

Report to: Planning Applications Committee
Date: 7 December 2022
Application No: LW/22/0153
Location: Land North of High Street, Barcombe, East Sussex
Proposal: Approval of reserved matters application for details of appearance, landscaping, layout, and scale relating to outline approval LW/21/0530, for the erection of 26 dwellings.

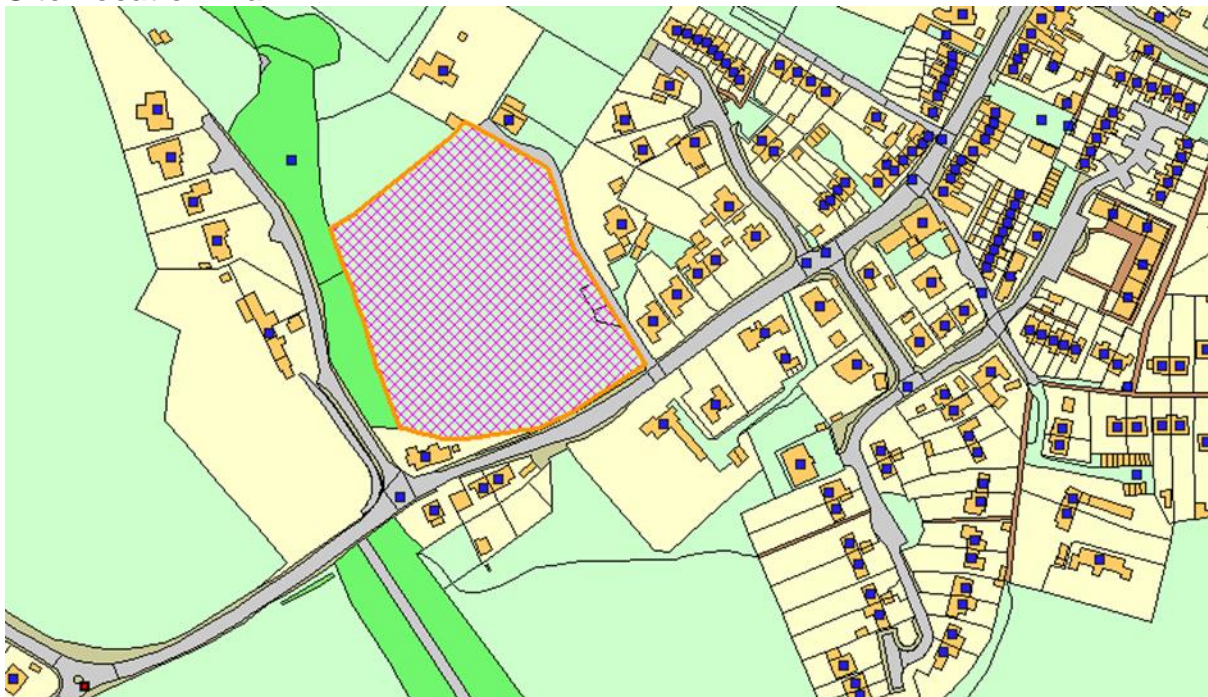
Applicant: Rydon Homes Ltd
Ward: Chailey, Barcombe & Hamsey

Recommendation:

1. Delegate to the Head of Planning to Approve subject to:
 - (a) The Conditions listed within the report.
 - (b) Resolving the surface water drainage matters (in conjunction with the Lead Local Flood Authority): and thereafter.
 - (c) Referring the matter to the Secretary of State and receiving confirmation that the Secretary of State does not wish to exercise their call-in powers.

