

Report to: Planning Applications Committee

Date: 7 September 2022

Application No: LW/21/0014

Location: Land East and West of Downs Walk, Peacehaven, BN10 7SN

Proposal: Amended scheme - erection of 2 detached two storey houses and 6 detached bungalows, along with parking and associated landscaping.

Applicant: Mrs S Shoebridge, Hatley Estates Ltd

Ward: Peacehaven North

Recommendation: Grant Planning Permission.

Contact Officer: **Name:** Julie Cattell
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IMPORTANT NOTE: This scheme is CIL Liabile.

Map Location:



1. **Executive Summary**

1.1 The proposed development as amended is acceptable and meets all relevant national and local planning policies.

1.2 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
- Building a strong, competitive economy
- Ensuring the vitality of town centres
- 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

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

2.3 Neighbourhood Plan

2.31 Peacehaven and Telscombe Cliffs does not yet have an adopted Neighbourhood Plan. In the meantime, the following saved policies from the Lewes District Local Plan 2003 still apply:

PT19 and PT20.

3. Site Description

- 3.1 Downs Walk is located in the north west side of Peacehaven, close to the parish of East Saltdean & Telscombe Cliffs. Telscombe Road runs east to west, to the south of Downs Walk. From here, Downs Walk runs north and leads into the more sparsely developed Valley Road area.
- 3.2 The application site is mainly rectangular with a triangular section on the north-east corner and covers an area of 0.28ha. It is located directly to the north of existing dwellings in Downs Walk.
- 3.3 Downs Walk currently comprises 11 dwellings, with 5 detached two storey houses on the west side and 6 detached bungalows on the east side.
- 3.4 The bungalows are a mixture of hipped and gabled roofs with front and rear gardens and driveways to one side. They are finished with either red or yellow facing bricks and concrete roof tiles. Where there are gables to the front, these are finished with horizontal timber or tile hung cladding.
- 3.5 The houses are all of the same design, built close to each other with integral garages, hipped and pitched roofs and central porches. They are finished with light orange brickwork and red concrete tiles. Each has a driveway, and front and rear gardens.
- 3.6 Downs Walk has pavements on either side of the roadway, which ends outside the dwellings at the north extremity of the road. The road becomes a single-track heading north to and beyond the junction with Valley Road. There are two further detached dwellings with Downs Walk addresses and several on Valley Road. Land either side of the continuation of Downs Walk is of a scrubby and unmanaged appearance.
- 3.7 There are two Bus Stop on Telscombe Road, with facilities and services and facilities in the area, including a Tesco Express and Junior School. The area is characterised by post-war residential development and has a strongly suburban feel.
- 3.8 The site is located outside of the planning boundary and is within a Site of Special Scientific Interest Impact Risk Zone – the nearest SSSI is the Brighton to Newhaven Cliffs, 2km away to the south. There are no other designations or restraints relating to the site.

4. Proposed Development

- 4.1 The application as amended seeks full planning permission to build 2 x 4 bed/6 person detached houses on the west side of the site and 6 x 3 bed/4 person detached bungalows on the west, as a continuation of Downs Walk.
- 4.2 The houses will have an integral garage to the side, set back from the front wall of the house by 3m and beyond the rear wall by 1m. At ground floor, the kitchen and downstairs W.C are located to the front. The kitchen is open to the living area at the rear, which has direct access to a rear garden.
- 4.3 At first floor, the master bedroom with en-suite is above the garage, with the remaining three bedrooms and bathroom above the main house. The roofs will be pitched and hipped, with the ridge of the roof over the garage/bedroom set lower than the main roof. The houses will be finished with brick to the walls and plain tiles to the roofs.

