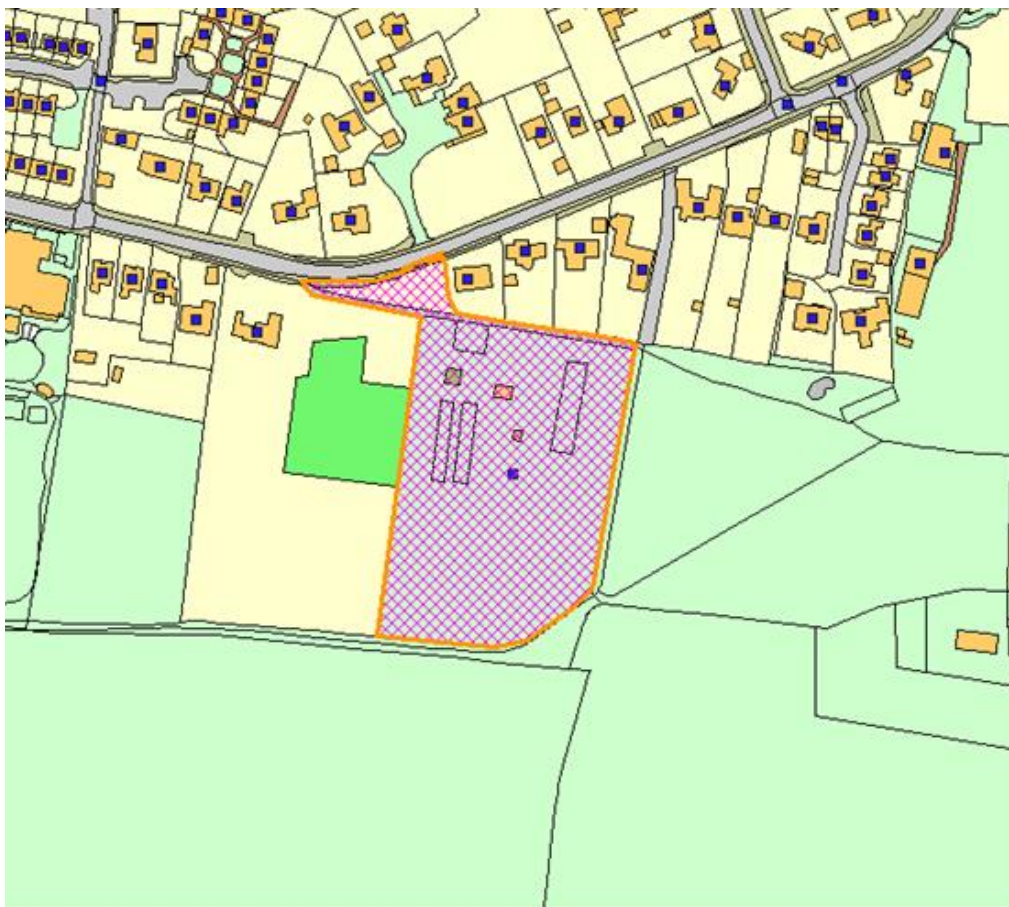


Report to: Planning Applications Committee
Date: 19 April 2023
Application No: LW/22/0071
Location: Land Rear of 45 Allington Road, Newick
Proposal: Erection of 4no bungalows, creation of new vehicular and pedestrian access via Allington Road, and associated landscaping.
Applicant: Fairfax Acquisitions Ltd
Ward: Newick
Recommendation: Grant planning permission subject to conditions and to receive and support a Unilateral Undertaking for the Financial contribution towards the SANGS/SAMM and to prevent the land to the south of the residential curtilage from being developed.
Contact Officer: **Name:** Julie Cattell
E-mail: julie.cattell@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liable.

Site Location Plan



1.	Executive Summary
1.1	<p>The proposal for 4 new homes and new access road, is located immediately outside the settlement boundary of Newick on site previously refused planning permission for 16 homes and community car park (LW/18/0993). The site sits to the immediate south of Allington Road and is therefore in policy terms in the countryside. The scheme would require a diversion of a public foot path.</p> <p>However, the location is considered to be a “landscape transition zone” in advance of the countryside beginning further to the south. A zone previously containing building and rural development, now derelict and unused. The site is part of a narrow zone that runs along much of the south side of the village. Because of the scheme’s close proximity to the village, it is considered to represent sustainable development. It would provide homes, economic development and the southern, majority element of the site, would provide ecological enhancements achieving demonstrable biodiversity net gain not currently on the site.</p>
1.2	<p>The development is sympathetic to the surrounding built and natural environment and is considered to cause no unacceptable amenity impact on neighbouring residents. The scheme 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 to receive and accept a Unilateral Undertaking that delivers the financial contribution to SANGS/SAMMS and also prohibits the development of the land to south of the proposed domestic curtilage for the construction of additional dwellings.</p>
1.4	<p><u>Housing Delivery</u></p> <p>The provision of four new residential dwellings would contribute to the housing land supply for the district. This would carry <u>moderate</u> weight in the planning balance because the scheme is small scale.</p>
1.5	<p><u>Economic Benefits</u></p> <p>The proposal offers economic benefits in the form of job creation during construction and an increase in population that would result in additional use of local businesses and services. This would carry <u>moderate</u> weight in the planning balance.</p>
1.6	<p><u>Biodiversity Net Gain and Landscape Enhancement</u></p> <p>The proposed development would deliver on site biodiversity enhancements with a cumulative net gain. The scheme would establish, in this location, a distinction between Newick’s southern landscape transition zone and the formal countryside. It would focus limited development towards Allington Road, whilst to the middle and south of the site, it would incorporate positive ecological and landscape credentials, pushing out into the countryside proper. This would carry <u>significant</u> weight in the planning balance.</p>

