landscaped Area and Woodland would not completely mitigate the harms of the development however, its provision is supported by neighbourhood, local and national planning policy and it would undoubtedly result in benefits. Due to the range of benefits resulting from the provision of the Community Landscape and Woodland Areas, this would carry moderate positive weight in the planning balance.
- 8.14.5 The proposal seeks adequate mitigation and would result in significant biodiversity enhancement measures. ESCC Ecology Officer has confirmed that they have no objection to the proposal subject to conditions. Overall, the proposal would result in the loss of

a low biodiversity value greenfield. However, it would offer enhancements in the form of an internal landscaping scheme, the communal landscaped area and woodland, and the retention of the remaining hedgerows bar areas to be removed for access. On balance, the proposed biodiversity enhancements would be positive but limited to some degree due to the human activity and residential nature of the site. On this basis the biodiversity enhancements would carry minor positive weight in the planning balance.

- 8.14.6 The site is situated within an area with low archaeological interest. However, due to the low to moderate archaeological potential of the site for specific eras of human activity, a schedule of archaeological works will be required to be carried out at the reserved matters stage at the advice of ESCC Archaeological Officer. Subject to conditions, the archaeological impacts can be acceptably resolved, and this therefore bears neutral weight in the planning balance.
- 8.14.7 The highways impact upon the surrounding area are considered acceptable. The access is considered acceptable subject to conditions and S106 agreements and sustainable transport options such as walking and public transport would be improved at detailed plans stage, via conditions and via S106 agreements. Therefore, the highways impacts are considered to have neutral bearing on the planning balance.
- 8.14.8 It is considered that surface water run-off generated by the development can be adequately managed without unacceptable risk of flooding. Subject to conditions the flooding and SUDS impacts can be acceptably resolved, and this therefore bears neutral weight in the planning balance.
- 8.14.9 Both LDC 's Air Quality and Contamination Officers have reviewed the evidence submitted by the applicant and are content that air quality and contaminated land issues can be effectively dealt with at reserved matters stage.
- 8.14.10 Overall, Officers consider that the significant public benefits in terms of the provision of up to 45 Units and a policy compliant affordable housing provision, and the provision of a Community Landscaped and Woodland Area (including their biodiversity benefits), would outweigh the minor harms resulting upon the setting of the Visual Landscape from South Road and Downsview Road. Therefore, Officers consider that the scheme would be acceptable and is therefore recommended for approval.

## 9. Recommendation

**Part A)** Referral to the Secretary of State (SoS) for a minimum of 21 Days following a resolution to Approve Planning Permission.

In the circumstances that the SoS do not wish to exercise call in powers and subject to the successful completion of an S106 agreement under the following Heads of Terms:

- Provision of 40% of the residential units as Affordable Housing

- Provision of Community Landscape and Woodland.
  - Tree Planting and Hard and Soft Landscaping Plan
  - Woodland Maintenance Plan
- Travel Plan developed in accordance with ESCC Travel Plan Guidance for developers (Feb 2020) including Travel Plan Audit Fee of £6000
- Access from South Road including road markings etc as shown illustratively on plan Nos. 001-G and PL-01L
- Improvements to two existing Bus stops on South Road to include shelters [to be agreed with parish council] seating at both stops, together with raised kerbs, bus stop clearway at westbound stop.
- New 2-metre-wide footway from the site access along South Road to the east as shown illustratively on drawing Nos. 001-G and PL-01L.
- Appropriate uncontrolled crossing points [dropped kerbs and/or tactile paving] across South Road to connect the site to the Primary School and village to the west and the bus stops to the east on South Road.
- Appropriate uncontrolled crossing points [dropped kerbs and and/or tactile paving across both ends of Allwood Crescent at its junctions with Downsvie Crescent and across Downsvie Crescent at its junction with South Road.
- A £5000 contribution towards the administrative costs of a Traffic Regulation Order for implementation of any possible parking restrictions required on South Road and/or for the extension to the 30mph within the site and/or towards the bus stop clearway consultation.
- A Permissive route to be provided through the site for public use in order for the existing residents of Wivelsfield to utilise the use of the proposed car club bay [if provided].
- A contribution of £89,775 towards free school transport [£665 per child per year assuming 1 child per dwelling] for a 3-year period.
- A contribution of £45,000 [£1000 per dwelling] towards improving the 166 [or its replacement] Bus Services.