- 4.4 Each house will have an open front garden area with parking for two cars with crossover and a rear/side garden with side access gate, immediately beyond which will be a cycle shed. Bins will be stored in the front garden by the gate.
- 4.5 The bungalows will be laid out with two of bedrooms, one with en-suite, which will extend beyond the front wall by 1.5m to the front, and one in the middle, opposite the bathroom. The open plan living area will run across the rear, opening onto the rear garden. The bungalows will have pitched and hipped roofs, with the roof over one of the front bedrooms set lower than the main ridge line.
- 4.6 Each bungalow will have two parking spaces and crossover at the front and space for bins to store, and a gate leading to the rear garden with cycle store. Materials will again be brick and plain tiles.
- 4.7 The proposal also includes an extension to the existing footpath on each side and a turning area designed to accommodate refuse vehicles at the north-west end of the site.
- 4.8 The original proposal was for 9 dwellings (3 houses and 6 bungalows). ESCC Highways objected on the grounds of lack of provision for pedestrians and cyclists, lack of adequate turning space and insufficient parking provision.
- 4.9 The amended layout is a result of negotiations with the applicant's agent and ESCC Highways.

5. **Relevant Planning History**

- 5.1 No planning history relating to the site.
- 5.2 The planning history for the existing houses and bungalows in this section of Downs Walk is as follows:
- LW/83/1355 – Outline application for 6 detached bungalows with garages – approved 14 September 1983.
- LW/83/1499 – 5 detached houses and garages – approved 12 October 1983.
- LW/86/0470 – Outline application for 5 detached houses and garages – approved 13 May 1986.

6. **Consultations**

6.1 Environmental Health

6.1.1 If LPA is minded to grant a planning permission, then the following conditions are recommended

6.1.2 Land contamination

6.1.3 Hours of work

6.1.14 Informative:

All waste material arising from any site clearance, demolition, preparation and construction activities at the site should be stored, removed from the site and disposed of in an appropriate manner.

6.2 ESCC Highways

6.2.1 Comments on amended application: No objection

6.2.22 This HT401 is issued in response to a Transport Report Addendum dated March 2022 and amended plans received direct from the applicant on 19th and 30th May 2022 these include plan nos:- 2438.100F; 2438.100G (site plan and block plan); 2438.102D.

6.2.23 The proposal has now been reduced from 9 to 8 dwellings on the site which now includes 2 houses and 6 bungalows. The access, part of the unadopted public highway (private street) section of Downs Walk is now shown to be widened/alterd to have the same width of carriageway as the existing adopted section along with the footways and grass verges continuing to the end of this site together with new individual accesses onto Downs Walk to serve the proposed dwelling plots. A suitable turning head is shown to be provided and is supported by vehicle tracking and parking is provided to recommended standards. The access is now shown to be within the red site area. Thus, the proposal is now acceptable.

6.2.24 My objection dated 22nd April 2022 is withdrawn and I do not object to the proposed development subject to the conditions at the end of this report being included in any grant of consent.

6.2.25 The amended plans now show only 8 dwellings on the site with the access provided to recommended standards with the continuation of the current road width and footways extending to the northern boundary of the site. These are provided within the limits of the private street (unadopted public highway) section of Downs Walk. It should be noted that the proposed planting on the northern side of the proposed turning head would need to be deleted due to part of this area being part of the private street and would need to be delineated on site.

6.2.26 Vehicle tracking for the largest refuse vehicle (11.997m) has been provided and indicates that such a vehicle could turn within the proposed turning head.

6.2.27 The road (private street) including the proposed footways and verges are now shown within the limits of the private street. It is noted that the red site area boundary has been extended to include the access as it is understood that the applicant now owns this land (although still a private street).

6.2.28 Furthermore, the applicant has agreed to have the access road (private street) formerly adopted. The details can be secured through a planning condition.

6.2.29 If the road (private street) is to be formerly adopted the existing 30mph speed limit would also need to encompass this site and a contribution of £5000 towards the administrative costs of altering the Traffic Regulation Order would be required and sought through the adoption process. However, if street lights (2 are likely to be required) are provided then a TRO contribution would not be sought at that stage.

6.2.30 The parking provision is in accordance with recommendations and the garages are shown to be 6m by 3m.

6.2.31 Thus given all the information, the proposal is acceptable subject to the following conditions.

6.2.32 No development shall take place until details of the layout of the new access (extension of Downs Walk and private accesses) and the specification for the construction of the access which shall include details of surface water drainage, levels, street lighting, repositioning of existing street furniture have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the use hereby permitted shall not commence until the construction of the access (continuation of Downs Walk and private accesses) has been completed in accordance with the agreed specification.

