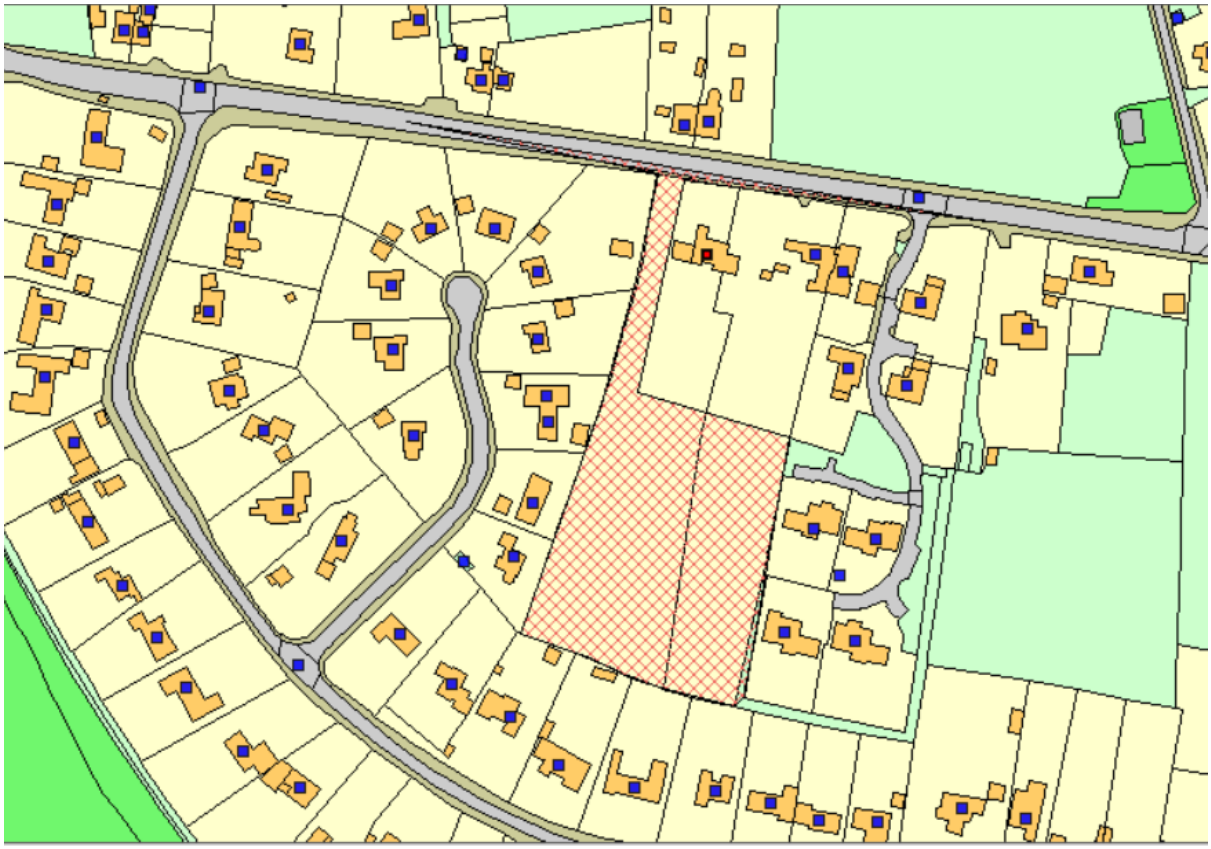
Report to:	Planning Applications Committee
Date:	3 August 2022
Application No:	LW/21/0942
Location:	Camelia Cottage, Station Road, North Chailey, BN8 4PJ
Proposal:	Erection of 7no. dwelling houses.
Applicant:	M Davies
Ward:	Chailey Barcombe & Hamsey
Recommendation:	Grant planning permission subject to conditions.
Contact Officer:	**Name:** James Emery **E-mail:** james.emery@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liable.

Map Location:



1. Executive Summary

1.1 The proposed development was presented to the 8 June Planning Applications Committee where members deferred the item to allow the Council to commission an independent assessment of the drainage scheme proposed by the applicant.

1.2 This assessment was commissioned and a report received by the council on 21st July. The findings of this independent report are summarised in section 8.7 of this report.

1.3 The development as is considered to meet all relevant national and local planning policies and is considered to be acceptable.

1.4 Approval is recommended, subject to conditions.

2. Relevant Planning Policies

2.1 National Planning Policy Framework

Delivering a sufficient supply of homes

Promoting sustainable transport

Making effective use of land

Achieving well designed places

2.2 Lewes District Local Plan

CP2 – Housing Type, Mix and Density

CP10 – Natural Environment and Landscape Character

CP11 – Built and Historic Environment & Design

CP14 – Renewable and Low Carbon

DM1 – Planning Boundary

DM25 – Design

DM26 Refuse and Recycling

DM27 Landscape Design

2.3 Chailey Neighbourhood Plan

HO1 – Design

HO2 – Housing Mix

HO3 – Size of new dwellings

HO4 – Building Height

HO5 – Pedestrian Connections

ENV1 – Landscape

ENV3 - Countryside Protection and the village setting

3. Site Description

3.1 The application site is located on the south side of Station Road approx. 1km east of the centre of Chailey and about 0.5km west of the main built-up area of Newick. Whilst being closer to Newick, it is administratively located within Chailey Parish. The site is currently occupied by a detached bungalow (Camelia Cottage) with extensive front and rear gardens.

3.2 Aside from the existing dwelling itself, the site contains the off-road parking and front garden associated with Camelia Cottage. The driveway is laid as gravel and the front garden is laid as lawn. The rear garden has been cleared of vegetation, for which no planning permission was required. There is a single access point onto Station Road which serves the whole site.

3.3 The boundary to the lane, which runs along the western boundary, consists of mature native hedge with two access gates. The site has a general slope from north to south with a fall of between 2-2.5m. There is an approx. 1.8m high close board fencing along the eastern boundary of the property, with trees and shrubs to the southern and western boundaries.

