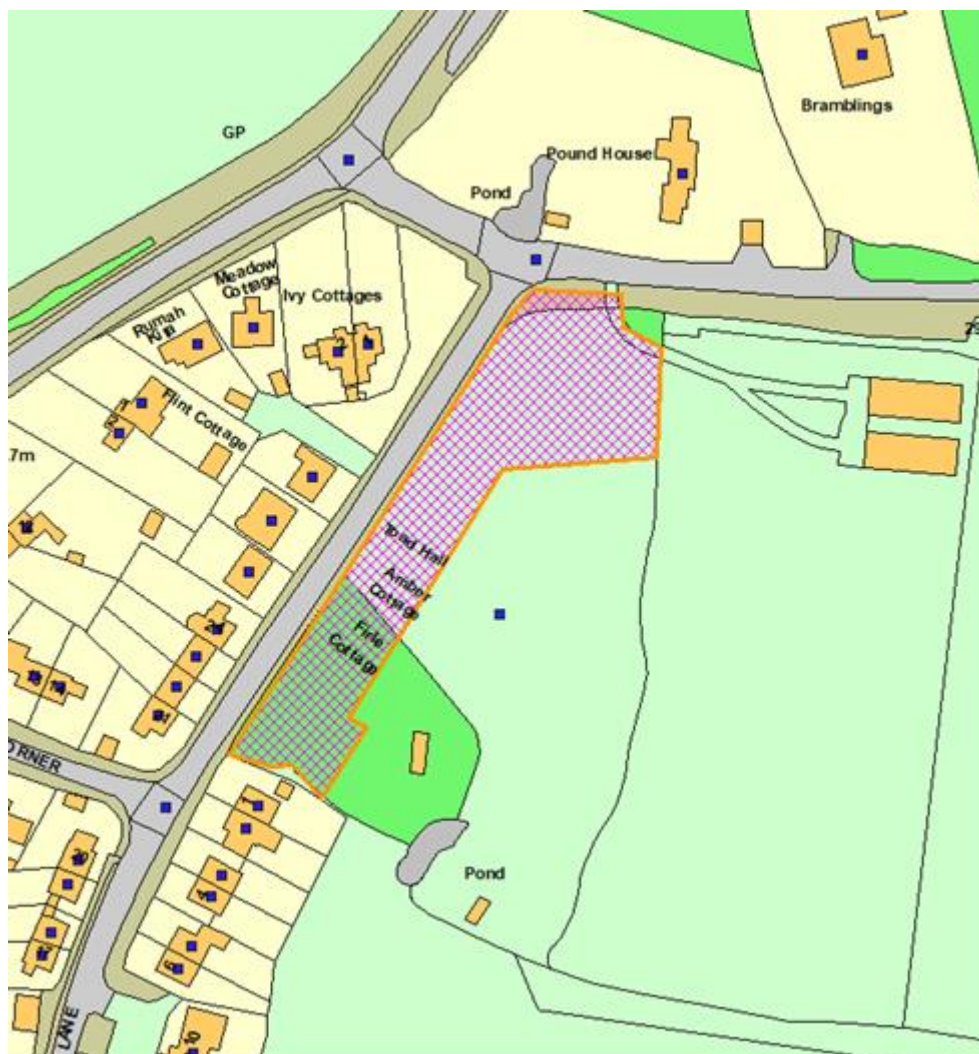


Report to: Planning Applications Committee
Date: 3 August 2022
Application No: LW/22/0089
Location: Highbury Farm, Markstakes Lane, Chailey, BN8 4BS
Proposal: Hybrid application comprising full application for 1no. dwellinghouse and outline application for 3no. dwellinghouses with all matters reserved except access and layout.

Applicant: Mr and Mrs Durnford
Ward: Chailey, Barcombe & Hamsey
Recommendation: Grant Planning Permission.
Contact Officer: **Name:** Julie Cattell
E-mail: julie.cattell@lewes-eastbourne.gov.uk

IMPORTANT NOTE: This scheme is CIL Liable.

Map Location:



1. **Executive Summary**

- 1.1 The proposed development meets all relevant national and local planning policies and will result in an increase in the District Council's housing stock. Approval is recommended, subject to conditions.

2. **Relevant Planning Policies**

2.1 National Planning Policy Framework

Achieving sustainable development

Delivering a sufficient supply of homes

Promoting healthy and safe communities

Promoting sustainable transport

Making effective use of land

Achieving well designed places

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

Conserving and enhancing the natural environment

Conserving and enhancing the historic environment

2.2 Lewes District Local Plan

LDLP: – SP2 – Distribution of Housing

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP12 – Flood Risk, Coastal Erosion and Drainage

