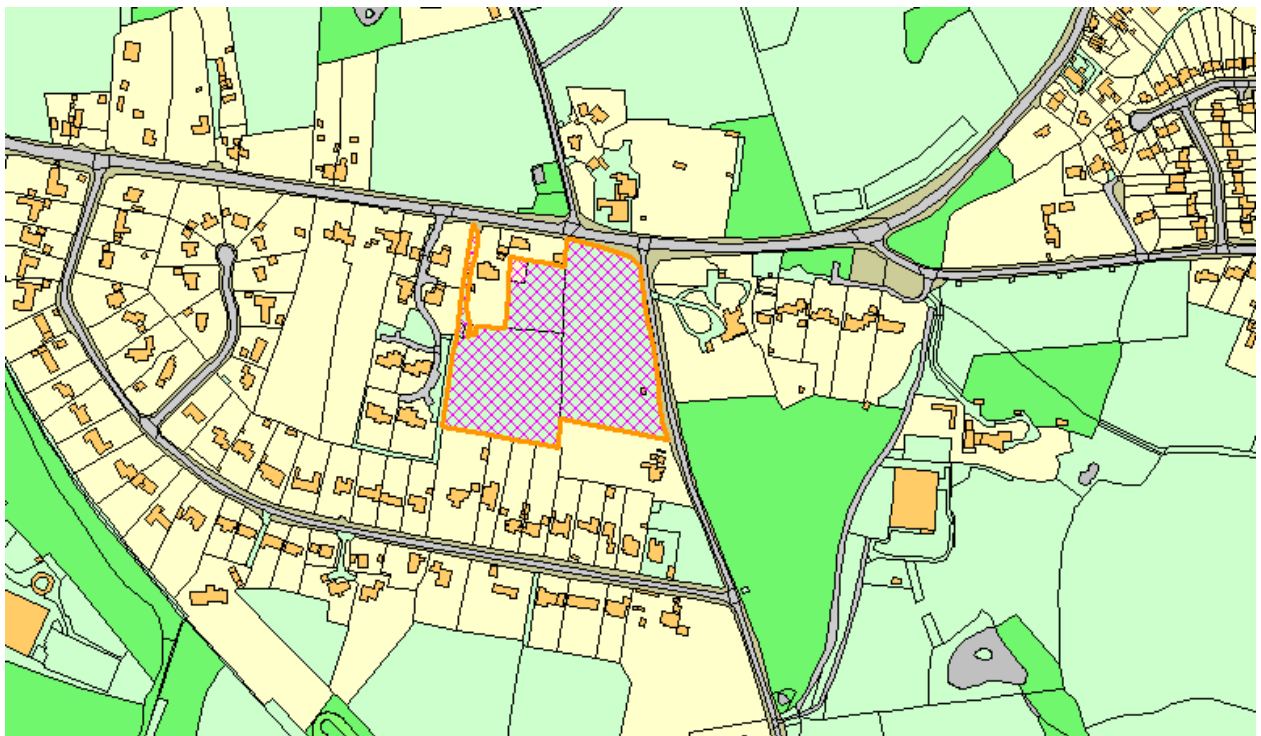


Report to: Planning Applications Committee
Date: 15th March 2023
Application No: LW/21/1000
Location: Land west of Oxbottom Lane, Newick, East Sussex
Proposal: Redevelopment of the site to provide 21 residential dwellings along with parking, open space, and all necessary infrastructure.
Applicant: Reside Developments
Ward: Chailey, Barcombe and Hamsey
Recommendation: Approve conditionally subject to section 106 to secure affordable housing, Local and Ecological Management Plan (LEMP), Local Equipped Area for Play (LEAP) and highway works.
Contact Officer: **Name:** James Smith
E-mail: james.smith@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liable.

Site Location Plan:



1.	Executive Summary
1.0	<p>Members will be aware that this application was reported to Planning Applications Committee (PAC) in February.</p> <p>Following legal advice this case is being reported back to committee for a fresh resolution to be made.</p> <p>The information reported via the addendum at the PAC in February has been included in paragraph 6.9 and 10.29 and any further responses received will be reported via the addendum report.</p> <p>Save for the changes reported above the report below is a facsimile of the one reported to PAC</p>
1.1	<p>The proposal is considered to represent sustainable development in that the site would provide a social benefit in meeting an identified need for housing, including affordable homes, which would be located within close proximity to an established settlement, an economic benefit in providing homes for workers and additional custom for local businesses and services and an environmental benefit in creating ecological enhancements achieving demonstrable biodiversity net gain.</p>
1.2	<p>The development is considered to be sympathetic to the surrounding built and natural environment as well as the amenities of neighbouring residents and would provide good quality living and amenity space for future occupants.</p>
1.3	<p>It is therefore recommended that the application is approved subject to relevant conditions and a section 106 agreement securing policy compliant affordable housing provision LEAP, and highway works.</p>
1.4	<p>Housing Delivery</p> <p>The provision of up to 21 residential dwellings, of which 40% would be affordable housing, would contribute to the housing land supply for the District.</p> <p>This would carry <u>significant weight</u> in the planning balance.</p>
1.5	<p>Economic Benefits</p> <p>The proposal offers economic benefits in the form of job creation during construction and an increase in population that would likely result in additional use of local businesses and services.</p> <p>This would carry <u>moderate weight</u> in the planning balance.</p>
1.6	<p>Change in the landscape would be limited to the immediate site area due to the self-contained nature of the site. The scale and density of the development would be comparable with surrounding development and the design incorporates significant green buffers.</p> <p>Overall, it is considered that the development would result in limited landscape harm and this should be attributed <u>limited weight</u>.</p>

1.7	<p>Biodiversity Net Gain</p> <p>The proposed development would deliver on site biodiversity enhancements with a cumulative net gain in excess of 10% (10.6% gain in habitat units and a 23.51% gain in hedgerow units)</p> <p>This would carry <u>moderate weight</u> in the planning balance.</p>
1.8	<p>Highways</p> <p>The site access arrangements have been accepted by ESCC Highways who have also confirmed that the development would not generate an increase in traffic of a degree that would result in disruption or congestion on the surrounding highway network.</p> <p>It is considered that this should be attributed <u>moderate weight</u>.</p>
1.9	<p>Water Issues</p> <p>The applicant intends for surface water to be discharged into the highway drain to the north of the site at a managed rate. A condition will be used to ensure capacity of the highway drain is confirmed and a connection agreement is in place.</p> <p>This should be given <u>neutral weight</u> in the planning balance.</p>
1.10	<p>Loss of Agricultural Land</p> <p>The proposed development would involve the loss of approx. 2.3 hectares of agricultural land. Abandoned shelters suggest that the fields were used for grazing in the past but there is no evidence that the fields are currently in agricultural use, the eastern field having become overgrown, and they are not connected to any wider field system.</p> <p>It is therefore considered <u>moderate weight</u> should be given to the harm to agricultural land supply.</p>

2.	Relevant Planning Policies
2.1	<p><u>National Planning Policy Framework (NPPF)</u></p> <p>2. Achieving sustainable development</p> <p>4. Decision making</p> <p>5. Delivering a sufficient supply of homes</p> <p>8. Promoting healthy and safe communities</p> <p>11. Making effective use of land</p> <p>12. Achieving well-designed places</p> <p>14. Meeting the challenge of climate change, flooding, and coastal change</p> <p>15. Conserving and enhancing the natural environment</p>
2.2	<p><u>Lewes Local Plan Part 1 (LLP1)</u></p> <p>CP2 – Housing Type, Mix and Density.</p>