3.4 The site is located outside the planning boundary of Chailey. It appears as an infill site which is situated between low-density ribbons of development comprising the A272 Station Road to the north, Upper Station Gardens to the east, Great Rough to the west and Lower Station Road to the south. Properties within the surrounding area are characterised as detached two storey dwellings set on large plots.

3.5 The application site is not listed and there are no specific planning designations or constraints attached to the site.

4. Proposed Development

4.1 The application seeks permission for the erection of 7no dwelling houses. The dwellings would be positioned within newly formed plots in the rear garden of the application property. A widened access would be provided via the existing access onto Station Road. Properties 01, 02, 03 and 05 would be provided with double garages, with properties 04, 06 and 07 provided with triple garages.

4.2 The application comprises a mix of 2 x 4 bed and 5 x 5 bed properties.

4.3 In total, there 21 car parking spaces across the site, including garages and hardstanding.

4.4 The proposed design of the new houses is a traditional typology – pitched and hipped roofs, with tile hanging details to the first floor. The external materials comprise a varied palette.

4.5 Properties 01 and 04 will have red plain clay tiles to the roofs, multi-stock facing bricks and red clay hanging tile detailing features, with mid grey windows and doors.

4.6 Properties 02 and 05 will have grey plain clay tiles to the roofs, multi-stock facing bricks and red clay hanging tile detailing features, with white windows and doors.

4.7 Properties 03 and 06 will have red plain clay tiles to the roofs, dark red multi-stock facing bricks and red clay hanging tile detailing features, with white windows and doors.

4.8 Property 07 will have a grey plain clay tile roof, multi-stock facing bricks and red clay hanging tiles with Tudor cladding features and mid grey windows and doors.

4.9 Boundary treatments will comprise of 1.8m high close board fences.

5. Relevant Planning History

5.1 There have been no previous relevant applications for new dwellings at the site itself. The neighbouring site has been the subject of two successful planning appeals which were determined by the Planning Inspectorate under application and planning appeals LW/15/0154 / 3138509 in 2015 and LW/17/1027 / 3199039 in 2017.

6. Consultations

6.1 Newick Parish Council

6.1.1 Newick Parish Council were consulted and resolved to object to the proposed development, offering that although the development is in Chailey, inevitably it will impact more upon Newick than Chailey as it is very close to the Newick Parish Boundary.

6.1.2 Newick Parish Council wish to register their objection to this application for the erection of 7 large houses. Although located in Chailey, inevitably it will impact more upon Newick than Chailey. This is a significant infill site located very close to the Newick Parish Boundary. Nestled in between Station Rd (A272) to the north, the back gardens of Great Rough to the west, Lower Station road to the south and The Warren to the east. It will further erode the declining green gap between the 2 villages. DM1 of the local plan part 2 (LLP2) recognises the importance of this, stating that: "Within the planning boundaries, as defined on the Policies Map, new development will be permitted provided that it is in accordance with other policies and proposals in the development plan. Outside the planning boundaries, the distinctive character and quality of the countryside will be protected, and new development will only be permitted where it is consistent with a specific development plan policy or where the need for a countryside location can be demonstrated."

6.1.3 Furthermore, in reaching decisions on recent planning appeals, PINS Inspectors have emphasised the need to retain open space between the two villages and this proposal, especially when coupled with a nearby pre-application proposal (at Chagley Corner) would significantly impact and reduce that open space to the point where it becomes virtually non-existent. The following are examples of those decisions.

6.1.4 In February of 2021, an appeal for development of a nearby site at Mitchelswood Farm located on the Newick side of the Chailey

boundary (APP/P1425/W/15/3119171), was conducted by Mr Andrew Lynch and the appeal dismissed by the Secretary of State. The grounds for dismissal were:

6.1.5 'Planning balance and overall conclusion - For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with Policies DM1, CP10(1), and EN1 of the development plan, and is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

6.1.6 As the Secretary of State has concluded that the authority is unable to demonstrate a five year housing land supply, paragraph 11(d) of the Framework indicates that planning permission should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.

6.1.7 The proposed development would have a seriously damaging impact on the character and appearance of the local landscape, and there would be substantial visual harm to the character and appearance of the landscape and village setting. This harm carries substantial weight. The conflict with national policy in the Framework (NPPF 170) in terms of failing to recognise the intrinsic character and beauty of the countryside, and in the loss of woodland carries moderate weight, and the lack of positive accordance with the NNP's general aims and strategy carries limited weight against the scheme.

6.1.8 The Secretary of State considers that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. Overall, he considers that the material considerations in this case indicate a decision in line with the development plan - i.e. a refusal of permission.

6.1.9 The Secretary of State therefore concludes that the appeal should be dismissed, and planning permission refused.'

6.1.10 Just over two years ago another application, LW/19/0106 , to build houses at a location a short distance along Station Road to the west was rejected by LDC and also at Appeal. The reasons for its rejection remain equally valid for this site over two years later - 'the proposed development will, by reason of the siting and location of the application site, represent an incursion of development and urbanisation of residential cartilage outside of the planning boundary in this rural location, resulting in harm to the rural and natural character of the landscape?'

6.1.11 Both decisions highlighted the significance of maintaining the identity of individual settlements and maintaining the character of the countryside in accordance with NPPF 170 and we urge that a

consistent approach be taken in consideration of this application also.

6.1.12 With regard to environmental considerations, Core Policy 2 seeks to: "conserve and enhance the high quality and character of the district's towns, villages, and rural environment by ensuring that all forms of new development are designed to a high standard and maintain and enhance the local vernacular and 'sense of place' of individual settlements."