LDLP: – CP13 – Sustainable Travel

LDLP: – CP14 – Renewable and Low Carbon

LDLP: – DM1 – Planning Boundary

LDLP: – DM24 – Protection of Biodiversity and Geodiversity

LDLP: – DM25 – Design

LDLP: - DM26 - Refuse and recycling

LDLP: - DM27 – Landscape Design

2.3 Chailey Neighbourhood Plan (advancing towards adoption)

CNP: - HO1 – Design

CNP: - HO2 – Housing mix

CNP: - HO3 – Building materials

CNP: - HO4 – Building Height

CNP: - HO5 – Pedestrian connections

CNP: - ENV2 – Wildlife protection

CNP: - ENV5 - Conservation of the environment, ecosystems, and biodiversity

CNP: - TRA1 – Road safety

CNP: - TRA2 – Adequate and appropriate car parking

3. Site Description

- 3.1 The application site is located along the on the eastern side of Green Lane, at the junction with Markstakes Lane, South Chailey. Roughly rectangular in shape, the site covers 0.31ha and has been formed from a larger field also in the applicant's ownership. There is an existing gated access on to Markstakes Lane. There are mature trees and hedges along the western boundary of the site.
- 3.2 Green Lane runs south west from Markstakes Lane and branches off at the south into further residential roads Markstakes Corner, St James Walk and Setfords Field.
- 3.3 Green Lane is developed on both sides of the road, apart from along the boundary with the application site. The properties are a mix of detached, semi-detached, and terraced houses, of varying ages, with brick walls and clay roof tiles, with occasional timber cladding. Towards the far end of the road, there are a number of bungalows. Many of the properties have off-street parking in the front or in garages. Some on-street parking was observed at the site visit, mainly towards the southern end of the settlement.
- 3.4 The application site is contiguous with the planning boundary of the settlement.
- 3.5 Markstakes Lane links directly to the A275 just a few metres from the site. The land beyond the site to the east is open countryside.

4. Proposed Development

- 4.1 The application seeks full planning permission for a detached four-bedroom dwelling (plot 1), set over two floors and basement, together with detached double garage/cycle store and two surface car parking spaces. The existing access from Markstakes Lane will be utilised, with improved visibility splays. An area for the storage of bins is indicated at the entrance to the plot.
- 4.2 The proposed new house will be 'L' shaped, located roughly in the centre of the site, set back approximately 20m from the front of the site. The garage will be located to the south-east of the house. The design is derived from the local farmhouse aesthetic, using bricks, timber cladding and photovoltaic slates to the roof. The garage will be of a similar style.
- 4.3 This house will be a self-build project for the applicants use. They have been farming the land around the site for 10 years from their current home outside of the area.
- 4.4 The application also seeks outline planning permission, with all matters reserved except access and layout, for three new dwellings (plots 2, 3 and 4) with direct access from Green Lane, to the south of the plot 1. The indicative plans show that plots 2, 3 and 4 are capable of accommodating Nationally Described Space Standard compliant 3 bed/5 person houses, together with gardens and two off-street parking spaces per dwelling. A further parking space will be provided in a bay in front of unit 4.

5. Relevant Planning History

5.1 LW/89/0837 - Outline application for the erection of seven detached dwellings – refused 22 June 1989 and dismissed on appeal on 20th June 1990.

5.2 The inspector was of the view that the proposal would be an incursion into the surrounding countryside. It should be noted that national and local planning policy has changed considerably since the date of that decision.

5.3 Consultations

5.4 Chailey Parish Council

5.4.1 The 1no dwelling house would enable Mr & Mrs Durnford to live at the site they have been farming for 10 years. The outline for 3 houses would be for self-build houses with a condition that they were lived in for at least 3 years by the owner/builders. CPC after some debate decided to make No Recommendation on this matter.

5.4.2 CPC would feedback to LDC that there should be an agricultural tie on Plot 1. With regards to Plots 2,3,4 there were reservations with regards to drainage. CPC would prefer to see 2 bed over 3 bed houses to maximise affordability and that there is a condition that the houses are self-build. Proposed by Cllr Avery. Seconded by Cllr Evans. Passed with 6 Cllrs in favour and 3 abstentions.

5.5 Planning Policy

5.5.1 As the Council is unable to demonstrate a five-year supply of deliverable housing sites since 11 May 2021, decisions on planning applications involving housing will be tilted in favour of sustainable development in accordance with Paragraph 11 of the NPPF. The Council produced an Interim Policy Statement resenting the Council's approach on the Delivery of Housing. When it may be concluded that the site is in a sustainable location, when it is demonstrated that the proposed development is deliverable and viable, having regard to the provision of necessary on-site infrastructure, and other requirements, the planning balance may weigh in favour of approval.

5.5.2 Land at Highbury Farm is located outside of the settlement boundary for South Chailey but has the following advantages:

- The site is contiguous with the adopted settlement planning boundary for South Chailey
- The site could provide safe and convenient pedestrian access to community facilities and services within South Chailey
- Development would not result in the actual or perceived coalescence of settlements
- The site provides 4 Self-Build dwellings.

5.5.3 This policy comment concentrates on the provision of custom and self-build dwellings. The key requirements of the legislation are set out in two acts of Parliament, The Self-Build and Custom

Housebuilding Act 2015 as amended by the Housing and Planning Act 2016, with guidance given by two main statutory instruments. The Acts introduced three duties for local authorities to meet demand for custom and self-build housing, requiring them to:

- prepare, publicise, and maintain a register of individuals and associations of individuals “who are seeking to acquire serviced plots of land”
- have regard to the register “when carrying out their planning, housing, land disposal and regeneration functions”; and
- give suitable development permission for enough serviced plots of land to meet the demand for custom and self-build housing in their area on a rolling, three-year, basis
- The National Planning Policy Framework sets out the explicit requirement to consider the needs of “those wishing to build or commission their own home” in paragraph 62.