1.7	<p><u>Outside of the Settlement Boundary and Impact on the Countryside</u></p> <p>The proposed development would sit outside the planning settlement boundary and would be in principle contrary to policy DM1. It would extend the settlement boundary and potentially compromise important policy aims to distinguish town from country. The scheme could be considered to deviate from the linear development village form and push the settlement into the countryside. This would carry <u>significant</u> weight in the planning balance.</p>
2.	Relevant Planning Policies
2.1	<p><u>National Planning Policy Framework</u></p> <p>2. Achieving sustainable development</p> <p>4. Decision making</p> <p>5. Delivering a sufficient supply of home</p> <p>11. Making effective use of land</p> <p>12. Achieving well-designed places</p>
2.2	<p><u>Lewes District Local Plan:</u></p> <p>LDLP1: – CP2 – Housing Type, Mix and Density;</p> <p>LDLP1: – CP11 – Built and Historic Environment & Design</p> <p>LDLP1: - CP12 - Flood Risk, Coastal Erosion, Sustainable Drainage and Slope Stability</p> <p>LDLP1: – CP13 – Sustainable Travel</p> <p>LDLP1: – CP14 – Renewable and Low Carbon Energy</p> <p>LDLP2: – DM1 – Planning Boundary</p> <p>LDLP2: – DM24 – Protection of Biodiversity and Geodiversity</p> <p>LDLP2: – DM25 – Design</p> <p>LDLP2: - DM26 – Refuse and Recycling</p> <p>LDLP2: - DM27 – Landscape Design</p> <p>LDLP2: - DM30 – Backland Development</p>
2.3	<p><u>Newick Neighbourhood Plan:</u></p> <p>EN1 – Respect local landscape character and built environment.</p> <p>HO1.1 – Design</p> <p>HO1.2 – Materials</p> <p>HO1.3 – Height of new housing – no more than two stories</p> <p>HO1.4 – Size of housing to allow for all age groups.</p> <p>HO1.5 – Parking</p> <p>HO1.7 – Provision for SANGS/SAMS</p>

3.	Site Description
3.1	<p>The application site is located on the south side of Newick village just outside the formal settlement boundary. It is contiguous with the planning boundary. It is located behind the existing dwelling of number 45 Allington Road with a proportion of the previous curtilage associated with this property forming the connection to the highway to the west of the house. The site is located between Newick CE Primary School to the west and the King George V Playing Fields to the east and is within comfortable walking distance of several other village services and facilities, including shops, food takeaway and public houses. Along the northern boundary is Public Right of Way (PRoW), Footpath 3b. Number 45 Allington Road is located approximately 12m from the northern boundary of the site and approximately 8m from the eastern boundary. The site also shares a northern boundary with numbers 33, 35 and 37 Allington Road; which are 24m, 28m and 27m away respectively. No other residential properties share a boundary with the site.</p>
3.2	<p>Although most of the site is outside the defined planning boundary of Newick it is closely related to it and the access point at its junction with Allington Road is within the planning boundary.</p>
3.3	<p>The site area is approximately 1.3ha and was previously a field used for horticulture. There are a number of disused buildings including dilapidated sheds, a large greenhouse, and storage areas. It is surrounded by a mature mixed hedge with some trees on the north-west side.</p> <p>There are 37 surveyed trees or groups of trees on or near the site – one is ‘A’ (high quality) category, four are ‘B’ (moderate quality) category, twenty-nine are ‘C’ (low quality) category, and three are ‘U’ (unsuitable for retention) category.</p> <p>The detailed proposals require the removal of 21 of these trees to facilitate development. The trees to be removed are of low quality and make little/some contribution to the wider area. New trees are proposed which will to some extent compensate for the landscape impact. All retained trees will be appropriately protected in accordance with current standards and guidance.</p>
3.4	<p>The site is within the 500m buffer zone of Ancient Woodland to the south-west and within a SSSI Impact Risk zone. There are two SSS1s located to the north and west of Newick. Finally, the site is within the Ashdown Forest 7km Zone.</p>
4.	Proposed Development
4.1	<p>The application seeks full planning permission to build 4 x detached single storey dwellings, 2 x 2 bed/6 person and 2 x 3 bed/4 person, together with the provision of a new vehicular and pedestrian access via Allington Road, associated landscape and ecology enhancements. Each dwelling will have a private rear garden.</p>
4.2	<p>The design of the proposed new dwellings is contemporary, with intersecting mono-pitch roofs, vertical timber cladding, slate roofs, and clerestory windows.</p>