6.1.13 In line with national policy, LDC has declared a climate emergency and has a strong environmental agenda that includes reducing car dependency and thus harmful emissions. This site is car dependent for travel. It has limited public transport and no footpaths leading to services in the two settlements of Chailey Village and South Chailey, nor to services within Newick. Bus services although regular are infrequent on weekdays and do not operate at all on Sundays. The A272 (where the proposed site is situated and also the road which links North Chailey with Newick) is an extremely busy, single carriageway that does not encourage safe cycling or walking. Consequently journeys for travel to and from school, to a medical centre and shops etc will be conducted largely by car, thereby increasing environmental harm. To develop a new car dependent site, particularly one contrary to the Local Plan cannot be justified, regardless of what mitigation might be argued by the Applicant.

6.1.14 In conclusion, the site is located outside the development boundary of Chailey and subject to Countryside Policies.

6.1.15 No specific need for development outside that boundary has been demonstrated, nor has a need, sufficiently robust to override the policies and constraints relevant to Countryside development been established, to justify the proposed development of large houses. The proposal is contrary to DM1 of the LLP2 and Core Policy 2.

6.1.16 Although situated just outside the Newick Parish Boundary, NPC object strongly to this application. and recommend it be refused.

6.2 Chailey Parish Council

6.2.1 Chailey Parish Council were consulted and also resolved to object citing reasons of, drainage, loss of light & overshadowing, development outside of the planning boundary, loss of trees and erosion of the gap between Newick and Chailey.

6.2.2 Drainage - There is a major issue with surface water drainage; the drainage assessment submitted for the application contains worrying flaws There is an established and long running history of run-off from an adjacent development site Upper Station Gardens which has resulted in saturation and flooding to land south of the proposed development

6.2.3 The assessment rests on the assumption that surface water can be discharged on to adjoining land This will make the situation of saturation worse and is unacceptable Soil surface testing carried out at the next stage as indicated in the submission report is astonishing

as this is a major and fundamental issue and needs to be put in order well before a next stage The report also says that on the adjoining site, the water levels in two tests rose in two hours therefore testing had to be abandoned The report goes on to say that the soil may be sufficiently porous but the presence of a ditch and the test results on a neighbouring site makes the probability low The alternative route of discharging into the ditch is attractive at this stage The topographic survey says that the ditch is untraceable but notes a private ditch on neighbouring land A surface water drawing shows the surface water outflow terminating effectively onto adjoining land which is not acceptable The application does not contain a sustainable strategy of discharging surface water into a public drain or water course without run off onto neighbouring land Evidence for an impregnable drainage system should be provided now which it has failed to do The same problem occurred with the adjacent development of Upper Station Gardens which resulted in destructive consequences for residents south of the development that remain unsolved to this day

6.2.4 If planning consent is given then the drainage problems that are already there will get worse It needs to go through the public drainage system Unfortunately there is no public drainage system. The ditches that the applicant refers to are field ditches the drainage through gardens are standard land drains most of which are of the old clay type. They are not sealed and most likely filled with silt therefore the water does not go anywhere apart from ditches dug on private land Highways have said that this is not an issue but CPC and residents feel the exact opposite

6.2.5 Southern Water have put in two new pumps which work to capacity If more water enters the pumping station then the pumps will fail, which will cause an outpour of sewage to those living on the southern side of Lower Station Road, creating a public health issue

6.2.6 The drainage system needs major review before any development can be sanctioned

6.2.7 To note should LDC and other authorities require evidence of the existing problems with drainage that have occurred after the Upper Station Gardens development, then we will be happy to provide

6.2.8 Light & Overshadowing - The development will have a massive impact on those houses to the west in Great Rough Properties will be overshadowed Diagrams professionally drawn up by residents living in Great Rough show that their back gardens and rear elevations from September to March will be overshadowed this goes against the Neighbourhood Plan The applicant has not provided a full daylight and sunlight analysis and should be asked to do so

6.2.9 There will also be overlooking one building will have a roof terrace, there are two triple garages that will have external staircases with platforms and five houses with Juliette balconies Some properties situated in Great Rough are on terraced land therefore one of the properties as an example will be looking out at one of the triple garages which will be over 8 metres tall cutting out light and outlook

6.2.10 Interim Policy Statement on Housing Delivery - Issued by LDC as guidance to development sites outside the planning boundary this gives criteria on which sites can be assessed on Many aspects of the proposed development do not satisfy the criteria such as biodiversity and building on green space to which LDC as the providers of the Policy are asked to reflect upon when making their decision on this application

6.2.11 The overall layout the over development and the size of the properties are unacceptable This type of housing is not needed in the village it is not appropriate and not affordable

6.2.12 Tree Clearance - CPC and many residents consider the initial clearing of the trees on the site as rather underhand No prior warning was given and it is plain to see that land has been cleared before planning permission has been given This does not give the Parish Council confidence in the credence of the Developer

6.2.13 Erosion of the gap between Newick and Chailey - The gap between the villages of Newick and Chailey will disappear Both parishes do not wish to see a coalescence of the two villages.

6.3 ESCC Highways

6.3.1 East Sussex County Council Highways offered no objection to the proposed works, subject to the imposition of conditions.

6.4 Southern Water

6.4.1 Southern Water offered no objection to the proposed works, subject to conditions and an informative covering discovery of public sewers on site during construction.

6.4.2 In order to protect public sewers, Southern Water requests that if consent is granted, the following condition is attached to the planning permission; The developer must agree with Southern Water, prior to commencement of the development, the measures to be undertaken to protect the public sewers.

6.4.3 Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

6.4.4 The supporting documents make reference to drainage using Sustainable Drainage Systems

6.4.5 Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

6.4.6 - Specify the responsibilities of each party for the implementation of the SuDS scheme.

6.4.7 - Specify a timetable for implementation.

6.4.8 - Provide a management and maintenance plan for the lifetime of the development.

6.4.9 This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

6.4.10 The Council's technical staff and the relevant authority for land drainage should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

6.5 LDC Contaminated Land

6.5.1 LDC Contaminated Land offered no objection subject to the imposition of conditions.

6.6 LDC Air Quality

6.6.1 LDC Air Quality offered no objection subject to the imposition of conditions.

6.7 Naturespace

6.7.1 Naturespace offered no objection, subject to the imposition of pre-commencement conditions.

6.7.2 In line with guidance from Natural England; and due to the proximity of the pond to the north of the development site, it is recommended that works are carried out under a precautionary working method statement.

