

Report to: Planning Applications Committee
Date: 5 February 2025
Application No: LW/24/0217
Location: Land to the south of Allington Road, Newick
Proposal: Erection of 27 dwellings with access, roads, parking, open space, SuDs and associated infrastructure.
Applicant: BYond Homes Ltd
Ward: Newick

Recommendation:

- 1) Approve subject to conditions and s106 agreement to secure 40% Affordable Housing, Highway Contributions/Improvements, Local Equipped Area of Play (LEAP), Landscape and Ecological Management Plan and Biodiversity Monitoring and SANGs and SAMMs contributions.
- 2) If the S106 is not substantially completed within 3 months, then the application be refused on the lack of certainty on the infrastructure needed to support/mitigate the development.

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Site Location Plan



1	Executive Summary
1.1	It is considered that the proposed development would represent an appropriately efficient use of land within a relatively sustainable location, albeit outside of the settlement boundary.
1.2	It is considered that, whilst the proposed development would result in moderate harm due to localised landscape impact and development and the introduction of development of a layout and scale that is not entirely cohesive with the existing street scene, these harms are outweighed by the benefits of providing a significant amount of new dwellings including a good mix of unit sizes and a policy compliant affordable housing contribution.
1.3	It is considered that the access arrangements for the site are acceptable, as is the proposed drainage strategy. It is also considered that ecological impact can be mitigated through the retention and protection of existing valuable habitats including the broad leaved woodland, hedgerow and TPO trees and through enhancement works that would achieve an appropriate level of biodiversity net gain.
1.4	As set out in section 8.1 of this report, the determination of the application should apply the planning balance as per para. 11 of the NPPF. This exercise is provided in para. 1.5 to 1.10:-
1.5	<p>Housing Delivery</p> <p>The proposed development would deliver a net gain of 27 dwellings, including 11 affordable homes, in a sustainable location. This is considered to carry significant positive weight in the planning balance.</p>
1.6	<p>Economic Impact</p> <p>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.</p>
1.7	<p>Highways and access:</p> <p>Off site highway works associated with the development would deliver enhancements to pedestrian infrastructure around the site and to local public transport infrastructure. This is considered to carry limited positive weight in the planning balance.</p>

	<p>Biodiversity:</p> <p>The proposed development would retain existing valued habitat 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.</p>
1.8	<p>Drainage:</p> <p>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.</p>
1.9	<p>Landscape Impact</p> <p>The proposed development would result in the loss of open green space that is currently a strong visual presence in the Allington Road street scene and the approach to Newick. However, this impact would be localised, with retained woodland and hedgerow providing containment and preventing harm to the wider valued Low Weald countryside.</p> <p>It is considered that this should be afforded moderate negative weight in the planning balance.</p>
1.10	<p>Placemaking and Urban Design</p> <p>The proposed development would be provided at a depth that would contrast with the general ribbon form of development on the southern side of Allington Road. However, design measures have been taken to reduce the visual impact of the depth development and overall layout retains a broadly linear form, albeit in two lines rather than one. It is considered that this should be afforded limited negative weight in the planning balance.</p>
2.	Relevant Planning Policies
2.1	<p><u>National Planning Policy Framework</u></p> <ul style="list-style-type: none"> 2. Achieving sustainable development 4. Decision making 5. Delivering a sufficient supply of homes 8. Promoting healthy and safe communities 9. Promoting sustainable transport 11. Making effective use of land 12. Achieving well-designed places 14. Meeting the challenge of climate change, flooding, and coastal change 15. Conserving and enhancing the natural environment
2.2	<p><u>Lewes Local Plan Part 1 (LLP1):</u></p> <p>CP2 – Housing Type, Mix and Density</p>

	<p>CP7 – Infrastructure</p> <p>CP8 – Green Infrastructure</p> <p>CP9 – Air Quality</p> <p>CP10 – Natural Environment and Landscape.</p> <p>CP11 – Built and Historic Environment & Design</p> <p>CP12 – Flood Risk, Coastal Erosion and Drainage</p> <p>CP13 – Sustainable Travel</p> <p>CP14 – Renewable and Low Carbon Energy</p>
2.3	<p><u>Lewes Local Plan Part 2 (LLP2)</u></p> <p>DM1 – Planning Boundary</p> <p>DM14 – Multi-functional Green Infrastructure</p> <p>DM15 – Provision for Outdoor Playing Space</p> <p>DM16 – Children’s Play Space in New Housing Development</p> <p>DM20 – Pollution Management</p> <p>DM22 – Water Resources and Water Quality</p> <p>DM23 – Noise</p> <p>DM24 – Protection of Biodiversity and Geodiversity</p> <p>DM25 – Design</p> <p>DM27 – Landscape Design</p> <p>DM33 – Heritage Assets</p> <p>DM35 – Footpath, Cycle and Bridleway Network</p>
2.4	<p><u>Newick Neighbourhood Plan (NNP)</u></p> <p>HO1.1 – Housing Design</p> <p>HO1.2 – External Materials</p> <p>HO1.3 – Building Height</p> <p>HO1.4 – Provision of Smaller Homes</p> <p>HO1.5 – Parking</p> <p>HO1.7 – Ashdown Forest</p> <p>EN1 – Landscape Character</p> <p>EN2 – Wildlife Corridors</p> <p>TC1 – Sustainable Modes of Transport</p>

3.	Site Description
3.1	The site lies outside of the settlement boundary although it is contiguous with it on part of the eastern edge where the site shares the boundary with

	105 Allington Road. The overall site area is approx. 1.96 hectares. The topography slopes downward, broadly from north to south, with the highest level land being in the north-eastern corner.
3.2	The site comprises two distinct sections. The northern part of the site, which flanks Allington Road, is broadly rectangular and is currently in a low intensity use as paddocks. This part of the site is largely open grassland, with occasional trees including a row of five mature pine trees running north to south towards the eastern side of the site, all of which are the subject of a Tree Preservation Order. There is a further TPO tree in the north-western corner of the site, a mature oak positioned at the point where the access to Mitchelswood Farm splits from the access to Oxbottom Close to the west.
3.3	The southern part of the site is a wedge-shaped wooded area where there is a relatively dense arrangement of mature trees. Site boundaries are marked by hedgerow and woodland on the eastern and southern edges. The western boundary is flanked by a long driveway which runs south to Mitchelswood Farmhouse and is lined by regularly spaced poplars. The northern boundary is marked by post and rail fencing with occasional patches of bramble and dispersed coniferous trees.
3.4	A public right of way runs diagonally across the western edge of the paddocks and the woodland to the south lower part of the site after which it turns eastward running across the rear of fields and open greenspace behind plots on the southern side of Allington Road and the playing field and Newick Primary School.
3.5	To the south of the site, largely unbroken countryside extends towards the edge of Lewes, almost 6 miles away. The northern scarp of the South Downs is visible in distant views. To the west, there is sporadic housing development to the southern side of Western Road/Station Road, generally set back behind trees and hedging. To the north-west countryside extends across the Reedens Meadow Strategic Alternative Natural Greenspace (SANG) and onwards towards the High Weald Area of Outstanding Natural Beauty (AONB).
3.6	The settlement of Newick is concentrated towards the north-east of the site. The heart of the village takes the form of informal clusters of predominantly historic buildings around the High Street, The Green and Church Road, with the majority of the older parts of the village falling within the 'The Green' and 'Church Road' conservation areas which extend to within approx. 380 metres to the north and 475 metres east of the site respectively. Other residential development includes more clearly planned housing primarily constructed between the 1950's and 1970's, with these elements being more uniform in layout and design. Development on Allington Road itself is generally linear on the southern side and includes a mix of older dwellings with more modern infill development also present. Newick Primary School is also on the southern side of the road, approx. 295 metres to the east of the site at its closest point. Committee recently resolved to approve a development of 6 new dwellings on the opposite side of Allington Road to the site (104 Allington Road) although no

	approval has been issued to date as the section 106 agreement has not been signed.
3.7	The eastern part end of the site falls within the Ashdown Forest 7km zone of influence. The site falls within Flood Zone 1 and is therefore not at any notable risk of flooding as a result of tidal or fluvial activity. Government mapping also shows the entire site as being at very low risk of surface water flooding although it is noted that the section of Allington Road which flanks the north of the site has its risk level raised to low. There are no other specific planning designations or constraints attached to the site or the immediate surrounding area.
3.8	The site was assessed in the 2023 Land Availability Assessment (LAA) where it was considered to be unsuitable for development primarily due to concerns over landscape impact, particularly in regard to coalescence of Newick and North Chailey. More recently, the site has been included in the LDC Regulation 18 consultation on Early Site Allocations for the emerging Local Plan as site ESAP11, where a minimum allocation of 27 new dwellings is suggested.

4	Proposed Development
4.1	The application seeks full permission to erect a total of 27 dwellings on the site, served by a new access formed on Allington Road. The dwellings would be concentrated towards the northern part of the site, where the existing paddocks are, with the woodland to the south being retained for landscape and biodiversity functions.
4.2	The dwelling mix comprises:- <ul style="list-style-type: none"> 3) 6 x 1 bed flats; 4) 9 x 2 bed dwellings; 5) 8 x 3 bed dwellings; 6) 4 x 4 bed dwellings; 40% of the dwellings (11 units) would be provided as affordable housing, these being as follows:- <ul style="list-style-type: none"> 7) All 6 of the 1 bed flats; 8) 3 x 2 bed dwellings; 9) 2 x 3 bed dwellings;
4.3	All buildings, including those accommodating the flats, would be two-storeys in height. There would also be single-storey structures in the form of 12 x car ports, 3 of which would be freestanding with the others attached to dwellings. Two of the flat blocks would include single-storey flat roof elements that would house bin and cycle stores.
4.4	The development would be split into 3 'development areas'. These would be made up of an area intended to reflect a farmstead courtyard arrangement on the western end of the site, a central area which would

	include linear development fronting Allington Road and an informal cluster of detached dwellings with reduced ridge height towards the eastern end of the site, beyond the line of TPO pine trees and closest to the existing dwelling at 105 Allington Road.
4.5	The main site access would be formed roughly half way along the northern boundary of the site. Pedestrian and cycle only access would be provided at intervals from Allington Road on the eastern part of the site. The main access road would head south, with roads branching to the left and right to serve dwellings on the northern part of the site. The road would then turn to the east as it approaches the woodland, serving a second row of dwellings in the central development area and passing through an existing gap in the row of pine trees to provide access to the third development area at the eastern end of the site.
4.6	A total of 53 car parking bays would be provided across the development, with 48 of these for use by residents and a further 5 parking bays provided for visitors. The majority of parking would be allocated although there would be unallocated parking in the courtyard area to allow for greater flexibility over use.
4.7	The route of the public right of way that crosses the site would not be subject to any development although a new footpath would be included within the development to provide a direct link to the public right of way. The undeveloped parts of the site would include a 'village green' area formed in the north-western corner, adjacent to the footpath and the TPO oak tree, a green buffer between development areas two and three which would include the root protection areas of the TPO pine trees, surface water attenuation basins either side of the public right of way to the south of development area one and the retained woodland on the southern section of the site. New native hedgerow and tree planting would be carried out on the northern boundary and existing hedgerow and tree lines on other boundaries would be supplemented by new planting.