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

6.2.33 The development shall not be occupied until parking area have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

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

6.2.34 The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).

Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

6.2.35 The development shall not be occupied until cycle parking areas have been provided in accordance with details which have 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 and shall not be used other than for the parking of cycles

Reason: In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.

6.2.36 The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans and the turning space shall thereafter be retained for that use and shall not be obstructed;

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

6.2.37 The garages shall be positioned at least 5.5m back from the edge of the highway (and open inwards) in order that a vehicle may wait clear of the highway whilst the garage door is being operated

Reason: To ensure that the use of the highway by persons and vehicles is not obstructed by waiting vehicles

6.2.38 The new estate road, continuation of Downs Walk (private street) shall be designed and constructed to a standard approved by the Planning Authority in accordance with Highway Authority's standards with a view to its subsequent adoption as a publicly maintained highway.

Reason: In the interest of highway safety and for this benefit and convenience of the public at large

6.2.39 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:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and egress and routeing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

Informatives

6.2.40 The applicant is advised to enter into a legal agreement with East Sussex County Council, as Highway Authority, for the proposed adoptable sections of the on site highway works. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that any works commenced prior to the agreement being in place are undertaken at their own risk.

6.2.41 The applicant is advised to contact the Transport Development Control Team (01273 482254) to commence the process associated with the proposed Traffic Regulation Order. The applicant would be responsible for meeting all costs associated with this process which is a minimum of £5000. The applicant should note that the outcome of this process cannot be guaranteed as it is open to public objection.

6.3 Southern Water

6.3.1 The applicant has not stated details of means of disposal of foul drainage from the site. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

6.4 Planning Policy

6.4.1 Paragraph 50 of the NPPF states that refusal on the grounds of prematurity will seldom be justified where a draft local plan has yet to be submitted for examination; or in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. The

draft Peacehaven and Telscombe Neighbourhood Plan has not been submitted to the Local Authority to carry out the public consultation on the draft plan (Regulation 15 and 16). Whilst Lewes District Council have commenced work on a new local plan and have undertaken an Issues and Options consultation (Regulation 18), adoption of a new local plan is not anticipated until 2024. Therefore, it is considered that a reason for refusal based on the prematurity of the application cannot be justified, planning policy could not defend a reason to refuse permission on the basis that granting permission would prejudice the outcome of the plan making process.

6.4.2 It is however for the Case Officer to consider all material considerations and weight to be given to them, any development plan policies and the NPPF, and to consider if the proposal constitutes sustainable development as a whole.

6.5 Trees and Landscape officer

No response.

6.6 District Services

No response.

6.7 Peacehaven Town Council

Original comments (dated 25th February 2021):

6.7.1 It was resolved to recommend refusal for the following reasons:-

- 13 objections noted
- Site outside planning boundary,
- Already been included in the LDC call for sites, which is waiting assessment, trying to pre-empt the assessment of the site, making it premature.
- Ecological assessment was carried out after the site had been cleared therefore any useful habitat had already been destroyed.
- The shelter belt trees on the west boundary have been misidentified as Leylandii but they are actually Cypress trees.
- On the Design and Access statement, they quote national guidance relating to rural communities such as villages, Peacehaven isn't a village.
- Flawed assessment of the site.
- 'Meaningful use' of an area can also include leaving it as open space/diversity.
- A further response will be compiled by the SPO and sent to LDC as this application is considered to have wider implications in respect of strategic planning and policy issues.

Additional comments (dated 26 February 2021)

6.7.2 The site is located in an area which is being considered for development at a strategic level and is outside of the current planning boundary (Local Plan part 2 Spatial Strategic Policy DM1)

6.7.3 As Lewes District Council is aware, Peacehaven is in the process of drafting our Neighbourhood Plan (jointly with Telscombe Town Council). It is anticipated that our Regulation 14 draft will be submitted this Spring / Summer. The current Local Plan states that planned housing in Peacehaven will be identified in the Neighbourhood Plan. We have also recently been consulted by your Policy Planning colleagues in respect of the district wide Land Availability Assessment, which forms part of the technical preparations for the new Local Plan and prior to your Regulation 18 public consultation. The evolving policy context, along with considerations identified in the 2018 Strategic Housing and Economic Land Availability Assessment (SHELAA) and Aecom's Site Options Assessment 2019 highlight the fact that this site forms part of a potentially wider developable area and therefore requires a strategic approach to decision making.

