

Report to: Planning Applications Committee
Date: 9 October 2024
Application No: LW/23/0752
Location: Land north of Lewes Road, Ringmer
Proposal: Erection of 95 dwellings, with associated access, car parking, refuse/recycling storage, landscaping, infrastructure and works

Applicant: Thakeham Homes Limited
Ward: Ouse Valley and Ringmer

Recommendation:

1. Approve subject to conditions and section 106 agreement securing affordable housing, highway improvements and transport contributions, landscape and biodiversity management and maintenance and management and delivery of LEAP and LAP facilities.
2. Delegated Authority to:
 - a) Make a Diversion Order under s.257 TCPA'90 relating to part of Public Footpath RIN/17/1
 - b) To carry out all legal steps required to publicise and consult on the Order and,
 - c) Subject to no objections being received or any objection received having been withdrawn, to make and confirm the Order and to publicise it as required by the legislation.
 - d) To make minor modifications to the Draft Order, or to re-make and confirm the Order with minor modifications if required

Contact Officer: **Name: James Smith**
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Site Location Plan



1 Executive Summary

- 1.1 The proposed development would provide a significant contribution of housing, at a time when there is a significant shortfall of land identified for housing delivery in the District. 40% of the dwellings provided would be in the form of affordable housing.
- 1.2 The site is considered to be in a sustainable location, with good connections to shops and services within Ringmer and to public transport. The design and layout of the development is considered to be of good quality and it is considered that the development would provide good quality living conditions for future occupants of the development and preserve the amenities of existing residents.
- 1.3 The impacts of the development of the public highway can be mitigated through appropriate off-site highway works which would be secured by legal agreement. There is confidence that an effective and sustainable surface water drainage system can be provided. The statutory undertaker for sewerage has confirmed they are able to service the development. It has also been demonstrated that existing valuable landscaping can be protected and enhanced and that the mandatory requirement for development to deliver a minimum 10% biodiversity net gain can be met and exceeded.
- 1.4 The development would introduce harm in regard to landscape setting, through the erosion of the green gap between Ringmer and Broyle Side, to the historic agricultural setting of the Grade II Listed Buildings at Broyle Gate Farmhouse and through the loss of an area of the best and most versatile (BMV) agricultural land. However, following application of the tilted balance, it is considered that these harms do not significantly outweigh the significant benefits of the scheme in the delivery of a sustainable housing development. For this reason, the application is recommended for approval subject to the conditions listed at the end of this report and a section 106 legal agreement to secure affordable housing, off site highway works and the long term management and maintenance of biodiversity enhancements. The planning balance exercise is summarised below.
- 1.5 Housing delivery:
- The proposed development would deliver a net gain of 95 dwellings, including 38 affordable homes, in a sustainable location. This is considered to carry **significant positive weight** in the planning balance.

1.6 Economic impact:

The proposed development would provide a temporary economic benefit in the form of construction jobs. There would be a significant Community Infrastructure Levy (CIL) contribution. In the longer term, the future occupants of the development would likely use local shops and services, enhancing their viability, whilst also potentially creating conditions that would attract new economic development and additional services in the area. This is considered to carry **moderate positive weight** in the planning balance.

1.7 Highways and access:

Off site highway works associated with the development would deliver enhancements to pedestrian infrastructure around the site, which is on an important and increasing well traversed route into Ringmer from the east. This is considered to carry **limited positive weight** in the planning balance.

1.8 Biodiversity:

The proposed development would retain the majority of existing trees and hedgerow and would provide significant biodiversity enhancements which would be secured in the long term through the section 106 legal agreement. This is considered to carry **limited positive weight** in the planning balance.

1.9 Drainage:

The submitted documents have demonstrated that an appropriate and sustainable drainage strategy can be provided on the site. This is considered to carry **neutral weight** in the planning balance.

1.10 Landscape Character:

The proposed development would result in the erosion of the green gap maintained between Ringmer and Broyle Side. This gap plays a key function in providing the distinctive rural setting of the two settlements. This is afforded **moderate negative weight** in the planning balance.

1.11 Heritage Assets:

The proposed development would occupy an agricultural field that has a functional link to the Grade II Listed Broyle Gate Farmhouse and helps preserve its historic pastoral setting. This is afforded **significant negative weight** in the planning balance.

1.12 Agricultural Land:

Part of the area that would be developed is grade 3a BMV agricultural land. The loss of this BMV land is afforded **limited negative weight** in the planning balance.

- 1.13 It is noted that, whilst the Interim Policy Statement for Housing Delivery (IPSHD) carries limited weight during to it not being an adopted policy, it is intended to assist with decision making through identifying attributes of importance when assessing applications for the development of greenfield sites. It is considered that the proposed scheme responds well against the various criteria in that it is contiguous with existing settlement boundaries to the south and west (criterion 1), is considered to be of an appropriate scale taking on board the position of Ringmer in the settlement hierarchy set out in LLP1 (criterion 2), will provide safe and convenient pedestrian and cycle access (criterion 3), whilst eroding the green gap between Ringmer and Broyle Side it would not remove it either individually or cumulatively (criterion 4), would not harm the setting of the South Downs National Park (criterion 5), achieves Biodiversity Net Gain (criterion 6), is of appropriate density and responds well to the built environment and surrounding rural area (criterion 7) and delivers affordable housing, green space and off-site infrastructure improvements (criterion 8).

2. Relevant Planning Policies

2.1 National Planning Policy Framework

2. Achieving sustainable development

4. Decision making

5. Delivering a sufficient supply of homes

8. Promoting healthy and safe communities

11. Making effective use of land

12. Achieving well-designed and beautiful places

14. Meeting the challenge of climate change, flooding, and coastal change

15. Conserving and enhancing the natural environment

16. Conserving and enhancing the historic environment

2.2 Lewes Local Plan Part 1 (LLP1):

CP2 – Housing Type, Mix and Density

CP7 – Infrastructure

CP8 – Green Infrastructure

CP9 – Air Quality

CP10 – Natural Environment and Landscape.

CP11 – Built and Historic Environment & Design

CP12 – Flood Risk, Coastal Erosion and Drainage

CP13 – Sustainable Travel

CP14 – Renewable and Low Carbon Energy

2.3 Lewes Local Plan Part 2 (LLP2)

DM1 – Planning Boundary

- DM14 – Multi-functional Green Infrastructure
- DM15 – Provision for Outdoor Playing Space
- DM16 – Children’s Play Space in New Housing Development
- DM20 – Pollution Management
- DM22 – Water Resources and Water Quality
- DM23 – Noise
- DM24 – Protection of Biodiversity and Geodiversity
- DM25 – Design
- DM27 – Landscape Design
- DM33 – Heritage Assets
- DM35 – Footpath, Cycle and Bridleway Network

2.4 Ringmer Neighbourhood Plan (RNP)

- 4.6 – Accessible countryside and natural or seminatural greenspace
- 4.9 – Green Corridors, ponds and streams
- 4.10 – Maintaining and enhancing biodiversity
- 4.11 – Avoidance of Light Pollution
- 6.2 – Affordable housing numbers and types
- 6.3 – Scale of new residential developments
- 7.5 – Outdoor play facilities for children
- 8.1 – Access to the local road system
- 8.3 – Provision of adequate off-road parking
- 8.4 – Cycleway/mobility scooter route
- 8.5 – Road Safety
- 8.11 – Drainage and Sewerage
- 9.1 – Design, massing and height of buildings
- 9.2 – Making good use of available land
- 9.3 – Materials
- 9.4 – Housing Space Standards
- 9.5 – Pedestrian Movements
- 9.6 – Hard and Soft Landscaping
- 9.7 – Types of residential development.

3. Site Description

- 3.1 The application site falls outside of the settlement boundary, although the western boundary flanks it, and comprises a large, broadly rectangular

arable field that flanks the northern side of Lewes Road (B2192) as well as part of an adjoining field to the north. There are no buildings or structures on the site. Access to farm vehicles is provided by a track that runs along the western boundary (outside of the site area) which leads to farm buildings at Lower Barn East. The eastern side of the site is partially flanked by the curtilage of The Green Man Public House whilst relatively recently built dwellings on Clarks Croft flank part of the western boundary. The King's Academy Secondary School is opposite the site. The main shopping area of the village, on Springett Avenue, is approx. 650 metres to the west of the site.

- 3.2 The site falls outside of the Ringmer settlement boundary, as defined in LLP2, but is contiguous with it on the western edge where there is adjoining residential development and is opposite buildings within the settlement boundary to the south, extending as far east as Broyle Gate Farmhouse.

A pattern of predominantly residential development, lining the main road and on tertiary rounds that branch off from it, continues to the west, particularly on the southern side of the main road but increasingly extending to the northern side around Bishops Lane. There are a number of extant planning permissions for major residential schemes on land surrounding the site, including on land opposite Bishops Close approx. 75 metres to the west (68 dwellings) and land opposite side of the road to the site, adjacent to Broyle Gate Farmhouse (up to 100 dwellings). Work on the 68 dwelling scheme has recently commenced whilst the 100 dwelling scheme is at the reserved matters stage.

- 3.2 The site, and fields to the north and south, form part of a green buffer maintained between the village settlement of Ringmer and the small, self-contained, settlement of Broyle Side to the east. The edge of the South Downs National Park is approx. 700 metres to the south. A public footpath crosses the site, running from south to north roughly through the middle of the field. The footpath forks to the north of the site where it heads west towards Bishops Lane and east towards Broyle Side.
- 3.3 The site falls within an Archaeological Notification Area. There are Grade II Listed Buildings to the south of the site on the opposite side of Lewes Road, these being Broyle Gate Farmhouse and associated farm buildings. The Village Green and associated conservation area are also nearby to the west, extending to within approx. 250 metres of the site.
- 3.4 The site falls within Flood Zone 1 and is therefore at low risk of flooding from tidal and fluvial sources. However, a significant portion of the site, particularly towards the north, is identified as being at medium to high risk of flooding due to surface water. Neighbouring land to the east and west, including parts of the development at Clarks Croft, are deemed to be at high risk of surface water flooding. A ditch crosses the site, running west to east. This ditch ultimately discharges into the river Ouse. Nearby to the west, a pond has been dug to the north of Clarks Croft to assist with surface water management.

- 3.5 Aside from the matters identified above, there are no specific planning designation or constraints attached to the site or the immediate surrounding area.

4 Proposed Development

- 4.1 The application seeks full planning permission for a residential development of 95 dwellings on the site. The overall site area is approx. 4.82 hectares.
- 4.2 A new junction formed on the northern side of Lewes Road, slightly to the east of the point where the public footpath currently enters the site would provide vehicular access/egress. A new right hand turn junction would be formed for use by vehicles approaching the site from the east. Additional pedestrian access/egress points would be provided at intervals along the southern boundary connecting with an improved footway that would flank the southern edge of the site. This new footway would be constructed to a width of 3 metres where possible, supporting use by bicycles.
- 4.3 The proposed dwellings would be concentrated towards the western three quarters of the site and would be distributed around north/south and east/west spinal roads, with additional cul-de-sacs branching off from the east/west road. All dwellings would be two-storey, although some would include additional accommodation within the roof space. The dwelling mix would be as follows:-
- 18 x 1 bed flats - all of which would be affordable housing units (19%)
 - 14 x 2 bed flats – all of which would be affordable housing units (15%)
 - 9 x 2 bed dwellings (9%)
 - 31 x 3 bed dwellings including 6 affordable housing units (33%)
 - 23 x 4 bed dwellings (24%)

The affordable housing mix would be as follows:-

- 18 x 1 bed flats (47%)
 - 14 x 2 bed flats (37%)
 - 6 x 3 bed dwellings (16%)
- 4.5 A total of 158 allocated parking spaces would be provided across the development, positioned on private driveways or within shared courtyard areas. An additional 30 visitor parking bays would also be provided, either in laybys on streets or within the shared courtyard areas. A single car club parking bay would be provided in a layby close to the vehicular access to the site.
- 4.6 The proposed works would require the realignment of the existing public right of way. The path would not be excessive lengthened and would

continue to pass south to north through the site and maintain its connection with other right of way to the north. The path would pass through an area of green space in a roughly central position along the southern edge of the site and continue along a tree lined route that would be stepped away from estate roads.

- 4.7 Sustainable drainage infrastructure would include two attenuation basins on the eastern side of the site and various swales running through the development. The existing drainage ditch that runs west to east through the site would also be realigned to flank the northern boundary. Other facilitatory infrastructure to be provided includes a sub-station towards the north-eastern corner of the site where there would also be a sewage pumping station. The realigned ditch would be used to discharge surface water (at a rate controlled through the use of attenuation features) whilst foul water would be pumped into the public sewer on Lewes Road.
- 4.8 The green space provided within the development would include a green buffer provided along the entire eastern edge of the site, an additional planted buffer either side of the realigned drainage ditch to the north of the site and the aforementioned area through which the public footpath passes. A Local Equipped Area of Play (LEAP) would be provided towards the north-eastern corner of the eastern buffer with a Local Area of Play (LAP) provided in the green space towards the southern boundary. A more narrow green buffer would be retained on the western edge of the site and the existing hedgerow on the southern side, flanking Lewes Road, would be enhanced through additional hedge planting filling in existing gaps as well as tree planting. In addition, there would be more formal areas of green space provided by verges, swales and hedge and tree planting lining internal streets.
- 4.9 The south/north access road would become a farm track to the north of the site where a gate would be installed to allow for farm vehicle access to the field to the north.