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



1.	Executive Summary
1.1	The principle of the development of the site, as well as the arrangements for the new site access from the High Street, has already been accepted following the approval of LW/21/0530. The current application relates to reserved matters
1.2	The submitted scheme, which as previously seeks approval for access arrangements only, maintains the access on the same position as previously but with additional technical reports provided setting out the rationale for selecting the site access point and additional details on biodiversity and ecological mitigation and improvements.
1.3	The submitted details provide a scheme that would deliver a social and economic benefit in addressing the Council's lack of housing supply, delivery of affordable housing, creation of an integrated and interactive environment in terms of the layout of the development itself and the way it would engage with the village, delivery of new and/or improved infrastructure and increase and likeliness that future residents would support local shops and services. An environmental benefit would be provided through the landscaping scheme which would introduce a significant level of biodiversity net gain. It is therefore considered that the scheme, as submitted, represents sustainable development.
1.4	<p>Housing Delivery</p> <p>The provision of 26 residential dwellings would contribute to the housing land supply for the District.</p> <p>This would carry <u>significant weight</u> in the planning balance.</p>
1.5	<p>Affordable Housing</p> <p>The development would deliver a policy compliant 40% affordable housing contribution, with a mix of units being provided. The standards of the affordable accommodation would be consistent with the market housing within the scheme and the units provided would be indistinguishable from the wider development.</p> <p>The provision is policy complaint and would carry <u>significant weight</u> in the planning balance.</p>
1.6	<p>Economic Benefits</p> <p>The proposal offers economic benefits in the form of job creation during construction and an increase in population that would likely result in additional use of local businesses and services.</p> <p>This would carry <u>moderate weight</u> in the planning balance</p>
1.7	Placemaking and impact upon urban environment

	<p>The design and layout of the development has evolved through extensive discussions between the Council's design and conservation officer and the applicant. The proposed scheme would integrate well with the existing streetscape and wider village setting, create an open and inclusive environment within the development and would be sympathetic to the setting of the conservation area.</p> <p>This would carry <u>moderate weight</u> in the planning balance.</p>
1.8	<p>Landscape impact</p> <p>The development would significantly alter the appearance of the existing greenfield site. However, the development does incorporate significant landscaping works that would maintain a semi-rural appearance to the site and would strengthen boundary planting, particularly on the western edge of the site, thereby helping to limit the landscape impact of the scheme largely to the immediate site area.</p> <p>This harm to landscape is therefore considered to be well mitigated and, for that reason, carries a <u>minor weight</u> in the planning balance.</p>
1.9	<p>Biodiversity Net Gain</p> <p>The landscaping incorporated into the development would strengthen and enrich existing hedgerow, introduce new habitat, and would create secure habitat areas for the existing reptile population supported by the site. The biodiversity net gain delivered by the scheme would exceed the 10% target set by the Council for all major development.</p> <p>This would carry <u>moderate weight</u> in the planning balance.</p>
1.10	<p>Highways</p> <p>The access arrangements for the development have already been agreed. The layout of the proposed development provides suitable parking facilities for cars and cycles, is pedestrian friendly, accessible to service vehicles and provides connectivity with the centre of the village.</p> <p>This would carry <u>neutral weight</u> in the planning balance.</p>
1.11	<p>Heritage Impacts</p> <p>The site is adjacent to a Conservation Area. The design of the submitted scheme has adopted a broad range of recommendations made by the Council's design and conservation officer to assist integration with the conservation area and the wider streetscape and there would overall be a less than substantial impact upon the heritage asset.</p> <p>This should be given <u>moderate weight</u> in the planning balance.</p>

1.12	<p>Water Issues</p> <p>The principle of the drainage system was agreed by the Lead Local Flood Authority (LLFA) as part of the outline approval. Although further technical details are required in relation to the drainage scheme, the infrastructure provided is required to manage discharge of surface water at existing greenfield levels, with an additional allowance made for storm events/rainfall as a consequence of climate change.</p> <p>This should be given <u>neutral weight</u> in the planning balance.</p>
1.13	<p>Air Quality & Contaminated Land</p> <p>Both air quality and contaminated land can be effectively dealt with by condition. Subject to conditions, the environmental health impacts can be acceptably resolved.</p> <p>This should be given <u>neutral weight</u> in the planning balance.</p>
1.14	<p>Quality Living Environment</p> <p>The scheme would provide adequate living standards in terms of local environment and internal and external quality of private accommodation, whilst not harming the amenity of existing properties nearby.</p> <p>This should be given <u>moderate weight</u> in the planning balance.</p>
1.15	<p>In summary the public benefits of the proposal would be:</p> <ul style="list-style-type: none"> • The provision of 26 dwellings to meet respond to housing need. • The inclusion of a policy compliant level of affordable housing (10 units). • The strong sense of engagement towards the existing village and creation of an inclusive and interactive environment within the development. • The delivery of biodiversity net gain on the site and landscape enhancements;
1.16	<p>It is therefore recommended that the application is approved subject to relevant conditions and noting existing conditions and the section 106 legal agreement attached to the outline approval LW/21/0530.</p>