6.7.3 Prior to commencement on site the applicant must submit a Naturespace Report or Certificate to demonstrate that the impacts of the proposed development through Lewes Councils District Licence or provide a precautionary Working Statement in the form of Reasonable Avoidance Measures (RAMS)/Non-Licenced Method Statement (NLMS) strategy documents completed by a suitably qualified ecologist.

6.7.4 Reason: In line with guidance from Natural England (Great crested Newts -District Level Licencing) with regard to biodiversity and the protection of Great Crested Newts.

6.8 Natural England

6.8.1 Natural England offered no objection to the proposed development.

6.9 ESCC SUDS

6.9.1 No Objection, subject to the below conditions:

1) Prior to occupation of the development, evidence, including photographs) showing that the drainage system has been constructed as per the final agreed detailed drainage designs included within GTA Civil's Flood Risk Assessment (March 2022)

2) The applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or be incorporated within a Construction Management Plan for the development.

7. Neighbour Representations

7.1 Maria Caulfield MP objected to the development on the basis of erosion of the green gap between the parishes of Chailey and Newick. Safety of pedestrians and cyclists, Car dependency development contrary to

environmental objectives, drainage issues and previous applications which have been refused in the vicinity.

7.2 Neighbour representations are summarised below. Representations were received from 46 residents in the close vicinity of the site and the wider area. Issues raised are summarised as follows:

Ecology, impact on wildlife

Concern about quality of ecology report

Concern over protection of hedgerows

Concern about extension of site into wildlife areas

Concern over levels

Development not needed in the village

Drainage/flooding

Too many hard surfaces

Highway hazards, lack of pavements

Accessibility of site

Sightlines

Increase in traffic

Concern about increase in parking spaces

Concern about road width and refuse and recycling vehicles

Pollution

Design

Expansion outside of the village envelope

Development on greenfield site

Impact on infrastructure

Overdevelopment

Contamination

Concern of length of building process and impact on residents

Loss of privacy, overlooking and Loss of light.

7.3 Councillor Objections are summarised below:

Councillor Linnington raised concerns regarding overdevelopment, serious concerns about surface water drainage and the effect on the right to light of existing houses next to the proposed site.
Councillor Milligan (of East Sussex County Council) raised the issue of drainage, outlining that their biggest concern regarding this development is the drainage. Residents of Lower Station Road have had the unacceptable experience of having surface water from an existing development flow through their garden. One particular household had to dig a gully all through their garden as the excess surface water was flooding their garden and garage.

7.4 OFFICER RESPONSE: The surface water management scheme has been designed in conjunction with the Lead Local Flood Authority, who are satisfied with the information submitted and the drainage strategy and have offered no objection, subject to the below Conditions:

7.5 1) Prior to occupation of the development, evidence, including photographs) showing that the drainage system has been constructed as per the final agreed detailed drainage designs included within GTA Civil's Flood Risk Assessment (March 2022)

7.6 2) The applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or be incorporated within a Construction Management Plan for the development.

7.7 A planning condition will be used to secure a thorough Construction Management Plan that would be assessed by ESCC SuDS. Other matters raised are addressed in the main body of this report.

8. Appraisal

8.1 Principle

8.1.1 The site is located outside the defined planning boundary as defined by policy DM1 of the Lewes District Local Plan part 2, and as such will need to comply with all other applicable policies of the Local Plan in order to be found acceptable..

8.1.2 Planning boundaries in the development plan were defined on the basis of accommodating a housing requirement of 345 dwellings per annum, as set out in Spatial Policy 1 of the Local Plan. A recently issued Interim Policy Statement for Housing (March 2021), the housing need figure for Lewes District has significantly increased (from 345 per annum to 782 per annum) since 11th May 2021 due to being recalculated using the standard method as a result of the Lewes District Local Plan Part 1 being over 5 years old.

8.1.3 The net benefit achieved through the provision of additional housing would be applied in the context of a tilted balance in favour of sustainable residential development.

8.1.4 Paragraph 11 of the National Planning Policy Framework (NPPF) outlines that there should be a presumption in favour of sustainable development.

8.1.5 Para. 120 of the NPPF outlines that development of under-utilised land and buildings should be promoted and supported, especially where this would help to meet identified needs for housing. Para. 123 of the Revised NPPF encourages the efficient and sustainable use of sites for housing development, stating ‘where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.

8.1.6 From a housing delivery perspective, para. 69 of the NPPF acknowledges the important contribution that small and medium sized sites, such as the application site, can make towards meeting the housing, particularly as development on such sites is often built-out relatively quickly.

8.1.7 The use of site allocations in neighbourhood plans is recognised in the LDC Housing Delivery Test Action Plan (2019) as a means to bring forward appropriate development sites whilst also empowering the local community to identify how and where housing will be delivered within their area. Notwithstanding this, the Chailey Neighbourhood Plan does not allocate sites for development. The site is however identified in the 2018 Strategic Housing and Economic Land Availability Assessment (SHELAA) and the most recent 2022 Interim Land Availability Assessment (LAA).

8.1.8 Para. 80 of the NPPF maintains that the development of isolated homes in the countryside should be avoided. The site is categorised as potentially developable in the 2022 Interim Land Availability Assessment. The ILA assessment elaborates that given the proximity of existing surrounding development, development of this site would be an infill, which would likely acceptable in landscape terms and would not make significant impact on the gap between the settlements.

8.1.9 The proposed development is therefore considered to be acceptable in principle and, as such, should be approved provided its specific characteristics and attributes align with the wider policies of the NPPF. Development Plan policies that are consistent with the NPPF will also be referred to. A full assessment against these relevant policies is provided in the main body of the report below.

8.2 Design

8.2.1 The site is not subject to any special designation in terms of character, nor is it listed or within a Conservation area.