5. Relevant Planning History:

- 5.1 **E/65/0257** – Outline application for residential development – Refused 26th April 1965

6. Consultations:

- 6.1 ESCC Highways:

The number of car parking spaces have been increased by an additional 5 parking spaces is therefore now acceptable. Whilst the access to cycle storage areas is still not completely in accordance with current ESCC guidance it has been considerably improved. Thus layout of the site is now acceptable.

The applicant has confirmed/illustrated that the footway along the site boundary on northern side of Lewes Road and on the southern side [between any proposed crossing point and Harrisons Lane would be

improved to 3m in width (with pinch points) to enable a future cycle route along with acceptance of the required highway contributions.

However, there are still some issues which need addressing before the Highway Authority can accept the proposal. These relate to the proposed controlled crossing, right turn lane and vehicle tracking.

OFFICER COMMENT: The applicant has responded to the list of queries made in regard to the controlled crossing, right turn lane and vehicle tracking. A Highway Officer has reviewed this information and stated that all is generally acceptable. Further information regarding the positioning and functionality of the proposed toucan crossing is still sought but the officer has confirmed she would accept this being secured by condition and through the section 106 legal agreement.

6.2 Lead Local Flood Authority:

The information provided is satisfactory and enables the LLFA to determine that the proposed development is capable of managing flood risk effectively. Although there will be a need for standard conditions which are outlined in this response.

6.3 County Ecologist

The information provided is satisfactory and enables the LPA to determine that whilst the proposed development is likely to have an impact on biodiversity, those impacts can be mitigated through the application of planning conditions.

6.4 NatureSpace

We are satisfied with the updated ecological information provided and agree that RAMs are a suitable approach. Due to the historic records north of Lewes Road, recent positive records south of Lewes Road and the ditch being directly impacted – great crested newts should be directly referred to within a RAMs document. This can either be submitted prior to determination or via a condition – how this is provided should be agreed by the LPA/ developer.

If the applicant wishes to completely avoid any risks relating to great crested newts, they have the option to enquire for Lewes Council's District Licence, which provides full legal cover for any impacts to great crested newts and therefore removes the risk of having to stop works if great crested newts are found on site.

OFFICER COMMENT: Reasonable Avoidance Measures (RAMs) for Great Crested Newts can be secured within the suite of additional information secured by conditions recommended by the County Ecologist.

6.5 South Downs National Park Authority

The application site is located approximately 1km to the east of, and 600m to the north of, the boundary of the National Park, and for the most part would be viewed in the context of the intervening built up area of Ringmer settlement.

As such, although the site would present in views towards the SDNP from other nearby footpaths, and may be visible from publicly accessible locations within the park, any impacts up on the SDNP and its setting would be limited.

Consideration should however be given to the International Dark Night Skies Reserve and dark night skies, which are a special quality of the National Park, and the Authority would encourage a sensitive approach to both external and internal lighting which conforms the Institute of Lighting Professionals for lighting in environmental zones, and tries to achieve zero upwards light spill in all respects.

6.6 Heritage Officer

The amendments have addressed concerns regarding the bulk of the apartment blocks to the eastern and western ends of the site by way of reducing the size and setting each building back further. This will do much to reduce the impact of the development on approach along the main road.

The revision of the layout, most notably the attenuation pond to the east and an open area to the southern central area does much to break up the intensity of the development and reduce sprawl, maintaining an area of rural delineation which serves to mitigate harm to the heritage asset by way of maintaining some form of agricultural context.

The placement of each building also serves to project a relatively low intensity, with consistent areas of private gardens, public realm and strategic boundary treatments contributing to maintaining a somewhat agricultural character.

It should be noted in heritage terms the significance of the nearby farmhouse is derived from its agricultural use and thus the setting of open fields contributes greatly to that significance. There can be no doubt that removing that contextual association causes harm to the legibility and appreciation of the asset.

The proposed has been altered to include some open space that aligns generally with the open space seen to the south within another area approved for development, thus creating some form of separation from Broyleside. The design reasonably reflects traditional detailing albeit absence of chimneys is noted.

In conclusion the NPPF allows for mitigation of harm through public benefit. The development of further, much needed, housing is indeed a

public benefit which should be taken as part of a wider planning balance in reaching a conclusion.

OFFICER COMMENT: Some of the conditions recommended by the officer have been amalgamated (such as those covering external materials and joinery details and the condition for driveway surface details which can be secured as part of the overall landscaping details). A suggestion to remove the majority of householder permitted development rights has been adopted but in a less wide reaching form as some of the restrictions were considered by officers to be unreasonable.

6.7 ESCC Landscape Architect:

The site and immediate surroundings would not be considered valued landscape in the context of the NPPF. The site is outside the village boundaries and is within the countryside. The site forms part of an open countryside gap between the built-up edge of Ringmer and the settlement at Broyleside.

The Lewes District Landscape Capacity Study 2012 concluded that the site and surrounding area could have medium capacity for change. This assessment emphasised the importance of retaining the visual gap between the settlements of Ringmer and Broyleside and in this context the area was assessed as being of medium to high visual sensitivity. The Lewes District Sensitivity Assessment (AECOM 2023) considered the site to be of medium sensitivity to small scale development and medium to high sensitivity for large scale development. This study emphasised the importance of:

- a) Protecting the landscape settings of Ringmer and Broyleside
- b) Protecting existing recreational routes and public rights of way
- c) Protecting the visual value of the gap between the 2 settlements

Preapplication advice was sought by the applicant and the feedback from this regarding the landscape was that the site could have some potential for development. However, the erosion of the green buffer between Ringmer and Broyleside is a serious concern. Possible adverse effects on views from the SDNP was also a concern, it is noted that the SDNP Authority have not raised any objections due to the distance of the site from the elevated areas of the park. The preapplication advice suggested that any development proposals would need to reinforce the character and perception of a gap between the settlements and the site would need to be fully integrated with the village. The response also highlighted the risk of cumulative effects on the gap in the light of other recent permissions.

The Inspector's report for the adjacent site which lies to the south of Lewes Road (LW/21/0937) acknowledges that: 'Notwithstanding the existing development between the two settlement boundaries, there is a clear separation between the settlements that is particularly apparent

when travelling along Lewes Road. The appeal site, with its absence of development, contributes to this as does the agricultural land to the north of Lewes Road. The potential for setting development back from the Lewes Road frontage, would reduce though not remove the effect of the proposals in this context.'

The application is accompanied by a Landscape and Visual Impact Assessment (LVIA). The LVIA provides an accurate description of the baseline landscape and visual context for the site. It also outlines the planning policy context for the site. The LVIA concludes that with proposed mitigation the impact on the landscape character of the site of the proposed development would be moderate adverse on completion, reducing to moderate to slight adverse once the proposed mitigation planting has matured. The LVIA identifies that there would be some long term moderate adverse effects on views from the surrounding footpath networks.

The LVA concludes that the visual impacts would be localised to the immediate surroundings and that the proposed landscape buffers around the site boundaries would help to mitigate for these impacts.

The proposal would require the removal of the hedge along the site frontage, this would be replaced with a new hedge and tree planting. The impact of the built form on this frontage would be quite stark until the hedge and trees mature. The landscape strategy also proposes a new hedge and tree and thicket planting on the boundary with the countryside to the north. It is difficult to assess the width of this proposed planting from the pdf documents but it would need to be a minimum of 15- 20m wide with woodland and understorey planting in order to adequately mitigate the adverse effects of the development of views from the countryside to the north.

Despite the proposed landscape buffers the roofs of the houses would be perceived from surrounding areas. The loss of the open countryside gap between settlements to this large-scale development would be a permanent impact. The clear sense of separation between Ringmer and Broyleside in this location would be lost. The design and layout of any proposals for this area would need to retain the perception of a gap between the settlements. The scale and extent of the proposed development would not achieve this aim and particularly when viewed from the public footpath network and the B2192.

It is recommended that the proposed development is not supported as it would have an unacceptable impact on local landscape character and views.

6.8 Natural England:

No objection.

The proposed development is for a site within or close to a nationally designated landscape namely South Downs National Park. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 177 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

The landscape advisor/planner for the National Park will be best placed to provide you with detailed advice about this development proposal. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the park's management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purposes of the National Park are to conserve and enhance the natural beauty, wildlife and cultural heritage of the park; and to promote opportunities for the understanding and enjoyment of the special qualities of the park by the public. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm those statutory purposes. Relevant to this is the duty on public bodies to 'have regard' for those statutory purposes in carrying out their functions (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended)). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

6.9 County Archaeologist:

The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions.

6.10 Sussex Police (Secured by Design):

Sussex Police would have no objection to the proposed development as submitted from a crime prevention perspective subject to my observations, concerns and recommendations having been given due consideration.

OFFICER COMMENT: A condition will be used to ensure the development is constructed with appropriate regard to Secured by Design principles, which would include reference to design, landscaping and security features suggested by the officer.

6.11 Southern Water

Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

OFFICER COMMENT: A condition relating to details of foul and surface water drainage was recommended and will be attached to any approval given.

6.12 Contaminated Land Officer

The applicant has submitted a detail ground assessment report prepared by Geo-environmental Services Ltd (Report ref GEM19693b/AUG21 dated Aug 2021). The report did not identify widespread contamination but recommended further investigation in certain area of the development such as deeper made ground area.

If the LPA is minded to grant a planning permission, then I recommend conditions and an informative.

6.13 East Sussex Fire and Rescue Service (ESFRS)

At this stage East Sussex Fire Authority have no comment to be made regarding this application however, comment will be made in due course during formal consultation with the relevant Building Control in accordance with procedural guidance and Building Regulations.

6.14 North Ringmer Residents Group (115 neighbouring households)

Objection.

The site is unsuitable for development

Development here would cause unacceptable coalescence of the Ringmer village and Broyleside settlements, the Green Man Inn being the Broyleside's pub.

Development here would have a negative impact on the setting of the listed heritage assets at Broyle Gate Farm

Loss of almost the entire length of the PROW Ringmer 17

Loss of BMV agricultural land (the most densely developed part of the site being grade 3a)

Inadequate evidence that acceptable surface water drainage can be achieved from this location, without impacting on the Norlington Stream, which already causes regular flooding of some dozens of Broyleside homes.

The design is unacceptable for development here

The development is outside the Ringmer planning boundary, contrary to policy DM 1 and RNP policy 4.1, and too large in scale for a village site, contrary to RNP policy 6.3. The proposed housing mix is unacceptable and does not match the need. Far too much of the proposed market housing is detached 4-bed houses. Far too much of the proposed affordable housing is 1-bed units, the category for which Thakeham's own data show there is the least demand. Stark conflict with RNP 6.2 requirement that the majority of the new affordable housing should be 2-bed or 3-bed houses for young families.

The design for this very prominent and visible site is entirely of batches of unattractive Thakeham pattern book units plonked in rows. All of the five 3-storey blocks of awful flats (contrary to RNP policy 9.2) are directly against the main frontage of the site, where they will be highly visible and will exacerbate the negative impact on the setting of the listed Broyle Gate Farm and will have the maximum impact on existing neighbours at Lower Barn Farm and the Green Man.

The proposed affordable housing is awful. Rather than being pepper-potted through the development as required by policy CP1, the great majority of the units are crammed into two affordable-housing ghettos, the main one located on the part of the site where winter surface water flooding is commonly seen. Almost all the affordable units are crammed into five blocks of 3-storey flats, contrary to RNP policies 6.2 & 9.2 and creating slum housing for the future. The affordable housing is immediately distinguishable from the market housing, rather than tenure-blind as required by policy CP1.

An inadequate number of parking spaces are proposed, for new development in this car-dependent village. Again it is the affordable housing whose parking is particularly under-provided, inevitably creating neighbourhood conflict. The parking provision proposed meets neither the requirements of ESCC parking policy nor those of RNP policy 8.3. Where three units are provided for the 4-bed market houses they are all one behind the other, which will be very inconvenient.

The proposed farm-access lane to the land behind would, if used for that purpose, bring heavy farm machinery through the development. This is completely unnecessary, as there is already a farmland access route to

the same land adjacent to Lower Barn Farm. In any case this extant farm access route is very rarely used, as farm machinery access to the land behind is invariably from the associated farm buildings at Norlington Farm on Norlington Lane. If the “farm access route” is actually intended to provide access to future development on the farmland behind the site, it would be completely inadequate for that purpose.

Infrastructure issues

Approval of 100 new dwellings here would, in combination with the further 350+ dwellings already approved elsewhere in Ringmer plus the further 50+ dwellings approved in principle through the RNP but still to be delivered, overwhelm village infrastructure.