4.3	The layout of the scheme allows the existing public footpath to continue along the north of the site, with enhanced surface treatment. There will be a landscaped area between the footpath and the access road. Beyond the gardens of the new dwellings to the south will be a landscaped area with tree and shrub planting and a water attenuation feature, accessed by a grasscrete path along the western boundary.
5.	Relevant Planning History:
5.1	LW/18/0993 - Outline planning application for 16 new dwellings, including 40% affordable units, with the provision of a new vehicular and pedestrian access via Allington Road. Provision of public open space and a new community car park to serve George V Playing Fields, associated infrastructure and landscaping including a 20 metre deep tree buffer to the southern boundary. Demolition of existing buildings and structures (Revised application following LW/17/0905) – Refused. Subsequent appeal dismissed.
5.2	The Inspector was of the view that when viewed from the public footpath along the north and the wider open landscape from the south, the proposal would be viewed as a projection and encroachment of the built form of Newick into the countryside. Furthermore, the proposal would not reflect the character and appearance of the ribbon form of development which is located on the southern side of Allington Road and therefore would be harmful to the character and appearance of the village.
5.3	<p>His key reason for dismissing the appeal was as follows:</p> <p><i>‘For the above reasons, the appeal scheme would have a significant and harmful effect on the character and appearance of the surrounding area and the village of Newick. Accordingly, the proposal would conflict with Policy DM1 of the LPP2 and Policy CP10 of the LPP1 which, amongst other things, seek to protect the distinctive character of the countryside.</i></p> <p><i>The appeal scheme would also be contrary to the objectives of Policy EN1 of the NNP and would conflict with the provisions of paragraph 170 of the Framework which requires that proposed development contributes to and enhances the natural environment by recognising the intrinsic character and beauty of the countryside.’</i></p>
6.	Consultations:
6.1	<p><u>Newick Parish Council</u></p> <p>Object – contrary to policies CP10, DM1, EN1. The significant harm to the character and appearance of the surrounding area and the harm to the character of the village would significantly and demonstrably outweigh the moderate benefits which the proposal would provide.</p> <p>NPC appreciates that the applicants have tried to take on board the reasons above in their application, but the fact remains that the four bungalows are entirely outside of the planning boundary to the south of footpath 3 and therefore all of the issues are still valid. The proposed access to the site is on a dangerous bend. Request that if deemed necessary that it goes to Planning Committee for deliberation.</p>
6.2	<u>ESCC Landscape Officer:</u>

	No Response
6.3	<p><u>Green Consultancy – Contaminated Land</u></p> <p>Please add the following conditions:</p> <p>Land contamination</p> <p>Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:</p> <p>(a) A site investigation scheme, based on phase 1 assessment of the site (already carried out) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.</p> <p>(b) The site investigation results and the detailed risk assessment (a) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.</p> <p>(c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.</p> <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, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.</p> <p>Verification report</p> <p>Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.</p> <p>The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.</p> <p>Construction Environmental Management Plan (CEMP)</p>

	<p>No development shall take place until a Construction Environment Management Plan has been submitted to and approved in writing by the Planning Authority. The approved plan shall set out the arrangements for managing all environmental effects of the development during the construction period, including traffic (including a workers travel plan), temporary site security fencing, artificial illumination, noise, vibration, dust, air pollution and odour, site illumination and shall be implemented in full throughout the duration of the construction works, unless a variation is agreed in writing by the Planning Authority.</p> <p>Hours of work</p> <p>Hours of work at the site shall be restricted to 08:00 to 18:00 hours Monday to Friday and 09:00 to 13:00 hours on Saturday. No working is permitted at any time on Sunday or Bank Holidays.</p> <p><u>Informative</u></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>
6.4	<p><u>Green Consultancy – Noise Pollution</u></p> <p>No response</p>
6.5	<p><u>Trees and Landscape Officer</u></p> <p>Tree protection must consider 'Veteran Tree' status and use the greater RPA calculation at least 15 times larger than the stem diameter of a veteran tree.</p> <p>The objective to prevent deterioration of veteran trees is to be borne in mind allowing greater protection of the soil environment surrounding the trees, for the purpose of protecting the soil structure, mycorrhizae and roots. On this basis the Tree Protection measures shown in relation to T34 are advised to be widened as far as reasonably practicable.</p> <p>In principle no objection to the submitted Arboricultural & Planning Integration Report,. However, a robust and strict supervision, site monitoring and advisory procedure must be in place to ensure trees and RPAs are protected, prior to and during development.</p> <p>Advised Condition(s):</p> <p>Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed Arboricultural consultant, site manager and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details, or any variation as may subsequently be agreed in writing by the LPA.</p>