	<p>CP10 – Natural Environment and Landscape.</p> <p>CP11 – Built and Historic Environment & Design</p> <p>CP12 – Flood Risk, Coastal Erosion and Drainage</p> <p>CP13 – Sustainable Travel</p> <p>CP14 – Renewable and Low Carbon Energy</p>
2.3	<p><u>Lewes Local Plan Part 2 (LLP2)</u></p> <p>DM1 – Planning Boundary</p> <p>DM14 – Multi-functional Green Infrastructure</p> <p>DM15 – Provision for Outdoor Playing Space</p> <p>DM16 – Children’s Play Space in New Housing Development</p> <p>DM20 – Pollution Management</p> <p>DM22 – Water Resources and Water Quality</p> <p>DM23 – Noise</p> <p>DM24 – Protection of Biodiversity and Geodiversity</p> <p>DM25 – Design</p> <p>DM27 – Landscape Design</p>
2.4	<p><u>Chailey Neighbourhood Plan (CNP)</u></p> <p>HO1 - Design</p> <p>HO2 - Housing mix</p> <p>HO3 - Building materials</p> <p>HO4 - Building height</p> <p>HO5 - Pedestrian connections</p> <p>HO7 - Historic buildings</p> <p>HO8 - Housing considerations</p> <p>ENV1 - Landscape</p> <p>ENV2 - Wildlife protection</p> <p>ENV3 - Countryside Protection and the village setting</p> <p>ENV5 - Conservation of the environment, ecosystems, and biodiversity</p> <p>ENV6 - Protection of open views</p> <p>ENV7 - Dark night skies</p> <p>TRA1 - Road Safety</p> <p>TRA2 - Adequate and appropriate car parking</p> <p>ECO4 - Sustainability</p>

3.	Site Description
3.1	The site comprises two enclosed fields, the easternmost of which flanks Station Road to the north, Oxbottom Lane to the east and the northern boundary of the residential property at Chailey End to the south. The neighbouring field flanks the boundaries of Fir Tree Cottage and Fairseat on Station Road to the north and west, Bag End, Patterdale, Chigley and Acorn House on Lower Station Road to the south and the recently completed development at Upper Station Gardens to the west.
3.2	The eastern field is enclosed by hedgerow and tree lines as is the western field, with the exception of the boundaries shared with Fir Tree Cottage and Fairseat, which are marked by fencing. Fir Tree Cottage is Grade II Listed as is Holly Grove which is to the east of the site, set back from Station Road.
3.3	The fields themselves appear to have been used for grazing in the past but have become overgrown. There is a collection of small shelter structures positioned towards the south-eastern corner of the site. There are trees on site subject to 3 separate Preservation Orders (TPO No. 8, 9 and 10 – all issued in 2013). These trees are primarily located on the western site boundary, shared with Upper Station Gardens, along with a small group in the south-eastern corner of the western field.
3.4	The site lies outside of the settlement boundary, positioned between Newick, the edge of which is approx. 350 metres to the east, and North Chailey, the edge of which is approx. 1.1 km to the west. The settlements are linked by the A272 Station Road along which ribbon development of residential development has taken place over time along with around the former site of Newick Station on Lower Station Road. More recently, infill residential development has taken place including on the neighbouring site at Upper Station Gardens and nearby at Freeland Close.
3.5	The Reedens Meadow SANG is approx. 130 metres to the north-east of the site. There are no specific planning designations or constraints attached to the site or the immediate surrounding area. It is noted that the site falls approx. 180 metres southwest of the Ashdown Forest 7km zone of influence. The site is identified in the Lewes District Council Interim Land Availability Assessment (LAA) as site 21CH. The LAA concludes that the site is deliverable and is suitable for 20 dwellings although it must be noted that this is a general assessment of the site and does not override the need for a full planning assessment to be carried out or carry the same weight as an allocation in any local or neighbourhood plan.

4.	Proposed Development
4.1	The application seeks full planning permission for the residential development of the site to provide 21 new dwellings and associated infrastructure. The dwelling mix would comprise 4 x 1 bed flats (19%), 4 x 2 bed dwellings, 2 of which would be bungalows (19%), 8 x 3 bed

	<p> dwellings (38%) and 4 x 4 bed dwellings (19%) and 1 x 5 bed dwelling (5%).</p> <p> 8 units (38%) would be provided as affordable housing, these being all of 4 x 1 bed flats, 2 x 2 bed dwellings and 2 x 3 bed dwellings.</p>
4.2	<p>The development would have a broadly horizontal Y-shaped layout, with the north-western corner of the site, which abuts Fir Cottage and Fairseat, being maintained as an Ecological Enhancement Area which would also accommodate an attenuation pond. A further attenuation pond and a pumping station would be positioned in the south-western corner of the site. Attenuated surface water would ultimately discharge into the existing drainage ditch on the western boundary of the site.</p>
4.3	<p>All dwellings would have pitched roofing and be of relatively traditional design. All dwellings would be two-storey with the exception of the 2 x bungalows. None of the proposed dwellings include the provision of rooms within the roof space.</p>
4.4	<p>Each dwelling and flat would be allocated 2 x car parking bays. Most of the bays would be positioned to the front/side of the dwelling although a small amount would be to the rear or on adjacent land. The majority of bays are provided side by side although a small amount of tandem parking is included. The majority of dwellings would also be provided with an attached or detached garage. In addition, 10 x visitor parking bays would be provided in laybys distributed across along the length of the internal road network.</p>
4.5	<p>Vehicular access to the site would be provided from Oxbottom Lane, with a new widened bellmouth opening being formed in the position of the existing field access. There is no footway on Oxbottom Lane and, in response to this, a pedestrian access would be provided to the north of the site, connecting with the existing footway on the southern side of Station Road. A package of highway improvements/mitigation measures have been incorporated including the widening of Oxbottom Lane to 4.8 metres between the junction with Station Road and the site access, the widening of the existing footway on Station Road/Western Road eastward between the junction with Oxbottom Lane and the junction with Allington Road to 1.8 metres, the widening of the existing footway on Station Road westward between the junction with Oxbottom Lane and Upper Station Gardens to 2 metres, provision of a new tactile paved crossing on Oxbottom Lane, relocation of the existing bus stop on the southern side of Station Road so that it is opposite the bus stop on the northern side and provision of a pedestrian crossing with a central refuge bay and provision of a new pedestrian footway between the bus stop on the northern side of Station Road and Jackies Lane.</p>
4.6	<p>The ecological enhancement would include amenity greenspace, informal open space, and designated play areas. Planting would include the formation of an orchard in the north-western corner of the site.</p>

5.	Relevant Planning History:
5.1	E/56/0207 - Outline Application to erect five dwellinghouses – Refused 30th April 1956
5.2	E/60/0783 - Outline Application for residential development – Refused 10 th October 1960
5.3	E/67/0439 - Outline Application for residential development – Refused 5 th June 1967
5.4	LW/81/0627 - Outline Application for the laying of roads and the residential development of the site by the erection of detached two storey houses with garages – Refused 19th May 1981. Appeal Dismissed – 17th May 1982
5.5	LW/15/0299 - Outline planning application for residential development of up to 30 family and affordable homes including access on Oxbottom Lane and associated landscaping, open spaces, pedestrian cycle links and ancillary development – Refused 23 rd November 2015

6.	Consultations:
6.1	<p>Chailey Parish Council</p> <p>Objection.</p> <p><u>Access on to Oxbottom Lane:</u></p> <p>Oxbottom Lane is already a busy road, and the impact of extra traffic on Oxbottom Lane, Cinder Hill and the A272 will exacerbate the infrastructure problem further. The only way of managing extra traffic is to widen both Oxbottom Lane and Cinder Hill which would do boundless ecological damage and spoil the character of the lane.</p> <p><u>Drainage:</u></p> <p>CPC stand by the same response they submitted to the Public Consultation, and that is that there is a risk of serious flooding on the site and to surrounding areas that would become even more damaged if a greater area was concreted over. The example of Upper Station Gardens has been mentioned in the previous application (LW/21/0942) and the same example is relevant with this application. CPC reiterate that the whole drainage system needs to be reviewed before any application is accepted.</p> <p>To note, residents living near to the proposed development site have had to clear the culvert themselves that goes under the road at Lower Station Road – ESCC have never shown any interest nor accepted any responsibility in clearing and maintaining. CPC will draw Cllr Matthew Milligan’s attention to this matter and ask him to interject with Highways.</p> <p><u>Erosion of the gap between Newick and Chailey:</u></p>

	<p>The gap between the distinct villages of Chailey and Newick would disappear, and to repeat, neither parish wish to see a coalescence of the two villages, specifically mentioned in national as well as local planning policies as undesirable and not intended.</p> <p>The Appeal decision for a nearby site in Oxbottom Lane (May 2018) found that the “appeal site is outside of any built-up area boundary as defined in the Local Plan and is, in policy terms, in the countryside, falling between the villages of North Chailey and Newick”</p> <p>This development (and LW/21/0942) associate themselves with Newick, however neither are building any community infrastructure. No extra school provision has been provided in the plans. Newick Primary School is already oversubscribed.</p>
6.2	<p>Newick Parish Council</p> <p>Newick Parish Council wishes to register their objection to this application for the ‘Redevelopment of the site to provide 21 residential dwellings along with parking, open space and all necessary infrastructure’. Although the applicant describes the Land West of Oxbottom Lane as being located in Newick it is in fact in North Chailey. However, as it is so close to the Parish boundary, inevitably it will impact more upon Newick than North Chailey and is a significant site which will erode the green gap between the 2 villages. DM1 of the local plan part 2 (LLP2) recognises the importance of this stating that:</p> <p>“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.”</p> <p>Furthermore, in reaching decisions on recent planning appeals, PINS Inspectors have emphasised the need to retain open space between the two villages. The following are examples of those decisions.</p> <p>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 was dismissed by the Secretary of State. The grounds for dismissal were:</p> <p>‘Planning balance and overall conclusion</p> <p>23.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.</p> <p>24.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:</p>

(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.