It is not shown that the new private car traffic that would be created would be within the capacity of the series of restricted A26 junctions between Ringmer and the national highway network at Southerham (Earwig Corner, Church Lane, Snail roundabout, Southerham Roundabout).

Children from the new developments could not be accommodated by extant provision of nursery or primary school capacity in Ringmer, as required by RNP policy 8.7. There is no evident capacity elsewhere to meet this need that is accessible by sustainable travel.

Foul water effluent from Ringmer is already released untreated into the Sussex river system by the dysfunctional Ringmer (Neaves Lane) WWTW every time there is even moderate rain. This development would increase that pollution in proportion to its size (would add 5% to the foul pollution that already occurs every time it rains, contrary to RNP policy 8.11). Southern Water has not developed any plan to reduce this ongoing and intractable pollution, nor does it have available the necessary funding. See attached comment from SWA stating the environmental information request team will respond on the issue of capacity within 20 days but they haven't. It must be assumed therefore that the treatment works is inadequate.

RNP policy 8.4 identifies as a high priority the creation of an off-road route for bicycles and mobility scooters. The most credible route crosses the frontage of this site and could easily have been incorporated into its design. It is instead ignored.

6.15 Ringmer Parish Council

This is a full application with no matters reserved. The site, 42RG, was assessed in the 2022 ILAA as not deliverable or developable and has therefore not been fully assessed within the 2023 LAA.

Ringmer Parish Council wish to strongly object to this application and request that it be refused for the following reasons.

1. Coalescence of Settlement Gap

The development is outside of the Ringmer planning boundary, contrary to policy DM1 and RNP Policy 4.1. It is located within the historic Broyleside settlement which is designated as a village within the settlement hierarchy and therefore subject to smaller scale sites and lower densities, see RNP policy 6.3 and the Settlement Hierarchy and Services Reviews.

Development of this site would eliminate the gap between Ringmer Village and Broyleside from the Eastern extent of the settlement of Ringmer Village to the Western edge of the Broyleside settlement at The Green Man pub, leading to unacceptable coalescence.

As stated in the LDC Officer pre-application advice, it is imperative that the green countryside buffer between Ringmer Village and Broyleside is maintained, that coalescence is avoided and that Ringmer Village and Broyleside do not lose their individual sense of place. Settlement gaps are strongly supported within existing Core Policies and the emerging Lewes Local Plan.

This view is also supported by two recent appeals for outline applications at nearby sites which are of relevance:

- Appeal Ref: APP/P1425/W/22/3298993 Land at Broyle Gate Farm Ringmer ref Outline Application LW/21/0937 (allowed) see paras 15, 23, 25 and 28 of the appeal decision
- Appeal Ref: APP/P1425/W/22/3299940 Land South of Lewes Road and Laughton Road, Broyleside ref Outline Application LW/22/0104 (refused) see paras 11, 14, 15 and 21.

Both appeal sites formed part of the gap on the Southern side of the Lewes Road (B2192). The Inspectors agreed that the gap to the North of Lewes Road (B2192) was more important than that to the South, being of largely open and rural character contributing positively to the wider area.

2. Setting of SDNP

The consequent impact of the setting of the SDNP including on the Dark Skies Reserve and wider views towards the Low Weald. This harm was again referred to in the above appeals.

3. Negative Impact on Heritage Assets

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special regard is given to the desirability of preserving the setting of a listed building, supported by the NPPF paras 205-209 as well as Core Policy 11, Policy DM33 plus RNP Policy 4.7.

The proposed development would have a significant negative impact on the Grade II Listed Broyle Gate Farmhouse (List Entry Number 1238588

dated 19th August 1965), the Former Farm Buildings (List Entry Number 1238592 dated 25th June 1975), their setting and historic context and the non-designated heritage asset Little Thatch Cottage.

Whilst the Grade II listed buildings are on the Southern side of Lewes Road (B2192), they face Northwards reflecting the previous agricultural use and it is clear that the proposed development would significantly and permanently alter the character of their setting and, in turn, the pastoral setting and functional link to the historic agricultural environment with which Broyle Gate Farm and its associated buildings is inextricably linked. It is noted that the applicant seeks to diminish the impact of their development on the Heritage Assets, however the appeal decision at Broyle Gate Farm paras 33, 38, 90 and 93 reinforced the functional relationship mentioned above.

4. Public Right of Way

The harmful impact on the countryside and landscape setting especially in regard to the public rights of way and their amenity value is significant.

Reference is made to the PRow, RIN/17/1, which crosses the proposed development site approximately North to South which will be rerouted and diverted (and “improved”!) across the realigned ditch and irretrievably urbanised through the proposed housing estate; this is not an improvement although destruction. Consideration fails to be given to the wider network of footpaths to the North of the site which would also be principal visual receptors affected by the proposed development and which currently provide unfiltered views across the wider countryside.

RIN/16 and RIN/18 are widely used and form a sustainable link between Norlington Lane and Broyleside. RIN/20 to the East also connects via a short section of the Lewes Road to the Southern part of the parish at Ashton Green. The suburbanising effects of this large residential scheme would inevitably cause harm to the experience for users of all of these public footpaths, reducing the opportunities to experience the countryside, which is so crucial to the village look and contributes to health and wellbeing.

The intrusion of the three storey blocks of flats at the South East and South West corners immediately adjacent to the road would also be highly visible and significantly detract from the countryside character and enjoyment of leisure users from all directions including the wider setting of and aspect from the SDNP. It is an example of ill-considered design and layout.

5. Loss of Agricultural Land

The site is shown overall as being Grade 3 and subsequent surveys by the applicant have indicated that approximately 39% to the South of the site is Grade 3a BMV with 61% being Grade 3b to the North plus a small core to the South where there were historic buildings. Notwithstanding this, the

majority of the site has been and continues to be in active use for food production.

6. Design and Layout

The design and layout of this development on a very prominent and visible site is incompatible with the character of the village and inappropriate on a village scale. The design is unattractive as well as being urban in size and inappropriate for a village location.

The proposed housing mix is unacceptable and does not match the recognised need demonstrated in the Housing Needs Assessment 2023 study, which identifies the priority as 2 bed dwellings with some one bedroom units; it is also contrary to RNP Policy 6.2. There seems to be no provision for affordable social housing at 60% below market value as opposed to unaffordable “affordable” rented properties at 80%.

The inclusion of 3 storey blocks is contrary to RNP 9.2 and particularly objectionable due to their highly visible location directly against the main frontage of the site.

The affordable housing units are crammed into the most unacceptable and restrictive areas of the site rather than being “pepper potted” throughout contrary to Policy DM25 and RNP Policies 6.2 and 9.2. Half of the affordable dwellings will be confined to the five blocks of 3 storey flats and as such will be immediately distinguishable from market housing, not tenure blind in design and location as required by Policy CP1.

In the South East corner, they and other affordable houses are located in an area of high surface water flooding with pooling as well as being adjacent to the Lewes Road (B2192), which is used as an HGV rat-run, with consequent noise from traffic and The Green Man pub. It is suggested that the dwellings may require upgraded glazing and closed window operation to reduce the noise impact and comply with PPG-N standards.

At the South West corner, the design and layout are equally poor in contravention of the requirement that buildings should be “designed, positioned and orientated to as to (sic) prevent them appearing overbearing towards neighbouring dwellings, causing undue levels of overshadowing or allowing for invasive views.” This spectacularly fails for the adjacent property of Lower Barn Farmhouse and also to The Green Man pub.

The proposed “farm access” to the rear pond would bring heavy and muddy farm equipment through the proposed development using the single residents access route close to the Eastern affordable hub although without any wheel washing facilities post-build. This is completely unnecessary with the existence of a farm access from the Lewes Road (B2192) to the West of the site, which is to be retained; the new farm access proposed is redundant. This was not shown in the original layouts on the applicant’s marketing website and, if it is intended to provide access

to further development, it would be completely inadequate for that purpose. Its inclusion is therefore spurious and should be removed.

The design is also dependent on changes to the overground electricity pylons to relocate the main connection point and change the overhead cables to underground, subject to UKPN agreement and works. This would need to be a pre-commencement condition. Should agreement not be reached then the layout would need to be revised to allow a buffer zone around the existing pylons.

An inadequate number of parking spaces are proposed within the development in this car dependent village. The proposal meets neither the admittedly out-of-date ESCC requirements nor those of RNP policy 8.3 nor real experiences from existing developments. Unsurprisingly it is the affordable housing residents whose parking is particularly under provided.

Overall, the design is extremely poor and the layout disregards the village character as well as being particularly disrespectful to affordable rented tenants by crowding them into segregated and separate hubs in the worst locations with unacceptable living standards.

Ringmer Parish Council recommends that the Council's Design and Conservation Officer or Design Panel be asked to review this.

7. Infrastructure

Approval of 98 dwellings here would, in combination with the further 350+ dwellings already approved elsewhere in Ringmer and Broyleside, overwhelm village infrastructure as detailed below.

8. LLFA

The LLFA dated 9/1/24 objected on the grounds of insufficient information provided to assess the impact of surface water flooding on the site, surrounding land and nearby properties. This is not uncommon at an outline application stage although this is a full application and the LLFA have listed over 2 pages of "aspects which should be addressed as part of a resubmission."

There is a potential impact on the Norlington Stream which already causes regular flooding of some Broyleside homes. It is generally agreed that a significant portion of the site is identified as being at high to medium risk of surface water flooding to the North with high risk to land, properties and businesses at Clarks Croft and Lower Barn Farm to the West and The Green Man pub to the East. The FRA report acknowledges that there is a localised low point in the South East corner where water is known to pool and this occurs even when there has not been heavy rainfall. The Green Man pub carpark and the Lewes Road (2192) outside frequently floods due to surface water run-off and problems with blocked drains. The South

West corner is also affected. These need to be considered as a part of a cumulative impact assessment.

In terms of the site, the South East and South West corners are where a large proportion of the affordable houses including the three storey blocks of flats at higher density and with more impermeable surfaces.

It is unclear what the final level of the development will be and if surface water run-off will be affected by any change. The applicant has now published a partial response to the LLFA regarding mitigation including raising the FFL to the south which would exacerbate problems elsewhere and potentially cause similar unresolved problems to those at the Caburn Field development, still affecting existing residents on Mill Road and Mill Mead.

9. Sewage

It is noted that Southern Water are not statutory consultees although have a duty to connect. Southern Water have yet to comment on the available headroom at the Neaves Lane WWTW based on up-to-date figures for approved, committed and proposed developments. Their letter of 29th June 2023 merely states that there is currently capacity at the local manhole i.e. a local connection only and that “no surface water flows (existing or proposed) can be accommodated within the existing foul water system unless agreed with the LLFA.”

The Water Cycle Study, dated March 2023, produced as evidence for the draft Local Plan consultation, Table 4.1 shows that the site falls within the catchment area of the WWTW at Neaves Lane, which covers the settlements of Lewes, Beddingham, Firle, Glynde, Laughton and Ringmer serving a population equivalent of 4,852 (using a baseline of 2020) and with a receiving water body Glynde Reach. The DWMP (Drainage and Wastewater Management Plan) indicated that population growth “will increase the risks of non-compliance with DWF permits at Neaves Lane, requiring further investment in the future to increase the capacity of the WWTWs to accommodate new homes and businesses.” The DWF (Dry Weather Flow) headroom assessments based on 2021 population estimates shows that the capacity is exceeded with up to 80% DWF permit based on current per capita consumption levels. Using a reduced usage this would only allow approximately 135 additional dwellings and for 100% DWF permit on current use gives approximately 237 additional dwellings and 691 respectively. The former has already been exceeded with committed developments in Ringmer alone and the latter is seriously eroded when taking into account the cumulative speculative figures within the wider catchment area.

As mentioned under LLFA above, a significant portion of the site is identified as being at high to medium risk or high risk of surface water

flooding; the impact of surface water flooding on the headroom capacity and on foul water discharge is therefore significant.

Neaves Lane WWTW is not achieving “Good” ecological status and wastewater discharge remains a risk to water quality which additional growth will exacerbate. Foul water effluent is already discharged by the dysfunctional WWTW every time there is even moderate rain. Further development will increase the frequency of discharge and consequent pollution into Glynde Reach which is already recognised as one of the most polluted water bodies in the region to the detriment of the health and wellbeing of residents.

In light of the current and potential dysfunctional state of the WWTW, any approval for development must include a cumulative impact assessment and improvement commitment and for these works to be completed and in place as a pre-commencement condition to include committed and proposed developments, if necessary, as a Grampian condition.

10. Highways

ESCC Highways provided an initial comment on the application dated 27th April 2023 which indicated that a cumulative assessment would be needed for the A26/Earwig Corner junctions and also the stress points at the Church Lane/A26 junction, the Cuilfail roundabout, Phoenix Causeway and the Southerham roundabout to include subsequent approved applications and those to be determined in Ringmer as well as developments from other parishes and districts which use the local B2192 and B2124 roads and contribute to traffic on the A26 corridor.