8.2.2 The site is positioned to the rear of; and shares access with ‘Camelia Cottage’ on the southern side of Station Road. Being located behind the existing property, it has a somewhat restrained street scene presence. This is further diminished by fact that the ground level gently slopes about a north to south axis, meaning that much of the development will appear lower from the public domain of Station Road. The proposed scheme is considered to represent a design which is comparable to the appearance of surrounding development, particularly the neighbouring development at Upper Station Gardens to the east.

8.2.3 The site area is approx. 1.04 hectares and, therefore the density of the proposed development equates to 6.7 dwellings per hectare. This falls below the optimum density for residential development in villages (20-30 dph) as defined by policy CP2 of the Lewes District Local Plan part one. It is considered that this lower density development is acceptable given the characteristics of the site in an

area where density of surrounding residential is development is lower than the developed centre of the village.

8.2.4 Each of the seven houses would be afforded a generous garden area and overall floorspace and bedroom sizes which exceed the Nationally Described Space Standards. The resultant properties would not be overlooked or overshadowed by neighbouring properties. Space for refuse and recycling bins is shown on the plans.

8.2.5 The design and materials palette of the proposed new dwellings reflects those in the surrounding location, in accordance with policies DM25 of the Lewes District Local Plan and policies HO1, HO3, HO4 and HO5.

8.3 Amenity, landscaping, contamination

8.3.1 Planning policies CP11 of LLP1 and DM25 of LLP2 seek to preserve the privacy of the occupants of neighbouring properties. The nearest neighbouring dwellings to the development are on Upper Station Gardens to the east, Lower Station Road to the south and Great Rough to the west, these dwellings are afforded some degree of screening in the form of mature trees and hedging.

8.3.2 The orientation of the proposed dwellings is such that direct overlooking is mitigated. Properties 01, 02 and 03 face westwards, with rear windows facing east with a minimum of approx. 10.0m from the shared boundary and15.0m from the side elevations of neighbouring properties to the east on Upper Station Gardens.

8.3.3 Properties 04,05 and 06 face northwards with south facing rear windows which are approx. 20m from the shared boundary and 40.0m from the rear elevations of neighbouring properties to the south on Lower Station Road.

8.3.4 Property 07 is also orientated north to south. Properties 06 and 07 are located 11.0m from the shared boundary and 19.5m from the rear of properties to the west on Great Rough.

8.3.5 Due to the orientation and separation between the proposed dwellings and neighbouring dwellings, it is not considered that the proposed dwellings would appear overbearing towards surrounding properties. Nor would they introduce unacceptably high levels of overlooking or overshadowing between properties.

8.3.6 In response to neighbour objections, the applicant has undertaken a sunlight / daylight assessment which demonstrates that rear facing windows in the neighbouring properties at No’s 9 and 10 Great Rough retain between 82 to 100% of their former daylight level, in accordance with BRE Guidelines.

8.3.7 The access road, hardstandings and turning areas are concentrated towards the interior of the site and are not positioned adjacent to any neighbouring dwellings. As such, it is not considered that neighbouring residents would be exposed to any unacceptable level of noise, light or air pollution.

8.3.8 Para. 126 of the National Design Guide (2019), which is a companion to the Revised National Planning Policy Framework, states that 'well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.' This is echoed in policy CP11 of the Lewes District Joint Core Strategy.

8.3.9 All habitable rooms are served by clear glazed openings allowing for a good level of natural sunlight permeation. The layout of each dwelling is considered to be clear, with hallway lengths kept to a minimum and awkwardly sized and shaped rooms being avoided, thereby enhancing functionality, accessibility and adaptability.

8.3.10 The Department for Communities and Local Government has produced the Technical housing standards - nationally described space standard. This document sets out minimum recommended Gross Internal Area (GIA) for new residential units, based upon number of bedrooms provided, number of storeys and number of occupants. Each of the proposed dwellings exceed these National Space Standards.

8.3.11 Each dwelling would have access to a private outdoor amenity area. The proposed garden sizes are considered to be acceptable in this instance as they are sympathetic to the characteristics of the development site, being comparable to those of surrounding properties.

8.3.12 Overall, the large amount of garden space provided across the development would be consistent with the low-density residential development in the surrounding area.

8.4 Transport and parking

8.4.1 The ESCC Parking Calculator indicates that the proposal would generate a total demand for 17.44 parking spaces. There is space on site to accommodate 21 parking spaces, with detached garages providing secure cycle storage.

8.4.2 The access to the site would be from the existing access onto the A272 Station Road. Each of these properties has off-street parking for at least 2 vehicles. ESCC Highways have not objected to the proposals, subject to the imposition of conditions.

8.4.3 The site is considered to be in an acceptably sustainable location where there is adequate access to public transport with bus stops served by the ‘Compass’ service between Lewes, Chailey and Newick being within approx. 170 metres walking distance on Avondale Road. This bus service also provides connectivity with the rail service at Lewes which provides access to destinations further afield. Locals shops and services at Lewes Town Centre are accessible by public transport. Each dwelling would be provided with secure and covered bicycle storage facilities in the garage. It considered that the infill location of the site and provision of cycle storage facilities would encourage uptake in use of alternative modes of transport to the private car.

8.4.4 Electric car charge points will be secured by condition.

8.5 Sustainability

8.5.1 The dwellings and fenestrations have been orientated to allow for good access to natural light. The submitted plans show solar pv panels on the roof of each building. A condition will be used to obtain further details of the amount of power these panels could generate and to ensure that they are installed prior to the occupation of any dwelling. Energy efficient lighting and appliances would be provided as would electric vehicle charging points.

8.5.2 The application was not accompanied by a standalone Sustainability Statement; however this can be secured by condition in order to comply with policy DM14.

8.6 Ecology

8.6.1 The site does not fall within the Ashdown Forest 7km Zone or any other protected area. The proposal is for the erection of infill dwellings on a residential garden which has been cleared prior to the submission of this application. It is noted that permission is not required for the clearance undertaken by the applicant.