5.	Relevant Planning History:
5.1	E/56/0493 - Outline application for residential development - Refused 22 nd October 1956
5.2	LW/14/0703 (scheme including development of woodland and Mitchelswood Farm site to the south) - Erection of up to 63 residential dwellings (including affordable housing), open space and landscaping, new vehicular and pedestrian accesses and car parking, following the demolition of existing buildings on site – Refused 10 th February 2015. Appeal for scheme with number of dwellings reduced to up to 50 allowed by Secretary of State 23 rd November 2016. Appeal decision quashed by High Court on 4 th August 2017

	<p>Appeal against High Court decision dismissed on 8th June 2018 under DLA Delivery Ltd v Baroness Cumberlege of Newick[2018] EWCA Civ 1305</p> <p>Inquiry re-opened by Secretary of State. Appeal recovered and dismissed 16th February 2021</p>
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<p>6.</p>	<p>Consultations:</p>
<p>6.1</p>	<p>Newick Parish Council</p> <p>It was unanimously agreed to object to this application for the following reasons:-</p> <ol style="list-style-type: none"> 1) It contravenes the emerging Lewes District Council Local Plan. This Site is 16NW in the Land Availability Assessment (LAA) described as not developable or deliverable (red) for the following reasons; 'Site currently provides a gap between Newick and development along Station Road. The loss of the woodland area would be harmful to the character of the landscape and area. Complex application history but recently appeal dismissed by the Secretary of State (Ref: LW/14/0703). In his decision the Inspector concluded that the development of the site for housing would lead to serious and substantial harm to the local landscape. The area to the south of Allington Road is of high visual sensitivity as it is an open slope facing the countryside to the south. These open fields form a buffer between the village edge and the countryside to the south. Development would extend into the countryside and would have a significant and harmful effect on the character and appearance on the surrounding area and the village of Newick.' 2) Keeping Newick as a village - NPC has always embraced the idea that a village needs some growth and change in order to remain a vibrant and good place to live, but this should always be plan led. Our neighbourhood plan (NNP) was the first to be made in East Sussex and has been described by many in the Planning world as an excellent well researched and consulted document. This Site is not in our plan and is outside of the planning boundary and for this reason alone should be dismissed. We support the direction of the emerging new 6 local plan which recognises the need to preserve our open green spaces and there is plenty in the plan for Newick to do that and remain a village. It would result in coalescence of the villages of Newick and North Chailey. Effect on the natural environment 3) NatureSpace has concluded that the applicant has not adequately demonstrated that there will be no impact to great crested newts or to their habitat as a result of the development being approved. The applicant has only done a 'shadow' or initial screening Habitats Regulation Assessment which was a desk based activity.

- 4) Inadequate drainage and SUDS in the plan and potential for flood risk - The area is known locally to be boggy and in addition Southern Water has had numerous 'sewerage spills' in Newick. The sewerage farm at Goldbridge is on full capacity and mains water pressure is frequently poor. It is clear from the responses by Southern Water and Planning and Environmental Services that insufficient detail and unacceptable methods have been submitted. Disrespect of NNP and the emerging local plan
- 5) In the design and access statement the applicant has selected some of the NNP policies but not all. For example HO1.2 which is 'to help new housing to blend with the existing, clay products should preferably be of Sussex manufacture. To assist ageing (weathering), bricks should preferably be handmade rather than factory made. We have already observed how effective this policy has been on Mantell Close our first NNP development. The applicant has also chosen not to follow the emerging local plan which should be planning for mainly 2 bedroom dwellings and of those that are affordable at least 65% should be on a social rent.
- 6) Strength of local feeling - This site was put forward along with 11 others in the NNP site selection process and residents were invited to rank their choices – 41% of the electorate responded and it came 12th (bottom). Subsequently during the appeals and court cases spanning 6 years the residents showed their feelings by objecting in writing and supporting financially the local couple who took this to court. This application makes no reference to this difficult planning history and even hides behind a new name, land to the south of Allington Road. However over 100 residents have written in to object already – this is an unprecedented number for Newick. Their reasons mention in their own words the issues already covered but also those briefly expressed below.
- 7) Local infrastructure -This is one of the greatest concerns for residents. The GP practice is totally full and has partnered a practice in Heathfield over 15 miles away with no form of public transport available. The primary school is full and is over subscribed; there are simply no more places for extra children. Allington Road (where the school is) is constantly busy, no places to park and whilst there have already been several accidents, with additional housing would only exacerbate the situation. The junction of Allington Road with the A272 is poor at the best of times but an additional 27 dwellings would make this even worse.

OFFICER COMMENT: Regarding point 1, the LAA is a high level study rather than a detailed planning assessment of the site and, therefore, carries little weight. It is also noted that, since the LAA was published, the Council has put the site forward in its early allocation proposal for the emerging local plan (reg. 18 consultation) for development of up to 27 dwellings. This is added for context only, the consultation document carries no weight at this stage. It is also important to note that the scheme dismissed at appeal developed a larger area of land, including more sensitive landscape to the south of the site.

	<p>Regarding point 3, further information has been submitted and NatureSpace have confirmed they would support a precautionary approach to the development of the site, incorporating newt avoidance measures, which would be secured by condition.</p> <p>Regarding point 4, the proposed surface water and foul drainage systems are supported by the Lead Local Flood Authority and Southern Water, subject to technical details to be approved by condition.</p>
6.2	<p>ESCC Highways</p> <p>No objection subject to imposition of conditions/obligations.</p> <p>Access/Location</p> <p>It is proposed to provide a new priority junction access 6m in width to accommodate two-way flow traffic to serve the development. Allington Road is subject to a 30mph speed limit meaning visibility splays of 2.4m X 43m are normally required either side of the access point in accordance with Manual for Streets. A speed survey has been undertaken recording 85th percentiles of 35.7mph for westbound traffic and 35.8mph for eastbound traffic. When adding 2.5mph to each speed to take into account wet weather speeds in accordance with CA185, visibility splays of 2.4m X 61m are required either side of the access point in accordance with Manual for Streets. The raw speed survey data has not been provided within the Transport Statement. This should be provided to ensure the survey was conducted in an appropriate location. After conducting a site visit, the required splays are considered achievable, however, subject to some trimming back of vegetation within the applicant's control.</p> <p>A Stage 1 Road Safety Audit has been undertaken which has identified the most significant problem being the potential obstruction to forward visibility around the bend of the estate road. Although the estate roads will not be adopted, forward visibility has now been shown on plans and will be subject to detailed design. The auditor also noted the need for dropped kerbs and tactile paving within the site to mirror pedestrian desire lines which has now been shown on plans.</p> <p>The access will require constructing in accordance with ESCC specification with all works carried out by an approved contractor under the appropriate legal agreement.</p> <p>Parking/ Layout</p> <p>The new (2024) ESCC Parking Demand Calculator would suggest 57 spaces are required for the development. This is based on the 1- bedroom affordable units having unallocated parking, 2- bedroom affordable units 1 allocated space and the 3- bedroom dwellings having 2 allocated spaces, the privately owned 2- bedroom units allocated 1 space with the 3- and 4- bedroom units 2 allocated spaces for the purpose of anticipating the likely parking demand generated from the site. It is noted the development will provide 54 spaces meaning the site will fall short by 3 spaces. It is therefore recommended that an additional 3 visitor spaces are incorporated into the layout particularly given the high level of tandem</p>

parking which is described in more detail below. However, because the 2-bedroom units will be allocated 2 spaces, the estate road will not be adopted and some additional parking could be accommodated to the east of the site, an objection on the shortfall of parking is considered difficult to justify with only a recommendation to incorporate more visitor parking within the layout. Inappropriate parking within the site may restrict refuse vehicle turning movements which should be considered.

Parking spaces must have minimum dimensions of 2.5m X 5m adding an additional 50cm where spaces abut walls and fences. It is unclear whether the parking serving a large amount of the dwellings including plots 12-26 are car ports or garages. Garages only count as 1/3 of a space due to their limited use meaning this would not be acceptable. Car port spaces therefore must be provided with minimum dimensions of 2.8m X 5m which will be secured via condition. Spaces arranged parallel to the road must have minimum dimensions of 2.5m X 6m. A footway should also be provided behind the parallel parking spaces (minimum 0.5m wide) to help occupants alight onto a hard surface. It is noted a large amount of the parking is arranged in tandem which is not ideal. Tandem parking is an inconvenience to residents and not fully utilised as a result. However, any overspill is unlikely to cause a significant problem on the adopted highway.

The East Sussex County Council encourages developers to include charging facilities for electric vehicles at all properties with off-street parking in accordance with current guidance as set out in the NPPF.

At least 1 cycle storage space should be provided per bedroom in accordance with ESCC Guidance on Parking at New Developments 2024. It is noted that details of cycle storage have yet to be provided and will be secured via condition. Cycle storage must be accessible, covered and secure. Cycle parking must be as accessible as vehicle parking. Residents should not have to squeeze past vehicles to access cycle parking. Vehicle parking spaces/driveways may need to be widened or footpaths provided alongside to reach cycle parking

In accordance with ESCC guidance 'refuse & recycling storage at new residential developments within the Eastbourne, Hastings, Wealden and Rother council areas' residents should not be required to carry waste more than 30m and refuse vehicles should be able to reach within 25m of the storage point for collection. Tracking drawings have been provided demonstrating an 11.6m long refuse vehicle can enter the site, manoeuvre and egress in a forward gear. The Highway Authority normally require a 12m long vehicle to be tracked. The LDC waste team should therefore be consulted to ensure they are content with the size of the vehicle that has been tracked.

Accessibility

The site has some connections to public transport and amenities. Although there is no train station located within an acceptable walking distance, the nearest bus stops are located on the A272 approximately 100m to the west of the site. These stops are accessible by footway and covered in more detail within the Public Transport team comments below. A school,

shop, restaurant and public house are located within an acceptable walking distance of the site accessible by footway.

A Travel Plan will be provided as part of the development to be secured via condition. A travel plan framework has been provided at this stage. The travel plan should manage travel choice at the site and enable and encourage new residents to use non car modes through a variety of measures. For example, rail, bus, cycle vouchers, food delivery shopping vouchers, non-car facilities, equipment to facilitate home working, high vis jackets for children walking to the primary school, householder information packs detailing, but not limited to, the following information: walking/cycle/public transport routes/distances to local schools, doctors, dentists, hospitals, public buildings, leisure facilities, timetables, etc. The Travel Plan should be developed in accordance with ESCC Travel Plan guidance.