2.	Relevant Planning Policies
2.1	<p><u>National Planning Policy Framework</u></p> <p>2. Achieving sustainable development</p> <p>4. Decision making</p> <p>8. Promoting healthy and safe communities</p> <p>11. Making effective use of land</p> <p>12. Achieving well-designed places</p> <p>14. Meeting the challenge of climate change, flooding, and coastal change</p> <p>15. Conserving and enhancing the natural environment</p> <p>16. Conserving and enhancing the historic environment</p>
2.2	<p><u>Lewes District Local Plan:</u></p> <p>LDLP1: – CP2 – Housing Type, Mix and Density.</p> <p>LDLP1: – CP10 – Natural Environment and Landscape.</p> <p>LDLP1: – CP11 – Built and Historic Environment & Design</p> <p>LDLP1: – CP12 – Flood Risk, Coastal Erosion and Drainage</p> <p>LDLP1: – CP13 – Sustainable Travel</p> <p>LDLP1: – CP14 – Renewable and Low Carbon Energy</p> <p>LDLP2: – BA02 – Land Adjacent to the High Street</p> <p>LDLP2: – DM1 – Planning Boundary</p> <p>LDLP2: – DM14 – Multi-functional Green Infrastructure</p> <p>LDLP2: – DM15 – Provision for Outdoor Playing Space</p> <p>LDLP2: – DM16 – Children’s Play Space in New Housing Development</p> <p>LDLP2: – DM20 – Pollution Management</p> <p>LDLP2: – DM22 – Water Resources and Water Quality</p> <p>LDLP2: – DM23 – Noise</p> <p>LDLP2: – DM24 – Protection of Biodiversity and Geodiversity</p> <p>LDLP2: – DM25 – Design</p> <p>LDLP2: – DM27 – Landscape Design</p> <p>LDLP2: – DM33 – Heritage Assets</p>

3.	Site Description
3.1	<p>The site comprises a single enclosed field that has most recently been in use as a paddock. It is positioned on the western edge of Barcombe Cross, falling within the planning boundary. The site topography includes a rise of approx. 5.5 metres from west to east. The field is open in nature with any significant trees and hedgerow distributed around site boundaries only. Archaeological investigations were conducted on the site last year, in accordance with conditions attached to the outline approval, with the land restored following trenching.</p>
3.2	<p>The south-eastern boundary of the field flanks Barcombe High Street and is marked by a mature hedgerow and tree line that follows the course of a raised bank running parallel to the highway. The hedge is trimmed to approx. 2-3 metres in most places. The south-western boundary is bordered by a belt of trees on the eastern side of Bridgelands, a private road which provides access to a group of detached dwellings built on the former site of Barcombe Cross train station. The north-eastern boundary is flanked by a private access track serving a dwelling at Vine Slead and Hillside as well as a group of derelict buildings that formerly accommodated Hillside Nursery's. This track is also currently used as vehicular access to the site itself. There is a line of mature leylandii trees marking the north-western boundary of the site immediately behind which is a lawn belonging to the residential dwelling 'Hillside'. The south-western corner of the site is recessed from the High Street, with the wedge-shaped plot at Willow Cottage forming a buffer.</p>
3.3	<p>The village of Barcombe Cross extends to the north-east and south-east of the site. The historic core of the village is designated as a Conservation Area and incorporates a number of Listed Buildings, the closest of which to the site is The Olde Forge House, a Grade II Listed dwelling occupying a converted 17th Century building that originally housed the village forge. This building is approx. 40 metres to the east of the site. The historic part of the village clusters around the High Street and comprises buildings of mixed design, scale, and provenance. Flint walling, red brick and tile hanging are common materials and steeply sloped gable roofing is frequently seen. Buildings are generally arranged in terraces or groups of detached and semi-detached buildings that are positioned closely together. A number of former shop buildings have been converted to residential use over time. The overall character is of an intimate village setting with buildings positioned close to the road and small landscaped areas maintained to frontages in many places.</p>
3.4	<p>Tertiary roads branch off from the High Street, particularly to the north and south-east and these provide access to more modern, relatively high-density residential development. There are also a number of twittens and footpath that provide access to buildings set back from the High Street as well as connections with the wider public footpath network which criss-</p>