5.5.4 The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

5.5.5 In considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout.

5.5.6 The Self-build and Custom Housebuilding Planning Practice Guidance gives detailed guidance on how LPAs should register and assess demand as well as how they should seek to meet the identified demand.

5.5.7 Since April 2016, Lewes District Council has kept a register for individuals and associations who are looking for a plot to self- or custom build their home. The Self-build and Custom Housebuilding Register (the Register) provides information about the level of demand for self-build and custom build plots in the local area and will be used as evidence of the identified need for self-build plots.

5.5.8 The timescale for granting permission for serviced plots for self-build is three years from the end of the base period. The demand demonstrated in the first three base periods, is 147, compared with the 53 self-builds achieved since the register was introduced, therefore the Council has not met the demand shown by the register. Therefore, it can be concluded that the provision of 4 self-build dwellings qualifies as a positive benefit to the application, which should be given weight in the decision. It is however for the decision maker to consider the weight to be given in consideration of all other material considerations and development plan policies and the NPPF, and to consider if the proposal constitutes sustainable development as a whole.

5.6 ESCC SuDS

5.6.1 The LLFA is unable to respond to minor applications at this time unless the Planning Officer deems there to be a significant flood risk arising from this proposal. If this is the case, please set out your concerns and we will endeavour to provide a response within the deadline set.

5.7 Natural England

5.7.1 No comments to make on the application.

5.8 ESCC Highways

5.8.1 Did not consider it necessary to provide formal comments

5.9 Ecology Officer/Nature Space

5.9.1 Initial comments (ecologist) - it is considered that at present insufficient information has been provided in relation to protected species and biodiversity net gain. Further information is therefore required.

5.9.2 Initial comments (Nature Space) I am not satisfied that the applicant has adequately demonstrated that there will no impact to great crested newts and/or their habitat as a result of the development being approved.

5.9.3 Therefore, in line with the guidance from Natural England (Great crested newts: District Level Licensing for development projects, Natural England, March 2021), there is a reasonable likelihood that great crested newts will be impacted by the development proposals and therefore, the applicant must either:

- Submit a Nature Space Report or Certificate to demonstrate that the impacts of the proposed development can be addressed through Lewes Council's District Licence; or
- Provide further information in the form of eDNA or presence / absence surveys in line with Natural England's Standing Advice, to rule out impacts to great crested newts, or demonstrate how any impacts can be addressed through appropriate mitigation/compensation proposals*; or
- If it is determined that there is no suitable habitat impacted on site and the likelihood of GCN is very low, then a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed Method Statement (NLMS) strategy documents completed by a suitably qualified ecologist may be acceptable for the development.

5.9.4 Comments on applicant's response awaited at time of writing this report and will be reported to the Committee.

5.10 Design and Conservation officer

5.10.1 Has concerns about some of the materials proposed for plot 1.

5.10.2 Officer comment – matters of materials can be conditioned.

5.11 Southern Water

5.11.1 Southern Water requires a formal application for a connection to the public foul sewer to be made

5.11.2 Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

5.12 Chailey Common Society

5.12.1 No response

6. **Neighbour Representations**

6.1 Representations have been received from 47 local residents, 22 objecting and 25 in support. The comments, summarised below:

Objections

- Increase in parking demand
- Green Lane will have more traffic and be more dangerous
- Owner has not been considerate to local wildlife
- Potential loss of privacy from one of the smaller plots
- Not enough infrastructure in the area for new dwellings
- Will devalue properties in the area as grazing land will be lost
- Loss of view
- Loss of wildlife
- Proposed farmhouse too big, it's only a small farm
- Will damage the village
- Not sustainable
- Will overshadow houses opposite
- There are structures already on the site that should be removed
- Outside the development boundary, shows no respect for local consultations

- The large house is out of keeping
- The so-called farm is a ruse to get a house on the site – not really a farm
- Construction process will disturb local residents and wildlife
- Proposed houses don't have any car charge points or cycle store
- Potential for flooding
- Loss of trees and open land
- Chailey has met its quota for new houses
- Green Lane is already over-developed
- Lots of accidents in the area
- Digging for basement could possibly affect stability of land
- Two houses would be enough on Green Lane
- Damage to rural quality of the area
- Concern that application has not been properly advertised
- Outside of planning boundary and on rural land
- Objection to plot 1 as it would be visible from the road
- Loss of sunlight
- Loss of quality of life of existing residents
- Will open the floodgates to further development on green belt

Support

- Development will enhance the area
- Does not appear to be a parking problem in Green Lane
- Applicant deserves to have his own home
- Will help with housing shortage
- Support self-building, which is more affordable
- Applicants have worked hard to bring back to life a run-down farm
- Parking for other 3 houses won't be a problem
- Would enhance the condition of the planted boundary along Green Lane
- New houses set back nicely so won't be imposing or overlook anyone
- Will be low impact and complimentary
- Good use of under-utilised land
- Looks good, nice to see a small development
- See no harm in the development, supported by the PC
- Will be useful for family to live close to the farm
- Support smaller houses in the area

- Good to see a site not being built out by a developer
- Glad to see that owner has already made ecological enhancements to site