25. 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.

27. 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.

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

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 curtilage outside of the planning boundary in this rural location, resulting in harm to the rural and natural character of the landscape...'

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.

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."

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, 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. The fact that 55 cycle spaces have been allocated on the site is folly as bikes cannot safely be used and the design and access statement sections 2.2 and 2.3 are therefore incorrect when stating.

'The site is surrounded by a variety of amenities. These include parks, open green spaces, and leisure facilities all within a safe walking and cycling distance from the site. The site is well located for public transport to local facilities and services, which help to reduce the need to use a car. There are a series of bus stops along Station Road which connect the site to the wider transport network. The site is also located within a 2-mile radius from Newick High Street, which includes pubs, small shops, and restaurants. The site is considered to be well served by transport infrastructure and in close proximity to nearby villages and amenities.'

The road safety audit is unfit for purpose. It is described as being a mainly desktop study with a site visit of 45 minutes which was carried out on Friday 10th December 2021, between the hours of 2pm and 2:45pm. This is totally inadequate for such a busy main road when the quietest time of the day was chosen and for such a short period of time.

The proposed site is bounded to the north by the busy A272 as described above but to the east where the planned vehicular entrance is to be sited is a quiet narrow country lane. 78 car parking places are included in the proposal, suggesting a huge increase of vehicles which will either destroy the lane towards South Chailey or Barcombe, or increase the congestion of the A272 at peak times. Hardly a plan which claims to.

'preserve the character of Oxbottom Lane' (D and A statement page 16)

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

Finally although situated just outside the Newick Parish Boundary, it is disappointing to note that the application makes no reference to NPC having a highly regarded and robust Neighbourhood Plan (NP) made in 2015 and pays scant regard for Chailey also having a NP which was made in 2021. The proposal is contrary to DM1 of the LLP2 and is also contrary Core Policy 2.

NPC strongly object to this application and recommend it be refused. Should the need arise we ask that this application is considered by LDC Planning Committee.

OFFICER COMMENT: The appeal decisions referred to are noted, the suitability of the site to accommodate the type of development proposed will be assessed on its own merits. It is noted that a previous scheme (LW/15/0299) for a more dense form of development (30 dwellings) was

	<p>refused but potential for coalescence was not referred to either by the case officer or the LDC landscape officer.</p>
6.3	<p>Southern Water</p> <p>A connection agreement is required for foul drainage.</p>
6.4	<p>LDC Ecology</p> <p>Works should be undertaken in accordance with the details contained within the Ecological Impact Assessment, accompanying PEA and protected species survey reports (to include the updated Reptile Survey Report, August 2022), BNG assessment and additional recommendations.</p> <p>Further details relating to sensitive lighting, ecological design and landscaping, and ongoing management and monitoring should also be submitted prior to commencement of development.</p> <p>As above, this is also important for species, including reptiles.</p>
6.5	<p>LDC Air Quality Officer</p> <p>Further to receipt of the air quality assessment reference: J10/12572A/10/1/F2 and dated 16 December 2021 submitted by Air Quality Consultants Ltd in support of the above planning application, I would recommend approval subject to conditions.</p>
6.6	<p>LDC Contaminated Land Officer</p> <p>A preliminary site investigation report has been prepared by Soil Limited (Report dated October 2021, Report ref: 19589/PIR_R26). The report did not identify any historic land contamination issue at the site. If there is a structure at the site require demolition, then an asbestos survey is pertinent. Conditions recommended.</p>
6.7	<p>Lead Local Flood Authority</p> <p>Awaiting formal response to alterations in drainage scheme to utilise the highway drain.</p>
6.8	<p>ESCC Highways</p> <p>This application seeks approval for the redevelopment of the site to provide 21 dwellings with new access via Oxbottom Lane. An outline application (LW/15/0299) on the site was previously given highways approval for the erection of 33 houses.</p> <p>Although the principle of development has already been accepted the mitigation measures put forward have not adequately addressed the concerns raised within the Stage 1 Road Safety Audit. As this is a full application it is considered that these should be addressed at this stage. Further information and a plan are therefore required to demonstrate that suitable running widths on the A272 can be provided.</p> <p>Data obtained from the TRICS database has suggested that the proposed development will generate approximately between 12 and 11 two-way trips during the AM and PM peak periods with approximately 99 trips per day. I am satisfied that the methodology used to calculate trip rates provides an accurate description of the vehicle movements likely to be associated with the proposed development. The applicant has assessed the impact of the</p>

existing traffic movements at the junction of Oxbottom Lane with the Station Road with a survey of turning movements and queues. Although the applicant has not added the development trips to this assessment, given the existing queue lengths and size of development this is not considered necessary. The development is unlikely to have a detrimental impact on the surrounding highway network in terms of traffic generation and will function without risk of congestion.

For a development of 4x one-bed units, 4x two-bed units, 8x three bed units, 4x four-bed units; and 1x five-bed units the parking requirement is 49 spaces (42 allocated and 7 unallocated visitor spaces). This is based on each unit having 2 allocated spaces. 40 allocated parking spaces have been provided with 10 visitors spaces. In addition, 1-2 garages have been provided for units 9-21. The parking provided is therefore considered adequate in terms of number.

OFFICER COMMENT: Additional plans have been provided and informally accepted subject to final details of tracking arrangements for the remodelling of the junction with Jackies Lane being provided. This will be addressed as part of the works secured by the section 106 agreement.

6.9

A consultation and objection letter has been received that raises concerns that the officer report has not attached appropriate weight to LLP2 policy DM1 when making the recommendation. Policy DM1 relates to development and settlement boundaries. The policy states that: -

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.

The proposed development site lies outside of the settlement boundaries. The impact of the development on the distinctive character and quality of the countryside is assessed in the officer report and included in the planning balance. The spatial objectives of the policy, (focussing of development in side settlement boundaries), is afforded "limited weight" due to "the failure of the Council to demonstrate a 5 year housing land supply, and the sustainable location and features of the proposed scheme", as explained in the report.

The letter goes on to state that the officer adopted the tilted balance approach without referring to 'footnote 6' policies as set out in para. 11 d) i) of the NPPF. For information, these policies are now listed as 'footnote 7' following the updates to the NPPF made in 2021. The footnote policies relate to habitats sites (and those sites listed in paragraph 180) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 67); and areas at risk of flooding or coastal change.