6.7.4 We consider that the granting of this permission would potentially prejudice the outcome of the plan-making process both at Town and District level at the present time. It would also set a precedent for a piecemeal approach to land which requires the appropriate assessment and investment in infrastructure, consideration of all sustainability related issues, flood risk, transportation assessment, landscaping, environmental and ecological impacts and any other technical requirements.

6.7.5 In light of the above Peacehaven Town Council consider that this application is premature at this time and we would respectfully recommend refusal in accordance with National Planning Policy Framework (2019) paragraph 50. These comments are made in addition to the Town Councils standard consultation response provided on 25th February 2021.

7. Neighbour Representations

7.1 Representations have been received from 22 local residents objecting to the application for the following reasons:

- Site is outside of the planning boundary
- Site was cleared of trees and shrubs during lockdown
- Thin end of wedge – will be a precedent for further development
- Area is valuable for recreation
- Additional pressure on infrastructure and services
- Overlooking to gardens in adjoining properties
- Ecology report incorrect in respect of tree species on boundaries
- Ecology report does not mention bats or woodpeckers which are present in the area
- Concern about health of trees during construction
- Would prefer to see bungalows and not houses on west side of site
- Proposal will overdevelop the site, not enough space for the new dwellings
- Concern about access for emergency vehicles to properties north of the site during construction

- Concern about capacity of drainage system
- Landowner should have looked after the site better to avoid fly tipping
- What about affordable housing?
- Outrage that site was cleared, houses previously hidden away can now be seen
- Noise and pollution due to construction
- Site provides access to the countryside
- Views of new properties will reduce amenity of some local residents
- Peace and quiet of the area will be ruined
- Increase in traffic
- Concern about the quality of the new buildings
- Impact on wildlife, including woodpeckers, bats, badgers, foxes and deer seen in the area
- Road is in a poor state of repair
- Damage to trees during site clearance
- Proposal will restrict views from existing properties and will devalue them
- Concerns about the PEA
- Existing land was a natural habitat and was destroyed prior to application being made
- Concern that some of the trees that were destroyed during clearance were protected.
- Road is too narrow
- Character of area is changing to overcrowded suburb
- Light pollution
- Site not deemed suitable for development in SHEELA
- New houses not needed as there are vacant properties in the area that could be used for residential
- Impact on climate change
- One letter of support:
 - Scheme will provide much needed housing, will make good use of low quality scrub land. Good to see electric car charge points.

8. **Appraisal**

8.1 Principle

8.1.1 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.

8.1.2 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.

8.1.3 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).

8.1.4 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).

8.1.5 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).

8.1.6 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.

8.1.7 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.

8.1.8 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.

8.1.9 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).

8.1.10 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.

8.1.11 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.

8.1.12 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.

8.1.13 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.

8.1.14 Listed immediately below are the criteria of the interim Policy Statement and how the proposal meets them.

Criterion 1

8.1.15 The site boundary is contiguous with an adopted settlement planning boundary, as defined on the Local Plan Policies Map

8.1.16 The site is wholly contiguous with the Peacehaven and Telscombe Development Boundary and therefore complies with criterion 1 of the IPSHD.

Criterion 2

8.1.17 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.

8.1.18 The proposed development is relatively modest in scale. The dwellings on either side of the road will form a continuation of the existing dwellings along Downs Walk and will reflect the scale and character of the existing settlement.

8.1.19 As such the proposal is considered to be compliant with criteria 2 of the IPSHD.

Criterion 3

8.1.19 The proposed development will provide safe and convenient pedestrian and cycle access to key community facilities and services within the adjacent settlement.

8.1.20 The application proposes a continuation of the existing road and the existing footpath on both sides. Access to the north to open countryside and to the south to local facilities will be retained.

8.1.21 The site is considered to meet criterion 3 of the IPSHD.

Criterion 4

8.1.21 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.

8.1.22 The proposal will not result in the coalescence of other nearby settlements, therefore criterion 4 of the IPSHD has been met.

Criterion 5

8.1.23 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.