As per the 2016 application previously referenced, the footway needs to be widened to 2 metres along the whole of the red site frontage. Whilst the footway would then narrow again to the east of the site there may be an opportunity to widen another section of the footway to the east at a later date. The footway should also be widened where possible to the west towards the bus stops.

The ESCC public transport team have been consulted for their view on the application. Their comments are as follows:

The nearest bus stops are the pair of 'Allington Road' bus stops on the A272.

- The westbound stop (bus services towards Haywards Heath and Lewes) requires a raised kerb, bus stop clearway markings to protect the layby and a bus stop pole (sourced from Externiture). A bus shelter is already in place.
- The eastbound stop (bus services towards Newick village centre and Uckfield) requires a raised kerb, bus stop clearway markings to protect the layby and a bus shelter (in consultation with the Parish Council). The bus waiting/shelter area will need to be levelled as the ground appears to slope away from the road at this point.

Currently there is an hourly Monday to Saturday daytime bus route 31 from these stops to Haywards Heath, Newick village centre and Uckfield. Additionally, bus route 121 provides an hourly Monday to Saturday daytime service to Lewes, with four return journeys on Sundays funded by UK Government until April 2026 as part of East Sussex County Council's Bus Service Improvement Plan (BSIP). In addition, East Sussex County Council funds school bus services to Chailey Secondary School as pupils from Newick are entitled to free school travel due to the walking route being unsafe.

We would also wish to seek a contribution of £1,350 per dwelling (ie. £39,150 for 27 dwellings) to help establish the Sunday bus service beyond April 2026.

Trips/Highway Impact

The TRICS database has been used to determine the level of traffic likely to be generated by the development proposal. Using this information, it has been estimated that the proposed development is likely to lead to:

- Approximately 14 two-way vehicle trips in the weekday AM peak period (0800-0900)
- Approximately 13 two-way vehicle trips in the weekday PM peak period (1700-1800)
- Overall, around 123 two-way daily weekday vehicle trips are forecast.

The above trip rates are similar to those derived from my own use of the TRICS database and with this in mind I am satisfied that this provided a robust assessment of the level of traffic likely to be generated by the development proposal.

It is noted that the Highway Authority were content with higher trip rates associated with the 63-dwelling application in 2014. As part of the Transport Assessment, it is noted modelling was carried out at the A272 Western Road/ Allington Road junction. The RFC value with base 2033 levels and the development traffic has been recorded at as 0.37. Any significant potential impact is generally only considered when the RFC value exceeds 0.85 meaning it is unlikely the level of traffic generated by the development proposal would result in a severe impact on the local highway network from a capacity perspective.

Construction Traffic Management Plan

Because the site is expected to generate a fair amount of construction traffic, careful management of this traffic will be required. The applicant should provide a CTMP prior to commencement of development which should detail timing of deliveries, the location of a compound for materials and how large vehicles will safely access the site.

OFFICER COMMENT: The raw speed survey data has been provided. It would be possible to secure the additional 3 visitor parking bays by condition if deemed necessary although it is noted no objection has been raised to the current provision.

6.3

ESCC Landscape Architect

The site and immediate surroundings would not be considered valued landscape in the context of the NPPF paragraph 180. The site is of demonstrable local value as open countryside outside the development boundary. This has been cited in recent appeal decisions and evidence for previous development proposals which included the site area. Including a comment from David Jarvis Associates in answer to a question from the Inspector that 'Each part of the site performs a different function but is no

more or less valuable than the other'. Enplan's landscape evidence for the council assessed that the entire site is of local value. This evidence did recognise that the northern part of the site, which is the subject of this application, is of slightly lower sensitivity and the effect of the proposed development on the northern paddock would be of moderate significance. The previous proposals did not include the eastern field, which is included in this application for 4 four bed houses.

The Lewes District Landscape Capacity Study identified the site as having medium capacity for development. The Lewes District Sensitivity Assessment assessed the land to the south of Allington Road to be of medium sensitivity.

The character of the existing settlement on the south side of Allington Road is of ribbon development with large houses set back from the road in large gardens. West of number 45 Allington Road the character changes abruptly to a more rural landscape with open fields to the south of the road and tall dense vegetation to the north.

A recent permission on the site of 104 Allington Road is for 6 houses set back from the road in large gardens. This site is screened from views from Allington Road by a significant tree belt. The paddock on the south side is open to views from the road and some public footpaths. The proposed medium density development of smaller houses and blocks of flats would not be in character with the existing settlement pattern on the south side of the road. The layout for the larger houses in the eastern field would not reflect the ribbon development characteristic of the south side of the road. These houses would also have the greatest impact on views from the public footpath 4a which lies to the south.

A Landscape and Visual Impact Assessment (LVIA) has been submitted to accompany the application. This identifies that the landscape of the site would be of medium susceptibility to change and medium value and therefore moderate susceptibility to change.

The conclusions of the LVIA are that the effects on landscape character would be moderate to slight adverse at completion reducing to slight to negligible after the mitigation planting matures. As the proposal would change the character of the site and immediate surroundings from open field to developed this is considered to be an underassessment and the long term effects would be more likely to remain moderate adverse.

The worst case visual effects as assessed by the LVIA would be from Allington Lane and footpath 4a. These are assessed as being substantial at year 1 reducing to slight or negligible by year 15. As the visual change would be from open field to built form the effects would remain at least moderate by year 15. It is acknowledged that the visual effects would be localised, but they would be significant in the local context.

It is recommended that the application is not supported as it would have significant adverse effects on local landscape character and views. The

	<p>proposed layout and density would not be in character with the neighbouring built form.</p> <p>ADDITIONAL COMMENTS FOLLOWING REBUTTAL FROM APPLICANT:</p> <p>With reference to NPPF paragraph 180 the site is in a countryside location outside the built-up area boundary. It has some local value being part of a green gap in views from Allington Road and the public footpath which crosses the site.</p> <p>It is acknowledged that the site subject to this application is of lower sensitivity to change than the wider site area of the previous application for 50 houses.</p> <p>It is noted that there have been some recent permissions and extensions to the development edge to the south of Allington Road. These are within the built-up area boundary and are individual houses adjacent to Allington Road with gardens extending to the south. The one exception is a house within the grounds of number 61 and this is adjacent to the larger school building. The proposed development would be outside the built-up area and would be of a higher density and a cul de sac arrangement. The consented development to the west of Oxbottom Lane is a cul de sac, however it is set in the context of development along Lower Station Road and Upper Station Gardens. Oxbottom Close is also a development of larger houses with long gardens to the south.</p> <p>4. It is acknowledged that the landscape and visual effects would be localised to the site and immediate surroundings. The landscape strategy would go some way to mitigate these effects however, the development of this site would result in the loss of the perception of a green gap in views from Allington Road and the public footpath.</p>
6.4	<p>Lead Local Flood Authority</p> <p>The Applicant has submitted a revised drainage strategy, which addresses our previous concerns, and we are able to remove our objection and recommend wording for planning conditions.</p>
6.5	<p>Southern Water</p> <p>Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer (surface water flow of 2.1 l/s at manhole reference TQ41210152).</p> <p>We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.</p>
6.6	<p>ESCC Ecology</p>

	<p>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 which are outlined in this response.</p>
6.7	<p>NatureSpace</p> <p>The applicant has provided an ecological report, Ecological Impact Assessment, Land to the South of Allington Road, Newick (Tyler Grange Group Ltd, February 2024). Within this report it states that:</p> <ul style="list-style-type: none"> • No access was granted to ponds within 250m of the site and as such these were not surveyed. • The terrestrial habitats on site offer some suitable habitat for great crested newts, including the woodland to the south and the hedgerow bases around the boundaries. • A precautionary approach has been recommended due to the works primarily taking place on short-sward, grazed pasture and the outcome of the Natural England Rapid Risk Assessment Calculator. <p>Additional information was provided in the form of a letter (Tyler Grange Group Ltd, 13th May 2024) which states access was granted to the pond located 20m south on April 22nd 2024, which was found to be dry. The second closest pond is located 168m south of the site boundary and over 200m from the development area. Therefore, a precautionary approach was deemed suitable due to the habitat types impacted by the development.</p> <p>Conclusion</p> <p>We are satisfied that following the submission of further information, which determines the pond located 20m south of the site to be dry, a precautionary approach is deemed a suitable approach.</p>
6.8	<p>Natural England</p> <p>This advice relates to proposed developments that falls within the ‘zone of influence’ (ZOI) for one or more European designated sites, such as Ashdown Forest Special Area of Conservation (SAC). It is anticipated that new residential development within this ZOI is ‘likely to have a significant effect’, when considered either alone or in combination, upon the qualifying features of the European Site due to the risk of increased recreational pressure that could be caused by that development. On this basis the development will require an appropriate assessment.</p> <p>Your authority has measures in place to manage these potential impacts in the form of a strategic solution Natural England has advised that this solution will (in our view) be reliable and effective in preventing adverse effects on the integrity of those European Site(s) falling within the ZOI from the recreational impacts associated with this residential development.</p>

	<p>This advice should be taken as Natural England’s formal representation on appropriate assessment given under regulation 63(3) of the Conservation of Habitats and Species Regulations 2017 (as amended). You are entitled to have regard to this representation.</p>
<p>6.9</p>	<p>Contaminated Land Officer</p> <p>The applicant has submitted a Phase 1 Preliminary Risk Assessment report for Land contamination prepared by RSK (Report ref: 52606 R01 dated Dec2023). The report para 6.4 and 7.1 has identified some data gap and uncertainties at the site. I concur with the Phase 1 report.</p> <p>If LPA is minded to grant a planning permission, then considering the sensitive use of the site, I recommend conditions and an informative.</p>
<p>6.10</p>	<p>Ward Councillor Charlotte Keenan</p> <p>I am writing to express my strong objection to the proposed development on land to the South of Allington Road (planning reference LW/24/0217). I am objecting to this development because:</p> <ul style="list-style-type: none"> - This development proposal has been submitted to the council multiple times in the past and has been rightfully turned down on each occasion. Despite these rejections, the developers seem intent on pushing forward with their plans, disregarding the valid concerns of residents and local authorities, not to mention the Secretary of State! - The development would seriously and substantially harm the local landscape, character, and appearance of the village. - The development would link Newick Parish and Chailey Parish. The site currently offers the only visual break between them. - There is widespread opposition to the development within the community. Residents have voiced their concerns through public meetings, petitions, and letters to the council multiple times over the years. It is clear that the majority of people do not support this project. - The development has not met the council’s own assessments as a deliverable project for the Local Plan. - The development would result in the overdevelopment of Allington Road which has already taken a lot of housing over the years. It would lead to unsustainable traffic levels on an already very congested road. - The area already suffers from a lack of adequate parking, which forces people to resort to unsafe parking practices, such as double parking or blocking driveways, further compromising road safety and accessibility for emergency vehicles. - The development is on the same road as the very busy and (and oversubscribed) local primary school. Adding more vehicles would

undoubtedly worsen the existing challenges and seriously threaten the safety of children and pedestrians during school drop-off and pick-up times.