	<p>Prior to the commencement of the development hereby approved (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where Arboricultural expertise is required) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>The completed schedule of site supervision and monitoring of the Arboricultural protection measures as approved in condition (insert condition number) shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted.</p> <p>This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.</p> <p>Reason for all conditions: To ensure compliance with the tree protection and Arboricultural supervision details submitted under condition pursuant to section 197 of the Town and Country Planning Act 1990.</p>
6.6	<p><u>Ecology</u></p> <p>Based on the requested additional information, sufficient information has been provided to be able to assess the ecological impacts of the proposed development. Works should be undertaken in accordance with the Ecological Impact Assessment (The Ecology Co-op, Rev-01, 11th November 2022) and additional recommendations above.</p> <p>Prior to commencement of development a sensitive lighting strategy, precautionary working method statement for dormice, ecological design strategy and landscape and ecological management plan should be submitted to the Local Planning Authority for approval in writing.</p>
6.7	<p><u>CIL Team</u></p> <p>As per the LDC Charging schedule this application would be liable for CIL should it be granted. It should also be taken into consideration that there may be a requirement for SANG and SAMMS contributions for this development.</p>
6.8	<p><u>East Sussex Rights of Way Officer</u></p> <p>No response</p>
6.9	<p><u>East Sussex Highways:</u></p> <p>No comments provided on sites under 5 dwellings.</p>
6.10	<p><u>Southern Water</u></p> <p>Requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. Standard advice concerning SuDS schemes.</p>

6.11	<u>The Ramblers</u> No response
6.12	<u>The Open Spaces Society</u> No response
6.13	<u>The Forestry Commission</u> No response.
6.14	<u>Natural England</u> No objection subject to appropriate mitigation being secured. Designated sites [European] - recreational disturbance. Since this application will result in a net increase in residential accommodation, impacts to Ashdown Forest Special Protection Area and Special Area of Conservation (SAC) may result from increased recreational disturbance. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site.
7.	Other Representations:
7.1	<u>Neighbour Representations and Officer Response OR</u> Four letters of objection received from residents on the following grounds: Access is on a dangerous bend, will lead to road safety problems for school. <i>OR: The access to the site is in the same location as the previous, refused scheme for 16 dwellings and a 34 vehicle capacity car park. ESCC Highways did not object to this application.</i> Site was rejected for inclusion on the NP. <i>OR: Not relevant. This is a windfall site, and the proposal has been considered on its own merits.</i> Outside of planning boundary, infringes the ribbon development pattern <i>OR: The proposal is immediately adjacent to the village boundary and the proposed plots follow the ribbon development pattern.</i>
7.2	<u>Other Representations:</u> <u>The Newick Village Society</u> Objects to the application. Not suitable for development as outside of the village boundary, backland site, will set a precedent, planning inspectors have been dismissing appeals outside of planning boundaries based on lack of 5-year housing supply.

8.	Appraisal:
8.1	<u>Principle:</u>

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.

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 South Downs National Park, resulting in an annual figure of 602.

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 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). The application site is not isolated.

The NPPF confers a degree of limited protection for neighbourhood plans that may be vulnerable to speculative development because higher level Local Plans are considered out-of-date due to the lack of a five year housing land supply. These protections are set out in NPPF para 14:

In situations where the presumption applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a. the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;
- b. the neighbourhood plan contains policies and allocations to meet its identified housing requirement;
- c. the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and
- d. the local planning authority's housing delivery was at least 45% of that required over the previous three years.

In the event that the Council cannot demonstrate a five year housing land supply, the protection conferred by paragraph 14 would not be engaged

	for the Newick Neighbourhood Plan is more than two years old. Therefore, little weight can be afforded to it.
8.2	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 are identified below 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. Below is an assessment of how the proposal complies with the IPSHD.
8.3	<p>Below is an assessment of how the proposal complies with the IPSHD.</p> <p>Criterion 1. <i>That the site boundary is contiguous with an adopted settlement planning boundary, as defined on the Local Plan Policies Map.</i></p> <p>The site is contiguous with the planning boundary and the access is within it. COMPLIES.</p> <p>Criterion 2. <i>The scale of development is appropriate to the size, character, and role of the adjacent settlement, having regard to the settlement hierarchy set out in LPP1 Table 2. In deciding whether the scale is appropriate, the Council will take account of the cumulative impact of extant unimplemented permissions in the relevant settlement.</i></p> <p>At four dwelling, the proposed development is relatively modest in scale and is appropriate to the status of Newick as a Rural Service Centre. COMPLIES.</p> <p>Criterion 3. <i>The proposed development will provide safe and convenient pedestrian and cycle access to key community facilities and services within the adjacent settlement.</i></p> <p>Allington Road has a pavement on either side, providing safe and convenient access for pedestrians. Within the village, there is a range of services and facilities, including a primary school, children's play space, recreational and sports facilities, pubs, restaurants, and shops within comfortable walking distance of the site, a bus stop within 200m of the site for the 121-bus service linking Newick with Lewes and Chailey. COMPLIES.</p> <p>Criterion 4. <i>The proposed development, individually or cumulatively, will not result in the actual or perceived coalescence of settlements. Where appropriate, this should be demonstrated through the submission of a visual and landscape character impact assessment.</i></p> <p>The proposal will not result in the coalescence of other nearby settlements. COMPLIES</p> <p>Criterion 5 <i>Within the setting of the South Downs National Park, an assessment is undertaken to demonstrate that the proposed development will conserve the special qualities of the National Park.</i></p>

This assessment should be informed by the SDNP View Characterisation & Analysis Study 2015, the SDNP Tranquillity Study 2017, and the SDNP Dark Skies Technical Advice Note 2018.