The Local Plan consultation has further assessed for that the proposed housing targets and site allocations Options 1 or 2 would result in increased stress points. This report was based on a 2019 baseline using committed developments to date at that time whilst Earwig Corner was still under construction although has not been updated since to include current data (AADT) and incorporating all sites including live and committed applications to provide a revised cap going forward to replace that imposed at examination of the current Local Plan.

The Broyle Gate Farm development proposes access to the Lewes Road (B2192) via a right-hand lane for traffic travelling East and a right hand lane for turning into The Green Man pub. It also proposes a widened pavement on the South side. There is already during term time significant congestion resulting from traffic to Kings Academy school and there will be further traffic from vehicles going to and from the sports facilities. This application suggests an additional right-hand lane and a widened pavement on the North side to link the site to The Academy. It is suggested that these could be used for dual cycle and pedestrian use. It is difficult to see how these could all be accommodated within the restrictions of the existing road (B2192) and it is not clear from the information provided.

There is currently no Stage 1 Safety Audit nor a formal Highways statement which might address these concerns.

11. Sustainable Transport

There is an existing dual use cycle/pedestrian path from Lewes to the far eastern side of Ringmer village although this does not extend to this site let alone along Broyleside. An extension to the cycle path from Lewes was proposed as part of the last LCWIP 2020 and this was categorised as L2 as assessed by Sustrans in 2018. Although the report and recommendations were approved, the L2 route was not considered a priority and funding was not allocated. A new LCWIP consultation is due to start in late 2024 and discussions have been had with Highways about development contributions under planning obligations to a pot to bring this forward. The most obvious route for an off-road cycle path as per RNP Policy 8.4 would be to be included in the frontage of this proposed site.

12. Schools

Younger children from the new developments could not be accommodated by extant provision for nursery or primary places at Ringmer Primary School, especially with the increased funding for Early Years provision. This conflicts with RNP policy 8.7. There is no space to increase intake here nor anywhere else to meet this need that is accessible using sustainable transport.

Conclusion

Ringmer Parish Council therefore strongly recommends that this application be refused on the grounds set out in detail above. As demonstrated, it conflicts with numerous policies set out in the NPPF, by LDC and in the Ringmer Neighbourhood Plan. Should this application progress it will be at the loss of productive agricultural land, will eliminate the settlement gap between Ringmer Village and the Broyleside, which LDC planning department have described as “imperative” to retain, and will have an unacceptable landscape impact. The design and layout of the site is very poor, is of a scale unacceptable for a village settlement and yet will not address the recognised housing needs of Ringmer. Meanwhile it will place unacceptable strain on the infrastructure within the village and surrounding area, including unresolved matters identified by the LLFA, sewage capacity and local highways concerns, where the cumulative impact of this development needs to be considered alongside that for the one recently approved at Broyle Gate Farm and North of Bishops Lane.

OFFICER COMMENT: The majority of comments raised are addressed in the officer report. With regard to education provision, East Sussex County Council have raised no objections in relation to the availability of school spaces. It is also noted that similar concerns raised recently in relation to the Broyle gate Farm scheme (LW/21/0937) and that the Inspector made the following comments in response:-

Policy 5.4 of the RNP supports further development of Ringmer Community College (now Kings Academy) within its site and the expansion of associated leisure facilities onto part of the appeal site. There is no evidence of any plans or detailed proposals for Kings Academy to expand its recreational facilities or for Ringmer Primary School to expand. Nor is there any indication from the education authority that any such plans or proposals are likely to be necessary.

There is consequently little to support the Parish Council's argument that allowing residential development on the appeal site would compromise the future viability of either of the schools. I find no conflict therefore with Policy 5.4.

7. Other Representations:

7.1 126 letters of objection have been received. A summary of material planning matters raised is provided below:-

- Would result in coalescence of Ringmer and Broyle Side;
- Would harmfully impact upon the setting of Broyle Gate Farmhouse;
- Lack of infrastructure;
- Buildings are too large (3-storey);
- Loss of agricultural land;
- Pressure on infrastructure (school places, services, shops, sewerage);
- Increased potential for sewage discharge into watercourses;
- Insufficient parking facilities;
- Housing mix does not reflect demands in the district;
- Would have a harmful impact upon the public right of way that crosses the site;
- Would be at risk of surface water flooding;
- Harm to ecology and habitat;
- Would generate dangerous levels of traffic;
- The field regularly floods;
- There is already a great deal of pressure and change in the village as a result of recently approved developments;
- Loss of privacy due to insufficient landscaping on western boundary;
- Increased pressure on surrounding junctions including at Harrisons Lane and Earwig Corner;

- Would create a more hazardous environment for pedestrians, including around the entrance to the secondary school;
- Construction works would cause unacceptable disruption;
- The scheme is in conflict with the Ringmer Neighbourhood Plan;
- Would generate light pollution;
- Would compromise the formation of a cycle route into the village from the east;
- Use of the farm access would result in the deposition of mud on the road;
- The farm access could be used to facilitate further developments;
- There is little local employment so a lot of future occupants would commute out of the village;
- The site is outside of the planning boundary
- The architecture is nondescript and boring;

8. Appraisal:

8.1 Principle:

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 has been disaggregated taking account of the National Park development to 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 footnote 7 of 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.

It has been established through case law, comprehensively summarised in *Gladman Developments Ltd v SSHCLG & Corby BC & Uttlesford DC* [2020] EWHC 518 (Admin) that para. 11 does not remove development plan policies from the decision-making process and that, instead, it is for the decision maker to analyse policies and attribute suitable weight as part of an overall assessment of the benefits of any scheme versus the harm caused.

As the settlement boundaries established in LLP2 were based on previous housing delivery targets, they may need to be breached to fulfil the revised demand. As such, LLP2 policy DM1, which restricts development outside of these boundaries, is of reduced weight although it retains relevance in regard to the general objective to protect the character of the countryside.

The NPPF does not identify or recognise planning boundaries in the form they are represented in the local development plan. The only areas subject to specific restrictions to the principle of development are green belts. In all other areas outside of settlement boundaries, para. 84 of the NPPF maintains only that 'planning policies and decisions should avoid the development of isolated homes in the countryside'.

To assist with decision making, an Interim Policy Statement for Housing Delivery (IPSHD), has been produced. This includes a series of 'tests' which seek to direct development outside of settlement boundaries to areas where the harms caused would be lowest and where the location is most sustainable. It is important to note that this is not an adopted policy and, whilst it carries a degree of weight, it should be viewed as guidance rather than a strict policy consideration.

The proposed development will therefore be assessed in this context. Given the proximity to footnote 7 protected assets in the form of heritage assets (listed buildings and the village green conservation area) and the South Downs National Park the degree of harm attached to these features must be established prior to the tilted balance being engaged.

It is noted that the site was assessed as part of the 2023 Land Availability Assessment (LAA) as part of a wider area of land referred to as 51RG which includes neighbouring fields to the north and west, including the site north of Bishops Close where planning has since been granted for residential development. Based on a high level analysis, it was concluded that the overall site was potentially developable although there were concerns about surface water drainage, highway impact and the erosion of the green buffer between Ringler and Broyle Side.

It is important to note that the LAA is a high level document and does not allocate sites for development nor represent planning policy, its purpose being simply to identify potential sites for inclusion in the local plan.

8.2 Landscape Impact:

The site contributes towards the green gap maintained between Ringmer to the west and Broyle Side to the east. This can be appreciated both from within the street scene and from longer distance views such as from land within the South Downs National Park to the south, particularly at the point where public footpaths converge adjacent to the Glyndebourne wind

turbine. The site also provides the immediate rural setting for public right of way RIN/17/1, which crosses the site diagonally heading from south east to north west. By forming part of this gap, the site contributes to the setting of Ringmer and Broyle Side as two distinct semi-rural settlements.

The density of the development, in terms of building concentration, reduces from the west of the site to the east, feathering the edge of the development. In addition, a sizeable green buffer would be positioned along the entire eastern side of the site, providing an appropriate interface with neighbouring countryside and, along with green buffers also in place on all other boundaries, ensuring the development appears sympathetically contained rather than as a sprawling element that would compromise the character and setting of the retained green space between the east of the development and Broyle Side.

The overall effect would be a retention of street landscaping that provides an important contribution towards the semi-rural appearance of this part of Lewes Road as it extends between Ringmer and Broyle Side whilst also ensuring an appropriate level of visual interaction, thereby helping the developed site to function as a sympathetic transition between Ringmer and the countryside and agricultural land which surround it.

Notwithstanding the above, the proposed development would inherently result in a degree of landscape harm through the building over of a large open field that maintains contributes to the setting of Ringmer and Broyle Side and contributes towards the gap that defines them as separate settlements. Furthermore, the site also falls within the setting of the South Downs National Park.

The South Downs National Park Authority have been consulted and have raised no objection to the proposed scheme. The ESCC Landscape Architect has also been consulted and has raised significant concerns that the development would unacceptably erode the green buffer maintained between Ringmer and Broyle Side. This stance is consistent with the conclusions of the Lewes District Council Landscape Sensitivity Assessment (LSA) which identifies the site as part of the Ringmer B character area and maintains there is a medium sensitivity to medium scale residential development in the area, particularly the southern parcel (which includes the site) due to the loss of green space between Ringmer and Broyle Side. It is also noted that the assessment draws a similar conclusion in regards to character area Ringmer C, which is on the opposite side of Lewes Road, were the sensitivity was considered greater (high medium) than in Ringmer B. This is an important observation as a development of up to 100 dwellings, with a similar landscape objection relating perceived coalescence of Ringmer and Broyle Side, has recently been allowed on appeal by the Planning Inspectorate under LW/21/0937.

For clarity, the proposed development represents a medium scale residential development as per the definition in the LSA (two-storey dwellings at up to 40 dwellings per hectare density and with a total number between 40 and 100). It is noted that the LSA defines a two-storey dwelling as up to 7.5 metres in height, and that a number of buildings within the proposed development are taller than this (with the blocks of

flats being approx. 10.7 metres in height). However, recent appeal decisions have established that, even where the roof space of a building is used for accommodation above first floor levels, such buildings should be regarded as two-storeys in height.

In assessing the scheme submitted under LW/21/0937, the Inspector made a number of observations that are considered to be pertinent in the determination of the current application, particularly around the erosion of the gap between Ringmer and Broyle Side and the weight it should be afforded in the planning balance.

From a policy perspective, the Inspector found in para. 22 of the appeal report that 'in spite of there being no specific 'gap' policy within the development plan, the effect of the appeal scheme on the existing visual separation is very reasonably a matter to be taken into consideration in determining the overall effect of the scheme upon the landscape character and appearance of the area, including the setting of the SDNP. This confirms that the presence of the gap is of recognised importance in terms of the overall landscape character of the surrounding area.

The Inspector also recognised at para. 77 that the IPSHD includes an objective to avoid coalescence but notes that the IPSHD 'is not a document that forms part of the development plan. I have therefore given it limited weight in the determination of this appeal, noting that in some areas such a coalescence there is some tension between its requirements and the appeal scheme. However, these are also matters that are most appropriately covered by the application of the adopted development plan policy and the Framework.

It is noted that the erosion of the green gap was a fundamental concern raised in the dismissal of the appeal against the refusal of a proposed residential development to the east of the approved Broyle Gate scheme, on land between the eastern side of Chamberlaines Lane and Laughton Road. However, the inspectors objections, which have recently been upheld following judicial review in *Bedford Park Developments v Secretary of State for Levelling Up, Housing and Communities & Anor [2024]*, were based on the cumulative impact of the proposed development and the approved Broyle Gate Farm scheme providing a continuous ribbon of development that would link the settlement boundaries of Ringmer and Broyle Side. This is not the case with the proposed development.

Overall, it is considered that the proposed development would result in harm to the landscape character of the surrounding area, in conflict with LLP1 policies CP10 and CP11, LLP2 policies DM1 and DM25 and RNP policy 6.3. However, the significance of this harm in the planning balance is considered to be moderate for the following reasons:-

- The harm will be localised and would not impact significantly upon long distance views, including those towards and from the SDNP, noting that the South Downs National Park Authority have raised no objection to the development.
- Where the development is visible in long distance views it would not appear incongruous but would rather amalgamate with established

development in Ringmer, with the wider surroundings remaining as open countryside and, overall, the settlement continuing to present as a semi-rural village.