	crosses the fields surrounding the village and connects with the Ouse Valley Way and South Downs National Park to the east and south.
3.5	The centre of the village, where there is a public house, and a village shop is approx. 150 metres to the north-east of the site. Barcombe Primary School is approx. 375 metres walking distance from the site as is the adjacent recreation ground. The village as a whole is tightly nucleated with minimal sprawl into the fields and woodland surrounding it. The rural character of the village is enhanced by this surrounding countryside and the buffer it provides between the nearest neighbouring significant settlements, these being Isfield (approx. 3.5 km to the north-east), South Chailey (approx. 3.5 km to the north-west), Lewes (approx. 3.5 km to the south) and Ringmer (approx. 3.5 km to the south-east).
3.6	The site is allocated within Lewes District Local Plan Part 2 for residential development of approx. 25 new dwellings under policy BA02. Neighbouring land to the north-east at Hillside Nursery's and to the north-west at Bridgelands is also allocated for residential development but as distinct sites. The site lies on the edge of the Conservation Area. The south-eastern corner of the site falls within an Archaeological Notification Area. There are no other specific planning designations or constraints attached to the site.

4	Proposed Development
4.1	Outline permission for the construction of up to 26 dwellings on the site was granted under application LW/21/0530. The permission included details of site access, which takes the form of a new junction with the High Street to be positioned on the southern site boundary. All other matters (layout, scale, appearance, and landscaping) were reserved matters, and it is these details that will therefore be considered under the current application.
4.2	The layout of the development includes two terraces of three frontage dwellings that would be positioned towards the southern site boundary and would face out onto the High Street. The main access road would be lined by dwelling and would traverse the site from front to rear where it would curve around to the east, where dwellings would face out towards a green area reserved for biodiversity enhancement where play equipment would also be installed. A separate cul-de-sac would branch off to the west whilst a courtyard parking area would be provided to the east of the main access road, serving dwellings facing out onto the main access to the west and towards the biodiversity enhancement area to the east.
4.3	All buildings would be two-storey in height and would have traditional pitched roofing. External finishes would be primarily brick, with a number of properties also having tile hanging in place at first floor level. There would be variations in design in terms of scale, orientation, and configuration but all would comply with the overarching design attributes referenced above. The building accommodating flats at plots 21 and 22 would have a cantilevered first floor with a vehicular access passing

	beneath. The first floor flat at plot 23 would also be cantilevered, with access provided at ground floor and undercroft parking provided beneath the first floor on either side of the access.
4.4	<p>The dwelling mix comprises</p> <p>2 x 1 bed flats (8%),</p> <p>1 x 2 bed flat (4%),</p> <p>10 x 2 bed dwellings (38%),</p> <p>8 x 3 bed dwellings (31%) and</p> <p>5 x 4 bed dwellings (19%).</p> <p>Of these dwellings, 10 would be allocated as affordable housing, representing 38.5% of the overall housing provision. The affordable housing mix would comprise 2 x 1 bed flats, 1 x 2 bed flats, 5 x 2 bed dwellings and 2 x 3 bed dwellings.</p>
4.5	Each dwelling would be provided with 2 x allocated parking bays and each flat would be allocated 1 x parking bay. In some cases, these would be partially covered by car ports. Parking for the dwellings on the eastern side of the development would be provided in a car park area positioned to the rear of dwellings and accessed via an undercroft formed below the cantilevered section of the building accommodating flats at plots 21 and 22. 9 x visitor parking bays would be provided in the form of laybys distributed across the internal road network.
4.6	The biodiversity enhancement area of green space would be provided in the north-eastern corner of the site and a play area would be included within this area. A swale would also be included, and the green space would be seeded with native grasses and wildflower and planted with native trees and hedging to allow it to function as a biodiversity enhancement. A green buffer would be maintained along the western edge of the site, which flanks Bridgelands and Willow Cottage. An attenuation pond would be included within this buffer area, sited towards the south-western corner of the site. A foul water pumping station would also be installed towards the western site boundary