The development site is located some 14km to the north of the nearest boundary of the SDNP, so will have no impact on the SDNP. **COMPLIES**

Criterion 6 *An ecological impact assessment is undertaken, and appropriate measures identified and implemented accordingly to mitigate any potential adverse impacts of the development on biodiversity and secure biodiversity net gain in accordance with the Council's Biodiversity Net Gain Technical Advice Note (February 2021).*

A Preliminary Ecological Assessment was submitted with the application, which the LDC ecologist deems satisfactory. **COMPLIES**

Criterion 7 *The proposed development will make the best and most efficient use of the land, whilst responding sympathetically to the existing character and distinctiveness of the adjoining settlement and surrounding rural area. Arbitrarily low density or piecemeal development, including the artificial subdivision of larger land parcels, will not be acceptable.*

Due to the constraints of the site – the need to keep the built form as far towards the northern boundary as possible and the need to retain a landscape transition zone with the open landscape to the south – the density of the site is necessarily low. **COMPLIES**

Criterion 8 *It can be demonstrated that the proposed development is deliverable and viable, having regard to the provision of necessary on-site infrastructure, including affordable housing, green infrastructure and other requirements. Where the proposed development would create the need to provide additional or improved off-site infrastructure, a programme of delivery should be agreed with the relevant infrastructure providers to ensure that these improvements are provided at the time they are needed.*

The scheme is small scale and can be linked into the existing service infrastructure in the village. At 4 dwellings, affordable housing is not sought.

Policy CP2 of the Local Plan Part 1 sets out a range of 20-30 dph for rural/village areas. The density of this site would be very low – 8dph, but this is considered to be justified due to the landscape constraints and prevailing character and density of the built environment south of Allington Road.

Given this context, the constraints of the site and the local character, the proposed density is considered to be acceptable and to comply with Criterion 7 of the IPSHD.

8.5

Policy CP2 sets 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 proposal offers a mix of 2 and 3 bed dwellings.
8.6	In summary, the proposal complies with the 8 criteria in the IPSHD and policy CP2. Furthermore, in the absence of any adverse impacts of granting planning that would demonstrably outweigh the benefits when assessed against policies in the NPPF as a whole, the decision regarding this application should be tilted in favour of sustainable development, in accordance with paragraph 11 of the NPPF. Recent appeal decisions regarding development outside of the planning boundary should also be taken into consideration.
8.7	<p><u>Design, Character and Impact Upon Landscape:</u></p> <p>As noted in paragraph 5.2, the Inspector considered that the previous proposal for 16 dwellings encroached too far into the landscape, with too much hard surfacing, and failed to respect the ribbon form of development along the south side of Allington Road. The current proposal addresses these issues in a satisfactory way, with four dwellings set in a line towards the north of the site, with their rear site boundaries in line with those of properties further to the west. The area to the rear of the site is proposed to be a landscaped transition to the open countryside beyond.</p> <p>The amount of hard surface has been much reduced to the minimum required to access the site.</p> <p>As noted in paragraph 4.2, the design of the proposed dwellings is contemporary. Policies CP11 and DM25 HO.1.2 do not preclude contemporary design and it is considered that the low scale and low key nature of the proposal will not have a detrimental impact on the landscape and character of the area. In terms of layout, appearance and impact on the landscape, the proposal complies with policies CP11, DM25, HO1.1, HO1.2, HO1.3. and EN1.</p>
8.8	<p><u>Transport, Access, and Parking:</u></p> <p>A Transport Technical Note was submitted with the application. It states that in respect of the previous, refused application, there were no highways objections from ESCC, and the Inspector did not raise any issues. Based on the previously agreed position on all traffic, transport and sustainable development matters with ESCC, these revised development proposals, which propose a significantly reduced number of residential units will be acceptable to the highway authority.</p> <p>It has previously been confirmed that the development site is sustainably located, and traffic generated by the proposed development will have no material impact on the surrounding highway network. Accordingly the impact of the proposed development is shown not to be 'severe', the test taken from the National Planning Policy Framework. Based on the information contained in this TNN, and all the previously submitted technical information agreed with ESCC there are no traffic or transport reasons why this modest residential development should not be granted planning consent.</p> <p>Using the ESCC Calculator, the site would generate a demand for 8.35 parking spaces.</p>