	<p>As stated in para. 3.5 of the officer reports, there are none of the Footnote 7 specific planning designations or constraints attached to the site or the immediate surrounding area. General consideration of potential impact to habitat and flood risk is included in the officer report and in the planning balance. As such, the decision to adopt the tilted balance is the correctly assessed by the officer's report. NPPF para.11 d) i) is therefore not applicable.</p>
6.9	<p>Maria Caulfield MP</p> <p>Objection.</p> <ul style="list-style-type: none"> • Further erosion of the green gap between the parishes of Chailey and Newick. • The A272 is a busy, single carriageway road not conducive to walking and cycling. • This will be a car dependent development, contrary to the environmental objectives of Lewes District Council. • There are ongoing issues in relation to surface water drainage affecting the residents of Lower Station Road. These should be resolved before further development is permitted. • Previous planning applications close to this application have been refused and the refusal has been upheld at appeal;
7.	Other Representations:
7.1	<p>25 letters of objection have been received; a summary of relevant planning content raised is provided below: -</p> <ul style="list-style-type: none"> • Increase in flood risk. • Field ditch would not be able to cope with drainage. • Loss of habitat including to wildlife displaced by neighbouring development. • Would introduce light pollution/loss of dark skies. • Increased traffic on rural roads/hazard to pedestrians/cyclists/horse riders. • Would lead to coalescence of Chailey and Newick. • Increased noise disturbance. • Harmful landscape impact. • Would overlook neighbouring residential property. • Works may damage existing boundary trees. • Residential development of the site has been consistently refused over time. • Increased pressure on infrastructure. • Smaller, affordable homes are needed, not large homes. • The site was rejected in the most recent local plan. • Would create an isolated community. • Demand for new housing is slowing.

	<ul style="list-style-type: none"> • Landscaping would be expensive to implement and maintain. • Construction works will cause damage and disruption to local residents, property, and infrastructure.
7.2	<p>2 letters of representation have been received and are summarised below:</p> <p>-</p> <ul style="list-style-type: none"> • Would like to see all the footpaths renewed from this development not only from Oxbottom Lane as per design layout, but along the A272 Eastbound & Westbound to both bus stops. • Section 106 agreement should include protection of ecological corridors.

8.	Appraisal:
8.1	<p><u>Key Considerations:</u></p> <p>The main considerations relate to the principle of the development; the impact upon the character and appearance of the area and neighbour amenities, impacts upon highway/pedestrian safety and flood risk, the quality of the accommodation to be provided and the degree to which it meets identified housing needs and the overall merits of the scheme in terms of the balance of economic, environmental and social objectives that comprise sustainable development.</p>
8.2	<p><u>Principle of Development</u></p> <p>Para. 8 of the Revised National Planning Policy Framework (NPPF) defines sustainable development as comprising three overarching objectives, these being to respond positively to economic, environmental, and social needs. Para. 10 goes on to state that there should be a presumption in favour of sustainable development.</p> <p>As LLP1 is now over 5 years old, the housing delivery target set out in policy SP1 (approx. 275 net dwellings per annum) is obsolete and the target now worked towards is therefore based on local housing need calculated using the standard method set out in national planning guidance as per para. 74 of the National Planning Policy Framework (NPPF). This has resulted in the delivery target rising to 782 dwellings per annum. This figure is disaggregated from the delivery from the National Park resulting in an annual figure of 602.</p> <p>Due to this increase in housing delivery targets, Lewes District Council is no longer able to identify a 5-year supply of specific deliverable sites for housing. Para. 11 (d) of the NPPF states that, where a Local Planning Authority is unable to identify a 5 year supply of housing land, permission for development should be granted unless there is a clear reason for refusal due to negative impact upon protected areas or assets identified within the NPPF or if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed</p>

against the policies in the Framework taken as a whole. This approach effectively adopts a 'tilted balance' in favour of development.

The NPPF does not recognise settlement boundaries, instead stating that decisions should avoid the development of isolated homes in the countryside (para. 80).

In response to this situation, the Council has adopted an Interim Housing Policy Statement that accepts development may need to be allowed on sites outside of settlement boundaries but sets out a list of criteria that should be addressed when such sites are being assessed. These criteria will be identified in the relevant sections of this report and will be afforded suitable weight within the overall planning balance.

It is recognised that the Interim Housing Policy Statement is not 'policy' in the Local Plan context and can only be guidance and does not supersede or trump adopted policy.

Policies CP2 of the Lewes District Local Plan part one provides a list of objectives to be applied to new housing development within the district. This includes a requirement for housing development that meets the needs of the district to be accommodated in a sustainable way, to conserve and enhance the character of the area in which it will be located, to maximise opportunities for re-using suitable previously developed land and to plan for new development in highly sustainable locations. Development should incorporate a suitable mix of accommodation and be socially inclusive.

The site is identified within the Council's Interim Land Availability Assessment (LAA) as being suitable for a development of 20 dwellings, with the assessment concluding that the development would be deliverable and achievable.

The proposed development is therefore considered to be acceptable in principle and, as such, will be assessed on the balance of its economic, social and environmental merits in full accordance with the principle of supporting sustainable development as set out in paras 8, 11 and 12 of the Revised National Planning Policy Framework as well as NPPF considerations and any aligned development plan policies relating to design, amenity impact, carbon reduction, landscaping, pollution control and ecological enhancements.

8.3

Planning Obligations

The proposed scheme represents major development (more than 10 new dwellings) and, as such, there is a requirement for affordable housing to be provided, at a rate of 40% of the total number of units as per Policy CP1 of the Lewes District Core Strategy. This amounts to a provision of 8.4 units. In order to fully comply with the standards, set out in the Lewes District Council SPD for affordable housing, 8 units would need to be incorporated into the development with the remaining 0.4 unit required being secured as a pro-rata commuted sum. This approach is compliant with the appropriate use of commuted sum as set out in para. 5.2 of the LDC Affordable Housing SPD. The commuted sum will be calculated using

	<p>the Affordable Housing Commuted Sum Table provided in the Affordable Housing SPD.</p> <p>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. The mix comprises 4 x 1 bed flats (50%), 2 x 2 bed dwellings (25%) and 2 x 3 bed dwellings (25%). A section 106 agreement would be used to secure the provision of affordable housing as well as a timetable/trigger for its delivery.</p> <p>Any section 106 would also be used to secure any highway improvements necessary to mitigate the impact of the development, details of which are as follows: -</p> <ul style="list-style-type: none"> • Bus shelter and seating for the bus stop located on the south side of the A272, subject to the agreement of the Parish Council. Raised kerbs to comply with accessibility obligations, seating, new flag poles, hardstanding areas and timetables at the two nearest bus stops on the A272. It also may be necessary to reposition the bus stop on the northern side of the A272 further to the west, so as to reduce potential site line conflict for vehicles emerging from Jackie's Lane. In addition to carrying out the bus stop improvements the Highway Authority would wish to secure a contribution to cover the administrative costs involved in the Bus Stop Clearway. A contribution of £750 is therefore sought for these works. • Improvements/widening of the existing footway on the southern side of the A272 along the site frontage then to the east as far as Allington Road to improve facilities for residents to reach facilities in Newick and to include dropped kerbs and tactile paving. • New section of footway on the northern side of the A272 from the repositioned bus stop to Jackie's Lane. • An uncontrolled crossing point on A272 between the repositioned bus stops. • A contribution of £5,000 towards the Traffic Regulation Order (TRO) to reduce the speed limit in Oxbottom Lane. As any TRO is open to public objection and ultimately decided upon by ESCC Planning Committee the alterations of any restrictions cannot be guaranteed. <p>Any section 106 would also be used to secure the provision of a LEAP.</p> <p>The site falls outside of the 7km Ashdown Forest Zone of Influence and, as such, no contributions towards SANGs or SAMMs measures would be required.</p>
8.4	<p><u>Site Access</u></p> <p>There is an existing field access to the site from Oxbottom Lane. The proposed development would utilise this access, with it being widened and improved to meet ESCC Highways standards for access to a residential development. These works would require the removal of short sections of trees and hedgerow either side of the existing access. Oxbottom Lane would be widened to 4.8 metres between the site access and the A272 in order to allow suitable width for more frequent two-way use.</p>

Although Oxbottom Lane is subject to the national speed limit, speed surveys taken around the access confirm the average speed of vehicles on the approach to the site access was 32.9 mph for northbound traffic and 30.3 mph for southbound traffic. This is likely to be due to the proximity to the junction with the A272 and the narrow width of the lane. Suitable visibility splays, informed by the speed survey data, would be provided to allow for safe use of the turning. Occasional cutting back of trees and hedgerow flanking Oxbottom Lane would be required in order for these splays to be maintained.

Criterion 3 of the Interim Housing Policy states that new development should provide safe and convenient pedestrian and cycle access to key community facilities and services within the adjacent settlement.