- The developed area would not extend any further to the east than the existing settlement boundary, a green buffer would be retained on the eastern side of the site and this area would integrate with the surrounding fields to the north and east, retaining a distinct green buffer between Ringmer and Broyle Side and maintaining the sense of place for each settlement. Whilst it is noted that there is existing development in the gap between the site and Broyle Side, in the form of the Green Man Public House, Broyle Gate Cottages and Little Thatch, it is considered that the sporadic nature of intervening development, which is typical of the type of development seen outside of settlements, and the presence of open green space to the north, east and west would prevent it from amalgamating with the proposed development and presenting any sense of the two settlements merging;
- The development would include a clearly defined eastern edge ensuring the remaining rural environment to the east is not diluted by a sense of sprawl;
- Although not sufficient to mitigate the loss of the existing field, the proposed landscaping, particularly around the site boundaries will provide an increasingly effective and sympathetic screen to the development over time;
- Whilst the setting of public right of way RIN/17/1 would be impacted by the suburbanising of the environment, it would be retained as a distinct route through the site and would follow the same general alignment and not be excessively lengthened or shortened. Residential development to the west and south is present in existing views from this path which is relatively short and whose value is considered to be defined more by the connectivity to footpaths to the north which pass through a more rural environment than in the landscape quality experienced on the path itself.
- It can be argued that the alterations that would be made to RIN/17/1 represent a minor benefit, noting the conclusions made by a Planning Inspector when allowing an appeal against the refusal of planning application LW/21/0729 (a greenfield site that was also crossed by public rights of way) with the Inspector stating that ‘the appeal proposal would result in the views from the footpaths experienced by walkers being significantly altered, although the routes would still remain a functional part of the dense network of local footpaths in and around the village. The proposed surfaced footpath following the alignment of the primary access road would enable greater use by existing and future residents who may be less mobile or have younger children or children in prams or pushchairs than would currently be possible. This would therefore provide a limited benefit of the proposal.’

The conclusion reached by this report in regard to the significance of the landscape harm that would result from the development is consistent with that reached by the Inspector in assessing LW/21/0937. It is noted that the scheme approved under LW/21/0937 extends further to the east than the proposed development and is also more prominent in the setting of the SDNP, as demonstrated by the fact that the SDNPA objected to LW/21/0937 whereas they have not objected to the current scheme.

It is therefore considered that the application complies with policies CP10 and CP11 of LLP1, policies DM25 and DM27 of LLP2 and paras. 127, 130 and 170 of the NPPF.

8.3 Design and Character

Para. 131 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. 132 states that design policies should be ‘grounded in an understanding and evaluation of each area’s defining characteristics.’ Para. 135 further established the importance of using land efficiently whilst at the same time protecting the amenities of the surrounding area and providing a functional and cohesive environment.

It is important to consider the many facets that are encompassed within the definition of good design. A succinct summary is provided by the ten characteristics of good design identified in the National Design Guide, these being:-

1. Context – enhances the surroundings.
2. Identity – attractive and distinctive.
3. Built form – a coherent pattern of development.
4. Movement – accessible and easy to move around.
5. Nature – enhanced and optimised.
6. Public spaces – safe, social and inclusive.
7. Uses – mixed and integrated.
8. Homes and buildings – functional, healthy and sustainable.
9. Resources – efficient and resilient.
10. Lifespan – made to last.

The content of the National Design Guide is of importance given the Council does not currently have any adopted design codes and para. 134 of the NPPF confirms that, in this situation, national documents should be used to guide decisions on applications.

The proposed development would be built at depth but would include dwellings and flats on the southern edge of the site that would face out towards Lewes Road and engage with the street scene albeit they would be accessed from internal roads and paths within the development. It is considered that these dwellings would appear as a continuation of the existing ribbon of street fronting/engaging dwellings that extend from the

village green to the west up to the western boundary of the site itself. This sense of engagement would primarily be achieved through upper floor windows, roof lines and architectural features that will present above the retained and enhanced hedgerow along the southern boundary.

The depth of the development would also be broadly consistent with the pattern established by existing development to the west including the adjacent Clarks Croft, Green Close and recent development along the northern side of Bishops Lane which is soon to be complimented by the development currently under construction opposite Bishops Close.

It is considered that the development comprises a good mix of building designs with variations in mass and materiality preventing a monotonous and uninspiring street scene whilst also including unifying features such as strong gable features to provide a sense of place and cohesiveness. The layout of the development ensures buildings will engage effectively towards others within the development as well as outside of it and therefore create an inclusive environment for future occupants as well as a strong sense of connectivity with the surrounding village and its community. The general design, layout and density of the development is considered consistent with the surrounding village as is the two-storey scale of the buildings, noting that, where accommodation is to be included in the roof space this does not significantly alter the overall height of the building or lead to it being read visually as a three-storey structure. As such, it is considered that there is no conflict with RNP policy 9.1 which seeks to restrict development to two-storey height in the main. Where dormers are included within roof slopes they are of modest proportions and would not overwhelm the main roof form.

It is noted that the scheme recently approved at appeal to the west of the site included blocks of flats with rooms in the roof space and that the Inspector found that this scale of development would be consistent with the surrounding village (LW/21/0694 PINs ref: 3313204). Similarly in Newick, where the neighbourhood plan also includes a policy seeking to prohibit development in excess of two-storey height, an inspector found blocks of flats with rooms in the roof would not appear out of keeping (LW/21/0700, PINs ref: 3300813)

The layout incorporates a network of footways that will allow pedestrians to easily move around the development without coming into conflict with motorised vehicles and also to gain access to the green spaces distributed around the development as well as the wider countryside via the public right of way that crosses the site. The pedestrian footways within the development would also connect with the improved footway to be provided on the northern side of Lewes Road, facilitating access to shops and services in Ringmer by pedestrians and cyclists. Parking is set back from the roads where it would be screened by street landscaping. All dwellings also have landscape areas retained to the front ensuring that parked cars would not be a visually dominant feature within the street scene.

Each of the proposed dwellings would be provided with a private garden area that is considered to be of a good size. The blocks of flats have areas of green space around them that could serve as communal green space

and other green spaces within the development are also close by. Communal amenity space and play areas are well overlooked by surrounding dwellings, ensuring that user do not feel unacceptably isolated and helping to provide a safe and secure environment.

8.4 Impact upon Heritage Assets

The site is positioned on the opposite side of the road to Broyle Gate Farmhouse and its associated outbuildings, which are Grade II Listed. The Planning Inspector, in allowing the appeal for residential development to the west of these buildings (LW/21/0937) noted that the application site had a functional relationship towards the Listed Buildings, providing context for the historic association of these buildings with agriculture. As is the case with the development approved under LW/21/0937, the development would remove fields round the Grade II Listed Buildings and, as a result, would effectively sever any direct association with agricultural land. It is noted that the green buffer on the green space would maintain a degree of open green space to the north-east of the dwelling, and that this would align with green space provided on the western side of the development approved under LW/21/0937. However, this green space, whilst offering some mitigation, would not possess the same pastoral characteristics as an agricultural field.

The applicant has submitted a Heritage Statement which acknowledges the setting of the Grade II Listed Building would be impacted but argues that it should be recognised that the fabric of the asset which makes the greatest contribution to its significance would be unchanged, as would the elements which make the greatest contribution to the asset through setting, comprising the associated outbuildings, immediate curtilage and road to the north.

The Heritage Statement concludes that the overall impact of the development upon the significance of the Listed Building would be a moderate level of less than substantial harm. The Council's Heritage Consultant has not challenged this conclusion, and his welcomed alterations which have been made to the originally submitted development which have, in his opinion, provided a degree of mitigation. Further conditions in relation to materiality, landscaping and permitted development restrictions are also recommended as a means to ensure the completed development is as sympathetic as possible to the setting of the Listed Building.

The Council has taken place in a number of recent hearings and inquiries relating to residential development where the historic agricultural setting of a Listed Building would be compromised. This includes development on land to the rear of Swan House, Chailey, land adjacent to Mongers Mead, Barcombe, the site opposite the site at Broyle Gate Farm, land adjacent to Chamberlains Lane and land opposite Theobalds, Burgess Hill.

In all cases, the tilted balance was applied as the harm to these assets was not considered to outweigh the public benefits and, therefore, satisfied

the requirements set out in para. 208 of the NPPF. Although the developments at Chamberlains Lane and Theobalds were ultimately refused there were significant differences. In the case of Chamberlains Lane, significant harm upon the setting of the SDNP was identified. This is not the case with the current application. In the case of Theobalds, the building affected was Grade II* Listed (and therefore afforded greater protection) and the development had limited benefit as it only provided three new dwellings.

Overall, it is considered that the development would cause a less than substantial harm to the Listed Building and that this should be afforded considerable weight in the planning balance.

The site falls within an Archaeological Notification Area associated with a medieval & post-medieval village, medieval potteries and post-medieval brick kilns. The County Archaeologist has been consulted and raised no objection to the development provided an appropriate programme of archaeological works are undertaken prior to the commencement of any development.

Given the distance and physical separation of the development from the Ringmer Conservation Area to the west, where there is intervening residential development, it is considered the proposed development would not harmfully impact upon its setting.

8.5 Affordable Housing

The proposal constitutes a major development and, as such, there is a requirement for affordable housing to be provided, at a rate of 40% of the total number of units as per paras. 62 and 64 of the NPPF, policy CP1 of LLP1 and the Lewes District Council Affordable Housing SPD. 25% of the affordable units should be provided as 'First Homes' as per the Written Ministerial Statement on Affordable Homes Update (24th May 2021).

The proposed development delivers the required 40% (38 dwellings in proposal). The vast majority of these units would be one and two bed flats/dwellings (84%), with a small amount of three bedroom dwellings also included. This is broadly consistent with the dwelling mix suggested in the Affordable Housing Supplementary Planning Document (SPD) which is as follows:-

3. 1 bedroom 50% (development amount = 47%)
4. 2 bedroom 30% (development amount = 37%)
5. 3 bedroom 15% (development amount = 15%)

The SPD (para. 3.10) confirms that the local planning authority will negotiate the appropriate dwelling mix on a site by site basis based upon the latest evidence of needs in the site locality. In this instance, the applicant has been in discussion with housing officers from the pre-application stage and the dwelling mix reflects those discussions.

The affordable housing provision will be secured through the use of a section 106 legal agreement.

8.6 Impact upon amenities of neighbouring residents

Although the development would visually tie in with existing development in an effective way, there is a good degree of separation between the proposed dwellings and flats and neighbouring properties.

Dwellings on the southern edge of the site would face properties on the opposite side of the road. However, with the separation provided in terms of distance and the physical presence of the road and the partial screening provided by site landscaping, it is considered that the proposed development would not appear unacceptably imposing when viewed from these properties nor be a source of undue overshadowing or intrusive views.

There are dwellings and flats on the western side of the site that would be positioned within approx. 25 to 30 metres of dwellings on Clarks Croft and Lower Barn and Barncroft on Lewes Road. The closest dwellings, plots 55 and 63, would be positioned side on to the neighbouring dwellings with the only side facing windows being for bathrooms and w/c's. Two blocks of flats, units 41-54, would have windows at upper floor level facing towards these neighbouring sites. Whilst these windows would introduce an element of overlooking it is considered that the distance of these views combined with site boundary landscaping would prevent them from being invasive. There is also a good amount of open space around buildings on the western edge of the site and it is considered that this would help maintain appropriate outlook from neighbouring properties and prevent any unacceptable sense of overbearing from establishing.

The density and residential nature of the proposed development is considered to be consistent with the surrounding environment.

The proposed construction works associated with the development would result in noise, light and air emissions as well as potential impact from vibration and additional traffic movements. All of these impacts have the potential to cause unacceptable disruption and nuisance towards neighbouring residents. For this reason, a condition will be used to secure an effective Construction Environmental Management Plan (CEMP) that would set out methods and practices to be employed to minimise disruption to neighbouring residents and maintain safety and the flow of traffic and pedestrian movement on the public highway.

8.7 Living Conditions for Future Occupants & Affordable Housing:

Para. 139 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. Floor plan drawings and measurements confirm that all units would meet or exceed minimum GIA.

Each new 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. All dwellings and flats would be multiple aspect, increasing the effectiveness of natural ventilation and also prolonging exposure and access to natural light throughout the course of the day.

LLP2 policy DM25 states that developments of 10 or more dwellings should demonstrate how the 'Building for Life 12' criteria have been considered and would be delivered by the development. One of the recommendations made in Building for Life 12 is that rear gardens are at least equal to the ground floor footprint of the dwelling. The occupants of each dwelling would have access to a private garden which is equal to or in excess of the footprint of the dwelling that it serves.

It is noted that the houses on the southern edge of the site would face out towards a main road and school. It is also noted that there are existing dwellings positioned along the main road, flanking both sides. The Noise Assessment submitted with the application states that there would be instances where the occupants of properties on the southern edge of the site would need to close their windows to control internal noise. It is therefore recommended that these dwellings are provided with alternative ventilation equipment to account for this scenario. This would be secured by condition,

Para. 3.7 of the LDC Affordable Housing SPD maintains that 'it is expected that affordable housing provided onsite will be subject to the same standards and be indistinguishable from the open market housing. The provision of onsite affordable housing should be integrated into the layout of the development through 'pepper-potting' within market housing, in order to fully reflect the distribution of property types and sizes in the overall development.'

The proposed complement of affordable housing would be distributed relatively well across the site although there would be an absence in the north-western corner. The design and scale of the affordable units would be indistinguishable from the market housing as would space standards. Furthermore, the orientation of the dwellings would allow them to engage fully with the market housing and the affordable element would therefore not appear disconnected or divorced from the wider development.

The proposed development would provide a well landscaped street environment surrounded by large areas of greenspace through which

walking routes would be provided as well as a good sized children's play area. The layout avoids the creation of any isolated or secluded areas which may be susceptible to crime or anti-social behaviour, with good levels of natural surveillance across the development.