7. **Appraisal**

7.1 Principle

- 7.1.1 National Planning Policy Framework Paragraphs 7 and 8 state that there are three dimensions to sustainable development: economic, social, and environmental. The social role of the planning system should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural wellbeing.
- 7.1.2 The Economic objective helping to build a strong, responsive economy and ensuring that the right types of sufficient land are available in the right places, and the environmental objective making efficient and effective use of land to improve the environment.
- 7.1.3 Development proposals that accord with an up-to-date Development Plan should be approved and where a planning application conflicts with an up-to-date Development Plan, permission should not usually be granted (Paragraph 12).
- 7.1.4 Section 5 of the Framework sets out policies aimed at delivering a sufficient supply of houses and maintaining the supply to a minimum of five years' worth (Paragraph 73).
- 7.1.5 Spatial Policy 1 (Provision of housing and employment land) states that in the period between 2010 and 2030, a minimum of 6,900 net additional dwellings will be provided in the plan area (this is the equivalent of approximately 345 net additional dwellings per annum).
- 7.1.6 Since its introduction through the NPPF in 2018, local housing need is calculated using a standard method contained within Planning Practice Guidance¹. As such this is a Government initiative that sets the framework within which local housing need is assessed. The standard method uses a formula to identify the minimum number of homes expected to be planned for, in a way which addresses projected household growth and historic under-supply. Under the Government's standard method, the local housing need for the whole of Lewes District as of 11th May 2021 is 782 homes per year.
- 7.1.7 However, approximately half of the area of Lewes District is in the South Downs National Park, which is not under the planning jurisdiction of Lewes District Council. Planning Practice Guidance states that where strategic policy-making authorities do not align with local authority boundaries, an alternative approach to identifying local housing need will have to be used, and such authorities may identify a housing need figure using a method determined locally. In these situations, Planning Practice Guidance also confirms that this locally derived housing requirement figure may be used for the

purposes of the five-year housing land supply calculation where the local plan is more than 5 years old.

- 7.1.8 The Council has published its Approach to Local Housing Need for Lewes district outside the South Downs National Park for the purposes of the Five-Year Housing Land Supply (May 2021). This sets out a locally derived method for calculating local housing need for the plan area (i.e. Lewes district outside of the SDNP) on the basis of how the total number of dwellings in the District is split between inside and outside the National Park. This results in a locally derived housing requirement figure of 602 homes per year, which will be the housing requirement against which the housing supply will be assessed.
- 7.1.9 The Joint Core Strategy pre-dates the NPPF and in accordance with para 13 of the Framework, the policies of the core strategy should be given due weight according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). In the case of the old housing targets within SP1 and SP2 limited weight should be given, and housing targets which will be given substantial weight in the decision making process are those targets set out in the 'locally derived method for calculating local housing need' (602 dwelling per year).
- 7.1.10 Given the use of the Governments standard method for calculating housing need has derived a figure significantly greater than the previous position then this will have a direct impact upon the land available to meet this inflated need. The Council currently has a supply of deliverable housing land equivalent to 2.9 years outside the South Downs National Park (SDNP). This means that the local plan policies that are most important for determining an application for housing carry less weight, and the NPPF's presumption in favour of sustainable development will apply to decision making.
- 7.1.11 In terms of housing delivery, the Council was found to be delivering 86% of the figure required by the Housing Delivery Test (HDT). The NPPF sets out certain 'actions' that must be implemented depending on the HDT result with less than 95% delivery triggering the requirement of the LPA to produce an Action Plan. The Action Plan produced in 2019 sets out a number of positive actions for the Council to implement in order to increase housing supply, one of the measures being the imminent adoption of the Lewes District Local Plan (part two) 2020.
- 7.1.12 Given the Council's position on housing delivery, in March 2021 the Council published the 'Interim Policy Statement for Housing Delivery'(IPSHD). This sets out a number of criteria which the Council considers developments need to achieve in order to be considered sustainable development. This policy statement simply directs the decision maker to the pertinent parts of Development Plan which should be used to inform and decide the application against.

7.1.13 Officers have (for ease of reference) outlined below how the scheme compares against the Interim Policy Statement and goes further to outline how the scheme engages with the Development Plan.