8.6.2 The Technical Advice Note (TAN) for Biodiversity Net Gain states that there is an expectation for minor development (9 new dwellings or less) to incorporate some biodiversity net gain. Notwithstanding the above, the proposed landscaping associated with the development can be utilised to provide biodiversity net gain. Habitat in the form of bat and bird boxes could also be provided in appropriate locations. This approach is in line with para.023 of the Planning Practice Guidance for the Natural Environment which states that ‘planning conditions or obligations can, in appropriate circumstances, be used to require that a planning permission provides for works that will measurably increase biodiversity.’

8.7 Independent Drainage Report

8.7.1 Following the deferral at the 8th June Planning Committee meeting an independent review of the applicants drainage strategy was commissioned.

8.7.2 The subsequent drainage report highlighted that due to the conservatism exhibited in the applicants’ drainage strategy, flood risk will be reduced by the proposed development. This is because the proposed discharge rate of 1.50 l/s is less than the sites ‘true’ QBAR greenfield runoff rate, which has been calculated to be 2.20 l/s, which provides significant betterment than the actual greenfield runoff rate and would reduce flood risk in the area over the existing and will provide protection to the local area in rainfall events beyond the 1 in 1 year storm event.

8.7.3 The review of the drainage strategy found that the attenuation storage (totalling 338.2m3) proposed by the applicant is sufficient for rainfall inputs up to and including 1 in 100-year (+40%) rainfall events.

8.7.4 The report outlined in particular, that Permeable Paving Area 2 has a crushed stone subbase with a nominal porosity of 30% and a subbase depth of 0.896m, providing 191.4m3 of storage and suggested that whilst not a fundamental flaw, or sufficient to warrant an objection to the proposed scheme – this area should be reviewed, suggesting that the area of permeable paviours is updated to become a hybrid structure with a 150mm layer of Polystorm Permavoid geocellular crates, laid below a 430mm deep layer of Type 4/20 crushed stone (with 30% porosity). Suggesting that a condition would be appropriate to revisit this aspect of the drainage strategy.

8.7.5 In conclusion, the report found that the drainage strategy submitted by the applicant was appropriate for the development, and accorded with all national and local drainage policies. The report confirmed that the strategy adheres to all approved technical and design standards.

8.7.6 In the final summary, the independent review stated that they do not believe that the drainage strategy should draw an objection from the LPA, subject to a condition requiring that the detailed design should be supported by a MicroDrainage Network hydraulic model and that the permeable paving makeup in the south of the proposed development is revisited to ensure that the depth of the aggregate subbase is appropriate. This recommendation is addressed through the imposition of condition number 5 (below).

8.8 Previous appeals in the vicinity.

8.8.1 The application site has materially similar characteristics to a comparable development site that it shares a border with immediately to the east, that has seen two decisions to refuse planning permission overturned by the Planning Inspectorate at appeal.

8.8.2 The first of these appeals was 3138509, which was an application for three dwelling houses. In which the inspector identified that the main issue would be whether the proposal would result in a sustainable form of development having regard to development plan policy and the prevailing character of the area.

8.8.3 The Inspector found that the development would be located within an area of low-density housing, which the development would emulate and consolidate.

8.8.4 The Inspector identified that whilst the site was outside of the development boundary, it would contribute much needed dwellings in a way that would not cause material harm, tilting the balance in favour of the development. Ultimately, the Inspector overturned the council’s decision and allowed planning permission.

8.8.5 The second of these appeals was 3199039, an application for four dwelling houses. In this case the inspector outlined that the main

issue was the effect of the proposed development on the character and appearance of the area and the countryside.

8.8.6 The inspector found that the character of the site was one of a “near continuous run of ribbon development along the road between the settlements of Chailey and Newick” and was not countryside *per se*, as it was an area of informal garden (like the application site for LW/21/0942).

8.8.7 They found that the presence of existing screening and access onto Station Road was considered acceptable to retain the wider character of the area and was sufficient for the Inspector to overturn the council’s decision and allow planning permission (subject to conditions).

8.8.8 On the basis that two Inspectors assigned by the Planning Inspectorate have found similar development on a neighbouring site, which has similar characteristics to this proposed development, to be acceptable, this application is considered to be, on balance, acceptable.

9. Human Rights Implications

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

10. Recommendation

10.1 Approval is recommended subject to conditions.

10.2 Conditions

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

Reason: To ensure that 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 National Planning Policy Framework, para 170, 178 and 179].

3. No development shall take place until a Construction Environment Management Plan has been submitted to and approved in writing by the Planning Authority. The approved plan shall set out the arrangements for managing all environmental effects of the development during the construction period, including traffic (including a workers' travel plan), temporary site security fencing, artificial

illumination, noise, vibration, dust, air pollution and odour, site illumination and shall be implemented in full throughout the duration of the construction works, unless a variation is agreed in writing by the Planning Authority.

Reason: In the interests of amenity of the locality

4. Hours of work at the site shall be restricted to 08:00 to 18:00 hours Monday to Friday and 09:00 to 13:00 hours on Saturday. No working is permitted at any time on Sunday or Bank Holidays.

Reason: To protect the amenity of the locality in accordance with policy DM25 of the Lewes District Local Plan.

5. A detailed design of the drainage strategy, to be supported by a MicroDrainage Network hydraulic model, and a further assessment of the permeable paving makeup in the south section of the proposed development which has an appropriate depth of crushed aggregate subbase, should be submitted to, and approved in writing by, the Local Planning Authority before any drainage works associated with the development commence on site.

Reason: In the interests of proper planning and to safeguard against flooding.

6. Before the development proceeds past damp proof course level, evidence, including photographs) showing that the drainage system has been constructed as per the final agreed detailed drainage designs shall be submitted to an approved in writing by the Local Planning Authority.

Reason: In the interests of proper planning and neighbour amenity.

7. Before development commences on site the applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or be incorporated within a Construction Management Plan for the development.

Reason: In the interests of proper planning and neighbour amenity.

8. 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 181.