	<p>Plots 1 and 4 each have a carport for 2 cars plus bike hanger, plus 2 spaces in front. Plots 2 and 3 have 1 space in a shared car port, 1 each in front of the carport and 1 in the front garden area. This results in a potential to accommodate 14 cars, which exceeds the anticipated demand. Each property has undercover secure cycle storage in the car ports.</p> <p>As noted above, the site is well located in relation to public transport connections, local shops and services, and community facilities.</p> <p>The proposal is considered to comply with policy CP13.</p>
8.9	<p><u>Residential Amenity:</u></p> <p>The proposed new dwellings all meet the Nationally Described Space Standard in terms of overall unit size, bedroom size and storage space. The layout makes use of the south facing elevation, with the living areas aspected to the south. The rear gardens range from 28m to 32m in length. In summary, they offer a satisfactory standard of accommodation. The site layout avoids any mutual overlooking. There will be no impact on the amenity of adjoining properties. Although not indicated on the layout, there is ample space for the storage of refuse and recycling bins.</p> <p>Overall, the proposal meets the amenity aspects of policies CP11 and DM25</p> <p>As this is a backland site, the proposal falls to be considered against policy DM30, which requires such development to have safe and convenient vehicular access and parking which does not have an unacceptable adverse impact on the amenities of neighbouring properties in terms of noise, light or other disturbance; mass and scale of development will not have an overbearing impact on, or result in the loss of privacy to, existing homes and gardens; the development does not cause the loss of trees, shrubs or other landscape features which make an important contribution to the character and appearance of the locality or its biodiversity. The proposal complies with these criteria.</p>
8.10	<p><u>Flooding and Drainage:</u></p> <p>The application was accompanied by a Flood Risk Assessment and Drainage Plan, which demonstrates that the site is in an area of negligible. Neutral flood risk significance. A SuDS scheme is proposed, by way of a 'detention basin' at the southern end of the site, which will attenuate surface water flow. Details of the final drainage scheme can be secured by condition in order to comply with policy CP12.</p>
8.12	<p><u>Ecology, Biodiversity and Landscape:</u></p> <p>A suite of ecological assessment documents was submitted with the application, which, following additional information, was considered to be satisfactory by the LDC Ecologist, subject to conditions. The area to the rear of the site (approximately 0.8ha) has been proposed for ecological enhancements (with over 10% net gain in biodiversity), landscaping enhancements, including additional tree and hedge planting and a SuDS feature.</p>

8.13	<p><u>Sustainability:</u></p> <p>A Sustainability Report was submitted with the application, which predicts the scheme will result in a 75% carbon reduction. This can be confirmed with an Energy Report to be secured by condition, to comply with policy CP14.</p>
8.14	<p><u>Planning Obligations:</u></p> <p>The applicant has submitted a Unilateral Undertaking (UU) for funding contributions funding to the Ashdown Forest SANGS/SAMMS. And the LPA propose in addition, a UU to prohibit on the use of the proposed biodiversity and landscaped land south of the proposed domestic curtilage for construction purposes (residential or otherwise).</p>
8.15	<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 taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.</p>
8.16	<p><u>Conclusions:</u></p> <p>The proposal for 4 new single storey dwellings on the site is acceptable and to have satisfactorily addressed the Inspector's concerns regarding the previous scheme for 16 dwellings.</p> <p>The proposal complies with all of 8 criteria set out in the council's Interim Policy Statement for Housing Delivery outside of the planning boundary.</p> <p>The proposal includes significant ecological enhancements on a site which is currently under-used and inaccessible.</p> <p>The section of public footpath along the northern boundary of the site will be improved as part of the scheme, offering a benefit to the wider community.</p> <p>It is considered that the benefits of the proposal outweigh the disbenefits and that planning permission should be approved.</p>
9.	Recommendations
	<p>Grant planning permission, subject to the conditions, and receiving and a Unilateral Undertaking (UU) to provide for the financial contributions for SANGS and SAMS and a UU agreement to prohibit the use of the proposed biodiversity and landscaped land south of the proposed domestic curtilage for construction purposes (residential or otherwise).</p>
10.	Conditions:
10.1	<p>CEMP</p> <p>No development shall take place until a Construction Environment Management Plan has been submitted to and approved in writing by the Planning Authority. The approved plan shall set out the arrangements for</p>

	<p>managing all environmental effects of the development during the construction period, including traffic (including a workers' travel plan), temporary site security fencing, artificial illumination, noise, vibration, dust, air pollution and odour, site illumination and shall be implemented in full throughout the duration of the construction works, unless a variation is agreed in writing by the Planning Authority.</p> <p>Reason: In the interests of highway safety and the environmental amenities of the area, having regard to guidance within the National Planning Policy Framework.</p>
10.2	<p>CONSTRUCTION OF ACCESS TO SITE</p> <p>No development shall take place until details of the layout of the new access and the specification for the construction of the access which shall include details of surface water drainage and levels, have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the use hereby permitted shall not commence until the construction of the access (has been completed in accordance with the agreed specification.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.</p>
10.3	<p>LAND CONTAMINATION</p> <p>Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:</p> <p>(a) A site investigation scheme, based on phase 1 assessment of the site (already carried out) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.</p> <p>(b) The site investigation results and the detailed risk assessment (a) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.</p> <p>(c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.</p> <p>Reason: To ensure that risks from 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 Policy</p>