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

**Part B)** Subject to the LPA and the applicant failing to successfully complete an S106 agreement to secure necessary legal requirements (referred to in Part A) by the 27<sup>th</sup> of July 2022 or a time frame agreed with the LPA, the Planning Applications Committee grant the Head of

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

- The application fails to provide the necessary Affordable Housing, for the proposed development, contrary to policy CP1 of LPP1, DM25 of LPP2, Policy 2 of the Wivelsfield Neighbourhood Plan and the National Planning Policy Framework.
- The application fails to provide the necessary highways mitigations by reason of failure to successfully complete a Section 106 Agreement, which would be to the detriment of road users and highways capacity and sustainable travel. The development would therefore be contrary to Policy CP13 of the Lewes District Local Plan Part 1 and Paragraph 111 of the National Planning Policy Framework.

### **Conditions**

1. **Approved drawings** This decision relates solely to the following plan(s):

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	16 November 2021	LOC001 - Rev B - Site Location Plan (Amended)
Other Plan(s)	24 March 2022	ITB10356-GA-001 Rev.G – SITE ACCESS PLAN
Other Plan(s)	28 January 2022	Revised vehicle tracking plan

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

2. **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 LPA to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

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 LPA. Application for the approval of the Reserved Matters shall be made within three years of the date of this permission. The development shall accord with the approved details.

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

**4. Hydraulic Modelling (SuDs)** Detailed hydraulic modelling shall be carried out at the reserved matters stage to demonstrate that the proposed development will not result in an increase flood risk elsewhere. The modelling should include proposed ground levels and site layout and demonstrate that the development will not increase flood risk for all events up to and including the 1 in 100-year plus climate change event.

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

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

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

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

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

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

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

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

**8. Access Gradient** The completed access shall have maximum gradients of 2.5% (1 in 40) from the channel line and 11% (1 in 9) thereafter shall be retained.

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



**9. Parking and Turning** The development shall not be occupied until parking and turning areas have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking and turning of motor vehicles.

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

**10. SuDs Highways** 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: To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding.

**11. Highways drainage details** Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road[s], 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

**12. Pre commencement survey of existing highways (Damage)** No development shall take place, including demolition, on the site until an agreed pre-commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.

Reason: In the interests of highway safety and the amenities of the area

**13. Construction Access and Turning** 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.

**14. Protection details for retained habitats** No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of retained habitats, and measures to protect badgers, reptiles and amphibians 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 wildlife legislation.

**15. Lighting design strategy**, no development shall take place until a "lighting design strategy" has been submitted to and approved in writing by the local planning authority. The strategy shall:

- (a) identify those areas/features on site that are particularly sensitive for badgers, bats and hazel dormice and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- (b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- (c) The lighting strategy shall minimise light spill from the site affecting the setting or openness of the countryside

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the planning authority.

Reason 1: Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation.

Reason 2: to ensure a satisfactory design and appearance of the proposal and to minimise the impact upon the openness of the countryside in accordance with DM25 and para 177 of the NPPF.

**16. Ecological design statement** No development shall take place until an ecological design strategy (EDS) addressing mitigation and compensation for the loss of habitat, most notably hedgerows and grassland, and enhancements to provide a minimum 10% biodiversity net gain 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 ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 174 and 180 of the National Planning Policy Framework, and Policies CP10 and DM24 of Lewes District Local Plan Parts One and two.

**17. Construction Management** No development shall commence, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the LPA. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period.

The CEMP shall be written in accordance with the latest Institute of Air Quality Management guidance documents, BS 5228 Parts 1 & 2 and shall include mitigation measures as detailed at Appendix A of the air quality assessment referenced Wivelsfield Green(A).9 (January 2022) submitted by Mayer Brown paying particular regard to the requirement for real time particulate monitoring with locations of monitors and methodology to be approved in writing by the LPA prior to commencement of any works on site

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

- o the anticipated number, frequency and types of vehicles used during construction,
- o means of reusing any existing materials present on site for construction works,
- o the method of access and egress routing of vehicles during construction,
- o the parking of vehicles by site operatives and visitors, including a workers' travel plan
- o the loading and unloading of plant, materials, and waste,
- o the storage of plant and materials used in construction of the development,

- o the erection and maintenance of security hoarding,
- o flood management during construction both on and off site [or via separate document]
- o 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),
- o details of public engagement both prior to and during construction works.
- o address noise impacts arising out of the construction.
- o address vibration impacts arising out of the construction.
- o address odour impacts arising out of the construction.
- o dust mitigation measures,
- o demonstrate that best practicable means have been adopted to mitigate the impact of noise and vibration from construction activities.
- o includes details of the use of protective fences, exclusion barriers and warning signs.
- o provides 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.
- o details of any external lighting.