9. In line with guidance from Natural England; and due to the proximity of the pond to the north of the development site, it is recommended that works are carried out under a precautionary working method statement.
Prior to commencement on site the applicant must either -

Submit a Naturespace Report or Certificate to demonstrate that the impacts of the proposed development through Lewes Councils District Licence, or

Provide a precautionary Working Statement in the form of Reasonable Avoidance Measures (RAMS)/Non-Licenced Method Statement (NLMS) strategy documents completed by a suitably qualified ecologist.

Reason: In line with guidance from Natural England (Great crested Newts -District Level Licencing) with regard to biodiversity and the protection of Great Crested Newts.

10. The development shall not be occupied until all parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles. Dimensions of each parking bay shall be a minimum of 5 metres in length by 2.5 metres in width.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large having regard to policy CP13, of the Lewes District Local Plan part one, policy DM25 of the Lewes District Local Plan part two and para. 110 of the NPPF.

11. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans which shall have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the turning space shall thereafter be retained for that use and shall not be obstructed.

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

12. The development shall not be occupied until a cycle parking area has been provided in accordance with the approved plans which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the area[s] 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

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

Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

14. The access shall not be used until visibility splays of 2.4m by 160m are provided to the west and 2.4m X 150m to the east and maintained thereafter.

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

15. The vehicular access serving the development shall be constructed in accordance with the approved drawing ref: FA20-1797-055- REV F

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

16. The developer must agree with Southern Water, prior to commencement of the development, the measures to be undertaken to protect the public sewers

Reason: in the interests of proper planning.

17. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity, to include the provision of bat and bird boxes and wildlife friendly planting, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
purpose and conservation objectives for the proposed works;
review of site potential and constraints;
detailed design(s) and/or working method(s) to achieve stated objectives;
extent and location /area of proposed works on appropriate scale maps and plans;
type and source of materials to be used where appropriate, e.g. native species of local provenance;
timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
persons responsible for implementing the works;
details of initial aftercare and long-term maintenance;
details for monitoring and remedial measures;
details for disposal of any wastes arising from works.
The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework, and Core Policy CP10 of the Lewes District Local Plan 2016.

INFORMATIVE(S)

1. The applicant is hereby reminded of the Control of Asbestos Regulations 2012 when carrying out demolition / other works associated with the development hereby permitted. For more information please visit http://www.hse.gov.uk/Asbestos/regulations.htm

2. All waste material arising from any site clearance, demolition, preparation and construction activities at the site should be stored, removed from the site and disposed of in an appropriate manner.

3. It is possible that a sewer now deemed to be public could be crossing the development site.

Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

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

Plan Type	Date Received	Reference
Existing Section(s)	8 December 2021	FA20-1797-052- Rev A - Existing Site Sections AA and BB
Existing Section(s)	8 December 2021	FA20-1797-053 - Rev A - Existing Site Sections CC and DD
Proposed Layout Plan	8 December 2021	FA20-1797-055 -Rev F - Proposed Site Layout Plan
Proposed Layout Plan	8 December 2021	FA20-1797-056 - Rev F - Proposed Site Layout Plan (Coloured)
Other Plan(s)	8 December 2021	FA-20-1797-060 - Rev A - Proposed Building Heights Plan
Other Plan(s)	8 December 2021	FA20-1797-061 - Rev A - Proposed Building Mix Plan
Other Plan(s)	8 December 2021	FA20-1797-062 - Rev B - Proposed Refuse Strategy Plan
Other Plan(s)	8 December 2021	FA20-1797-063 - Proposed Parking Strategy Plan
Other Plan(s)	8 December 2021	FA20-1797-064 - Proposed Tenure Plan
Other Plan(s)	8 December 2021	FA20-1797-067 - Proposed Boundary Plan
Proposed Section(s)	8 December 2021	FA20-1797-080- Rev B - Proposed Site Sections AA and BB
Proposed Section(s)	8 December 2021	FA20-1797-081- Rev B - Proposed Site Sections CC, DD and EE
Proposed Floor Plan(s)	8 December 2021	FA20-1797-100 - Rev C - Proposed Ground Floor, First Floor, Roof Plan and Section (Plot 01)
Proposed Roof Plan	8 December 2021	FA20-1797-100 - Rev C - Proposed Ground Floor, First Floor, Roof Plan and Section (Plot 01)

Proposed Section(s)	8 December 2021	FA20-1797-100 - Rev C - Proposed Ground Floor, First Floor, Roof Plan and Section (Plot 01)
Proposed Elevation(s)	8 December 2021	FA20-1797-101 - Rev C - Proposed Elevations (Plot 01)
Proposed Floor Plan(s)	8 December 2021	FA20-1797-105 - Proposed Ground Floor, First Floor, Roof Plan and Section (Plot 02)
Proposed Roof Plan	8 December 2021	FA20-1797-105 - Proposed Ground Floor, First Floor, Roof Plan and Section (Plot 02)
Proposed Section(s)	8 December 2021	FA20-1797-105 - Proposed Ground Floor, First Floor, Roof Plan and Section (Plot 02)
Proposed Elevation(s)	8 December 2021	FA20-1797-106 - Rev C - Proposed Elevations (Plot 02)
Proposed Floor Plan(s)	8 December 2021	FA20-1797-110 - Rev B - Proposed Ground Floor, First Floor, Roof Plan and Section (Plot 03)
Proposed Roof Plan	8 December 2021	FA20-1797-110 - Rev B - Proposed Ground Floor, First Floor, Roof Plan and Section (Plot 03)
Proposed Section(s)	8 December 2021	FA20-1797-110 - Rev B - Proposed Ground Floor, First Floor, Roof Plan and Section (Plot 03)
Proposed Elevation(s)	8 December 2021	FA20-1797-111 - Rev D - Proposed Elevations (Plot 03)
Proposed Floor Plan(s)	8 December 2021	FA20-1797-115 - Rev C - Proposed Ground Floor, First Floor, Roof Plan and Section (Plot 04)
Proposed Roof Plan	8 December 2021	FA20-1797-115 - Rev C - Proposed Ground Floor, First Floor, Roof Plan and Section (Plot 04)
Proposed Section(s)	8 December 2021	FA20-1797-115 - Rev C - Proposed Ground Floor, First Floor, Roof Plan and Section (Plot 04)
Proposed Elevation(s)	8 December 2021	FA20-1797-116 - Rev D - Proposed Elevations (Plot 04)