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 site is located in Flood Zone 1 and, as such, it is not identified as being at any pronounced risk of flooding from tidal and fluvial sources. However, there are parts of the site vulnerable to surface water flooding and this vulnerability also applies to neighbouring land, including that occupied by existing residential developments to the west. It is vital that new development is not only resistant to flood risk in itself, but also that the development does not contribute to an increase in flood risk on surrounding land, as per para. 173 of the NPPF.

As required by para. 175 of the NPPF, surface water drainage methodology for new development should follow the hierarchy set out in para. 080 of the Planning Practice Guidance for Flood Risk and Coastal Change in order to be as sustainable as practicable, this being drainage: -

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

The applicant has submitted a Flood Risk Assessment and Drainage Strategy to show how the development could incorporate appropriate drainage infrastructure that would ensure discharge rates do not exceed the mean annual greenfield runoff rate of the site at present.

The potential use of infiltration drainage was discounted due to poor results from trial pits dug over the site. The next most sustainable method shown in the hierarchy would therefore be used, with surface water discharged via a direct connection to the realigned drainage ditch to the north of the sit, via attenuation features used to ensure the rate of discharge does not overwhelm the ditch or waterbodies downstream. Attenuation infrastructure includes two ponds, swales and permeable paving. Filters and traps would be installed to intercept debris and contaminants before they enter the drainage ditch. This strategy is supported by the LLFA, subject to full technical details being submitted at the conditions stage, to include an appropriate management and maintenance scheme to ensure the drainage system continues to function effectively over time, as required by para. 175 of the NPPF.

Foul drainage would be managed through the use of a pumping station, positioned towards the north-eastern corner of the site, that would pump foul water up to the main foul sewer below Lewes Road. Southern Water

have raised no objections to the proposed foul drainage arrangements. An appropriate agreed discharge rate and connection agreement would need to be made between them and the developer prior to dwellings being occupied as well as any necessary improvements to the system as per Southern Waters' responsibilities as a statutory undertaker.

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. 173 and 175 of the NPPF.

8.9 Ecology & Biodiversity

Section 7A of the Town and Country Planning Act 1990 (as amended) applies a mandatory condition that all major developments deliver a biodiversity net gain (BNG) of a minimum of 10% over baseline levels. An Ecological Impact Assessment (EIA) was submitted in support of the application. The EIA demonstrates how the development has been designed to minimise the loss of existing habitat and, where this is unavoidable such as in the formation of the new site access through the existing hedgerow on the southern edge of the site, sets out how the loss would be compensated.

In addition, the EIA includes comprehensive surveys of flora and fauna present on and around the site and provides information on works that would be carried out to ensure that the minimum 10% BNG is achieved. The EIA identifies the majority of the site area comprising arable land and improved grassland, with these habitats being considered common and widespread and, therefore, to be of relatively low ecological value. However, the importance of the habitat provided by the hedgerow surrounding the site and the ditch that runs through it was also identified.

There are no significant trees within the site although there is a group, including veteran oak trees adjacent to the western site boundary. The eastern, southern and western edges of the site are marked by hedgerow, although the hedgerow on the southern boundary is identified as being 'poor' due to its gappy nature.

The EIA and supporting documentation has been reviewed by the County Ecologist and been found to be acceptable, subject to the submission of more detailed information at the planning condition stage.

The ecologist is satisfied that all retained habitat, including two veteran trees to the west of the site, would be provided with appropriate protection in the form of buffers. The ecologist also considers that there would be appropriate measures in place to ensure that loss of habitat is avoided where possible and mitigated where not and that construction works could be carried out without causing unacceptable harm to wildlife. Finally, the County Ecologist supports the submitted BNG strategy which would secure a 36.83% gain in habitat units, a 40.31% gain in hedgerow units and an 87.73% gain in watercourse (ditch) units.

Mitigation and enhancement works proposed include the following:-

- Tree and hedgerow planting that would enhance existing features as well as provide new ones;
- Creation of habitat in the realigned drainage ditch and attenuation features;
- Provision of a sensitive external lighting scheme;
- Formation of grassland and scrub;
- Enhancements to the quality and connectivity of green corridors;
- Provision of bat and bird boxes;
- Creation of 'hedgehog highways';
- A long term management plan to ensure ongoing effectiveness of the enhancements delivered;

The conditions recommended by the County Ecologist will secure full details of these enhancements as well as working methods to be employed during the construction phase.

It is therefore satisfied that the proposed works would not result in the loss of any significant habitat and, instead, would deliver significant long term ecological gains within the site.

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

8.10 Highways and Access:

The vehicular access to the site would take the form of a new junction formed on the northern side of Lewes Road. Using land currently accommodating the existing footway and verge, the existing carriageway would be altered to allow for a right hand turn bay to be accommodated to serve vehicles accessing the site from the east.

The existing footway running on the northern side of Lewes Road, flanking the southern site boundary will be widened to 3 metres where possible and 2 metres in all other places. These widening works would improve the functionality of the footway, allowing for increased usage and better accessibility. The widened sections would also support use by cyclists and this would be likely to encourage the use of bicycles around the site. It is therefore considered these works are consistent with the objectives of policy 8.4 of the Ringmer Neighbourhood Plan which seeks to secure a cycle/mobility scooter route linking Broyle Side with main service sites in Ringmer village.

A new toucan crossing (a controlled crossing wide enough to allow cyclists and pedestrians to cross together) would be provided adjacent to the vehicular access to the King's Academy.

A total of 158 allocated parking spaces would be provided across the development, positioned on private driveways or within shared courtyard areas. An additional 30 visitor parking bays would also be provided along with a car club parking bay. A number of dwellings are provided with garages which may provide additional parking capacity although they have not been counted in the figures above due to research supporting the 2024 ESCC Guidance on Parking at New Developments identifying a poor uptake in the use of garages for parking at a national level, with them more frequently being utilised for storage.

It is noted that the quantum of parking falls below the target set out in RNP policy 8.3 (which requires two allocated spaces for 1, 2 and 3 bed dwellings and 3 allocated spaces per 4 bed dwelling. There was a similar conflict in the development at the site to the west which was recently allowed on appeal, LW/21/0694 (PINs ref: 3313204). In allowing the appeal the Inspector noted that the highway authority was satisfied with the number of spaces provided (as is the case for the current application) and that seeking a higher amount of spaces would conflict with LLP2 policy DM35, which encourages the use of sustainable modes of transport. The Inspector maintained that DM35 should prevail and, therefore, a shortfall of parking spaces in relation to the RNP was acceptable.

ESCC Highways have assessed the scheme and have not raised any objection regarding the volume of traffic the development would generate, the suitability and functionality of the proposed site access and the quantum of parking provided within the development. They are also satisfied that the proposed off site highway works can deliver improvements, particularly in relation to the pedestrian environment through the widening of the footway and provision of a new controlled crossing adjacent to the secondary school.

As stated earlier in this report, the layout of the site is considered to promote walking by providing a network of footways connecting different parts of the development, though providing buffers between footways and roads and by including pedestrian only access/egress points along the southern boundary of the site. It is considered that this makes these measures provide an appropriate degree of pedestrian permeability , providing connections with the main footway route into the village as well as to the public right of way network that provides access to the surrounding countryside.

Tracking diagrams show the internal road network can be negotiated by delivery and serving vehicles, which would be able to safely turn at various places within the site and therefore proceed into the site, through the site and out of the site in forward gear.

The occupants of all dwellings would be provided with electric vehicle charging points, as is now a requirement to meet building regulations. An additional condition will be attached to ensure these charging points are retained in place thereafter. Suitable cycle storage facilities will also be secured by condition. Along with the physical highway works set out above, a section 106 agreement will also be used to secure contributions to fund bus service improvements as well as a green travel plan to be issued to all occupants of the development. This plan would include information and incentives to promote the use of more sustainable modes of transport among residents.

8.11 Sustainability:

Ringmer is identified in LLP1 as a rural service centre. These are defined as sustainable locations (with either a frequent bus or rail service) with a number of key services and facilities that meet many day to day needs of their residents and those from the wider rural hinterland. There are also some employment opportunities available.

The site is on the edge of Ringmer, within approx. 650 metres walking distance of the main shopping area within the village, opposite the King's Academy Secondary School and within approx. 550 metres walking distance of the primary school. Bus routes providing connections to nearby towns such as Lewes, Brighton, Eastbourne and Uckfield pass through the village fairly regularly and there are bus stops within relatively close proximity either side of the site.

Therefore, the site is considered to be in a sustainable location, noting the good connectivity it has with the rest of the village, which would be improved further through the proposed off-site highway works. It is recognised that trips would need to be made to larger towns for some purposes and that a number of these trips would be likely to be made by private car but it is also important to note that there are other options available, particularly the bus service.

A good amount of soft landscaping would be provided within the built up area of the site, including street trees. This planting would provide a useful function in intercepting/absorbing surface water, improving ground stability and, in the case of the street trees, providing cooling and shading when in leaf in the spring and summer whilst not reducing access to natural light when bare during autumn and winter months.

The development does not include any single aspect units and all dwellings are served by an appropriate amount of windows and openings that, due to the site layout, would allow for good levels of access to natural light throughout the day. This also applies to natural ventilation. Overall, this would reduce demands for artificial light and mechanical cooling within buildings.

The energy and sustainability statement accompanying the application confirms that all dwellings would be fitted with air source heat pumps and roof mounted solar panels. Water efficiency measures would also be installed. A condition will be used to secure the full specifications of all

energy saving/carbon reduction measures that would be included within the development as well as during the construction phase.

During the construction stage, the applicant would be required to adhere to a Site Waste Management Plan (SWMP) that will detail how wastage of materials would be reduced as far as practicable and that surplus materials would be re-used or recycled wherever possible.

8.12 Economic Impact

The proposed development would provide temporary economic benefits through the creation of construction jobs and CIL contributions. Given the site is well connected to Ringmer, it is considered likely that future occupants will regularly use local shops and services, providing an economic benefit. There is also a likelihood that the dwellings would accommodate people working for local businesses.

The Green Man public house is adjacent to the proposed development. However, the green buffer on the eastern side of the development would ensure that there are no dwellings within close proximity of the public house. A Noise Assessment has been undertaken by the applicant and it has concluded that activities at the public house, including use of the beer garden, would not result in unacceptable noise levels within the proposed dwellings. It is therefore considered that the presence of the development would not present an impediment to the operations of the public house by providing a potential source of noise complaints.

8.13 Agricultural Impact

LLP2 policy DM19 states that 'development that would result in the irreversible loss of the best and most versatile (BMV) agricultural land (Grades 1, 2, 3a in the DEFRA Agricultural Land Classification System) will not be permitted unless it can be demonstrated that there are no suitable alternative locations and the proposal would have overriding sustainability benefits that outweigh the loss of land from agricultural use.' The proposed scheme would involve the loss of agricultural land and, therefore, further information on the quality of the land would need to be provided.

The application is accompanied by a soil assessment that confirms the southern half of the site is almost entirely grade 3a agricultural land and, therefore, falls within the BMV category.

The applicant has acknowledged this and argues that the selection of the site for residential development is reasonable given other constraints impacting upon surrounding land and the district as a whole, including the need to protect the National Park, to avoid land at risk of flooding and to also frame the application against the shortfall of land identified for housing delivery within the district. The applicant also argues that the 3a area is relatively small and that such fragmented areas of BMV land have reduced value.

There are parallels between the application and the development adjacent to Mongers Mead in Barcombe that was recently granted outline permission on appeal (LPA ref: LW/22/0459, PINs ref: 3323308). This development involved building over higher grade 2 land and, whilst the Inspector identified a conflict with policy DM19, he afforded it small weight, citing the shortage of housing land within the district and the consequent need to develop sites for housing, acknowledging that many of these sites will be greenfield given the extent of the shortfall and the rural nature of its planning area. He also noted the constraints associated with the proximity of land within the district to the SDNP and noted that, whilst the most recently issued Land Availability Assessment (LAA) sought to avoid sites in BMV land, the LAA did not identify sufficient housing land to meet delivery targets.

Given the similarities in the two schemes, including the current status of the Council's housing land supply, it is considered that the loss of BMV land resulting from the proposed development should be afforded limited weight, as was the case with LW/22/0459.

The proposed access road would also provide a means of access to the neighbouring field to the north by farm vehicles, which is considered to be of benefit to agriculture. The route for farm vehicles is direct so they would only pass a minimal number of dwellings. It is also unlikely that the access would be used excessively. It is therefore considered that the farm access would not impact on the functionality of the developments internal road network nor result in any unacceptable impact upon the amenities of neighbouring residents.

8.14 Environmental Impact:

There would be noise, light and air emissions associated with the development both post completion as well as during the construction phase.

As stated earlier in the report, it is considered that a robust Construction Environmental Management Plan (CEMP) could be used to manage potential sources of nuisance and pollution in the construction phase. Once construction is complete, the potential for unacceptable pollution subsides and the noise and general activity associated with it would be consistent with surrounding uses.