8.1.24 The development site is located some 1.5km to the east of the nearest boundary of the SDNP.

8.1.25 It is considered that the proposed development would have no impact on the SDNP and complies with criterion 5 of the IPSHD.

Criterion 6

8.1.25 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).

8.1.26 Criterion 6 relates to the ecological impact of the development. This is considered in more detail in the 'Ecology and Biodiversity' section of this report. A Preliminary Ecological Assessment was submitted with the application, which includes ecological enhancements.

8.1.27 Therefore, subject to the successful discharge any recommended ecology conditions, criterion 6 of the IPSHD is considered to be satisfied.

Criterion 7

8.1.28 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.

8.1.29 Policy CP2 of the Local Plan Part 1 sets out a range of densities for both urban and rural/village areas. In this context, the site is not considered to be in a rural or village area, so the density range for urban areas of 47-57 is more appropriate. The development proposal would result in a density of 28ph, which is lower than the policy recommendation. However, the existing houses and bungalows to the south of the site are between 30 and 36dph.

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

Criterion 8

8.1.31 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.

8.1.32 The proposal is below the trigger point for affordable housing, but will be liable for CIL contributions.

8.1.33 The Town Council's comments regarding prematurity (in respect of the emerging Neighbourhood Plan) are noted. However, the NP has not yet reached a stage of maturity to consider it a material consideration. Furthermore, it is understood that the final plan will not contain site allocations.

8.1.34 The proposal is relatively modest and is a natural continuation of the existing section of Downs Walk and will retain a gap between the site and the open area beyond.

8.1.35 Policy PT19 states that 'Within the Valley area, Peacehaven, planning permission will not be *granted for uses which detract from the immediate natural setting and character of routes (defined on Inset Map No 3) which are of value for walking and riding.*'

8.1.36 Policy PT20 states that '*In the area between the Planning Boundary at the Valley, Peacehaven and the Sussex Downs AONB, planning permission will be granted for horse keeping activities and leisure and recreational uses (Class D2 of the Town and Country Planning (Use Classes) Order), subject to the following criteria:-*

(a) the proposal will be for development which is essentially outdoor and open in character

(b) there will be no adverse impact on the Sussex Downs AONB, the character of the Valley, the important wildlife habitats, the key landscape features and the existing informal recreation uses of the area

(c) the proposal normally will not involve the building of new structures. Proposals which use existing buildings will be preferred

(d) footpaths and bridleways will be maintained

(e) the traffic generated by the use will not adversely affect the character or key landscape features of the Valley area

(f) The proposals will not result in an unacceptable level of pollution, nuisance or other adverse impact to the amenities of neighbouring properties.

A temporary planning permission may be granted where a trial period is desirable in order to assess the effect of a proposal on the area.'

8.1.37 The proposal would not compromise either of these policies.

8.2 Design

The new dwellings have been designed to reflect the key characteristics of this section of Downs Walk in terms of site layout, typology and palette of materials. As such the proposal complies with the design aspects of policies CP1 and DM25.

8.3 Landscaping and Ecology

8.3.1 As noted above, a Preliminary Ecological Assessment was submitted with the application. This was carried out after the site was cleared, so the PEA takes a 'precautionary' approach, based on the most reasonable estimate of the ecological value prior to clearance. At the time of the survey, the western side of the site was 'dominated' by ephemeral/short perennial vegetation and the eastern side, recently cleared scrub/young woodland. The trees along the boundaries were considered to be 'poor'.

8.3.2 Desk Top studies were carried out in relation to protected species, in addition to site surveys. The potential for habitats for Greater Crested Newts and reptiles was considered to be negligible. Similarly, the potential for bat roosts was considered low, although the tree lines may be suitable for commuting and foraging opportunities. The potential of the site to support dormice was considered to low, due to disturbance connected with the existing properties in Downs Walk. No evidence of badger activity was found during the survey. The site is considered to offer negligible habitat for nesting birds. The site is capable of supporting invertebrates. No suitable habitat for any other protected species was recorded on the site.