Proposed Floor Plan(s)	8 December 2021	FA20-1797-120 - Rev D - Proposed Ground Floor, First Floor, Roof Plan and Section (Plot 05)
Proposed Roof Plan	8 December 2021	FA20-1797-120 - Rev D - Proposed Ground Floor, First Floor, Roof Plan and Section (Plot 05)
Proposed Section(s)	8 December 2021	FA20-1797-120 - Rev D - Proposed Ground Floor, First Floor, Roof Plan and Section (Plot 05)
Proposed Elevation(s)	8 December 2021	FA-20-1797-121 - Rev B - Proposed Elevations (Plot 05)
Proposed Floor Plan(s)	8 December 2021	FA20-1797-125 - Rev B - Proposed Ground Floor, First Floor, Roof Plan and Section (Plot 06)
Proposed Roof Plan	8 December 2021	FA20-1797-125 - Rev B - Proposed Ground Floor, First Floor, Roof Plan and Section (Plot 06)
Proposed Section(s)	8 December 2021	FA20-1797-125 - Rev B - Proposed Ground Floor, First Floor, Roof Plan and Section (Plot 06)
Proposed Elevation(s)	8 December 2021	FA20-1797-126 - Rev D - Proposed Elevations (Plot 06)
Proposed Floor Plan(s)	8 December 2021	FA20-1797-130 - Rev D - Proposed Ground Floor, First Floor, Roof Plan and Sections (Plot 07)
Proposed Roof Plan	8 December 2021	FA20-1797-130 - Rev D - Proposed Ground Floor, First Floor, Roof Plan and Sections (Plot 07)
Proposed Section(s)	8 December 2021	FA20-1797-130 - Rev D - Proposed Ground Floor, First Floor, Roof Plan and Sections (Plot 07)
Proposed Elevation(s)	8 December 2021	FA20-1797-131 - Rev B - Proposed Elevations (Plot 07)
Proposed Floor Plan(s)	8 December 2021	FA20-1797-150 - Proposed Double Garage Plans and Elevations (Plot 01)
Proposed Roof Plan	8 December 2021	FA20-1797-150 - Proposed Double Garage Plans and Elevations (Plot 01)

Proposed Elevation(s)	8 December 2021	FA20-1797-150 - Proposed Double Garage Plans and Elevations (Plot 01)
Proposed Floor Plan(s)	8 December 2021	FA20-1797-155 - Proposed Double Garage Plans and Elevations (Plots 02, 03 and 05)
Proposed Roof Plan	8 December 2021	FA20-1797-155 - Proposed Double Garage Plans and Elevations (Plots 02, 03 and 05)
Proposed Elevation(s)	8 December 2021	FA20-1797-155 - Proposed Double Garage Plans and Elevations (Plots 02, 03 and 05)
Proposed Floor Plan(s)	8 December 2021	FA20-1797-160 - Proposed Triple Garage Ground Floor, First Floor and Roof Plans (Plot 04)
Proposed Roof Plan	8 December 2021	FA20-1797-160 - Proposed Triple Garage Ground Floor, First Floor and Roof Plans (Plot 04)
Proposed Elevation(s)	8 December 2021	FA20-1797-161 - Proposed Triple Garage Elevations (Plot 04)
Proposed Floor Plan(s)	8 December 2021	FA20-1797-165 - Proposed Triple Garage Ground Floor, First Floor and Roof Plans (Plot 06)
Proposed Roof Plan	8 December 2021	FA20-1797-165 - Proposed Triple Garage Ground Floor, First Floor and Roof Plans (Plot 06)
Proposed Elevation(s)	8 December 2021	FA20-1797-166 - Proposed Triple Garage Elevations (Plot 06)
Proposed Floor Plan(s)	8 December 2021	FA20-1797-170 - Proposed Triple Garage Ground Floor and Roof Plan (Plot 07)
Proposed Roof Plan	8 December 2021	FA20-1797-170 - Proposed Triple Garage Ground Floor and Roof Plan (Plot 07)
Proposed Elevation(s)	8 December 2021	FA20-1797-171 - Proposed Triple Garage Elevations (Plot 07)
General	8 December 2021	Development Schedule

General	8 December 2021	Arboricultural Survey
General	8 December 2021	Arboritcultural Impact Assessment
General	14 December 2021	Ecological Report
Illustration	14 December 2021	3D Images
General	8 December 2021	Transport Statement
Design & Access Statement	8 December 2021	Design and Access Statement
Planning Statement/Brief	8 December 2021	Planning Statement
Location Plan	8 December 2021	FA-20-1797-050 - Rev A - Site Location Plan
Other Plan(s)	8 December 2021	11358_1600 - Rev A - Surface Water Drainage Layout
Other Plan(s)	8 December 2021	PJC-1028-001 - Rev D - General Arrangement Landscape Plan (1/2)
Other Plan(s)	8 December 2021	PJC-1028-001 - Rev D - General Arrangement Landscape Plan (2/2)
Other Plan(s)	8 December 2021	PJC-1028-002 - Rev D - Hard Landscape and Boundary Treatment Plan (1/2)
Other Plan(s)	8 December 2021	PJC-1028-002 - Rev D - Hard Landscape and Boundary Treatment Plan (2/2)
Other Plan(s)	8 December 2021	PJC-1028-003 - Rev C - Landscape Detailed Planting Plan (1/2)
Other Plan(s)	8 December 2021	PJC-1028-003 - Rev C - Landscape Detailed Planting Plan (2/2)
General	8 December 2021	Foul and SuDS Drainage Assessment
Technical Report	23 March 2022	Daylight / Sunlight Report

11. Background Papers

11.1 None.