As there is no footway on Oxbottom Lane, pedestrian access would be provided from the north of the site where it would connect with the existing footway on the southern side of Station Road/Western Road which provides connectivity with Newick to the east and North Chailey to the west. Widening works would be carried out on sections of the existing footway to improve safety and accessibility and improved access to bus stops would also be provided. The internal footway would not extend to the junction between the internal road and Oxbottom Lane. This measure was recommended in the Road Safety Audit as a means to discourage residents from walking from the development onto Oxbottom Lane where there is no footway nor the capacity to introduce one.

It is anticipated that the proposed development would generate 12 additional vehicular trips during weekday the morning traffic peak hour (08:00 to 09:00) and an additional 11 vehicular trips within the evening peak (17:00 – 18:00). It is not considered that this would result in any unacceptable increase in traffic on the surrounding highway network, or excessive queuing at the junction between Oxbottom Lane and the A272. It is noted that ESCC Highways supported the previous scheme for 30 dwellings on the site (LW/15/0299), subject to highway mitigation works similar to those proposed for the current application, and that traffic flows have reduced since that time.

Tracking plans have been submitted as part of the Transport Statement and these demonstrate that a 12 metre long refuse vehicle could the full extent of the external road network and that suitable turning points are available to ensure that the refuse vehicle would be able to enter, travel through and leave the development in forward gear.

It is therefore considered that the submitted site access arrangements provide sufficient capacity to serve the development and would not result in an unacceptable highway or pedestrian safety hazard. The proposed scheme is therefore considered to comply with LLP1 policies CP7 and CP11, LLP2 policy DM25 and paras. 110, 111 and 112 of the National Planning Policy Framework (NPPF).

8.5

Visual Impact

Para. 126 of the NPPF states that ‘the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.’ Para. 127 states that design policies should be ‘grounded in an understanding and evaluation of each area’s defining characteristics.’ Area-wide, neighbourhood or site-specific design codes or guides are identified as a means to fulfil these objectives. Lewes District Council does not currently have any adopted design code or guide and, in such instances, para. 129 of the NPPF instructs that national documents should be used to guide decisions on applications.

The National Design Guide and National Model Design Code Part 2 Guidance Notes both identify context as an important consideration when looking at how a development would impact upon the character of an area. Para. 39 of the National Design Code states that well designed places are ‘based on a sound understanding of the features of the site and the surrounding context, integrated into their surroundings so they relate well to them, influenced by and influence their context positively and responsive to local history, culture and heritage.’

Criterion 1 of the Interim Housing Policy Statement maintains that new development outside settlement boundaries contiguous with an adopted settlement planning boundary, as defined on the Local Plan Policies Map.

Criterion 2 requires the scale of development to be appropriate to the size, character, and role of the adjacent settlement whilst criterion 3 stipulates that development must not result in the actual or perceived coalescence of settlements either individually or cumulatively.

Finally, criterion 7 requires development to 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.

The proposed development would be positioned close to, but not adjacent to the settlement boundary of Newick, which is delineated by the road and curtilage of properties on The Ridings, approx. 400 metres to the west of the site. However, the plot falls within a wider parcel of land that occupies that is enclosed by the A272 to the north, Oxbottom Lane to the east and Lower Station Road to the south and west.

This parcel has been developed over time, with an established cluster of dwellings on Lower Station Road and Great Rough and the recently completed development at Upper Station Gardens, which is adjacent to the eastern site boundary.

The only parts of the land parcel that are yet to be developed are land to the rear of Camelia Cottage (on which a development of 7 dwellings has been recommended for approval under LW/21/0942) and the application site itself.

The development would not project further than the extent of existing development in any direction. Given this, and the strong sense of containment provided by the roads bordering the site and mature tree lines and hedgerow on the site boundary, it is considered that the proposed

development would visually amalgamate with neighbouring residential development and would therefore not appear isolated or disruptive within the immediate landscape.

It is noted that the area falls within the 'land south of Allington Road' designation within the Landscape Capacity Study which regards this land as the preferred area for development around Newick from a landscape perspective, making reference to the natural defensible boundaries to development provided by mature hedges.

The effective screening of the site would also prevent the development from having any unacceptable impact upon the setting of neighbouring Grade II Listed Buildings at Fir Tree Cottage and Holly Grove.

In allowing appeals against the refusal of development at the Upper Station Gardens site (LW/15/0154 and LW/17/1027), the Inspectorate noted the sympathetic screening provided by mature landscaping and the effective role this would play in preventing visual degradation to the surrounding rural environment. It was also noted that development would consolidate with the existing low-density residential development in the immediate surrounding area.

Turning to the potential for coalescence of the settlement of Newick and North Chailey, it is important to appreciate the existing context, with a long-established ribbon of development along Station Road stretching between the two settlements. Nevertheless, the site is currently undeveloped and represents an enclosed green space directly flanking the southern side of Station Road. There is an enclave of low-density residential development on the opposite side of Oxbottom Lane in the form of Oxbottom Close, which is well screened from Station Road/Western Road by mature landscaping. Beyond this are areas of green space around Allington Road to the south and at the Reedens Meadow SANG on the northern side of Western Road, which provide a buffer between the edge of the settlement of Newick which is to the east.

The development site itself is well contained due to the presence of mature boundary treatment. In addition, dwellings would be set well back from site boundaries allowing this landscaping to be strengthened to form green buffers around along all boundaries that would act to significantly soften the visual impact of the development when viewed from neighbouring streets as well as the wider surrounding countryside.

It is therefore considered that the proposed development, whilst not directly contiguous with any settlement boundary, would effectively amalgamate with well-established existing development and would not result in any unacceptable coalescence of Newick and North Chailey given the presence and extent of existing ribbon development on Station Road and the maintenance of a landscaped gap between the east of the site and Newick.

A previous scheme for the erection of 30 dwellings on the site was refused on the grounds that it fell outside of the settlement boundary (which can no longer be supported due to the failure of the Council to demonstrate a sufficient supply of housing land) and because the density of the development was considered to be too high when seen in context with the

low density development comprising the surrounding built environment. The proposed scheme reduces the density to approx. 9.4 dwellings per hectare. Whilst this reduction is, in part, achieved through the provision of a sizeable green space/ecological enhancement area in the north-western corner of the site, the density of the developed part of the site remains low at approx. 12.5 dwellings per hectare.

Where the proposed development abuts neighbouring residential development to the west and south the dwellings provided would be in the form of large detached buildings on large plots that would be broadly consistent with neighbouring development on Upper Station Gardens and Lower Station Road in terms of character and density. Whilst the size of plots and separation between dwellings does reduce towards the north east of the site this is achieved through a gradual transition from the lower density development to the south west, thereby preventing presence of higher density development from appearing overly jarring or unsympathetic.

It is important that the development does include a proportion of smaller plots/higher density development in order that a suitable dwelling mix can be provided, particularly in relation to the delivery of affordable housing for which demand is skewed towards smaller units.

The proposed dwellings would be of traditional design, with relatively steep pitched roofing and predominantly brick external finishing.

There would be a good degree of variety in the design of building present.

The internal road would incorporate bends and dwellings would be arranged informally around it.

All dwellings would have landscaped areas to the front which would flank the internal road and provide connectivity with the green space in the north-western corner of the site.

It is considered that the above attributes would combine to generate a verdant, semi-rural character and appearance that would be in-keeping with the surrounding environment.

It is therefore recommended that the proposed development would not appear invasive or incongruous within the wider rural landscape and would be sympathetic towards the character and intensity of surrounding residential development.

8.6 Impact upon amenities of neighbouring residents

The proposed dwellings would be set well away from site boundaries shared with neighbouring residential properties.

Dwellings backing onto the southern site boundary, shared with properties on Lower Station Road, would be positioned a minimum of 20 metres from the site boundary and would back on to the long rear gardens of neighbouring dwellings. Approx. 25 metres would be maintained between dwellings facing towards the western site boundary and the development at Upper Station Gardens.

The closest proximity of any dwelling within the development and a neighbouring dwelling would be approx. 45 metres between plot 11 and

the dwelling at 'Chailey End'. The relationship between the two dwellings would be side to side and it is noted that plot 11 is to be occupied by a bungalow dwelling.

It is considered that the scale of the proposed dwellings and the level of separation maintained between dwellings within the proposed development and neighbouring dwellings, combined with the presence of mature boundary landscaping, would prevent the proposed development from appearing overbearing towards neighbouring residential properties or from generating unacceptable levels of overshadowing or allowing for unacceptably intrusive views towards those properties.