- The development would strain local infrastructure and remove a much-loved green space, both of which would negatively impact residents' quality of life.
- The development would harm the environment, including the destruction of wildlife habitats such as bats and great crested newts and the loss of much-needed trees and shrubs reducing flooding in the area. Our village prides itself on its natural surroundings, and we cannot afford to sacrifice them for the sake of unchecked urbanization.

I understand the need to build more affordable housing but I think that this proposal is the wrong development in the wrong place. I would like to urge the council to listen to the voices of the community and reject the proposed development once again. It is essential that any future developments align with the needs and wishes of the residents and contribute positively to the long-term sustainability of the neighbourhood.

6.11 Newick Village Society

This letter is an OBJECTION BY THE NEWICK VILLAGE SOCIETY to the above application. The Newick Village Society is over 27 years old and is *'dedicated to the protection and enhancement of Newick village and surrounding countryside'*. The objections are as follows:

1...The address of the application site is most misleading/incomplete and is insufficient to illustrate to residents where the site is in Allington Road.

2... This paddock site, more popularly known by all parties as being part of the 'Mitchelswood Farm' site, is outside the Neighbourhood Plan 'planning boundary' for Newick. The village is currently under huge pressure to provide very large numbers of new houses around the edges of the built up area, additional to the 100 extra shown on the Newick Neighbourhood Plan. That Neighbourhood Plan was intended to be, as stated on the front cover, to last until 2030. The proposal would be contributing to this pressure to turn the village into a continually expanding urban sprawl losing all identity as a village. Indeed, the Newick Parish Council said, just over three years ago in December 2020, when commenting upon the Land Availability Assessment...*'we consider that Newick is already at full capacity for growth if we are to remain a village....if Newick continually expands it will simply be a traffic-filled urban sprawl'*.

3...The District Council's Local Plan is 'out of date'. However, that certainly does not mean that the Plan is irrelevant. Indeed, the District Council clearly recognises that, because as recently as May 2023 the District Council refused planning permission (application number LW/21/1000) for building housing development outside a settlement boundary just 300 metres westwards from the Allington Road site, on land at Oxbottom Lane, referring to the development being...*'contrary to the Local Plan Part 1 Policy 10, Local Plan Part 2 DM1 and NPPF Section 15'* and stating that the development *'...would unacceptably impact on the semi-rural character...'*

4... As you know, the last proposal to build up to 50 homes on this paddock and on the adjacent woodland, was refused and dismissed on appeal in February 2021 by the Secretary of State. The reason was particularly because of the intended loss of the woodland. It is fair that the current applicant now refers to the comment of the Secretary of State in that appeal decision that the *'introduction of housing development on the northern paddock would to my mind not look out of placeany role that the paddock might play as a gap between these settlements is somewhat notional'*. However, it is essential that the District Council should recognise that those comments on the paddock were simply ancillary/incidental comments, which should not be interpreted as any form of commitment that planning permission should now be granted for building on the paddock. Your Council is fully able to take its own view on the matter. Any future appeal inspector or current/future Secretary of State may well come to a different conclusion.

5...All parties are aware of the District Council's 2021 'Interim Policy Statement on Housing Delivery' which points towards favourably allowing new housing developments which are outside the Neighbourhood Plan 'planning boundary' but which are *'contiguous with'* (ie next to) the boundary. The applicant refers in paragraphs 6.12 and 6.13 of the planning statement to the paddock site being 'contiguous with' the planning boundary and therefore compliant with the Interim Policy Statement on Housing Delivery. However, it is only a very small part of the application site boundary at the north-eastern corner which coincides with the Neighbourhood Plan 'planning boundary', with the vast majority of the development site projecting westwards way beyond the planning boundary. The applicant's interpretation is surely beyond what was intended in that policy text. The paddock should be recognised as an important contribution to the rural character of this countryside spot at the western edge of the village. The site also plays its part in keeping a green gap to separate Newick from North Chailey.

6... In regard to drainage, the sewerage from the proposed houses will be entering the existing piped sewerage system. That system is unable to cope even with existing conditions as is evidenced from the Jackies Lane pumping station after heavy rains, pumping sewerage into a roadside ditch leading straight into the stream alongside Newick Common Local Wildlife Site and eventually into the River Ouse. To build new houses on the application site, creating sewerage, will potentially have even more adverse affect on aquatic wildlife in the stream/river.

Conclusion

The Newick Neighbourhood Plan adopted in July 2015 has played its part in supporting the delivery of strategic housing sites, having land allocated for 100 more homes. But if the village continually expands with estates of large new houses it will clearly be urbanised, not having the character of a village. With all the current pressure for building, we are now in severe danger of Newick no longer being a village. The past court cases that were held in relation to this site related to the need for consistency in decision-making, so the District Council should still maintain its long-held consistency in resisting the residential development of this site.

The future of Newick should be 'plan-led' rather than 'developer- led'. A planning permission for this case would leave residents entirely disenchanted with the principle of Neighbourhood Planning. A planning permission would certainly not comprise meaningful localism. The current national housing problem is of course appreciated by all parties but the proper planning of villages and countryside should not be forfeited.

The Newick Village Society requests that these above comments are fully taken into account by your committee and that planning permission should be refused for the proposed development.

This objection is presented here as a letter because your standard web site method does not cater for comments by amenity societies such as Newick Village Society.

6.12	<p>East Sussex Fire and Rescue Service (ESFRS)</p> <p>If this application receives approval the Developer is required to ensure there is sufficient water for firefighting in accordance with the Water UK National Guidance Document. This is usually achieved by the provision of Fire Hydrant(s) attached to a suitable water main. Early consultation with East Sussex Fire & Rescue Service is recommended to ensure that all needs are met.</p>
6.13	<p>County Archaeologist</p> <p>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 which are outlined in this response.</p>

7.	<p>Other Representations:</p>
7.1	<p>88 letters of objection have been received. Material matters raised are summarised overleaf:-</p> <ul style="list-style-type: none"> • The site was deemed unsuitable for development in the 2023 Land Availability Assessment; • Scale of development is disproportionate to surroundings; • Highways safety impact due to traffic and parked cars, hazard to school children; • Road is not suitable for additional traffic; • Harmful impact upon wildlife; • Development of the site has been consistently rejected by the local community and the Secretary of State; • Harm to local landscape and the character and appearance of the village; • Would result in coalescence of Newick and Chailey; • Would put additional strain on local infrastructure; • Loss of valuable open green space; • The field often gets waterlogged/Flood Risk; • Development outside of the settlement boundary; • Harmful impact upon mental health; • Loss of village identity; • Housing will not be affordable; • Will lead to more sewage in the River Ouse;

	<ul style="list-style-type: none"> • Unclear who will maintain green infrastructure; • Newick already has a village green; • Concern about impact of artificial lighting; • Assessment of potential impact on newts not thorough enough; • Character of Allington Road already being harmed by recently approved development; • Would cause noise and disturbance to neighbouring residents; • Would result in loss of views towards South Downs; • The 100 additional houses required for Newick in LLP1 have already been provided;
7.2	<p>5 letters of support (from 4 authors) have been received. Material matters raised are summarised below:-</p> <ul style="list-style-type: none"> • Would provide homes for young families in the village and affordable housing; • Failure of housing delivery to keep up with demand has resulted in unaffordable housing; • Application is materially different to the refused scheme and addresses comments made by the Secretary of State in dismissal; • Will accommodate younger population who would enhance viability of local shops and services; • In an appropriate and accessible location;

8.	Appraisal:
8.1	<p><u>Principle:</u></p> <p>The site is located outside of the planning boundary as defined by policy DM1 of the Lewes District Local Plan part 2 (LLP2). Residential development in such locations is resisted by DM1 other than in exceptional circumstances, which the proposed development does not meet. However, as confirmed by the recently issued Interim Policy Statement for Housing (March 2021), the housing need figure for Lewes District has significantly increased (from 345 per annum to 782 per annum) since 11th May 2021 due to being recalculated using the standard method as a result of the Lewes District Local Plan Part 1 being over 5 years old.</p> <p>Planning boundaries in the development plan were defined on the basis of accommodating a housing requirement of 345 dwellings per annum, as set out in Spatial Policy 1 of the Local Plan. If the Council is unable to demonstrate a five-year supply of deliverable housing sites, it is acknowledged that the planning boundaries may need to be breached in order to help meet local housing needs.</p>

Para. 11 (d) of the Revised National Planning Policy Framework (NPPF) states that, where there are no relevant development plan policies in relation to a submitted scheme, permission should be granted other than where NPPF policies that protect areas or assets of particular importance provide a clear reason for refusing or where any adverse impacts generated by a development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. The NPPF does not recognise planning boundaries (other than the green belt) but does state in para. 84 that planning decisions should avoid the development of isolated homes in the countryside.

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 Council has produced an Interim Policy for Housing Delivery in response to the local plan becoming out of date and this will be referred to in its capacity as informal guidance on assessing development outside of settlement boundaries, but acknowledging the limited weight it holds as it is not a formally adopted policy. Nevertheless, it is noted that the IPHSD aligns with the development plan and national planning policies and serves to draw attention to those policies that will be used in the decision making process.

The eastern end of the site falls within the 7km Ashdown Forest zone of influence. Development that involves a net increase in residential development in this area is highly likely to increase recreational impact upon the forest, which is a Special Protection Area (SPA) and Special Area of Conservation (SAC).

In response to this demonstrable impact, and in line with the statutory requirement of the Local Planning Authority to protect the integrity of SPA's, as per The Conservation of Habitat and Species Regulations 2017, an 'appropriate assessment' of the implications of the development upon these sensitive areas must be made.