5.	Relevant Planning History:
5.1	<p>E/53/0430 - Outline Application for permission to carry out residential development – Refused 21st December 1953</p> <p>E/68/0382 - Outline Application for erection of dwellings – Refused 27th May 1968</p> <p>E/72/1935 - Outline Application for erection of fifty-five dwellings with garages – Refused 1st January 1973</p> <p>E/73/1025 - Outline Application for fifty-two dwellings with garages at Barcombe Railway Station and part O.P. 8373 – Refused 22nd October 1973</p>

	<p>LW/86/0823 - Outline Application for eleven detached dwellings with new cul-de-sac – Refused 10th July 1986</p> <p>LW/20/0633 - Outline Planning Application for Erection of up to 26 dwellings together with associated development and site access with all other matters reserved – Refused 11th May 2021</p> <p>LW/21/0530 - Outline permission for the erection of up to 26 dwellings together with associated development and site access whilst all other matters are reserved for future consideration – Approved conditionally and subject to s106 – 12th August 2021</p>
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6.	Consultations:
6.1	<p><u>ESCC Archaeology:</u> I can confirm that all necessary archaeological investigations have been completed on site. I therefore have no further archaeological recommendations to make in this instance.</p>
6.2	<p><u>ESCC Landscape Officer:</u> No formal comments received.</p>
6.3	<p><u>Southern Water:</u> Southern Water would have no objections to the reserved matters application submitted by the applicant. The submitted drainage layout (BAR-P-00-XX-DR-C-2000 Rev-P05) is acceptable to Southern Water. An approval for the connection to the public sewer should be submitted under Section 106 of the Water Industry Act.</p>
6.4	<p><u>Lead Local Flood Authority:</u> Objection currently in place as further details of drainage scheme awaited.</p>
6.5	<p><u>East Sussex Highways:</u> Following my initial comments regarding the extent of adoption, footway taper fronting the site and width the access between units 21 and 22 the plans have been altered and I am satisfied with the proposed amendments. With this in mind I have no major concerns regarding the proposal and all highway comments remain as per the original outline application (LW/21/0530).</p>
6.6	<p><u>LDC Air Quality Officer:</u> Recommend approval subject to conditions. OFFICER COMMENT: One of the recommended conditions relates to an air quality assessment. This would already have been considered during</p>