8.3.3 The report recommends the following measures to enhance the ecological value of the site

- The use of flowering plants as listed within the RHS 'Plants for Pollinators' plant list, within the soft landscape scheme to provide year-round value for invertebrates¹;

- The provision of nesting boxes for a variety of bird species to be placed in suitable locations. Positioning guidance is provided by the RSPB2;
- The provision of bat roosting boxes, suitable for a range of species to be incorporated into buildings or on trees, at the design stage. Boxes may be situated facing south / south-west, positioned 3-5m above ground and out of reach of cats.
- The provision of insect boxes and/or log piles, for which a wide variety of models are available, to be located within an area of site subject to the least disturbance.
- Incorporation of a hedgerow or treeline boundary to provide ecological connectivity along Downs Walk.
- Creation of a pond for wildlife. Guidance for designing such a pond is provided by the RSPB3

8.3.4 Although it is recognised that the site was cleared prior to PEA, the comments raised by objectors in relation to the numbers of species present in around the site are anecdotal. The approach taken by the applicant's ecology consultant was cautious and allowed for the best case scenario based on what was present on the site at the time of the survey, photographs of the site prior to clearance and desk top studies of the area. Furthermore, ecological enhancements will be included in the landscape scheme. A reason for refusal based on objections regarding site clearance would be unlikely to succeed at appeal.

8.3.5 The above measures will be secured by condition to meet the requirements of policy DM24.

8.3.6 Finally, the development is unlikely to have any adverse impact on the SSSI.

8.4 Amenity

8.4.1 All of the new dwellings meet the Nationally Described Space Standard in respect of overall floor area, bedroom sizes and storage. All have access to private rear gardens, which are commensurate with the other properties in this section of Downs Walk. The layout of the dwellings avoids mutual overlooking. All plots have a bin store.

8.4.2 There are no properties adjoining the site to the east, so there will be privacy or daylight issues in respect of the bungalows. The houses will back onto the garden of one property in Louvain Gardens, a bungalow built in the last 10 years. There are a number of mature evergreen trees in the garden of this property, which will provide privacy screening.

8.4.3 The proposal is compliant with the amenity aspects of policies CP11 and DM25, and DM26.

8.5 Transport and parking

8.5.1 As a result of negotiations with Highways, the layout of the scheme has been amended and the original objection has been withdrawn. The number of parking spaces meets ESCC standards, a turning circle has been provided and a footway will be constructed. All dwellings will have a cycle store, details of which have been provided within the submitted plans. Details of electric car charge points will be secured by condition.

8.5.2 The site is well located in relation to public transport, with bus routes to Brighton and Newhaven. There are shops, schools and other community facilities within 10-15 minutes walk of the site. There is a public bridleway located 280m to the west of Downs Walk, connecting Peacehaven with Saltdean and National Cycle Route 2 is 1.4km to the south. The site is considered to be in a sustainable location.

8.5.3 In all respects, the proposal is compliant with policy CP13.

8.6 Sustainability & Drainage

8.6.1 The supporting statement submitted with the application refers to the use of renewable energy sources and sustainable building methods. A condition is recommended to secure further details of the measures to be adopted to comply with policy CP14.

8.6.2 A basic drainage scheme was submitted with the application, indicating soakaways in each garden for storm water and a local pumping station for foul waste, Further details of the drainage scheme is sought by condition.

8.7 Summary

8.7.1 On balance and taking into consideration the council's situation regarding housing land supply, the proposed development is acceptable. It meets all national and local planning policies and will provide good quality homes in a sustainable location. Approval is therefore recommended, subject to conditions set out below.

9. **Human Rights Implications**

9.1 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 taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

10. **Recommendation**

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

10.2 Conditions

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

PLAN TYPE	DATE RECEIVED	REFERENCE
Design & Access Statement	20 July 2022	Design and Access Statement
Survey Plan	28 January 2021	01 Site survey
Proposed Block Plan	19 May 2022	100G Proposed block and site plan
Proposed Elevation(s)	30 May 2022	102D Proposed houses - elevations
Proposed Floor Plan(s)	30 May 2022	102D Proposed houses - floor plans
Location Plan	21 March 2022	02B - Location plan
Other Plan(s)	19 May 2022	103F Proposed drainage plan
Proposed Elevation(s)	18 March 2022	101D Proposed bungalows - elevations
Proposed Floor Plan(s)	18 March 2022	101D Proposed bungalows - floor plans
Additional Documents	8 January 2021	Preliminary Ecological Appraisal
Transport Assessment	3 June 2022	Transport Statement - update
Transport Assessment	18 March 2022	Transport Statement addendum

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

2. **CEMP** No development shall commence, including any ground works or works of demolition, until a Construction Environment Management Plan (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.