In response to this requirement, all development within the 7km zone of influence involving a net gain in residential dwellings is required to make a contribution towards Suitable Alternative Natural Greenspace (SANGs) and Strategic Access Management and Monitoring (SAMMs) as a means to secure the provision of alternative recreation space for future occupants (taking recreational pressure off the forest) and to assist in management of

	<p>the SPA as well as fund initiatives to increase the awareness of visitors to the sensitivity of the area.</p> <p>Further confirmation of this approach is provided in the Recreational Impact Statement of Common Ground for Ashdown Forest which was made between Natural England and Lewes District Council as well as Mid Sussex District Council, Sevenoaks District Council, Tandridge District Council, Tunbridge Wells Borough Council and Wealden District Council</p> <p>The current application will therefore be assessed on this basis, with reference also to all development plan policies that align with the aims and objectives of the NPPF.</p>
8.2	<p><u>Dwelling Mix</u></p> <p>It is considered that the proposed development would deliver a good mix of unit sizes, with an appropriate emphasis on smaller dwellings and comparatively few 4 bedroom dwellings. Overall, approx. 22% of dwellings provided would be 1 bed flats, 33% would be 2 bed dwellings, 30% would be 3 bed dwellings and 15% would be 4bed dwellings. It is considered that this mix is in accordance with the requirements set out in LLP1 policy CP2 for development to incorporate an appropriate mix of dwellings to meet the needs of the district, which include a requirement for smaller units and, following the publication of the latest Housing Needs Assessment, an increased demand for 3 bed dwellings.</p> <p>The affordable mix would be more orientated towards smaller units, with these being subject to the highest demand. Approx 55% would be 1 bed flats, 27% would be 2 bed dwellings and 18% would be 3 bed dwellings.</p> <p>LLP1 policy CP1 (4) states that affordable housing units will be integrated throughout the development site, be indistinguishable in design and materials from the market housing on the site and remain affordable in perpetuity. The proposed affordable dwellings are primarily concentrated towards the western end of the site. Whilst this could be seen as problematic it is considered that, due to the relatively small scale of the development and, consequently small number of homes, there is a pressure from housing providers that affordable units they take on are close together. The courtyard area to the west is also the most appropriate location for flatted development with shared parking, resulting in a natural concentration. Crucially, the plans show affordable units as being of high quality design that is indistinguishable from the remainder of the development. The unit sizes in terms of floor space and amenity space is comparable with that of the market units and they would engage with other parts of the development as well as the shared green space provided for residents.</p>
8.3	<p><u>Landscape Impact:</u></p> <p>The site forms part of a parcel of land identified as 'Newick A' in the 2023 Landscape Sensitivity Assessment (LSA) commissioned by the Council as part of the evidence base for the emerging Local Plan. The development typology is regarded as small-scale residential for the purposes of the</p>

assessment (Up to 30 two-storey dwellings built at up to 40 dwellings per hectare). The LSA concludes the overall parcel has medium sensitivity to small scale residential development, with potential for it to be accommodated in some defined situations without significant adverse landscape or visual effects. The LSA goes on to state that any new development should respect and align adjacent to the existing settlement pattern of Newick. Development should be concentrated in the northeastern part of the parcel, to the north of the public footpath which runs east to west, as this has a stronger relationship to the settlement edge of Newick.

The site is currently devoid of any buildings, comprising two visually distinct areas of green space, open grassland used for paddocks in the northern part of the site which flanks Allington Road, and a wedge shaped area of mature woodland on the southern part. The open nature of the site means that all parts are clearly visible from Allington Road on the approach into Newick from the west. The site, as well as the wider surrounding countryside to the south, north and west, therefore play an important role in defining the character and setting of Newick as a rural, low weald village.

The western part of the site is crossed by a public right of way which provides connectivity with the wider public right of way network where there are a number of routes that pass through the countryside to the south, including the Sussex Ouse Valley Way. The presence of the right of way further opens up the site to public view.

However, as identified by the second appeal inspector assessing the previously refused scheme LW/14/0703 (following re-opening of the inquiry), and endorsed in the final decision on that application issued by the Secretary of State on 16th February 2021, the paddock area is considered to be subject to a sense of detachment from the wider countryside owing to its visual relationship with residential development (noting the eastern edge of the paddocks is contiguous with the settlement boundary of Newick), and the buffer provided by the wooded area on the southern part of the site. The Inspector's observations at 9.29 of the appeal report are considered particularly pertinent:-

'Within the appeal site itself, the northern paddock is little more than a flat, rectangular, grassed enclosure, framed by development on three sides. In none of these respects does this part of the site seem to me to reflect the characteristics of the Low Weald landscape. Indeed, in many ways this paddock area appears more closely related to the village than to the surrounding countryside, due to its containment by the woodland within the appeal site.'

The Inspector then goes on to summarise at para. 9.37

'In my judgement the only part of the appeal site with any visual connection to the built-up area is the northern paddock. In all other respects, the appeal site, and in particular its central and southern sections, forms an integral part of the attractive and high-quality Low

Weald landscape. As such, these parts of the site seem to me to be highly sensitive to built development.'

It is noted that the appeal scheme did not include any dwellings within the eastern end of the paddocks but this part of the site is also contained by an established hedgerow and was not identified as being separate from the northern paddock, by the Inspector.

It is considered that the conclusions of the appeal Inspector and the former Secretary of State are reasonable, noting the site is well screened from views from the countryside to the north by the mature tree belt on the edge of Newick, flanking the A272 and Allington Road, and from the south and west by mature tree belts and woodland, including the wooded area on the southern part of the site. There is some visibility of the eastern part of the site from the public right of way to the south as the woodland does not extend across the full extent of the site. However, this part of the site is clearly contained by an established hedgerow and, where it is visible from countryside to the west and south, is seen in context with the adjacent dwellings on Allington Road. It is also noted that the southernmost dwellings on the eastern part of the site have reduced ridge heights so as to appear subservient to the frontage dwellings and provide a softer built edge to the development.

Public views of the paddock therefore generally include existing residential development on Allington Road and its tributary streets.

Development on the southern side of Allington Road is currently well contained, with a clearly defined urban edge behind which is open green space which provides a sympathetic buffer and interface with the wider countryside, managing the transition between the urban environment to the north and the rural environment to the south.

Notwithstanding the above, the County Landscape Architect has submitted that the development would result in significant landscape harm. Two primary reasons are given for this conclusion. The first, whilst acknowledging landscape and visual effect would be localised to the site and immediate surroundings, is that the development would remove the perception of a green gap in views from Allington Road and the public right of way. The second is that the development, that includes cul-de-sacs, flats and smaller houses, would be incongruous with the pattern of existing development on Allington Road which is generally characterised by a lower density ribbon arrangement of larger dwellings.

Regarding the retention of a 'green gap', it is noted that significant concerns have been raised by objectors over a potential coalescence between Newick and the somewhat sprawling development flanking the A272 (Western Road/Station Road). This is a matter that the Appeal Inspector considered previously, with the following observation made at para. 9.29

'Although the adjoining properties at Oxbottom Close are technically within the parish of North Chailey, visually that development is better related to

Newick, so that any role that the paddock might play as a gap between these settlements is somewhat notional.'

It is acknowledged that, since the Inspectors report, which was written in 2020, planning permission has been granted, on appeal, for 21 new dwellings on a nearby site to the south at the junction between Station Road and Oxbottom Lane (appeal ref: 3330879). It is noted in the report for the Oxbottom Lane appeal that the Inspector did not consider that site to clearly represent a 'gap' or a more obvious area of open countryside (para. 19) and that, overall, ribbons of development on Station Road, interspersed with sizable gaps and open fields help to avoid the coalescence of Newick and North Chailey, thereby collectively contributing to the wider character of the area (para. 17).

Given the Inspector concluded that the site on Oxbottom Lane does not provide any significant contribution to any green gap, and that the majority of structural planting around the site will be retained post development, it is considered that the construction of that development will not remove any tangible section of 'green gap' between Newick and North Chailey and, therefore, would not result in any increased importance in the application site as a 'green gap' feature. This should also be seen in context with the comments made by the Inspector relating to LW/14/0703 that the dwellings on Oxbottom Lane to the west, despite being in North Chailey parish, better relate to Newick and, on this basis, the site does not occupy an area in the 'green gap' between the two settlements.

Turning to the pattern of the proposed development, it is accepted that existing residential development on the southern side of Allington Road is almost entirely linear and comprises larger two-storey, chalet style and bungalow dwellings on fairly sizeable plots. The proposed development would include two rows of dwellings as well as smaller dwellings and smaller plot sizes.

The density of adjoining development to the east, taking in numbers 97 to 105 Allington Road is approx. 10 dwellings per hectare. When calculated on the entire site area the density of the development would equate to approx. 13.8 dwellings per hectare. However, when considering only the developed area of the site, the density rises to approx. 28.5 dwellings per hectare. It is noted that this is at the upper end of the suggested appropriate density range for development in villages as set out in LLP1 policy CP2 (20-30 dwellings per hectare). However, it is noted that the policy maintains that higher or lower densities than the suggested range may be justified by the specific character and context of a site.

It is accepted that the proposed development would be more dense than neighbouring development. However, it is considered that this would be mitigated, to a degree, by the most prominent detached buildings within the development being relatively large and other dwellings being incorporated in blocks that are designed to present as a single large dwelling, particular those that face directly over Allington Road. It can therefore be argued that the full compliment of 27 dwellings are accommodated within 17 individual 'buildings', thereby reducing the perceived density and reflecting the character of nearby large dwellings.

It is also considered that a denser form of development in this location would not compromise the transition between the urban and rural environment. This conclusion is based on the recognised containment provided by the southern woodland that would limit the visual impact of the development when viewed from the south and the presence of lower density development and mature tree belts to the north and west which would continue to manage the transition to the countryside in those directions.

Regarding the presence of an additional row of dwellings behind the Allington Road frontage development, it is recognised that the Council have generally been resistant to development on the southern side of Allington Road that extend beyond the street frontage. A relatively application to build 'at depth' on the former site of 55 Allington Road (ref: LW/19/0385) was dismissed at appeal, in part due to the Inspector finding that the appeal site provided a green buffer between the village and the open countryside and whilst enclosed by a boundary hedge the site was largely open and absent of development, being experienced as part of one of a number of field type sites stretching beyond the residential dwellings along, and the school on, Allington Road and forming part of the important transition between the countryside and village environment. The Inspector added that this assessment was reinforced by the long rear gardens of the dwellings along Allington Road which create a smooth transition between the domestic development and the countryside.

However, whilst the dismissed appeal represented an expansion into this rural transition zone, it is acknowledged that the paddocks on which the development would be site are contained by the woodland to the south and, therefore, detached from the wider countryside and, consequently, not part of any transition between Newick and the Low Weald countryside to the south. It is therefore considered that the presence of depth development would therefore not be intrusive to the rural environment on this particular site. It is also noted that the alignment of the second row of dwellings would be broadly consistent with the frontages of dwellings on Oxbottom Close, providing some context although accepting that these dwellings are not readily visible in the Allington Road street scene, particularly when trees are in leaf.

Overall, it is considered that the proposal would result in some landscape harm through the loss of an open green space. However, it is considered that this harm would be localised in nature and would not extend into the sensitive Low Weald countryside to the south due to the contained nature of the site. Furthermore, it is considered that the site does not represent part of any valuable 'green gap' between Newick and Chailey. Whilst the development would be more dense than neighbouring development, and built at more depth, it is considered that there is mitigation provided in the design of buildings, the retention of green spaces and enhancement of boundary planting. The increased density also results in increased benefits through the delivery of a greater number of dwellings, noting the current shortfall in housing land supply in the district, with the additional advantage of 11 affordable units being provided and a greater mix in unit size, ranging from 1 bedroom flats to 4 bedroom dwellings.

8.4

Design

The proposed dwellings and flats would all be accommodated within two-storey buildings which would be in keeping with the typical height of buildings in Newick, as required by NNP policy HO1.