The operational phase of the development would, however, introduce additional traffic that would generate air emissions. The application is accompanied by an Air Quality Assessment which considers the impacts this additional traffic would have upon air quality in the environment around the development. The report concludes that the impact of the proposed development at all existing receptors for all pollutants and averaging periods is classified as negligible in accordance with the Institute of Air Quality Management (IAQM) guidance, therefore mitigation is not required. Nevertheless, a number of measures are recommended as a means to reduce emissions and these include use of low nitrogen oxide

gas boilers (not applicable as the development will utilise air source heat pumps), provision of electric vehicle charging points (which will be provided) and a number of sustainable transport measures which can be incorporated into the green travel plan to be secured by section 106 agreement.

A condition will be used to secure a sensitive external lighting strategy to ensure such lighting is kept to an absolute minimum and, where it is provide, it is appropriately controlled. This would prevent unacceptable light pollution that would harm the tranquil night time environment of the surrounding countryside as well as harmfully impact upon wildlife.

As stated earlier in this report, the proposed drainage infrastructure would include apparatus to prevent contaminants from being discharged into surrounding watercourses via the surface water drainage system.

8.15 Planning Obligations:

A section 106 agreement to secure policy compliant affordable housing provision, highway improvements, a travel plan, bus and school transport contributions, car club parking and landscape/biodiversity management was signed at the outline stage. No further legal agreement is required.

8.16 Human Rights Implications:

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.

9. Recommendations

- 9.1 It is recommended that permission is granted subject to the conditions listed below and a section 106 to secure the planning obligations set out in section 8.15.

10. Conditions:

10.1 Time limit

The development to which this permission relates shall be begun within three years of the date of this permission.

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).

10.2 External Materials

No external materials or finishes shall be applied until a schedule of materials (including full specification and photographs) has been submitted to an approved by the Local Planning Authority. This shall include rainwater goods and window and door frames. 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.

Reason: In the interest of visual amenity in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM25 and DM33, para. 135 of the NPPF and RNP policies 9.1 and 9.3.

10.3 Surface Water Drainage

No development shall take place until a surface water drainage plan has been submitted to and approved in writing by the local planning authority. The plan must address the following requirements:-

- Surface water discharge rates not exceeding greenfield runoff rates for all rainfall events, including those with 1 in 100 (+45% for climate change) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features and the detailed site levels design.
- Provide details of the outfall of the proposed attenuation structure and how it connects to the watercourse together with a technical design for the watercourse diversion should be provided as part of the detailed design. This should include cross sections and invert levels together with construction details.
- Provide information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
- Provide detailed design of the attenuation structures should be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level, or, where this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.

The development shall thereafter be carried out and maintained in accordance with the approved drainage details.

Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22, RNP policy 8.11 and para. 175 of the NPPF.

10.4 **Drainage Maintenance and Management**

No development shall take place until a maintenance and management plan for the entire drainage system has been submitted to and approved in writing by the local planning authority. The management plan shall cover the following:

- (i) Responsibilities for managing all aspects of the surface water drainage system, including piped drains.
- (ii) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development.

Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22, RNP policy 8.11 and para. 175 of the NPPF.

10.5 **Drainage Installation**

Prior to the occupation of any dwelling the development hereby approved, evidence (including photographs) should be submitted showing that the drainage system associated with it has been constructed as per the final agreed detailed drainage designs.

Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22, RNP policy 8.11 and para. 175 of the NPPF.

10.6 **Foul Drainage**

No development shall commence until a detailed foul drainage plan has been submitted to and approved by the Local Planning Authority. The drainage plan shall be supported by correspondence with Southern Water along with confirmation of an appropriate connection agreement, agreed discharge rates and details of any necessary improvements that would need to be made to the existing sewerage infrastructure. No part of the development shall be occupied until the approved drainage scheme has been submitted and any required improvements made to the drainage network.

Reason: In order to ensure drainage is managed correctly and surrounding water bodies are protected from pollution in accordance with LLP1 policies CP10 and CP12, LLP2 policy DM22, RNP policy 8.11 and para. 163, 165 and 174 of the NPPF.

10.7 **Hard and Soft Landscaping**

Prior to completion 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:

- 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.

All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation 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 building 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 others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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 policies CP8 and CP10, LLP2 policies DM24, DM25 and DM27, RNP policies 4.6, 4.9, 4.10 and 9.6 and para. 180 of the NPPF

10.8 **Play Areas:**

The LAP and LEAP play areas shown on the approved plans shall be laid out, equipped, landscaped and properly retained, in accordance with full details and specifications, which are to be submitted to and approved by the Local Planning Authority at an agreed stage or stages no later than the occupation of the 5th unit of the development. Seating for adults must be provided.

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

Reason: To provide a healthy living environment in accordance with policies DM15 and DM16 of LLP2, RNP policy 7.5 and section 8 of the NPPF.

10.9 **Compliance with existing report and plans**

All ecological measures and/or works, including required mitigation, shall be carried out in accordance with the recommendations in the Ecological Impact Assessment (The Ecology Partnership, November 2023), Bat Activity Transect Survey report (The Ecology Partnership, 21/11/2023) and Water Vole Survey Report (The Ecology Partnership, 21/11/2023) and the mitigation for badgers and other terrestrial mammals recommended in the Preliminary Ecological Appraisal (The Ecology Partnership, April 2021), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 180 and 186 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006 and local policy.

10.10 **Biodiversity Method Statement**

No development shall take place (including any demolition, ground works, site clearance) until a precautionary working method statement for amphibians (including great crested newts), reptiles and dormice has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protect species from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended and the Conservation of Habitats and Species Regulations 2017, as amended in accordance with LLP1 policy CP10, LLP2 policy DM24, RNP policies 4.9, 4.10 and 4.11 and para. 180 of the NPPF.

10.11 **Ecological Design Strategy**

No development shall take place until an ecological design strategy (EDS) addressing protection of retained habitat and ecological compensation and enhancement, for protected/notable species and to achieve a minimum 10% biodiversity net gain, has been submitted to and approved in writing by the local planning authority. Details should also be provided of any measures required to help limit disturbance of habitats and species (e.g. planting, paths, signs, fencing). The EDS should be in line with best practice and informed by and in broad accordance with details contained within the ecological survey reports, including the Preliminary Ecological Appraisal (The Ecology Partnership, April 2021), Ecological Impact Assessment (The Ecology Partnership, November 2023), Reptile Presence / Likely Absence Survey (The Ecology Partnership, November 2023), Bat Activity Transect Survey (The Ecology Partnership, November 2023) and Biodiversity Net Gain Assessment (The Ecology Partnership, May 2024) and the Landscape Strategy Plan (CSA Environmental, May 2024). The EDS shall include the following:

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

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

Reason: To ensure that the measures considered necessary to compensate for the loss of habitats and enhance the site to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, in accordance with LLP1 policy CP10, LLP2 policy DM24, RNP policies 4.9, 4.10 and 4.11 and para. 180 and 186 of the NPPF.

10.12 Landscape and Ecological Management Plan (LEMP)

A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to 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, together with a plan of management compartments;
- f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) details of the body or organisation responsible for implementation of the plan;
- h) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plans shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features in accordance with LLP1 policy CP10, LLP2 policy DM24, RNP policies 4.9, 4.10 and 4.11 and para. 180 of the NPPF.

10.13 **Sensitive Lighting**

Prior to occupation, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for species (including bats) and that are likely to cause disturbance in or around their breeding sites and resting places or along

important routes used to access key areas of their territory, for example, for foraging; and

- b) show how and where external lighting will be installed (through the provision of appropriate lighting plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

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

Reason: Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation in accordance with LLP1 policy CP10, LLP2 policies DM20 and DM24, RNP policies 4.9, 4.10 and 4.11 and para. 180 of the NPPF.

10.14 **Secured by Design**

Prior to the first occupation of any part of the development hereby permitted, information shall be submitted to and approved in writing by the Local Planning Authority detailing how the development would adhere to the principles of Secured by Design. The development shall be carried out and retained in accordance with the agreed details.

Reason: In order to provide a healthy and safe environment for future occupants of the development and the wider public in accordance with LLP1 policy CP11, LLP2 policy DM25 and para. 96 of the NPPF.

10.15 **Archaeological Works**

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.

No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition.

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 194-205 of the National Planning Policy Framework 2018.

10.16 **Contaminated Land**

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

- a) Additional site investigation scheme, based on preliminary investigations already undertaken to provide information for a detailed assessment of the risk to all receptors that may be affected including those off site;
- b) The results of the site investigation and the detailed risk assessment referred to in (a) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM20, DM22 and DM23 and para. 189 of the NPPF.

10.17 **Unexpected contamination**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

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 policies CP10 and CP11, LLP2 policies DM20, DM22 and DM23 and para. 189 of the NPPF.

10.18 **Verification report**

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall include any plan (a □ long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM20, DM22 and DM23 and para. 189 of the NPPF.

10.19 **Sustainability**

Prior to the first occupation of any part of the development, full details of all sustainability measures to be provided as part of the development, following the principles set out in the submitted Sustainability and Energy Statements and Air Quality Assessment, shall be submitted to, and approved by the Local Planning Authority and the development carried out and maintained in full accordance with the approved details.

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.

10.20 **Construction Environmental Management Plan**

No development shall take place, including any ground works or works of demolition, until a Construction Environmental 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 entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:-

- 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,
- 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.
- Details of measures to prevent surface water flooding during construction works.
- Site waste management plan
- Hours of working
- Demonstration that best practicable means have been adopted to mitigate the impact of noise and vibration from construction activities.
- Details of the use of protective fences, exclusion barriers and warning signs.
- Details of the location and appearance of the site offices and storage area for materials, including a bunded area with solid base for the storage of liquids, oils, and fuel.
- Details of any external lighting.
- Site Waste Management Plan

Reason: In the interests of highway safety and the amenities of the area in accordance LLP1 policies CP11 and CP13, LLP2 policies DM20, DM23 and DM25 and para. 114 and 116 and 180 of the NPPF

10.21 **Permitted Development Restriction**

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, classes AA, B, C and F of that Order, shall be erected or undertaken on the site unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

Reason: In the interest of visual amenity and to protect the setting of the Grade II Listed Buildings at Broyle Gate Farmhouse in accordance with

LLP1 policy CP11, LLP2 policies DM25 and DM33 and para. 135 and 208 of the NPPF.

10.22 Noise Mitigation

Prior to the construction of the residential development, a scheme of glazing and ventilation shall be submitted to and approved in writing by the Local Planning Authority, to achieve internal noise levels recommended in BS 8233 and WHO for habitable rooms. The development shall be implemented in accordance with the approved details. The proposed residential units shall not be occupied until a validation report has been provided by a suitably qualified acoustic consultant to demonstrate that the required internal noise levels requirements have been achieved.

Living Room 35 dB LAeq,16hr.
Bedrooms 30 dB LAeq,8hr and 42 dB LAF,max

Reason: In the interest of environmental, and residential amenity in accordance with LLP1 policy CP11, LLP2 policies DM23 and DM25 and para.174 and 185 of the NPPF.

10.23 **Additional Highway conditions will be added once these have been confirmed by ESCC.**

11. Plans:

11.1 This decision relates solely to the following plans:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Site Location Plan	01/12/23	H134-THA-PP-ZZ-D-A-0001 P01
Proposed Site Plan	26/09/24	H134-THA-PP-ZZ-D-A-0010 P06
Parking and Cycle Storage Plan	19/08/24	H134-THA-PP-ZZ-D-A-0037 P04
Highways and Site Access General Arrangements – Proposed Works Plan	13/09/24	18-244-210F
Floor Plans & Roof Plan (P1-2)	16/05/24	H134-THA-PP-B001-D-A-0001 P02
Elevations (P1-2)	16/05/24	H134-THA-PP-B001-D-A-0002 P02
Floor Plans & Roof Plan (P3)	16/05/24	H134-THA-PP-B002-D-A-0001 P02

Elevations (P3)	16/05/24	H134-THA-PP-B002-D-A-0002 P02
Garage Plans & Elevations (P3)	16/05/24	H134-THA-PP-B003-D-A-0001 P02
Floor Plans & Roof Plan (P4-5)	16/05/24	H134-THA-PP-B004-D-A-0001 P02
Elevations (P4-5)	16/05/24	H134-THA-PP-B004-D-A-0002 P02
Floor Plans & Roof Plan (P6-7)	16/05/24	H134-THA-PP-B005-D-A-0001 P02
Elevations (P6-7)	16/05/24	H134-THA-PP-B005-D-A-0002 P02
Floor Plans (P8-15)	19/08/24	H134-THA-PP-B006-D-A-0003 P03
Floor Plan & Roof Plan (P8-15)	16/05/24	H134-THA-PP-B006-D-A-0002 P03
Elevations (P8-15)	16/05/24	H134-THA-PP-B006-D-A-0003 P02
Floor Plan (P16-19)	19/08/24	H134-THA-PP-B007-D-A-0001 P03
Floor Plan (P16-19)	19/08/24	H134-THA-PP-B007-D-A-0002 P03
Roof Plan (P16-19)	19/08/24	H134-THA-PP-B007-D-A-0003 P03
Elevations (P16-19)	19/08/24	H134-THA-PP-B007-D-A-0004 P03
Floor Plan (P20-25)	19/08/24	H134-THA-PP-B008-D-A-0001 P03
Floor Plan (P20-25)	19/08/24	H134-THA-PP-B008-D-A-0002 P03
Floor Plan (P20-25)	19/08/24	H134-THA-PP-B008-D-A-0003 P03
Roof Plan (P20-25)	19/08/24	H134-THA-PP-B008-D-A-0004 P03
Elevations (P20-25)	19/08/24	H134-THA-PP-B008-D-A-0005 P03
Floor Plans & Roof Plan (P26-27)	16/05/24	H134-THA-PP-B009-D-A-0001 P02
Elevations (P26-27)	16/05/24	H134-THA-PP-B009-D-A-0002 P02
Floor Plans & Roof Plan (P28-29)	16/05/24	H134-THA-PP-B010-D-A-0001 P02
Elevations (P28-29)	16/05/24	H134-THA-PP-B010-D-A-0002 P02