7.1.14 Listed immediately below are the criteria of the interim Policy Statement:

1. The site boundary is contiguous with an adopted settlement planning boundary, as defined on the Local Plan Policies Map
2. The scale of development is appropriate to the size, character, and role of the adjacent settlement, having regard to the settlement hierarchy set out in LPP1 Table 2 (attached as an Appendix). In deciding whether the scale is appropriate, the Council will take account of the cumulative impact of extant unimplemented permissions in the relevant settlement.
3. The proposed development will provide safe and convenient pedestrian and cycle access to key community facilities and services within the adjacent settlement.
4. The proposed development, individually or cumulatively, will not result in the actual or perceived coalescence of settlements. Where appropriate, this should be demonstrated through the submission of a visual and landscape character impact assessment.
5. Within the setting of the South Downs National Park, an assessment is undertaken to demonstrate that the proposed development will conserve the special qualities of the National Park. This assessment should be informed by the SDNP View Characterisation & Analysis Study 2015, the SDNP Tranquillity Study 2017, and the SDNP Dark Skies Technical Advice Note 2018.
6. An ecological impact assessment is undertaken, and appropriate measures identified and implemented accordingly to mitigate any potential adverse impacts of the development on biodiversity and secure biodiversity net gain in accordance with the Council's Biodiversity Net Gain Technical Advice Note (February 2021).
7. The proposed development will make the best and most efficient use of the land, whilst responding sympathetically to the existing character and distinctiveness of the adjoining settlement and surrounding rural area. Arbitrarily low density or piecemeal development, including the artificial subdivision of larger land parcels, will not be acceptable.
8. It can be demonstrated that the proposed development is deliverable and viable, having regard to the provision of necessary on-site infrastructure, including affordable housing, green infrastructure, and other requirements. Where the proposed development would create the need to provide additional or improved off-site infrastructure, a programme of delivery should be agreed with the relevant infrastructure providers to ensure that these improvements are provided at the time they are needed.

7.1.15 Criterion1 of the IPSHD

- 7.1.16 The site is wholly contiguous with the South Chailey Development Boundary and therefore complies with criterion 1 of the IPSHD.
- 7.1.17 Criterion 2 of the IPSHD
- 7.1.18 The proposed development is relatively modest in scale. The location of the house on plot 1 would mirror Ivy Cottages which are at the north end of Green Lane. Plots 2-4 are located along Green Lane and will reflect the scale and character of the existing settlement and is considered to be compliant with criteria 2 of the IPSHD.
- 7.1.19 Criterion 3 of the IPSHD
- 7.1.20 The application proposes to create a new section of footpath along the front of plots 2-4, as well as a new parking bay for general use. There are also Public Rights of Way (PROW - CHL/43/1, CHL/43/2, HL/44/1, and CHL/45/1) that connect the site with the local convenience shop and Post Office. There are request bus stops, known locally as Horns Lodge Inn bus stops, located approximately 400 metres southwest along the A275, which is the optimum walking distance to a bus stop (Planning for Public Transport in Development, 1999). These stops are served by the 121 and 168 services, which provide a regular connection between Lewes, Uckfield and Newick. The site is considered to meet criterion 3 of the IPSHD.
- 7.1.21 Criterion 4 of the IPSHD
- 7.1.22 There are no other settlements in the vicinity, therefore criterion 4 of the IPSHD has been met.
- 7.1.23 Criterion 5 of the IPSHD
- 7.1.24 The development site is located some 6km to the north east of the nearest boundary of the SDNP It is considered that the proposed development would have no impact on the SDNP and complies with criterion5 of the IPSHD.
- 7.1.25 Criterion 6 of the IPSHD
- 7.1.26 Criterion 6 relates to the ecological impact of the development. This is assessed in more detail in the 'Ecology and Biodiversity' section of this report. Although the Ecology Officer initially raised concerns and sought further information, this has been provided in detail by the applicant. Further comments from the Ecology Officer are awaited.
- 7.1.27 Therefore, subject to the successful discharge any recommended ecology conditions, criterion 6 of the IPSHD is considered to be satisfied.
- 7.1.28 Criterion 7 of the IPSHD
- 7.1.29 Criterion 7 requires that developments should make the most efficient use of land, whilst responding sympathetically to the surrounding rural environment.
- 7.1.30 Policy CP2 of the Local Plan Part 1 sets out that within village scales density should range between 20-30 units per hectare in order to

respect the village context. This proposal seeks a maximum density of 12.9 dwellings per hectare. Although this is below the recommended density for making most efficient use of the land, much of the site is dedicated garden space for the proposed dwellings and retained trees/ hedges. Plots 2-4 respect the scale of the settlement and plot 1 reflects the existing residential layout at entrance to Green Lane. Overall, it is considered that the proposal is compliant with Criterion 7 of the IPSHD.

- 7.1.31 Criterion 8 of the IPSHD
- 7.1.32 Criteria 8 sets out that it should be demonstrated that the scheme is deliverable with regard to elements such as, infrastructure and affordable housing.
- 7.1.33 The proposal is below the trigger point for affordable housing; however, all four plots will be self-build projects, and it will be liable for CIL contributions. There is no evidence to suggest that the scheme would not be delivered with these benefits. However, Officers do note that the part of the application is for outline consent and therefore, all reserved matters are required to be discharged. With this in mind it may be sometime before housing completions take place at this site. Nonetheless, this would not be sufficient to demonstrate that the site is not deliverable, and Officers consider that the proposal would not be contrary to Criterion 8 of the IPSHD purely on the basis that it is a hybrid application for full and outline planning consent.
- 7.1.34 The proposal meets policies CP2 and HO2, which seek a mix of housing sizes.
- 7.1.35 On balance, the principle of the application is acceptable and would have benefits in the form of four self-build plots contributing to housing supply. However, Officers recognise that this is to be weighed against the impact upon the surrounding landscape in accordance with the IPSHD and the NPPF. Subject to any potential harm of the development not outweighing the benefits, the principle of the development is considered to be acceptable.