As identified in section 8.2 of this report, development on Allington Road is predominantly in the form of a linear arrangement of large dwellings. Whilst the development incorporates units and plot sizes that are smaller than those in the surrounding area it is considered that design elements have been incorporated to help strengthen integration with existing development. This includes a large proportion of dwellings being provided in terraces or semi-detached, therefore presenting as a larger building, the continuance of a ribbon the form of development along the northern edge of the site, fronting Allington Road. These buildings include major openings and architectural features that would enable them to engage well with the street scene, ensuring the development embraces the surrounding built environment rather than appearing as an enclave. The scale of buildings in terms of height and mass is reduced on the 'backland' parts of the scheme, ensuring a clearly established hierarchy, with street fronting buildings being the most prominent.

The design of the buildings incorporates strong, traditional roof lines, consistent with neighbouring buildings and a comprehensive palette of locally appropriate external materials would be applied, including red brick, tile hanging (including tile banding) and painted weatherboarding. It is considered that this mix of materials, the variation of building designs and the splitting of the development into three distinct character areas would help it to reflect the organic way in which development has evolved along Allington Road over time, where there are a variety of building designs presence as well as a wide range of external finishes.

The western part of the site has been designed to reflect a farmstead courtyard layout, with a frontage building accommodating one bedroom flats being designed to present as a farmhouse type building. To the west of the courtyard area, a 'village green' space would be formed, easily accessible to occupants of flats and with a strong semi-rural setting being maintained due to the farmstead design and its positioning adjacent to the prominent TPO oak tree in the north-western corner of the site.

The central and eastern parts of the development would have a more typically residential layout, reflecting the transition towards established residential development to the east. In these areas, there would be a good level of street planting, preserving a semi-rural character that is key to assist integration with the character of the nearby built environment and to prevent an unacceptably suburban appearance. This street planting would be supplemented by hedgerow and tree planting on the northern boundary and between the eastern and central sections, which would reflect the strong landscaped frontages that are common on Allington Road, as well the backdrop of the woodland to the south, the overall effect of which would be to clearly establish the setting of the development as semi-rural.

	<p>Parking for the eastern part of the development would be within the courtyard area, surrounded by buildings and, as a result of this screening, parked cars would not appear visually prominent. Parking across other parts of the development would generally be in recessive locations or within car ports, again reducing its visual prominence, in line with NNP policy HO1.5.</p> <p>The layout of the proposed development would provide good levels of pedestrian permeability, with a number of pedestrian access points available from Allington Road. These footpaths would also provide access to green space within the development as well as connectivity with the wider public right of way network, providing a linkage between the development and the countryside and reinforcing the sense of place as a semi-rural settlement.</p>
8.5	<p><u>Impact upon Neighbour Amenities:</u></p> <p>The nearest neighbouring dwellings are the two-storey house at 105 Allington Road, adjacent to the eastern site boundary, 104 Allington Road and Hill House which occupy tree screened plot on the opposite side of Allington Road, 1 West Point, which is opposite the eastern side of the site, facing side on to Allington Road, and 'Holly Grove' to the west of the site at the entrance to Oxbottom Close. It is noted that there is a current resolution to grant permission for the demolition of 104 Allington Road and replace it with 6 x detached dwellings.</p> <p>The easter side elevation of the proposed dwelling at plot 20 would be within approx. 8.8 metres of the western side elevation of 104 Allington Road. The main western elevation of No. 104 does not contain any windows or openings. There is a west facing window on a gable projection from the frontage positioned further away from the site. There is also a conservatory addition to the rear of the building on the western side. Due to the alignment of the proposed building at plot 20, its moderate depth, two-storey height, lack of side facing windows and the amount of open space around it, it is considered that it would not appear overbearing towards No. 104, nor would it introduce any unacceptable overshadowing or overlooking impact.</p> <p>Openings in the northern elevation of plot 21 would offer views in the direction of the rear elevation of No. 104 but these would be at an angle, at a distance of some 29 metres and the only upper floor openings facing north would be roof lights which would be angled upwards. It is therefore considered that Plot 21 would not offer intrusive views towards neighbouring properties.</p> <p>There is a good degree of separation between the proposed development and all other neighbouring properties and there would also be a good degree of screening provided by proposed landscaping in the form of hedgerow and tree planting. The road and parking areas would be positioned away from boundaries shared with neighbouring properties and be well screened. As such, it is considered that there would be no harmful amenity impact upon neighbours during the occupation of the development.</p>

	<p>During the construction phase it will be important that noise, light and air emissions, vibrations and traffic are controlled so as to prevent unacceptable disturbance towards neighbouring residents. This can be achieved through the use of a condition to secure a Construction Management Plan.</p>
8.6	<p><u>Living Conditions for Future Occupants:</u></p> <p>Para. 126 of the National Design Guide (2019), which is a companion to the Revised National Planning Policy Framework, states that 'well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.' This is echoed in policy CP11 of the Lewes District Joint Core Strategy.</p> <p>All primary habitable rooms would be served by unobstructed clear glazed openings allowing for a good level of natural sunlight permeation. Windows are provided on three aspects of each dwelling and it is considered that this would help enhance access to natural light and would also provide effective natural ventilation to each building. The layout of each dwelling is considered to be clear, with hallway lengths kept to a minimum and awkwardly sized and shaped rooms being avoided, thereby enhancing functionality, accessibility and adaptability.</p> <p>The Department for Communities and Local Government has produced the Technical housing standards - nationally described space standard. This document sets out minimum recommended Gross Internal Area (GIA) for new residential units, based upon number of bedrooms provided, number of storeys and number of occupants. Each of the proposed dwellings and flats would provide GIA that meets or exceeds the minimum for the relevant dwelling size specified in the standards. Individual rooms would also meet or exceed the minimum standards.</p> <p>All habitable rooms would be served by clear glazed windows and the internal space would therefore have good levels of access to natural light and ventilation. It is considered that there would be a suitable set back from frontage trees and hedging to prevent the need for cutting back to improve access to natural light and it is also noted the trees are positioned to the north of the proposed dwellings and so would not provide a direct obstruction to sunlight. It is considered a suitable outlook would also be provided. Nevertheless, this vegetation would be protected by condition in order to prevent the risk of future occupants removing or significantly reducing it.</p> <p>The occupants of each dwelling would have access to a good sized private outdoor amenity space to the rear of the site. Whilst the one bed flats would not have access to private amenity space they would be positioned adjacent to the 'village green' communal green space which could be used for amenity purposes. As a development of more than 20 dwellings there is a requirement for on-site children's play space and this will be secured by condition. It is considered that there is ample space within either the village green or the green buffer towards the east of the site for such a</p>

	<p>facility to be provided in an appropriate area with good levels of natural surveillance.</p> <p>Car parking and access areas would benefit from natural surveillance from surrounding properties as well as from those within the development itself.</p>
8.7	<p><u>Sustainability:</u></p> <p>Although outside of the settlement boundary, the site is immediately adjacent to the established settlement of Newick and local shops and services are within appropriate walking distance although it is appreciated that future occupants are likely to have some reliance on private cars to reach larger service centres. Nevertheless, there is access to public transport in the form of bus stops approx. 160 metres walking distance from the site on the A272. The site is therefore considered to be in a relatively sustainable location.</p> <p>The most recent Lewes District Council Infrastructure Delivery Plan (IDP) suggests there is capacity at the Mid Downs Medical Practice in Newick to accommodate additional services, although it is noted that the two new developments in the east of the village, Berry Croft and Oak Park Place will introduce 75 new dwellings, these being accounted for as both developments are taking place on sites allocated for development in the Newick Neighbourhood Plan.</p> <p>The IDP and 2024 ESCC School Organisation Plan (SOP) has not identified any shortage of school places at Newick Primary School. The SOP also notes a forthcoming expansions in capacity at the nearby Chailey Secondary School as well as headroom for additional pupils at Uckfield Community College.</p> <p>The development of 27 new dwellings is considered to introduce a relatively small increase in populations in proportion to the overall population of the village.</p> <p>The application is accompanied by an energy statement which identifies some details of how the dwellings will be constructed to be energy and water efficient. All dwellings would be provided with air source heat pumps that would heat internal space as well as provide hot water. Energy efficient materials and construction methods would be employed. The statement indicates that solar panels can be installed on appropriately orientated roofs although these are not shown on the submitted plans. In response , further details are required to demonstrate the sustainability of the development has been maximised, including further details of potential for renewable energy generation and the use of carbon saving apparatus and full specifications of the heat pumps to be installed.</p>
8.8	<p><u>Highway Impact:</u></p> <p>The applicant has submitted that the level of additional trips generated by the proposed development, once fully occupied, would be as follows:</p>

- 10) Approximately 14 two-way vehicle trips in the weekday AM peak period (0800-0900)
- 11) Approximately 13 two-way vehicle trips in the weekday PM peak period (1700-1800)
- 12) Overall, around 123 two-way daily weekday vehicle trips are forecast.

ESCC Highways are satisfied that this level of activity would not result in any unacceptable impact upon highway safety or the free flow of traffic. The submitted Transport Assessment included modelling of impact on the junction between Allington Road and the A272 (Western Road) which ESCC are satisfied demonstrates that the junction would not be adversely impacted by additional traffic.

The proposed development would be accessed via a new priority junction formed on the southern side of Allington Road, approximately half way along the northern boundary of the site. ESCC are satisfied that the dimensions of the junction can safely accommodate two way traffic. The safe operation of the junction, as with any junction, requires appropriate visibility splays to be provided. These would typically measure 2.4 metres in depth by 43 metres each way in length for a 30mph limit road such as Allington Road. However, a speed survey conducted by the applicant recorded higher speeds on this section of road and the dimensions of the splays have been adjusted accordingly to 61 metres in each direction.

ESCC Highways are satisfied the required visibility splays can be provided with some trimming back of boundary vegetation. It is noted that there is no cohesive hedgerow in place on the northern site boundary and that new planting would be carried out to introduce a hedgerow, with a suitable setback provided to allow for the visibility splays. It should also be noted that the area required to be kept clear for visibility splays is between 0.6 metres and 2.1 metres above ground level and, therefore, overhanging tree canopies would not need to be cut back, other than lifting of crowns where they are lower than 2.1 metres above ground level.

A Stage 1 Road Safety Audit has been undertaken which has identified the most significant problem being the potential obstruction to forward visibility around the bend of the estate road. Although the estate roads will not be adopted, forward visibility has now been shown on plans and will be subject to detailed design. The auditor also noted the need for dropped kerbs and tactile paving within the site to mirror pedestrian desire lines which has now been shown on plans.

ESCC have stated that sufficient parking is included in the development to support the requirements of residents. Five visitor parking bays are provided and ESCC have suggested an additional three spaces would be preferable but have not raised an objection to the overall quantum of parking. The parking provision includes a mix of unallocated and allocated spaces with the courtyard area being unallocated. ESCC recognise the use of unallocated bays can reduce parking demand as they allow for greater flexibility, with households owning fewer or no vehicles not taking up unneeded spaces which can instead be used by others.