The site entrance and internal roads would be positioned well away from neighbouring residential development and the internal roads and parking areas would be well screened by site boundary landscaping. It is therefore considered that neighbouring residents would not be subject to unacceptable disruption caused by noise, air or light emissions produced by moving vehicles.

The proposed development is low density, particularly where it backs on to neighbouring residential properties, and all dwellings and flats would be provided with good sized private amenity areas as well as the additional green space positioned towards the south western corner of the site. It is therefore considered that the intensity of activities associated with the development would be relatively low, would be dissipated across the large overall site area and would be broadly consistent with the intensity of activity

It is therefore considered that the proposed development would not result in any unacceptable harm toward the amenities of neighbouring residents.

8.7

Living Conditions for Future Occupants

Para. 134 of the NPPF states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Para. 126 of the National Design Guide (2019) 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.'

The Technical housing standards – nationally described space standard (2015) defines minimum levels of Gross Internal Area (GIA) that should be provided for new residential development, based on the number of bedrooms provided and level of occupancy. The GIA of all of the dwellings and flats exceeds the minimum area specified in the space standards for their respective classifications.

Each dwelling and flat is considered to have a clear and easily navigable layout, with awkwardly sized rooms and overly large or long circulation areas being avoided. All primary habitable rooms would be served by clear glazed windows that would not have any immediate obstructions to outlook. These windows would allow for access to good levels of natural

light as well as providing effective natural ventilation. Windows would be installed on multiple aspects of each dwelling and flat and this would allow for exposure to natural light to be prolonged and for more effective natural ventilation, to the benefit of internal living conditions.

The occupants of all dwellings would have direct access to a suitable sized private garden area. Each of the flats would also be provided with a good-sized garden. In addition to this, a significant area of green space would be provided within the north-western corner of the site.

Whilst areas of this space are set aside for ecological enhancement works, this would include features such as a traditional orchard which would also provide informal amenity space for future occupants.

Formal communal amenity space would be provided on grass areas around the larger of the two attenuation ponds whilst play equipment would also be installed within the greenspace. The green space adjacent to the larger attenuation pond would be subject to good levels of natural surveillance from dwellings on plots 18-21.

Whilst the development does not engage directly with Oxbottom Lane or Station Road, the internal layout ensures dwellings within the development interact well with one another and it is considered that this, along with the provision of communal amenity space, would help foster a sense of community and promote social interaction.

Parking areas benefit from good levels of natural surveillance and are generally within the curtilage of the property they serve. Other than the orchard, whose primary function is to provide biodiversity, the development does not create any isolated or secluded areas that may give rise to crime and anti-social behaviour or a heightened sense of being at risk.

A policy compliant mix of affordable housing would be provided, ensuring that the development is accessible to a wide range of the community. Two bungalows would also be provided, these being more easily accessible to less mobile people.

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

8.8

Flooding and Drainage

The proposed development would be built on a site which is almost entirely permeable and would introduce a significant level of hard surfacing. The site falls within flood zone 1 and is therefore not identified as being at risk of flooding from fluvial/tidal sources. Environment Agency mapping also shows that the risk of surface water flooding on the site and immediate surrounding land is low. However, the site is identified as being at vulnerable to groundwater flooding.

	<p>A drainage strategy has been submitted, following the sustainable drainage hierarchy set out in para. 080 of the Planning Practice Guidance for Flood Risk and Coastal Change. Infiltration drainage is at the top of the hierarchy, but its use has been discounted due to the lack of soil permeability due to groundwater levels. The next step on the hierarchy involves discharge into an existing water body. There is a ditch running along the western boundary of the site which feeds into another ditch which runs between the rear boundaries of properties on Upper Station Gardens and Great Rough and those on Lower Station Road. This has been discounted for the preference of a connection to the Local Highway Drain.</p> <p>Surface water generated by the proposed development would therefore be directed into attenuation ponds which would store the water and allow for its release into the existing highway drain to the north of the site at a similar rate to the current greenfield rate, with a 40% increase in rainfall as a result of climate change taken into account. This would be subject to confirmation of capacity which would be provided by ESCC contractors and can be secured by condition.</p> <p>It is therefore considered that surface water run-off generated by the development can be adequately managed without unacceptable risk of flooding within the development or on neighbouring land. The development is therefore considered to comply with policy CP12 of LLP1 and paras. 163 And 165 of the NPPF.</p>
8.9	<p><u>Foul Water Disposal</u></p> <p>The Council has approved a motion requiring greater scrutiny of the capacity for foul sewerage disposal to be provided when assessing all major developments. This is based on the observation that recent figures show that SW discharged sewage into local rivers & seas in Lewes District over 800 times in 2020 totalling over 11,000 hours of sewage discharge in just one year.</p> <p>LLP1 policy CP10 (4) states that planning decisions will ensure that water quality is improved where necessary or maintained when appropriate (including during any construction process) and that watercourses (including groundwater flows) are protected from encroachment and adverse impacts in line with the objectives of the South East River Basin Management Plan.</p> <p>A condition will be attached to ensure that an approved connection is in place prior to any development commencing and that details of suitable phasing are also required if the statutory undertaker needs to upgrade the sewerage system to accommodate the development.</p> <p>It is noted that Southern Water have made very little comment apart from that a formal connection agreement would be required.</p>
8.10	<p><u>Landscape and Ecology</u></p> <p>The site is within relatively close proximity of two Sites of Special Scientific Interest (SSSIs), these being Chailey Common, approx. 1.3km to the west</p>

of the site, and a disused quarry at Scaynes Hill approx. 2.5km to the north-west of the site. There are a number of Local Wildlife Sites and pockets of ancient woodland within a 1km radius of the site but none immediately adjacent to it.

A Preliminary Ecological Assessment of the site was undertaken in 2020 and this informed a programme of surveys for the presence of protected species which are included in a detailed Ecological Impact Assessment completed during 2021 and submitted as part of the application.

The value of the scrub and tree lines on the site boundaries in supporting nesting birds is noted within the assessment and as well as a small population of hazel dormice. The grassland of the western field, and tall ruderal vegetated area of the eastern field were found to support slow worms.

The majority of the tree line, hedgerow and scrub would be retained and enhanced and would therefore continue to provide habitat. Additional scrub planting would be provided to provide additional habitat for dormice and also to act as a barrier to domestic pets that may predate on wild animals. It is stated that higher quality grassland would be retained, and the loss of reptile habitat would be mitigated through the creation of wildflower grassland in the north-western corner of the site as well as the provision of hibernacula. Reptile translocation will be carried out as part of the development.

A sensitive lighting scheme would be installed so as to retain the quality of undeveloped parts of the site for use by foraging bats. All trees with bat roosting potential are also to be retained.

Biodiversity net gain would be achieved through the retention and enhancement of green corridors, creation of new habitats in the north-western corner of the site, including fruit bearing trees and hedgerow, provision of bat and bird boxes, creation of a 'hedgehog highway' between gardens and ongoing habitat management secured as part of a Landscape and Ecological Management Plan (LEMP). This could be required by condition

NatureSpace have provided comments confirming they are satisfied that there would be no adverse impact upon Great Crested Newts provided mitigation and avoidance measures set out in application documents are put into place. This will be secured by way of a planning condition.

There are TPO trees on the site, predominantly along the western boundary shared with Upper Station Gardens but also a small group in the south eastern corner of the western field. None of these trees would be removed or cut back to facilitate the development and, as with all retained trees, a suitable protection barrier would be put in place during all construction works in order to prevent risk of damage.