	DM21 of the Lewes District Local Plan and the National Planning Policy Framework.
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10.4	<p>DRAINAGE</p> <p>No development shall commence, including any ground works until a drainage scheme for the site has been submitted to and approved by the Local Planning Authority and the works carried out as approved. The scheme shall include proposals for both storm and foul drainage, supported by calculations to demonstrate that the system and capacity will support the number of dwellings proposed, as well as a plan for its future management.</p> <p>Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity having regard to policy CP12 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.</p>
10.5	<p>ECOLOGY 1 DESIGN STRATEGY</p> <p>No development shall take place until an Ecological Design Strategy (EDS) addressing mitigation, compensation, and enhancement of the site for biodiversity has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:</p> <ul style="list-style-type: none"> 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. <p>The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.</p> <p>The EDS should include in full the compensation and enhancement measures identified in Sections 5 and 6 of the Ecological Impact Assessment (The Ecology Co-op, Rev-01, 11th November 2022), and additional recommendations above.</p>

	Reason: In order to preserve the biodiversity of the site having regard to policy DM24 of the Lewes District Plan and guidance within the National Planning Policy Framework.
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10.6	<p>ECOLOGY 2 LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN</p> <p>No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been 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:</p> <ul style="list-style-type: none"> 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. <p>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 approved plan will be implemented in accordance with the approved details.</p> <p>Reason In order to preserve the biodiversity of the site having regard to policy DM24 of the Lewes District Plan and guidance within the National Planning Policy Framework.</p>
10.7	<p>ECOLOGY 3 - DORMICE</p> <p>No development shall take place (including any demolition, ground works, site clearance) until a precautionary working method statement for hazel dormice has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:</p> <ul style="list-style-type: none"> a) purpose and objectives for the proposed works; b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used); c) extent and location of proposed works shown on appropriate scale maps and plans; d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;

	<p>e) persons responsible for implementing the works;</p> <p>f) initial aftercare and long-term maintenance (where relevant);</p> <p>g) disposal of any wastes arising from works.</p> <p>h) details of lighting strategy</p> <p>The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.</p> <p>Reason In order to preserve the biodiversity of the site having regard to policy DM24 of the Lewes District Plan and guidance within the National Planning Policy Framework.</p>
10.8	<p>TREE PROTECTION MEASURES 1</p> <p>Before any development or construction work begins, a pre-commencement meeting shall be held on site and attended by the developers appointed Arboricultural consultant, site manager and a representative from the Local Planning Authority (LPA) to discuss details of the working procedures and agree either the precise position of the approved tree protection measures to be installed OR that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details, or any variation as may subsequently be agreed in writing by the LPA.</p> <p>Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 and in accordance with The Town and Country Planning (Tree Preservation) (England) Regulations 2012.</p>
10.9	<p>TREE PROTECTION MEASURES 2</p> <p>Prior to the commencement of the development hereby approved (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where Arboricultural expertise is required) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.</p> <p>Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990.</p>
10.10	<p>TREE PROTECTION MEASURES 3</p> <p>The completed schedule of site supervision and monitoring of the Arboricultural protection measures as approved in condition (insert condition number) shall be submitted for approval in writing by the Local</p>

	<p>Planning Authority within 28 days from completion of the development hereby permitted.</p> <p>This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.</p> <p>Reason: In order to ensure compliance with the tree protection and Arboricultural supervision details submitted under condition pursuant to section 197 of the Town and Country Planning Act 1990.</p>
10.11	<p>ENERGY REPORT</p> <p>No development above ground floor slab level of any part of the development hereby permitted shall commence until a report has been submitted to, and approved in writing by, the Local Planning Authority, to include details and drawings to demonstrate how a minimum of 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The report shall identify how renewable energy, passive energy and energy efficiency measures will be generated and utilised for each of the proposed buildings to collectively meet the requirement for the development. The approved details shall be implemented with the construction of each dwelling and thereafter retained.</p> <p>Reason: To secure a proper standard of development having regard to policy CP14 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.</p>
10.12	<p>HARD AND SOFT LANDSCAPING</p> <p>No development above ground floor slab level of any part of the development hereby permitted shall commence until details, including materials, of all hard and soft landscaping and boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.</p> <p>The landscape scheme should include additional habitat creation/enhancement measures and compensatory habitat for protected species, as advised by the council's Ecology Team</p> <p>Reason: To ensure a satisfactory development in keeping with the locality having regard to policies CP11, DM24, DM25 and DM27 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework</p>
10.13	<p>VERIFICATION REPORT</p> <p>Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.</p>

	<p>The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.</p> <p>Reason: To ensure that risks from 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 Policy DM21 of the Lewes District Local Plan and the National Planning Policy Framework.</p>
10.14	<p>CYCLE PARKING</p> <p>The development shall not be occupied until the covered and secure cycle parking stores shown on the submitted plans have been provided.</p> <p>Reason: To provide alternative travel options and encourage use of alternatives to the use of the private car, in the interests of sustainability in accordance Policy CP13 of Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework</p>
10.15	<p>REFUSE AND RECYCLING</p> <p>The development shall not be occupied until refuse and recycling bin facilities have been provided.</p> <p>Reason: In the interests of the amenities of the area, having regard to policy DM26 and guidance within the National Planning Policy Framework.</p>
10.16	<p>VEHICLE TURNING</p> <p>The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans and the turning space shall thereafter be retained for that use and shall not be obstructed.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.</p>
10.17	<p>EV CHARGE POINTS</p> <p>The development shall not be occupied until electric car charging points have been fitted and ready for use.</p> <p>Reason: To promote sustainable ways of transport in accordance with policies CP13 and CP14 of the Lewes District Joint Core Strategy National Policy Guidance contained in the National Planning Policy Framework.</p>
10.18	<p>REMOVAL OF PD RIGHTS</p>