The submitted Transport Statement maintains that cycle parking would be provided at a rate of 0.5 spaces per flat and 2 spaces per dwelling. This quantum was based on ESCC guidance at the time of submission. Since submission, ESCC guidance has been updated and cycle parking is now required to be provided at a rate of 1 space per bedroom. It is considered that an appropriate condition can be used to ensure cycle parking is provided in accordance with current standards.

A framework Travel Plan has been provided in advance of a full travel plan which would be secured by condition/legal agreement. The travel plan would need to enable and encourage new residents to use non car modes through a variety of measures and incentives such as public transport vouchers, cycle vouchers, food delivery vouchers, support of home working, support of equipment to encourage walking to school and householder information packs detailing, but not limited to, the following information: walking/cycle/public transport routes/distances to local schools, doctors, dentists, hospitals, public buildings, leisure facilities, timetables.

ESCC Highways have also requested that the s106 legal agreement include the following contributions and highway improvement works:-

- 13) Footway widening of site frontage to 2m and widening to the west towards the A272 bus stops;
- 14) Bus Stop Improvements at the westbound stop on the A272 comprising provision of a raised kerb, bus stop clearway markings to protect the layby and a bus stop pole;
- 15) Bus Stop Improvements at the eastbound stop on the A272 comprising provision of a raised kerb, bus stop clearway markings to protect the layby, a bus shelter (in consultation with the Parish Council) and levelling of the bus waiting/shelter area.
- 16) A contribution of £1,350 per dwelling (£39,150 for 27 dwellings) to establish the Sunday bus service beyond April 2026;
- 17) A 2 metre wide footway running along the site frontage and extending to serve the bus stops on the A272;

It is therefore considered that, with appropriate mitigation measures and enhancements in place, the proposed development would not result in any unacceptable highway impact and would support increased usage of more sustainable modes of transport/reduced car trips.

8.9

Drainage

The site is located in Flood Zone 1 and, as such, is not considered to be susceptible to tidal or fluvial flooding. Flood mapping also shows that the risk of surface water flooding is very low. As a result, it is considered that a sequential test for the development is not required.

The site is currently permeable in its entirety and the proposed development will involve the introduction of impermeable surfaces. It is

noted that the submitted Flood Risk Assessment (FRA) maintains that infiltration drainage, which is regarded as the most sustainable and, therefore, preferred method as per para. 080 of the Planning Practice Guidance for Flood Risk and Coastal Change, is not practical due to the geology of the site, where impermeable layers of clay lie above sandstone. The testing also encountered groundwater although this was put down to the boreholes puncturing the impermeable clay and therefore allowing groundwater into the boreholes.

The FRA maintains that foundations of dwellings would not reach a depth at which the clay layers would be punctured and that deeper excavations, such as the proposed attenuation basins, would be lined to prevent groundwater inundation. Furthermore, in the event of any groundwater emergence at the surface, overland flows would be directed towards the proposed attenuation basins and finished floor levels of all properties would be nominally raised above external ground levels to minimise the potential for any overland flows entering the buildings.

Where the use of infiltration drainage is discounted, the sustainable drainage hierarchy stipulates that the favoured options are firstly, discharge to an existing watercourse and, secondly, discharge into a surface water sewer/highway drain. The FRA has found there are no accessible watercourses nearby that could be used for discharge nor is there a surface water sewer/highway drain.

The proposed drainage scheme would therefore involve surface water being directed into attenuation basins positioned towards the western side of the site where it would be held and discharged into the sewer at an appropriate rate to prevent overload of the sewer. The attenuation basins have been designed with appropriate capacity for storm discharge and with an additional allowance for 45% increase in frequency of storm events as a result of climate change. Rain gardens, rainwater harvesting, filter drains and permeable surfaces will also be used to help control the rate of discharge of surface water. Discharge would be controlled to a maximum of 2.1 litres per second which is comparable to the greenfield mean annual flood flow for the site.

Southern Water have not objected to this arrangement, although a formal connection agreement would be required. It was previously intended for surface water to be pumped to the sewer connection this was rejected by the Lead Local Flood Authority (LLFA) on sustainability grounds and a gravity connection will now be provided.

Following amendments to the originally submitted scheme, the LLFA have raised no objection to the development subject to further technical details being secured by condition along with an appropriate management and maintenance plan to ensure the drainage system continues to function effectively.

It is stated that foul water would be pumped to the top of the start after which a gravity connection with the foul sewer on Western Road (A272) would be provided via a new sewer laid beneath the carriageway on Allington Road. An attenuation facility would be provided beneath the

	<p>pumping station to allow for emergency capacity in the event of pump failure.</p> <p>It is therefore considered that appropriate drainage arrangements can be provided, preventing any unacceptable increase in flood risk on neighbouring land and also preventing future occupants from being exposed to unacceptable flood risk.</p>
8.10	<p><u>Biodiversity</u></p> <p>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. Delivery of BNG should follow the hierarchy set out in article of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), which is as follows:-</p> <ol style="list-style-type: none"> i. habitat enhancement of onsite habitat; ii. insofar as there cannot be that enhancement, creation of onsite habitat; iii. insofar as there cannot be that creation, the availability of registered offsite biodiversity gain for allocation to the development; iv. insofar as registered offsite biodiversity gain cannot be allocated to the development, the purchase of biodiversity credits <p>Any move down the hierarchy to achieve the required 10% biodiversity net gain will require strong justification.</p> <p>An Ecological Impact Assessment (EIA) has been submitted in support of the application. The EIA records that the part of the site to be developed is predominantly regularly grazed horse pasture, a habitat that is common and widespread and therefore of negligible ecological importance. The scattered trees around the northern part of the site and the woodland to the south, which is broadleaved deciduous woodland and therefore a priority habitat, were assessed as being of local ecological importance.</p> <p>The EIA considered that the site may support Great Crested Newt (GCN) habitat but this is restricted to the woodland and hedgerow which would not be affected by the development with the paddock area being suboptimal due to grazing activities. The wider site was found to have some value for foraging bats and the oak tree in the south-western corner was identified as possessing high suitability for use as a bat roost. The site was identified as having some value for foraging hedgehogs, again concentrated towards hedgerow and woodland and to support a small reptile population of reptiles, also focussed on hedgerows and woodland.</p> <p>The most valuable habitat provided on the site, this being the trees, woodland and hedgerow, is to be retained and enhanced through further planting. Based on the finding of the EIA, the development would include buffers around woodland, trees and hedgerow, a network of paths to avoid</p>

trampling of vegetation, and habitat enhancement, including the introduction of wetland habitats in the form of the attenuation basins. Bat and bird boxes would be provided and planting would be carried out to enhance foraging habitats. Artificial lighting would also be strictly controlled.

In the existing woodland, glades would be formed, deadwood habitat would be created and understorey planting would be carried out. Any invasive and/or non-native plants would be removed.

Overall, the proposed development would achieve net gains of 22.69% in terms of habitat units and 46.22% in terms of hedgerow units. In order to secure sustained BNG over the required 30 year period, a Landscape and Ecological Management Plan would be implemented and monitoring would be carried out at intervals. Full details of planting would also be required, to be secured by way of a landscaping condition.

A condition will also be used to secure a precautionary approach detailing reasonable avoidance measures for great crested newts and this is supported by the County Ecologist and NatureSpace. Further conditions will be used to ensure appropriate ecological safeguards are in place prior to the commencement of construction works and throughout the construction phase in order to prevent harm to wildlife.

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

Part of the site falls within the 7km Ashdown Forest zone of influence. Development that involves a net increase in residential development in this area is highly likely to increase recreational impact upon the forest, which is a Special Protection Area (SPA) and Special Area of Conservation (SAC).

In response to this demonstrable impact, and in line with the statutory requirement of the Local Planning Authority to protect the integrity of SPA's, as per The Conservation of Habitat and Species Regulations 2017, all development involving a net gain in residential dwellings is required to make a contribution towards Suitable Alternative Natural Greenspace (SANGs) and Strategic Access Management and Monitoring (SAMMs) as a means to secure the provision of alternative recreation space for future occupants (taking recreational pressure off the forest) and to assist in management of the SPA as well as fund initiatives to increase the awareness of visitors to the sensitivity of the area.

Further confirmation of this approach is provided in the Recreational Impact Statement of Common Ground for Ashdown Forest which was made between Natural England and Lewes District Council as well as Mid

	<p>Sussex District Council, Sevenoaks District Council, Tandridge District Council, Tunbridge Wells Borough Council and Wealden District Council</p> <p>A SANG has recently been completed in Newick at the Reedens Meadow site. This site has the capacity to mitigate all development coming forward in Newick and other parts of the district within the 7km zone of influence, The Council is currently working on developing a SANG tariff to cover the long-term costs of the ongoing maintenance and management of the SANG and is currently using a 'capped SANG tariff', of £5,000 per dwelling, until this is finalised. The tariff for SAMM contributions is set at a flat rate of £1,170 per dwelling. The wording of the LDC guidance on SANGs and SAMMs states that the charges will apply to residential development that results in a net increase of one or more dwellings within 7km of the Ashdown Forest and certain larger developments close to the 7km boundary. For this reason, clarification will be sought from Natural England as to whether contributions should apply to all dwellings within the development or just those that fall within the zone of influence. The payments will be secured within the section 106 legal agreement.</p>
8.11	<p><u>Environmental Impact:</u></p> <p>There would be noise, light and air emissions associated with the development both post completion as well as during the construction phase.</p> <p>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, with a minimal increase in traffic and reduced emissions on account of air source heat pumps being used in place of fossil fuel based heating.</p> <p>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.</p> <p>The proposed drainage infrastructure would include apparatus to prevent contaminants from being discharged off site or into the sewer and the foul water pump would include appropriate emergency capacity to prevent risk of spillage in the event of pump failure.</p>
8.12	<p><u>Human Rights Implications:</u></p> <p>The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.</p>

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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 the officer recommendation at the beginning of this report.

10.	Conditions:
10.1	<p>Time limit</p> <p>The development to which this permission relates shall be begun within three years of the date of this permission.</p> <p>Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).</p>
10.2	<p>External Materials</p> <p>No external materials or finishes shall be applied until a schedule of materials (including full specification and photographs) has been submitted to and 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.</p> <p>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 NNP policies</p>
10.3	<p>Surface Water Drainage</p> <p>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:-</p> <ul style="list-style-type: none"> • Surface water discharge rates not exceeding 2.1 l/s 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. • The details of the outfall of the proposed attenuation a storage and how it connects into the sewer should be provided as part of the detailed design including cross sections and invert levels.