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

**18. Suds general** Detailed hydraulic modelling shall be carried out at the reserved matters stage to demonstrate that the proposed development will not result in an increase flood risk elsewhere. The modelling should include proposed ground levels and site layout and demonstrate that the development will not increase flood risk for all events up to and including the 1 in 100-year plus climate change event.

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

**19.Suds general** Prior to the commencement of development, a detailed surface water drainage strategy shall be submitted in support to and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate the following:

- (a) Detailed drawings and hydraulic calculations. The hydraulic calculations shall consider the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to 10.17 l/s for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence.
- (b) The details of the outfall of the proposed drainage system and how it connects into the sewer shall be submitted as part of a detailed design including cross sections and invert levels.
- (c) The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

(d) The detailed design of the surface water drainage features shall be informed by findings of groundwater monitoring between autumn and spring at the location of the proposed tank. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system should be provided

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

**20. Management details for drainage system** 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 LPP1 policy CP12, LPP2 policy DM22 and para 166 and 168 of the NPPF.

**21. Flood risk mitigation** No development shall commence, including any works of demolition, until details of measures to manage flood risk, both on and off the site, during the construction phase have been submitted and approved in writing to the council. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.

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

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

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

**23. 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.  
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with Policy CP11 LPP1 and the NPPF.

**24. Contamination** No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing by the local planning authority:

- (a) Additional site investigation scheme, based on preliminary investigations already undertaken to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (b) The results of the site investigation and the detailed risk assessment referred to in (a) 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.
- (c) 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 (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

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

**25. Contamination verification report** No occupation of any part of the permitted development shall take place until a verification report demonstrating 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. It shall include any plan (a 'long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to

workers, neighbours and other offsite receptors [in accordance with NPPF, para 174, 183 and 184].

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

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

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

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

**27. Visibility Splays** No part of the development shall be first occupied until visibility splays of 2.4 metres by 51 metres to the west and 54 metres to the east have been provided/maintained at the junction of the access with South Road in accordance with plans and details to be submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 600mm.

Reason: To ensure the safety of persons and vehicles entering and leaving Arundel Green Road and proceeding along the highway.

**28.Landscape management plan** A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to occupation of the development. The content of the LEMP shall include the following:

- (a) description and evaluation of features to be managed.
- (b) ecological trends and constraints on site that might influence management.
- (c) aims and objectives of management.
- (d) appropriate management options for achieving aims and objectives.
- (e) prescriptions for management actions, together with a plan of management compartments.
- (f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period.
- (g) details of the body or organisation responsible for implementation of the plan.
- (h) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The

plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long-term management of habitats, species, and other biodiversity features.

**29. Evidence of drainage implementation** Prior to occupation of the development evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

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

**30. Archaeological evidence statement** 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 37.

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

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

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

**32. Sustainability Boilers** Details shall be submitted to and approved by the local planning authority prior to the first occupation of the development for the installation of Ultra-Low NOx boilers with maximum NOx emissions less than 40 mg/kWh (or a zero emission energy source). The details as approved shall be implemented prior to the first occupation of the development and shall thereafter be permanently retained.

Reason: In the interests of the living conditions of occupiers of nearby properties and future occupiers of the site and to manage air quality in accordance with NPPF 186.

**33. Cycle Parking** The development shall not be occupied until cycle 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 cycles.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.

**34. 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 the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

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

**35. 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 LPA.

Reason: To protect the amenity and character of the surrounding countryside and to prevent disturbance of nocturnal species having regard to Policy CP10 of the LPP1, policies DM20 and DM24 of the LPP2 and para 174, 180 and 185 of the NPPF.

**36. Height of dwelling restriction** No buildings or structures within the development shall exceed two storeys in height.

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

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

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

**38. Size of Parking Bays** The proposed parking spaces shall measure at least 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 adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

**39. Electric Vehicle Charging** Electric vehicle charge points shall be supplied at each property and must comply with the latest BS7671. Each charge point shall be 'active' and capable of charging electric vehicles without the need for further works.

Reason: To protect and exploit opportunities for the use of sustainable transport modes and to manage air quality in accordance with NPPF 35 and 186.

Informative(s)

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

10. **Background Papers**

10.1 None.