	<p>Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development described in Part 1 and Part 2 of Schedule 2, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.</p> <p>Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to policies CP11 and DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.</p>		
10.19	<p>CONSTRUCTION HOURS</p> <p>No site clearance or construction works shall take place outside 0800 hours to 1800 hours Mondays to Fridays and 0830 hours to 1300 hours on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.</p> <p>Reason: In the interests of the amenities of the area, having regard to guidance within the National Planning Policy Framework.</p>		
10.20	<p>UNEXPECTED CONTAMINATION</p> <p>If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.</p> <p>Reason: To ensure that risks from 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 Policy DM21 of the Lewes District Local Plan and the National Planning Policy Framework.</p>		
11.	Plans:		
11.1	This decision relates solely to the following plans:		
	<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
	Additional Documents	2 February 2022	Archaeological Desk-Based Assessment
	Proposed Layout Plan	2 February 2022	2101/PL.03 - Rev F - Proposed Site Layout
	Proposed Block Plan	2 February 2022	2101-PL.02 - Proposed Block Plan
	Location Plan	2 February 2022	2101-PL.01 - Rev B - Site Location Plan
	Proposed Roof Plan	2 February 2022	2101/PL.07 - Rev A - Proposed Roof Plans (Plots 1 & 4)

	Proposed Floor Plan(s)	2 February 2022	2101/PL.06 - Rev A - Proposed Ground Floor Plan (Plots 1 & 4)
	Street Scene	2 February 2022	2101/PL.05 - Rev E - Proposed Street Scene / Cross Section A-A and Site Plan
	Proposed Elevation(s)	2 February 2022	2101/PL.13 - Rev A - Proposed Side and Rear Elevation (Plots 2 & 3)
	Proposed Elevation(s)	2 February 2022	2101/PL.12 - Rev A - Proposed Side and Front Elevation (Plots 2 & 3)
	Proposed Roof Plan	2 February 2022	2101/PL.11 - Rev A - Proposed Roof Plan (Plots 2 & 3)
	Proposed Floor Plan(s)	2 February 2022	2101.PL.10 - Rev A - Proposed Ground Floor Plan (Plots 2 & 3)
	Proposed Elevation(s)	2 February 2022	2101/PL.09 - Rev A - Proposed Side and Rear Elevation (Plots 1 & 4)
	Proposed Elevation(s)	2 February 2022	2101/PL.08 - Rev A - Proposed Side and Front Elevations (Plots 1 & 4)
	Technical Report	2 February 2022	Phase 1 Environmental Assessment
	Proposed Floor Plan(s)	2 February 2022	2101/PL.14 - Rev A - Proposed Car Ports Floor Plans, Roof Plan and Elevations
	Proposed Elevation(s)	2 February 2022	2101/PL.14 - Rev A - Proposed Car Ports Floor Plans, Roof Plan and Elevations
	Proposed Roof Plan	2 February 2022	2101/PL.14 - Rev A - Proposed Car Ports Floor Plans, Roof Plan and Elevations
	Technical Report	2 February 2022	Acoustic Planning Report
	Flood Risk Assessment	2 February 2022	Flood Risk Assessment
	Tree Statement/Survey	2 February 2022	Arboricultural and Planning Integration Report
	Biodiversity Checklist	2 February 2022	Biodiversity Checklist
	Planning Statement/Brief	2 February 2022	Planning Statement
	Planning Statement/Brief	2 February 2022	Appendix to the Planning Statement
	Design & Access Statement	2 February 2022	Design and Access Statement
	Landscaping	2 February 2022	CSA/5523/105 - Rev C - Proposed Landscape Strategy Plan
	Additional Documents	5 October 2022	Phase 1 Habitat Survey and Preliminary Ecological Appraisal

	Additional Documents	2 February 2022	Phase 2 Protected Species Assessments
	Additional Documents	2 February 2022	Biodiversity Impact Calculation
	Transport Assessment	2 February 2022	Transport Technical Note and Plans
	Technical Report	2 February 2022	Sustainability Statement
	Other Plan(s)	9 February 2022	16/4791 - Tree Site Plan
	Landscaping	2 February 2022	Landscape and Visual Impact Assessment
	Technical Report	5 August 2022	Response to SuDS
	Technical Report	5 August 2022	SuDS App A
	Technical Report	5 August 2022	SuDS App B
	Technical Report	5 August 2022	SuDS App C
	Technical Report	5 August 2022	SuDS App D
	Technical Report	5 August 2022	SuDS App E
	Technical Report	5 August 2022	SuDS App F
	Technical Report	5 August 2022	SuDS App G
	Technical Report	5 August 2022	SuDS App H
12.	Appendices		
12.1	None.		
13.	Background Papers		
13.1	None.		