Appendix 1

Floor Plans & Roof Plan (P30)	16/05/24	H134-THA-PP-B011-D-A-0001 P02
Elevations (P30)	16/05/24	H134-THA-PP-B011-D-A-0002 P02
Floor Plans & Roof Plan (P31-32)	16/05/24	H134-THA-PP-B012-D-A-0001 P02
Elevations (P31-32)	16/05/24	H134-THA-PP-B012-D-A-0002 P02
Floor Plans & Roof Plan (P33)	16/05/24	H134-THA-PP-B013-D-A-0001 P02
Elevations (P33)	16/05/24	H134-THA-PP-B013-D-A-0002 P02
Floor Plans & Roof Plan (P34-36)	16/05/24	H134-THA-PP-B014-D-A-0001 P02
Elevations (P34-36)	16/05/24	H134-THA-PP-B014-D-A-0002 P02
Floor Plans & Roof Plan (P37-38)	16/05/24	H134-THA-PP-B015-D-A-0001 P02
Elevations (P37-38)	16/05/24	H134-THA-PP-B015-D-A-0002 P02
Floor Plans & Roof Plan (P39-40)	16/05/24	H134-THA-PP-B016-D-A-0001 P02
Elevations (P39-40)	16/05/24	H134-THA-PP-B016-D-A-0002 P02
Floor Plans (P41-48)	16/05/24	H134-THA-PP-B017-D-A-0001 P02
Floor Plans & Roof Plan (P41-48)	16/05/24	H134-THA-PP-B017-D-A-0002 P02
Elevations (P41-48)	16/05/24	H134-THA-PP-B017-D-A-0003 P02
Cycle Store Plans & Elevations (P41-54)	19/08/24	H134-THA-PP-B018-D-A-0001 P03
Floor Plan (P49-54)	16/05/24	H134-THA-PP-B019-D-A-0001 P02
Floor Plan (P49-54)	16/05/24	H134-THA-PP-B019-D-A-0002 P02
Floor Plan (P49-54)	16/05/24	H134-THA-PP-B019-D-A-0003 P02
Roof Plan (P49-54)	16/05/24	H134-THA-PP-B019-D-A-0004 P02
Elevations (P49-54)	16/05/24	H134-THA-PP-B019-D-A-0005 P02
Floor Plans (P55-56)	16/05/24	H134-THA-PP-B020-D-A-0001 P02

Roof Plan (P55-56)	16/05/24	H134-THA-PP-B020-D-A-0002 P02
Elevations (P55-56)	16/05/24	H134-THA-PP-B020-D-A-0003 P02
Garage Plans & Elevations (P56-57)	16/05/24	H134-THA-PP-B021-D-A-0001 P02
Floor Plans (P57-58)	16/05/24	H134-THA-PP-B022-D-A-0001 P02
Roof Plan (P57-58)	16/05/24	H134-THA-PP-B022-D-A-0002 P02
Elevations (P57-58)	16/05/24	H134-THA-PP-B022-D-A-0003 P02
Garage Plans & Elevations (P58-59)	16/05/24	H134-THA-PP-B023-D-A-0001 P02
Floor Plans (P59-60)	16/05/24	H134-THA-PP-B024-D-A-0001 P02
Roof Plan (P59-60)	16/05/24	H134-THA-PP-B024-D-A-0002 P02
Elevations (P59-60)	16/05/24	H134-THA-PP-B024-D-A-0003 P02
Garage Plans & Elevations (P60-61)	16/05/24	H134-THA-PP-B025-D-A-0001 P02
Floor Plans & Roof Plan (P61)	16/05/24	H134-THA-PP-B026-D-A-0001 P02
Elevations (P61)	16/05/24	H134-THA-PP-B026-D-A-0002 P02
Garage Plans & Elevations (P62)	16/05/24	H134-THA-PP-B027-D-A-0001 P02
Floor Plans & Roof Plan (P62)	16/05/24	H134-THA-PP-B028-D-A-0001 P02
Elevations (P62)	16/05/24	H134-THA-PP-B028-D-A-0002 P02
Garage Plans & Elevations (P63)	16/05/24	H134-THA-PP-B029-D-A-0001 P02
Floor Plans & Roof Plan (P63)	16/05/24	H134-THA-PP-B030-D-A-0001 P02
Elevations (P63)	16/05/24	H134-THA-PP-B030-D-A-0002 P02
Garage Plans & Elevations (P64)	16/05/24	H134-THA-PP-B031-D-A-0001 P02

Floor Plans & Roof Plan (P64)	16/05/24	H134-THA-PP-B032-D-A-0001 P02
Elevations (P64)	16/05/24	H134-THA-PP-B032-D-A-0002 P02
Floor Plans & Roof Plan (P65)	16/05/24	H134-THA-PP-B033-D-A-0001 P02
Elevations (P65)	16/05/24	H134-THA-PP-B033-D-A-0002 P02
Garage Plans & Elevations (P65-66)	16/05/24	H134-THA-PP-B034-D-A-0001 P02
Floor Plans & Roof Plan (P66)	16/05/24	H134-THA-PP-B035-D-A-0001 P02
Elevations (P66)	16/05/24	H134-THA-PP-B035-D-A-0002 P02
Floor Plans & Roof Plan (P67)	16/05/24	H134-THA-PP-B036-D-A-0001 P02
Elevations (P67)	16/05/24	H134-THA-PP-B036-D-A-0002 P02
Garage Plans & Elevations (P67-68)	16/05/24	H134-THA-PP-B037-D-A-0001 P02
Floor Plans (P68-69)	16/05/24	H134-THA-PP-B038-D-A-0001 P02
Floor Plans & Roof Plan (P68-69)	16/05/24	H134-THA-PP-B038-D-A-0002 P02
Elevations (P68-69)	16/05/24	H134-THA-PP-B038-D-A-0003 P02
Garage Plans & Elevations (P69-70)	16/05/24	H134-THA-PP-B039-D-A-0001 P02
Floor Plans (P70-71)	16/05/24	H134-THA-PP-B040-D-A-0001 P02
Floor Plans & Roof Plan (P70-71)	16/05/24	H134-THA-PP-B040-D-A-0002 P02
Elevations (P70-71)	16/05/24	H134-THA-PP-B040-D-A-0003 P02
Garage Plans & Elevations (P71-72)	16/05/24	H134-THA-PP-B041-D-A-0001 P02
Floor Plans (P72-73)	16/05/24	H134-THA-PP-B042-D-A-0001 P02
Roof Plan (P72-73)	16/05/24	H134-THA-PP-B042-D-A-0002 P02
Elevations (P72-73)	16/05/24	H134-THA-PP-B042-D-A-0003 P02

Garage Plans & Elevations (P73-74)	16/05/24	H134-THA-PP-B043-D-A-0001 P02
Floor Plans & Roof Plan (P74)	16/05/24	H134-THA-PP-B044-D-A-0001 P02
Elevations (P74)	16/05/24	H134-THA-PP-B044-D-A-0002 P02
Floor Plans & Roof Plan (P75)	16/05/24	H134-THA-PP-B045-D-A-0001 P02
Elevations (P75)	16/05/24	H134-THA-PP-B045-D-A-0002 P02
Garage Plans & Elevations (P75)	16/05/24	H134-THA-PP-B046-D-A-0001 P02
Floor Plans & Roof Plan (P76)	16/05/24	H134-THA-PP-B047-D-A-0001 P02
Elevations (P76)	16/05/24	H134-THA-PP-B047-D-A-0002 P02
Garage Plans & Elevations (P76)	16/05/24	H134-THA-PP-B048-D-A-0001 P02
Floor Plans & Roof Plan (P77)	16/05/24	H134-THA-PP-B049-D-A-0001 P02
Elevations (P77)	16/05/24	H134-THA-PP-B049-D-A-0002 P02
Garage Plans & Elevations (P77)	16/05/24	H134-THA-PP-B050-D-A-0001 P02
Floor Plans & Roof Plan (P78)	16/05/24	H134-THA-PP-B051-D-A-0001 P02
Elevations (P78)	16/05/24	H134-THA-PP-B051-D-A-0002 P02
Garage Plans & Elevations (P78)	16/05/24	H134-THA-PP-B052-D-A-0001 P02
Floor Plans & Roof Plan (P79)	16/05/24	H134-THA-PP-B053-D-A-0001 P02
Elevations (P79)	16/05/24	H134-THA-PP-B053-D-A-0002 P02
Garage Plans & Elevations (P79-80)	16/05/24	H134-THA-PP-B054-D-A-0001 P02
Floor Plans & Roof Plan (P80)	16/05/24	H134-THA-PP-B055-D-A-0001 P02

Elevations (P80)	16/05/24	H134-THA-PP-B055-D-A-0002 P02
Garage Plans & Elevations (P81)	16/05/24	H134-THA-PP-B056-D-A-0001 P02
Floor Plans & Roof Plan (P81)	16/05/24	H134-THA-PP-B057-D-A-0001 P02
Elevations (P81)	16/05/24	H134-THA-PP-B057-D-A-0002 P02
Floor Plans (P82)	16/05/24	H134-THA-PP-B058-D-A-0001 P02
Roof Plan (P82)	16/05/24	H134-THA-PP-B058-D-A-0002 P02
Elevations (P82)	16/05/24	H134-THA-PP-B058-D-A-0003 P02
Floor Plans & Roof Plan (P83)	16/05/24	H134-THA-PP-B059-D-A-0001 P02
Elevations (P83)	16/05/24	H134-THA-PP-B059-D-A-0002 P02
Garage Plans & Elevations (P83)	16/05/24	H134-THA-PP-B060-D-A-0001 P02
Floor Plans & Roof Plan (P84)	16/05/24	H134-THA-PP-B061-D-A-0001 P02
Elevations (P84)	16/05/24	H134-THA-PP-B061-D-A-0002 P02
Garage Plans & Elevations (P84)	16/05/24	H134-THA-PP-B062-D-A-0001 P02
Floor Plans & Roof Plan (P85)	16/05/24	H134-THA-PP-B063-D-A-0001 P02
Elevations (P85)	16/05/24	H134-THA-PP-B063-D-A-0002 P02
Garage Plans & Elevations (P85)	16/05/24	H134-THA-PP-B064-D-A-0001 P02
Floor Plans (P86-87)	16/05/24	H134-THA-PP-B065-D-A-0001 P02
Roof Plan (P86-87)	16/05/24	H134-THA-PP-B065-D-A-0002 P02
Elevations (P86-87)	16/05/24	H134-THA-PP-B065-D-A-0003 P02
Garage Plans & Elevations (P87-88)	16/05/24	H134-THA-PP-B066-D-A-0001 P02

Floor Plans & Roof Plan (P88)	16/05/24	H134-THA-PP-B067-D-A-0001 P02
Elevations (P88)	16/05/24	H134-THA-PP-B067-D-A-0002 P02
Floor Plans & Roof Plan (P89-91)	16/05/24	H134-THA-PP-B068-D-A-0001 P02
Elevations (P89-91)	16/05/24	H134-THA-PP-B068-D-A-0002 P02
Floor Plans & Roof Plan (P92)	16/05/24	H134-THA-PP-B069-D-A-0001 P02
Floor Plans & Roof Plan (P93-94)	16/05/24	H134-THA-PP-B070-D-A-0001 P02
Elevations (P93-94)	16/05/24	H134-THA-PP-B070-D-A-0002 P02
Floor Plans & Roof Plan (P95)	16/05/24	H134-THA-PP-B071-D-A-0001 P02
Elevations (P95)	16/05/24	H134-THA-PP-B071-D-A-0002 P02
Substation Enclosure Plan & Elevations	16/05/24	H134-THA-PP-B072-D-A-0001 P02

12.	Informatives
12.1	<p>District Licence for Great Crested Newts</p> <p>Please note that if mitigation works related to Great Crested Newts are to be carried out under the District Licencing scheme then this would require an application for variation of condition in order to allow for the specifics of the licence to be listed in the planning conditions. This would not apply if a European Protected Species licence is used instead.</p>