7.2 Design, landscape, and ecology

- 7.2.1 The design of the house on plot 1 is considered to be acceptable and to meet the design criteria of policies CP11 that it is of a traditional design, using brick and timber cladding on the walls, which are typically found in this area. The Design and Conservation Officer's comments are noted, however applicant wishes to use solar slates on the roof rather than plain tiles, because this is a more efficient way of generating renewable in this location.
- 7.2.2 The appearance of plots 2-4 will be subject to Reserved Matters, with details being submitted at a later stage.
- 7.2.3 The proposal meets the design criteria of policies CP11 and DM25, and policies HO1, HO3 and HO4 of the Chailey Neighbourhood Plan.
- 7.2.4 Details of landscaping around the plots is also secured by condition.

- 7.2.5 A number of trees/tree groups and sections of hedge will need to be removed to facilitate the development. The application was accompanied by an Arboricultural Report, which considered and categorised all of the trees and hedges on the site. Of those that are to be removed, one is dead, six specimens/groups are category C, and three groups are category B.
- 7.2.6 The report also sets out tree protection measures for the remaining trees, which will be secured by condition.
- 7.2.7 The applicant has provided purchase and photographic evidence to demonstrate that he has carried out substantial planting on his land around the site, including 88 mixed species trees, 1125 Christmas trees and other conifers, a hedge comprising 375 Blackthorn bushes a wildflower meadow, as well as wildlife habitat piles using dead wood.
- 7.2.8 In terms of stewardship, the applicant provided the following information:
- Our Basic Payment Scheme (a form of rural grant aid) number is 200006511 and we have to follow their guidelines regarding tree and hedge management as part of our annual payment is towards their upkeep. This means that we can only cut trees and hedges by hand from March to September to protect nesting birds, Machinery can be used for heavy maintenance September to the end of February. We are in the process of applying to join for the Countryside stewardship wildlife offers scheme offered by the Rural Payments Agency. The option we will be applying for will be the lowland grazing offer (sources of nectar and pollen for insect pollinators and management of hedgerows), this is a 5 year scheme with a minimum of 3% of the Farmland being offered and under this the guidance for hedgerow management is that 'in any one calendar year must not cut more than 50% of all hedges on or bordering agreement land'. There is exception for public safety, allowing road and trackside hedgerows to be cut annually or more frequently.*
- 7.2.9 In response to the Ecology Officer's initial comments, an addendum to the original ecology report was submitted which seeks to clarify matters relating to protected species.
- 7.2.10 In respect of bats, it is submitted by the applicant's ecologist that the potential for bat roost activity is negligible in the trees and hedges on the site.
- 7.2.11 Similarly, and based on site visits and evaluation by the applicant's ecologist, the potential for supporting dormice and reptiles is also considered negligible. However, it is recommended that Reasonable Avoidance Method Statements be implemented prior to removal of any trees, hedgerows, and vegetation. The areas will be searched by a Suitably Qualified Ecologist.
- 7.2.12 Regarding Greater Crested Newts, an eDNA analysis of the pond adjacent to the site returned a positive result, with an extremely low replicate rate. The pond north of Marstakes Lane was negative. Due

to the, albeit low, possibility of presence, a mitigation scheme will need to be implemented prior to commencement of works.

- 7.2.13 The precautionary measures noted above will be secured by condition.

It is considered that in terms of and landscape ecology, the proposal is compliant with policies DM24, DM27, ENV2 and ENV5.

7.3 Amenity

- 7.3.1 The plans for plot 1 demonstrate that the floorspace and accommodation exceeds the Nationally Described Space Standard. The projected floorspace for units 2-4, based on the indicative plans demonstrate compliance with the Standard.
- 7.3.2 All of the units will have access to private amenity space.
- 7.3.3 The issue of overlooking to properties opposite and adjacent to plots 2-4 has been raised by local residents. The front wall of the new houses will be approximately 25m away from the front walls of the property's opposite; this is consistent with other face-to-face distances in the settlement and is not considered to be a supported reason for refusal. Measures to prevent mutual overlooking between plot 4 and the adjacent property can be dealt with at RM stage.
- 7.3.4 In terms of amenity for future occupiers and of nearby and adjoining properties, the proposal meets the relevant criteria of policies CP11 and DM25.
- 7.3.5 Finally, details of storage areas for recycling and refuse bins will be secured by condition.

7.4 Transport and parking

- 7.4.1 As noted above, the site is well located in relation to local convenience shopping, post office, footpath networks and bus routes.
- 7.4.2 The application was accompanied by a Transport Report. In terms of traffic activity, TRICS data analysis indicates that the proposed residential use is likely to generate around two trips during the AM Peak, and an additional two trips during the PM Peak. This equates to one additional movement every 30minutes during the morning peak and one movement every 30 minutes during the afternoon peak. Therefore, it is unlikely that this minimal impact will represent any adverse impact on the surrounding road network.
- 7.4.3 Using the ESCC parking calculator tool, the proposal generates a demand for 9 spaces; the proposal offers a total of 11 spaces, including a new general use/visitor bay outside plot 4. Details of cycle storage and electric car charge points can be secured by condition.
- 7.4.4 Overall, it is considered that the proposal complies with policies CP13, TRA1 and TRA2.