	<ul style="list-style-type: none"> • The capacity and condition of the sewer which will take surface water runoff from the development should be investigated / confirmed to be acceptable before discharge of surface water runoff from the development is made. Any required offsite improvements should be carried out prior to construction of the outfall. • Provide information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely. • A scheme for surface water drainage to prevent the discharge of surface water from the approved development onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site • The capacity and condition of the sewer which will take surface water runoff from the development should be investigated / confirmed to be acceptable before discharge of surface water runoff from the development is made. Any required offsite improvements should be carried out prior to construction of the outfall. <p>The development shall thereafter be carried out and maintained in accordance with the approved drainage details.</p> <p>Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and para. 175 of the NPPF.</p>
10.4	<p>Drainage Maintenance and Management</p> <p>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:</p> <ul style="list-style-type: none"> (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. <p>Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and para. 175 of the NPPF.</p>
10.5	<p>Drainage Installation</p> <p>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.</p>

	<p>Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and para. 175 of the NPPF.</p>
10.6	<p>Foul Drainage</p> <p>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.</p> <p>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 and para. 163, 165 and 174 of the NPPF.</p>
10.7	<p>Hard and Soft Landscaping</p> <p>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:</p> <ul style="list-style-type: none"> a) Details of all boundary treatments (to include appropriate gaps beneath to allow for wildlife to move between sites); b) Details of all hard surfacing including car parking/turning areas; c) Seating and other furniture in communal areas; d) Details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees; e) Details of any planting to be removed as well as protection measures for retained trees/hedging; f) Confirmation of compliance with biodiversity net gain requirements; <p>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.</p>

	<p>Reason: To ensure the development incorporates sympathetic landscaping that amalgamates with surrounding landscaping, is appropriately and sympathetically screened, and provides a secure and safe environment for future occupants in accordance with LLP1 policies CP8 and CP10, LLP2 policies DM24, DM25 and DM27 and para. 180 of the NPPF</p>
10.8	<p>Play Areas:</p> <p>Prior to the occupation of the 5th unit of the development, a Local Equipped Area of Play (LEAP) shall be provided in a suitable location within the site in accordance with details to be submitted to and approved by the Local Planning Authority. The LAP shall be laid out, equipped, landscaped and properly retained, in accordance with these full details and specifications for the lifetime of the development. Seating for adults must be provided.</p> <p>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.</p> <p>Reason: To provide a healthy living environment in accordance with policies DM15 and DM16 of LLP2 and section 8 of the NPPF.</p>
10.9	<p>Construction Environmental Management Plan (Biodiversity)</p> <p>No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:</p> <ul style="list-style-type: none"> a) risk assessment of potentially damaging construction activities; b) identification of “biodiversity protection zones”; c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements); d) the location and timing of sensitive works to avoid harm to biodiversity features; e) the times during construction when specialist ecologists need to be present on site to oversee works; f) responsible persons and lines of communication; g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; h) use of protective fences, exclusion barriers and warning signs. i) The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

	Reason: To ensure that any adverse environmental impacts of development activities are mitigated.
10.10	<p>Precautionary Working Methods Statement</p> <p>No development shall take place (including any demolition, ground works, site clearance) until a precautionary working methods statement (PWMS) for detailing reasonable avoidance measures for great crested newts and reptiles has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:</p> <ul style="list-style-type: none"> a) purpose and objectives for the proposed works; b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used); c) extent and location of proposed works shown on appropriate scale maps and plans; d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; 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. <p>Works shall only be undertaken in accordance with the approved Method Statement.</p> <p>Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended.</p>
10.11	<p>Tree Planting</p> <p>In accordance with the details contained in the Statutory Biodiversity Metric (completed by Jessica Whittaker, 14/12/23) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination, 50 of the trees included within the landscaping scheme for the site must be of medium size at the time of planting (with a diameter at breast height greater than 30cm).</p> <p>Reason: To ensure the site meets its requirement to provide a minimum biodiversity gain of 10% under the Environment Act 2021.</p>
10.12	<p>Ecological Design Strategy</p> <p>No development shall take place until an ecological design strategy (EDS) addressing compensation, mitigation and enhancement measures and including a minimum of five bat bricks/boxes, five bird bricks/boxes, one log pile, one hibernaculum and hedgehog holes through impermeable</p>

	<p>boundary features, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:</p> <ul style="list-style-type: none"> a) purpose and conservation objectives for the proposed works; b) review of site potential and constraints; c) detailed design(s) and/or working method(s) to achieve stated objectives; d) extent and location /area of proposed works on appropriate scale maps and plans; e) type and source of materials to be used where appropriate, e.g. native species of local provenance; f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development; g) persons responsible for implementing the works; h) details of initial aftercare and long-term maintenance; i) details for monitoring and remedial measures; j) details for disposal of any wastes arising from works. <p>The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.</p> <p>Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 187 and 193 of the National Planning Policy Framework 2024 and Policy CP10 of the Lewes District Local Plan.</p>
10.13	<p>Access</p> <p>No development shall commence/be occupied until the vehicular access serving the development has been constructed in accordance with the approved drawing ref: 10621-FA-02. The access shall not be used until visibility splays of 2.4m by 61m are provided in both directions and maintained thereafter.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway</p>
10.14	<p>Parking</p> <p>No part of the development shall be occupied until the parking area serving that part has been provided in accordance with the approved plans and the areas shall thereafter be retained for that use. Parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls or fences). Car port spaces shall have minimum dimensions of 2.8m X 5m.</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.</p>

10.15	<p>Cycle Parking</p> <p>No part of the development shall be occupied until secure and covered cycle parking for that part has been provided in accordance with details been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use.</p> <p>Reason: In order that the development site is accessible by non - car modes and to meet the objectives of sustainable development.</p>
10.16	<p>Travel Plan</p> <p>No part of the development shall be occupied until a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.</p> <p>Reason: To encourage and promote sustainable transport.</p>
10.17	<p>Construction Management Plan</p> <p>No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:</p> <ul style="list-style-type: none"> • the anticipated number, frequency and types of vehicles used during construction, • the method of access, egress, turning and routeing of vehicles • the parking of vehicles by site operatives and visitors, • the loading and unloading of plant, materials and waste, • the storage of plant and materials used in construction of the development, • the erection and maintenance of security hoarding, • the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction on the public highway (including the provision of temporary Traffic Regulation Orders), • measures to manage flood risk, both on and off the site, during the construction phase. • temporary diversion or protection of public rights of way • arrangement of holding areas for construction vehicles

	<ul style="list-style-type: none"> • details of public engagement both prior to and during construction works. <p>Reason: In the interests of highway safety and the amenities of the area.</p>
10.18	<p>Sensitive Lighting</p> <p>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:</p> <ol style="list-style-type: none"> 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 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. <p>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.</p> <p>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 and para. 180 of the NPPF.</p>
10.19	<p>Secured by Design</p> <p>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.</p> <p>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.</p>
10.20	<p>Sustainability</p>

	<p>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.</p> <p>Reason: In order to ensure suitable sustainability measures are incorporated into the development and maintained in accordance with LLP1 policy CP14, LLP2 policy DM20 and para. 152 of the NPPF.</p>
10.21	<p>Remediation Strategy</p> <p>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:</p> <ul style="list-style-type: none"> 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. <p>Reason: To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, para 170, 174, 178 and 179].</p>
10.22	<p>Verification Report</p> <p>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</p>

	<p>contingency action, as identified in the verification plan. The long term monitoring and maintenance plan shall be implemented as approved.</p> <p>Reason: To ensure that any remediation, if deemed necessary, is satisfactorily completed</p>
10.23	<p>Previously Unidentified Contamination</p> <p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.</p> <p>Reason: To ensure that any contamination identified during the construction works is fully characterised and assessed.</p>
10.24	<p>Imported Soil</p> <p>No soils shall be imported within the development site until the developer has submitted details of the chemical testing and assessment of the soils which demonstrates the suitability of the soils for the proposed use. The assessment shall be undertaken by a suitably qualified and competent person and full details shall be submitted to and approved in writing by the local planning authority</p> <p>Reason: To protect the amenity of the locality in accordance with LLP2 policy DM21.</p>
10.25	<p>Written Scheme of Investigation</p> <p>No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.</p>
10.26	<p>Archaeological Reports</p> <p>No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition.</p>

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

11.	Plans:
11.1	This decision relates solely to the following plans:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	18 March 2024	10621-FA-01
Site Layout	08 November 2024	10621-FA-02A
Ground Floor Plan	08 November 2024	10621-FA-03A
Levels Plan	08 November 2024	10621-FA-11A
Plots 1 & 2 - Floor Plans	18 March 2024	10621-FA-100
Plots 1 & 2 - Elevations	18 March 2024	10621-FA-101
Plots 3-5 - Floor Plans	18 March 2024	10621-FA-102
Plots 3-5 - Elevations	18 March 2024	10621-FA-103
Plots 6&7 - Floor Plans	18 March 2024	10621-FA-104
Plots 6&7 - Elevations	18 March 2024	10621-FA-105
Plots 8&9 - Floor Plans	18 March 2024	10621-FA-106
Plots 8&9 - Elevations	18 March 2024	10621-FA-107
Plots 10&11 - Floor Plans	18 March 2024	10621-FA-108
Plots 10&11 – Elevations	18 March 2024	10621-FA-109
Plots 12&13 - Floor Plans	18 March 2024	10621-FA-110
Plots 12&13 – Elevations	18 March 2024	10621-FA-111
Plots 14&15 - Floor Plans	18 March 2024	10621-FA-112

Plots 14&15 – Elevations	18 March 2024	10621-FA-113
Plots 16&17 - Floor Plans	18 March 2024	10621-FA-114
Plots 16&17 - Elevations	18 March 2024	10621-FA-115
Plot 18 - Floor Plans	18 March 2024	10621-FA-116
Plot 18 - Elevations	18 March 2024	10621-FA-117
Plot 19 - Floor Plans	18 March 2024	10621-FA-118
Plot 19 - Elevations	18 March 2024	10621-FA-119
Plot 20 - Floor Plans	18 March 2024	10621-FA-120
Plot 20 - Elevations	18 March 2024	10621-FA-121
Plot 21 - Floor Plans	18 March 2024	10621-FA-122
Plot 21 - Elevations	18 March 2024	10621-FA-123
Plot 22 - Floor Plans	18 March 2024	10621-FA-124
Plot 22 - Elevations	18 March 2024	10621-FA-125
Plot 23 - Floor Plans	18 March 2024	10621-FA-126
Plot 23 - Elevations	18 March 2024	10621-FA-127
Plots 24-26 - Floor Plans	18 March 2024	10621-FA-128
Plots 24-26 - Front & Side Elevations	18 March 2024	10621-FA-129
Plots 24-26 – Rear Elevations	18 March 2024	10621-FA-130
Plot 27 - Floor Plans	18 March 2024	10621-FA-131
Plot 27 - Elevations	18 March 2024	10621-FA-132
Detached Car Ports Plans and Elevations	17 January 2025	10621-FA-132
Street Scenes - Sheet 1	18 March 2024	10621-FA-201