The submitted landscaping details show a large area of green space formed in the north western corner of the site as well as soft landscaping to the front of dwellings and large landscaped gardens. Full details of site landscaping would be secured by condition, including any additional hard

	<p>surfacing and fencing, given that this would need to be sympathetic to the rural character of the surrounding environment.</p> <p>It is therefore considered that the development complies with policy CP10 of LLP1, policies, DM24 and DM27 of LLP2 and paras. 170 and 175 of the NPPF.</p>
8.11	<p><u>Sustainability</u></p> <p>The application is accompanied by an Energy, Waste and Sustainability Statement which sets out energy efficiency and waste minimisation which would be incorporated into the development.</p> <p>It is noted that the majority of dwellings face north to south and, where they don't, southern facing aspect include windows serving primary habitable rooms. This orientation/window configuration allows for solar gain to be harnessed, providing a natural source of light and heat to the buildings. The statement draws attention to the need to maintain a balance when utilising solar gain in order to prevent potential for overheating and use of excessive amounts of glazing has been avoided in order to mitigate against this.</p> <p>The site landscaping scheme would also provide shading, and, through the use of deciduous species, this would be most effective in the summer months, when it is needed most, whilst being reduced in winter months when more solar gain is required.</p> <p>All buildings are to be constructed to the maximum feasible airtightness, reducing heat loss and, therefore, energy use. Air source heat pumps will be provided for all properties, meeting all space and water heating needs. Low energy LED lighting would be used internally and externally, and water fixtures would include controls to consumption through either restricted or aerated flows.</p> <p>Recycled materials are to be used where possible, with particular scope for their use in providing material for subbase. Any soil that is affected by earthworks would be retained on site and reused where possible.</p> <p>All dwellings would be provided with electric vehicle charging points in compliance with Council standards. Secure cycle stores would also be provided as a means to encourage the use of the bicycle.</p> <p>The two bed bungalows and all 4 and 5 bed dwellings would be provided with a study which would support home working.</p>
8.12	<p><u>Archaeology</u></p> <p>An Archaeological Assessment of the site has been carried out and a report submitted as part of the suite of documents supporting the application. The report concludes that a review of the available evidence has confirmed that the study site occupied the rural hinterland away from known settlement throughout its history and therefore has a low potential to contain archaeological remains of any date.</p>

	<p>A condition will be used to ensure physical investigations are carried out and reported back to County Archaeology to ensure potential impact upon archaeology is established.</p> <p>It is therefore considered the proposed development complies with policy CP11 of LLP1, DM33 of LLP2 and section 16 of the NPPF.</p>
8.13	<p><u>Local Equipped Area for Play</u></p> <p>As a requirement of Local Policy (policies DM15 and DM16) the development should provide a LEAP</p> <p>The design and delivery of the LEAP will be control by the S106.</p>
8.14	<p><u>Human Rights Implications:</u></p> <p>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.</p>
8.15	<p><u>Conclusion.</u></p> <p>It is considered that the proposed development would deliver a significant benefit in the form of housing delivery whilst harm would be minimal as a result of the low density of the development and the sympathetic screening provided, the low density of the development, accessibility of the site and delivery of highway improvements and biodiversity enhancements.</p>

9.	Recommendations
9.1	It is recommended that the application is approved subject to the attached conditions and a section 106 legal agreement securing obligations set out in para. 8.3.

10.	Conditions:
10.1	<p>Time Limit</p> <p>The development hereby permitted shall be begun either before the expiration of three years from the date of this permission.</p> <p>Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).</p>
10.2	<p>External Lighting</p> <p>No external lighting or floodlighting shall be installed on the buildings or the road and parking areas hereby permitted without the prior written approval of the local planning authority.</p> <p>Reason: To protect the amenity and character of the surrounding countryside and to prevent disturbance of nocturnal species having regard to Policy CP10 of the Lewes District Local Plan part one, policies DM20</p>

	and DM24 of the Lewes District Local Plan part two and paras. 170, 175 and 180 of the NPPF.
10.3	<p>Visibility Splays</p> <p>No part of the development shall be occupied until visibility splays of 2.4 metres by 43.5 metres to the north and 49 metres to the south have been provided at the site vehicular access onto Oxbottom Lane in accordance with the approved drawings.</p> <p>Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.</p> <p>Reason: In the interests of road safety</p>
10.4	<p>Cycle Parking</p> <p>The development shall not be occupied until cycle 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 cycles</p> <p>Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development in accordance with policy CP13 of LLP1 and para. 102 of the NPPF.</p>
10.5	<p>Road Condition Survey</p> <p>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.</p> <p>Reason: In the interests of highway safety and the amenities of the area</p>
10.6	<p>Construction Management Plan</p> <p>No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the</p>

	<p>entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,</p> <ul style="list-style-type: none"> • the anticipated number, frequency and types of vehicles used during construction, • the method of access and egress and routeing of vehicles during construction, • the parking of vehicles by site operatives and visitors, • the loading and unloading of plant, materials, and waste, • the storage of plant and materials used in construction of the development, • the erection and maintenance of security hoarding, • the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders), • details of public engagement both prior to and during construction works. <p>Reason: In the interests of highway safety and the amenities of the area in accordance with LLP2 policies DM20, DM23 and DM25 and paras. 108, 109 and 110 of the National Planning Policy Framework (NPPF).</p>
10.7	<p>Travel Plan</p> <p>No part of the development shall be occupied until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.</p> <p>Reason: To encourage and promote sustainable transport in accordance with LLP1 policy CP14 and section 9 of the NPPF.</p>
10.8	<p>Earthworks</p> <p>Prior to the commencement of the development hereby permitted details of earthworks shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading of land area including the levels and contours to be formed and showing the relationship to existing vegetation and neighbouring development. Development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure a satisfactory development and in the interests of amenity and landscape character in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM25 and DM27 and section 15 of the NPPF.</p>

10.9	<p>Air Quality</p> <p>That all recommendations set out in S8.1 of the approved air quality assessment shall be implemented prior to the first occupation of any part of the development.</p> <p>Reason: 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 181</p>
10.10	<p>Boilers (if installed)</p> <p>If any boilers are installed then details shall be submitted to and approved by the local planning authority prior to the first occupation of the development to confirm that these would be 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.</p> <p>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 181</p>
10.11	<p>Asbestos Survey</p> <p>Prior to demolition of any structures, a full asbestos survey must be carried out on the building to be demolished. Any asbestos containing materials (ACMs) must be removed by a suitable qualified contractor and disposed off-site to a licenced facility. A copy of the report should be provided to the local planning authority together with a mitigation plan that removes the risk to future occupiers of exposure to asbestos.</p> <p>Reason: To ensure that risks from asbestos to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [n accordance with National Planning Policy Framework</p>
10.12	<p>Unsuspected Contamination</p> <p>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.</p> <p>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 LLP1</p>

	policies CP10 and CP11, LLP2 policies DM20 and DM22, para. 170, 178 and 170 of the NPPF and CNP policy ENV5.
10.13	<p>Construction Environmental Management Plan</p> <p>No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:</p> <ul style="list-style-type: none"> a) risk assessment of potentially damaging construction activities. b) identification of “biodiversity protection zones”. c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements). d) the location and timing of sensitive works to avoid harm to biodiversity features. e) the times during construction when specialist ecologists need to be present on site to oversee works. f) responsible persons and lines of communication. g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. h) use of protective fences, exclusion barriers and warning signs. <p>The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.</p> <p>Reason: To ensure that any adverse environmental impacts of development activities are mitigated, to avoid an offence under the Wildlife and Countryside Act 1981, as amended, The Conservation of Habitats and Species Regulations 2017, as amended, and the Protection of Badgers Act, 1992, and to address Core Policy CP10 of the Lewes District Local Plan 2016</p>
10.14	<p>Ecological Design Strategy</p> <p>No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity has been submitted to</p>

and approved in writing by the local planning authority. The EDS shall include the following:

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

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

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

10.15 Landscape and Ecological Management Plan

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the commencement 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.
- 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

	<p>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.</p> <p>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.</p>
10.17	<p>Tree Protection</p> <p>The development shall be carried out in full adherence to the approved arboricultural method statement, with the tree protection measures set out therein to be in place at all times.</p> <p>Reason: In the interests of the amenity and the landscape character of the area in accordance with LLP1 policy CP10, LLP2 policy DM27 and section 15 of the NPPF.</p>
10.18	<p>Construction Hours</p> <p>Construction work shall be restricted to the hours of 0800 to 1800 Monday to Fridays and 0830 to 1300 on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.</p> <p>Reason: In the interest of residential amenities of the neighbours having regard to Policy DM25 of the Lewes District Local Plan.</p>
10.19	<p>Landscaping</p> <p>Prior to the completion of any residential unit forming part of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:</p> <ul style="list-style-type: none"> • Details of all hard surfacing. • Details of all boundary treatments (including provision of mammal gates to allow for foraging animals to cross the site). • Details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees. • Ecological enhancements and Biodiversity Net Gain. <p>All hard landscaping and means of enclosure related to each property shall be completed in accordance with the approved scheme prior to first occupation of that property and shall be completed in its entirety prior to the completion of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the development or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with</p>