7.5 Sustainability and drainage

- 7.5.1 Although the application did not include an energy/sustainability statement, the Design and Access Statement sets out a list of measures that will be deployed to limit carbon emissions – including PV slates and wood pellet boiler. Further details will be secured by condition in respect of all of the proposed plots.
- 7.5.2 A Drainage Strategy, Management and Maintenance Plan was submitted with the application. A rainwater harvesting system is proposed for plot 1, and water butts for plots 2-4. Permeable paving will be specified for hard landscaped surfaces. Further details of the drainage scheme, in relation to all 4 plots, will be secured by condition.
- 7.5.3 It is considered that the proposal meets the requirements of policies CP12 and CP14.

7.6 Comments on objections

- 7.6.1 Most of the issues raised by the proposal have been covered in the main body of this report.
- 7.6.2 Comments about the applicant and his family and the nature/size of their business are not planning matters and have not been taken into consideration.
- 7.6.3 It is considered that in relation to this site, there are no circumstances that would justify the need for an agricultural tie.

8. **Human Rights Implications**

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

9. **Recommendation**

- 9.1 In view of the above the proposed development is considered to be acceptable and approval is recommended subject to conditions.

9.2 Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved drawings:

PLAN TYPE	DATE RECEIVED	REFERENCE
Design & Access Statement	2 February 2022	Design and Access Statement
Planning Statement/Brief	2 February 2022	Planning Statement
Transport Assessment	2 February 2022	Transport Report
General	2 February 2022	Ecological Assessment
Tree Statement/Survey	2 February 2022	Arboricultural Report

PLAN TYPE	DATE RECEIVED	REFERENCE
Planning Statement/Brief	2 February 2022	Appendix to the Planning Statement
Technical Report	2 February 2022	Drainage Strategy & Management
Proposed Block Plan	2 February 2022	9105-P-01-Rev 7 - Site Location Plan and Proposed Block Plan

Location Plan	2 February 2022	9105-P-01-Rev 7 - Site Location Plan and Proposed Block Plan
Other Plan(s)	2 February 2022	9105-P-07-Rev 2 - Proposed Site Phasing Plan
Proposed Floor Plan(s)	2 February 2022	9105-P-20-Rev 1 - Proposed Basement and Ground Floor Plans (Plot 1)
Proposed Floor Plan(s)	2 February 2022	9105-P-21-Rev 1 - Proposed First Floor and Roof Plan (Plot 1)
Proposed Floor Plan(s)	2 February 2022	9105-P-22-Rev 1 - Proposed Garage Floor Plans, Roof Plan, Elevations and Section S-01 (Plot 1)
Proposed Elevation(s)	2 February 2022	9105-P-23-Rev 1 - Proposed North-West and South-West Elevations (Plot 1)
Proposed Elevation(s)	2 February 2022	9105-P-24-Rev 1 - Proposed South-East and North East Elevations and Sections A-02 and S-03 (Plot 1)
Proposed Section(s)	2 February 2022	9105-P-24-Rev 1 - Proposed South-East and North East Elevations and Sections A-02 and S-03 (Plot 1)

Reason: For the avoidance of doubt and in the interests of proper planning.

2. RESERVED MATTERS No development shall commence in respect of plots 2-4 until details of the:

- a) scale
- b) external appearance
- c) landscaping

(hereinafter called "the Reserved Matters") have been submitted to and approved in writing by the Local Planning Authority. Application for the approval of the Reserved Matters shall be made within three years of the date of this permission. The development shall accord with the approved details.

Reason: Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).

3. CEMP No development shall commence, including any ground works or works of demolition for a) the house at plot 1, hereby approved as a full planning application and for b) the houses at plots 2-4, hereby approved as an outline planning application, until Construction Environment Management Plans (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:

- the anticipated number frequency and types of vehicles used during construction.
- the method of access and egress and routeing of vehicles during construction.
- the parking of vehicles by site operatives and visitors.
- the loading and unloading of plant, materials and waste.
- the storage of plant and materials used in construction of the development.
- the erection and maintenance of security hoarding.
- details of the precautions and facilities put in place to guard against the deposit of mud and substances from the application site on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed in order to be free of mud and similar substances prior to entering the public highway; and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders;
- public engagement both prior to and during construction works, to include details of engagement with the occupiers of all properties (residential and commercial) within 50m of the boundary of the site, and to include details of points of contact with site manager (phone and email) and to include details of how regular updates on progress and key activities in the implementation will be communicated;

- measures to control the emission of dust, dirt, air pollution and odour during demolition and construction.
- temporary lighting for construction and security.
- means of safeguarding public rights of way or providing temporary diversions.
- details outlining the proposed range of dust and dirt control measures and noise mitigation measures during the course of construction of the development, having regard to Section 61 consent under the Control of Pollution Act 1974.
- details of off-site monitoring of the CEMP; and
- assurance that the construction will be undertaken in accordance with the Considerate Constructor's Scheme.

The approved CEMP shall thereafter be implemented and adhered to throughout the entire site preparation and construction period.

Reason: In the interests of highway safety and the environmental amenities of the area, having regard to guidance within the National Planning Policy Framework.

4. TREE METHOD STATEMENT No development shall commence in respect of a) the house at plot 1, hereby approved as a full planning application and for b) the houses at plots 2-4, hereby approved as an outline planning application until the tree protection measures as set out in the Arboricultural Methodology Statement by Tim Mayhew Consultancy Ltd, dated November 2021, have been carried out in full.