3. **Layout of Access** No development shall take place until details of the layout of the new access (extension of Downs Walk and private accesses) and the specification for the construction of the access which shall include details of surface water drainage, levels, street lighting, repositioning of existing street furniture have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the use hereby permitted shall not commence until the construction of the access (continuation of Downs Walk and private accesses) has been completed in accordance with the agreed specification.

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

4. **Drainage Details** No development shall commence, including any ground works or works of demolition until a drainage scheme for the site has been submitted to and approved by the Local Planning Authority and the works carried out as approved. The scheme shall include proposals for both storm and foul drainage, supported by calculations to demonstrate that the system and capacity will support the number of dwellings proposed, as well as a plan for its future management.

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.

5. **External Materials** No development shall commence above ground floor slab level of any part of the development hereby permitted 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 to comply with National Policy Guidance contained in the National Planning Policy Framework.

6. **Hard and Soft Landscaping** No development above ground floor slab level of any part of the development hereby permitted shall commence until details, including materials, of all hard and soft landscaping and boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

7. **Ecological Enhancements** No development above ground floor slab level of any part of the development hereby permitted shall commence until details of ecological enhancements, as set out in the Preliminary Ecological Appraisal & prepared by Lizard Landscape Design and Ecology, dated December 2020, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

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 174 and 180 of the National Planning Policy Framework, Core Policy CP10 of the Lewes District Local Plan 2016 and Lewes District Council's Biodiversity Net Gain Technical Advice Note.

8. **Renewable Energy** No development above ground floor slab level of any part of the development hereby permitted shall commence until a report has been submitted to, and approved in writing by, the Local Planning Authority, to include details and drawings to demonstrate how a minimum of 10% of the energy requirements generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The report shall

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

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.

9. **EV Charging** No part of the development 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.

10. **Cycle Parking** No part of the development shall be occupied until the covered and secure cycle parking stores shown on the submitted plans have been provided.

Reason: To provide alternative travel options and encourage use of alternatives to the use of the private car, in the interests of sustainability in accordance Policy CP13 of Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

11. **Refuse and Recycling Details** No part of the development shall be occupied until the refuse and recycling bin facilities shown on the submitted plans have been provided.

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

12. **Parking Space Size** The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).

Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

13. **Vehicle Turning** The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans and the turning space shall thereafter be retained for that use and shall not be obstructed.

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

14. **Siting of Garages** The garages shall be positioned at least 5.5m back from the edge of the highway (and open inwards) in order that a vehicle may wait clear of the highway whilst the garage door is being operated

Reason: To ensure that the use of the highway by persons and vehicles is not obstructed by waiting vehicles

15. **Design of New Highway** The new estate road, continuation of Downs Walk (private street) shall be designed and constructed to a standard approved by the Planning Authority in accordance with Highway Authority's standards with a view to its subsequent adoption as a publicly maintained highway.

Reason: In the interest of highway safety and for this benefit and convenience of the public at large

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

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.

17. **Permitted Development Removal** 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 and DM25 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

18. **Construction Hours** No site clearance or construction works shall take place outside 0800 hours to 1800 hours Mondays to Fridays and 0830 hours to 1300 hours on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

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

10.3 Informatives:

1. The applicant is advised to enter into a legal agreement with East Sussex County Council, as Highway Authority, for the proposed adoptable sections of the on site highway works. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that any works commenced prior to the agreement being in place are undertaken at their own risk.

2. The applicant is advised to contact the Transport Development Control Team (01273 482254) to commence the process associated with the proposed Traffic Regulation Order. The applicant would be responsible for meeting all costs associated with this process which is a minimum of £5000. The applicant should note that the outcome of this process cannot be guaranteed as it is open to public objection.
3. All waste material arising from any site clearance, demolition, preparation and construction activities at the site should be stored, removed from the site and disposed of in an appropriate manner.

11. **Background Papers**

11.1 None.