	<p>others of similar size and species, unless the Local Planning Authority gives written consent to any variation.</p> <p>Reason: To ensure the development incorporates sympathetic landscaping that amalgamates with surrounding landscaping, is appropriately and sympathetically screened, and provides a secure and safe environment for future occupants in accordance with LLP1 policy CP10, LLP2 policies DM24 and DM27 and para. 174 of the NPPF</p>
10.20	<p>Surface Water Drainage</p> <p>No development approved by this permission shall be commenced until full details of surface water drainage, have been submitted to and approved by the Local Planning Authority. This will need to include confirmation that there is capacity for the highway drain to serve the development and that a connection agreement is in place. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall be take place until the approved works have been completed. The surface water drainage system shall be retained as approved thereafter.</p> <p>Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and paras. 163 and 165 of the NPPF.</p>
10.21	<p>Drainage Management and Maintenance</p> <p>A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site to ensure the designed system considers design standards of those responsible for maintenance. The management plan should cover the following:</p> <ul style="list-style-type: none"> a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. b) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority. <p>Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and paras. 163 and 165 of the NPPF.</p>
10.22	<p>Drainage Installation</p> <p>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.</p> <p>Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and paras. 163 and 165 of the NPPF.</p>

10.23	<p>Wastewater reinforcement</p> <p>Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development</p> <p>Reason: In order to ensure suitable arrangements for foul water disposal are in place in accordance with LLP1 policies CP7 and CP10, LLP2 policies BA02, DM20 and DM22 and para. 174 of the NPPF</p>
10.24	<p>Electric Vehicle Charging Points</p> <p>Prior to the first occupation of any individual unit within the development hereby permitted, a minimum of 1 x electric vehicle charging point shall be provided for that unit in accordance with details to be submitted to and approved by the Local Planning Authority. The charging points shall thereafter be maintained in an operable condition throughout the lifetime of the development.</p> <p>Reason: To encourage alternative, more sustainable modes of transport and to reduce local contributing causes of climate change in accordance with LLP policy CP13, and para. 112 of the NPPF</p>
10.25	<p>Sustainability Measures</p> <p>The proposed development shall not be occupied until full details of all renewable/carbon saving/energy and water efficiency measures to be incorporated into the scheme have been submitted to and approved by the Local Planning Authority. All measures approved shall thereafter be provided prior to the occupation of any dwelling and maintained in place thereafter throughout the lifetime of the development.</p> <p>Reason: In order to ensure suitable sustainability measures are incorporated into the development and maintained in accordance with LLP1 policy CP14, LLP2 policy DM20 and para. 152 of the NPPF.</p>
10.26	<p>External Materials</p> <p>No external materials or finishes shall be applied until a schedule of materials has been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with those details and maintained as such unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interest of visual amenity and sustainability in accordance with LLP1 policy CP11, LLP2 policy DM25 and para. 130 of the NPPF</p>
10.27	<p>Written Scheme of Investigation</p> <p>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.</p> <p>Reason: To enable the recording of any items of historical or archaeological interest in accordance with Core Policy 11 in the Lewes District Local Plan Part 1; Joint Core Strategy 2010 - 2030; coupled with</p>

	the requirements of paragraphs 189 - 199 of the National Planning Policy Framework 2018.
10.28	<p>Archaeological Report</p> <p>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 approved written scheme of investigation.</p> <p>Reason: To enable the recording of any items of historical or archaeological interest in accordance with Core Policy 11 in the Lewes District Local Plan Part 1; Joint Core Strategy 2010 - 2030; coupled with the requirements of paragraphs 189 - 199 of the National Planning Policy Framework 2018.</p>
10.29	<p>Surface Water Drainage “No development approved by this permission shall be commenced until full details of surface water drainage, which shall follow the principles of sustainable drainage as far as practicable, have been submitted to and approved by the Local Planning Authority. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall be take place until the approved works have been completed. The surface water drainage system shall be retained as approved thereafter.</p> <p>Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy</p>
11.	Informative
11.1	<p>Waste Removal</p> <p>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.</p>

12.	Plans:																		
12.1	This decision relates solely to the following plans:																		
	<table border="1"> <thead> <tr> <th><u>Plan Type</u></th> <th><u>Date Received</u></th> <th><u>Reference:</u></th> </tr> </thead> <tbody> <tr> <td>Location Plan</td> <td>16/3/22</td> <td>6975-PL-001 Rev D</td> </tr> <tr> <td>Proposed Site Plan</td> <td>16/12/22</td> <td>6975-PL-003 Rev M</td> </tr> <tr> <td>Proposed Details Site Plan</td> <td>16/12/22</td> <td>6975-PL-004 Rev C</td> </tr> <tr> <td>Plots 01 and 02 Floor Plans</td> <td>24/12/21</td> <td>6975-PL-010 Rev B</td> </tr> <tr> <td>Plots 01 and 02 Elevations</td> <td>24/12/21</td> <td>6975-PL-011 Rev C</td> </tr> </tbody> </table>	<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>	Location Plan	16/3/22	6975-PL-001 Rev D	Proposed Site Plan	16/12/22	6975-PL-003 Rev M	Proposed Details Site Plan	16/12/22	6975-PL-004 Rev C	Plots 01 and 02 Floor Plans	24/12/21	6975-PL-010 Rev B	Plots 01 and 02 Elevations	24/12/21	6975-PL-011 Rev C
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Plots 05 and 06 Floor Plans	24/12/21	6975-PL-012 Rev B
Plots 05 and 06 Elevations	24/12/21	6975-PL-013 Rev C
Plots 03 and 04 Floor Plans	24/12/21	6975-PL-014 Rev B
Plots 03 and 04 Elevations	24/21/21	6975-PL-015 Rev C
Plots 07 and 08 Floor Plans	24/12/21	6975-PL-016 Rev B
Plots 07 and 08 Elevations	24/12/21	6975-PL-017 Rev C
Plots 09 and 10 Floor Plans	24/12/21	6975-PL-018 Rev B
Plot 09 Elevations	24/12/21	6975-PL-019 Rev B
Plot 10 Elevations	24/12/21	6975-PL-020 Rev B
Plots 11 and 12 Floor Plans	24/12/21	6975-PL-021 Rev C
Plots 11 and 12 Elevations	24/12/21	6975-PL-022 Rev B
Plots 13 and 14 Floor Plans	24/12/21	6975-PL-023 Rev B
Plots 13 and 14 Elevations	24/12/21	6975-PL-024 Rev B
Plots 15 and 18 Floor Plans	24/12/21	6975-PL-025 Rev C
Plot 15 Elevations	24/12/21	6975-PL-026 Rev B
Plot 18 Elevations	24/12/21	6975-PL-027 Rev B
Plots 16 and 17 Floor Plans	24/12/21	6975-PL-028 Rev C
Plots 16 and 17 Elevations	24/12/21	6975-PL-029 Rev B
Plot 19 Floor Plans	24/12/21	6975-PL-030 Rev C
Plot 19 Elevations	24/12/21	6975-PL-031 Rev B
Plot 20 Floor Plans	24/12/21	6975-PL-032 Rev C
Plot 20 Elevations	24/12/21	6975-PL-033 Rev A
Plot 21 Floor Plans	24/12/21	6975-PL-034 Rev A
Plot 21 Elevations	24/12/21	6975-PL-035 Rev A
Proposed Street Scenes Sheet 1	24/12/21	6975-PL-040 Rev B
Proposed Street Scenes Sheet 2	24/12/21	6975-PL-041 Rev B
Proposed Garages	24/12/21	6975-PL-050 Rev A
Tree Retention and Protection Plan	16/12/22	LLD2132-ARB-DWG-002 Rev 02
Flood Risk Assessment and Drainage Statement	16/12/22	184.5001/FRA&DS/3 Rev 3

	RSA Designers Response dated 22 September 2022	16/12/22	2003017-02 Rev A
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12.	Appendices
12.1	None.

13.	Background Papers
13.1	None.