Reason: To preserve trees on the site and in the interest of visual amenity and environment having regard to policy CP10 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

5. PRETECTED SPECIES STATEMENT No development shall commence in respect of a) the house at plot 1, hereby approved as a full planning application and for b) the houses at plots 2-4, hereby approved as an outline planning application until Reasonable Avoidance Method Statements in respect of dormice and lizards and mitigation measures in respect of Greater Crested Newts, if deemed to be necessary, have been submitted to and approved in writing by the Local Planning Authority. The required measures shall be carried out in full.

Reason: In order to protect any protected species that are found to be present on the site having regard to policies DM24 of the Lewes District Local Plan and ENV2 and ENV5 of the Chailey Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

6. SURFACE WATER DETAILS No development shall commence in respect of a) the house at plot 1, hereby approved as a full planning application and for b) the houses at plots 2-4, hereby approved as an outline planning application until detailed drainage drawings and calculations have been submitted to and approved in writing by the

Local Planning Authority. The submitted details shall include evidence (in the form of hydraulic calculations) that surface water discharge rates are limited to equivalent greenfield runoff rates for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. The hydraulic calculations shall consider the connectivity of the different surface water drainage features. The submitted details shall also include hydraulic calculations where the outfall is allowed to surcharge based on the predicted 1 in 100-year flood level. All works shall be carried out in accordance with the approved details

Reason: To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity having regard to policy CP12 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

7. **HARD AND SOFT LANDSCAPING** No development above ground floor slab level of any part of the development of a) the house at plot 1, hereby approved as a full planning application and for b) the houses at plots 2-4, hereby approved as an outline planning application shall commence until details, including materials, of all hard and soft landscaping and boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policies CP11, DM25 and DM27 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework

8. **EXTERNAL MATERIALS** No development shall commence, above ground floor slab level of a)) the house at plot 1, hereby approved as a full planning application and for b) the houses at plots 2-4, hereby approved as an outline planning application shall commence until details until details/samples of all external materials have been submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policies CP11 and DM25 of the Lewes District Local Plan and HO3 of the Chailey Neighbourhood Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

9. **ENERGY STATEMENT** No development above ground floor slab level of a) the house at plot 1, hereby approved as a full planning application and for b) the houses at plots 2-4, hereby approved as an outline planning application shall commence until a report has been submitted to, and approved in writing by, the Local Planning Authority, to include details and drawings to demonstrate how a minimum of 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage.

The report shall identify how renewable energy, passive energy and energy efficiency measures will be generated and utilised for each of the proposed buildings to collectively meet the requirement for the development. The approved details shall be implemented with the construction of each dwelling and thereafter retained.

Reason: To secure a proper standard of development having regard to policy CP14 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

10. EV CHARGING No part of the development of a) the house at plot 1, hereby approved as a full planning application and for b) the houses at plots 2-4, hereby approved as an outline planning application shall be occupied/brought into use until details for the provision of electric car charging points, both in the dwellings and for visitors, have been submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with that approval prior to occupation.

Reason: To promote sustainable ways of transport in accordance with policies CP13 and CP14 of the Lewes District Joint Core Strategy National Policy Guidance contained in the National Planning Policy Framework.

11. CYCLE STORAGE No part of the development of a) the house at plot 1, hereby approved as a full planning application and for b) the houses at plots 2-4, hereby approved as an outline planning application until details of secure under cover cycle storage have been submitted to and approved by the Local Planning Authority and shall be implemented in accordance with that approval.

Reason: To promote sustainable ways of transport in accordance with policies CP13 and CP14 of the Lewes District Joint Core Strategy National Policy Guidance contained in the National Planning Policy Framework.

12. CAR PARKING PROVISION No part of the development of a) the house at plot 1, hereby approved as a full planning application and for b) the houses at plots 2-4, hereby approved as an outline planning application shall be occupied until details of the new/improved access points, including visibility splays, new pavement and parking areas have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and laid out as approved. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

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

13. REFUSE AND RECYCLING No part of the development a) the house at plot 1, hereby approved as a full planning application and for b) the houses at plots 2-4, hereby approved as an outline planning application shall be occupied until full details of storage for refuse and recycling bins have been submitted to and approved in writing by the Local Planning Authority. These areas shall thereafter be retained.

Reason: In the interests of the amenities of the area, having regard to policy DM26 and guidance within the National Planning Policy Framework.

14. CONSTRUCTION HOURS Any works in connection with this permission shall be restricted to the hours of 0800 to 1800 Mondays to Fridays and 0830 to 1300 on Saturdays, and not at any time on Sundays, Bank or Public Holidays.

Reason: In the interest of the amenities of the adjoining residents having regard to policies CP11 and DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy DM21 of the Lewes District Local Plan and the National Planning Policy Framework.

16. PD RIGHTS TAKEN AWAY Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development described in Part 1 and Part 2 of Schedule 2, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to policies CP11, DM25 and DM34 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

17. TREE REPLACEMENT No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development process and up until completion and full occupation of the buildings for their permitted use within 2 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990, having regard to policy DM27 of the Lewes District

Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

10. **Background Papers**

10.1 None.