	<p>the examination of LLP2, in which the site is allocated for housing development. The content of other recommended conditions relating to a construction management plan and provision of electric vehicle charging points are addressed in conditions attached to the outline permission (LW/21/0530) whilst the condition relating to the use of low emission boilers is not relevant as all units would be served by air source heat pumps.</p>
<p>6.7</p>	<p><u>LDC Contaminated Land Officer</u></p> <p>Submitted detail is a site investigation report prepared by Southern Test (dated 11 January 2022). I agree with report para 6.10 (need for UXO risk assessment) and para 34 (conclusion) of the report. This means, I have no objection to the above-mentioned reserved matter application (subject to conditions to a secure a UXO (unexploded ordnance) report and remediation strategy to be adhered to if any unexpected contaminants are discovered during construction works).</p>
<p>6.8</p>	<p><u>Barcombe Parish Council (full response below)</u></p> <p>The Council are negative towards this application: -</p> <p>The original layout should be re-instated. The new site layout that is being proposed is far removed from the original presentation (Preferred by the CLG), is not consistent with the LDC local plan (ref BA02 – 2.72) and has several disadvantages:</p> <p>Visual</p> <p>The housing being situated close to the road will have a jarring visual impact when traffic enters Barcombe Cross and will compromise its traditional Hilltop village appearance.</p> <p>The new layout negatively impacts the amount of green space available and detracts from the country village appearance of Barcombe Cross.</p> <p>The proposed design of the houses is more urban than rural and out of step with the majority of housing within Barcombe Cross. Excessive use of wood effect cladding, in particular black, is inappropriate and greater use of hung tiles would be more in keeping with the character of the village.</p> <p>Environmental</p> <p>We are concerned that residents in the housing close to the road will be exposed to heightened levels of traffic pollution. An increased concern as the housing next to the road would appear to be designed for young families. Young Children are particularly susceptible to developing Asthma, a disease that can impact their health throughout their lives.</p> <p>No consideration appears to have been given to the use of renewable energy. Rydon have declined the opportunity to engage with the Communiheat group who are helping Barcombe Parish move towards a 'net zero' environment. We strongly encourage Rydon to open discussions with Communiheat representatives in order to ensure the new</p>

housing being delivered contributes towards our 'net zero' target. (see also condition 30 of OPP)

The use of a single green space to accommodate a play area, a safe haven for reptiles and a swale are incompatible. We are concerned that the 10% Biodiversity gain will not be achieved through use, in part, of this compromised space.

On the above matters we would ask that Rydon hold further 'meaningful' two-way consultations with the Community liaison group and amend the layout and design accordingly before the application be allowed to proceed.

Timing of Application

The speed at which this reserved matter application has been presented has given us cause for concern.

Drainage

We don't believe that all of the problems regarding the drainage, particularly as they relate to neighbouring properties, have been adequately addressed. We note from other correspondence that representatives of the LDC have stated that no decision will be made with regard to this application until a further report from SUDS has been obtained. This commitment should be adhered to.

Surveys

We note that the Green consultancy have raised concerns about the potential pollutant linkages at the site and have determined that a land contamination report should be obtained. Further evidence that many aspects of this application have not undergone the due diligence that we would expect to be undertaken given the impact of this development on the community.

Management Company.

We understand that following development of the site, a Management Company will be put in place to manage many aspects of the site's maintenance requirements. We believe that, as a failure to maintain facilities on the site properly will impact others in the community, that the terms of reference for the Management company. documenting responsibilities, funding and legal status should be drawn up now. The responsibilities must include, among other things, reference to the drainage maintenance plan as specified in the HSP report and details of how the sewerage pumping station will be maintained and its smooth operation assured. With regard to the legalities we would expect that Rydon be named as a Guarantor to the Management company arrangement for a suitable length of time. (see also condition 22 of OPP)

Liaison.

We are extremely disappointed that Rydon did not have a further meeting with the Community Liaison Group (CLG) before submitting this application (LW/22/0153). Many questions raised by the CLG have not been answered to their satisfaction. We believe that an additional meeting conducted in an 'Open' way before submission of this application would

	have led to a more acceptable layout plan being presented. It may also have helped to ensure that good relations were maintained between Rydon and the CLG going forward.
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7.	Other Representations:
7.1	<p>Neighbour Representations:</p> <p>A total of 73 letters of objection had been received at the time of writing this report. A summary of material planning matters raised is provided below. Objections to the principle of the scheme have been omitted as the grant of outline permission means this has already been agreed.</p> <ul style="list-style-type: none"> • Dwellings would be too close to road and impact on landscape and setting of village and in conflict with local plan. • Proximity to road increases exposure of residents to pollution from road. • Loss of habitat. • Lack of parking facilities. • Insufficient detail on surface water drainage and its performance/maintenance. • No details on amount of noise generated by pumping station or contingencies in the event of a power cut. • Functionality of permeable paving would decrease over time. • Would result in increased flood risk. • Surface water flow could carry contaminants. • We need affordable housing not shared ownership or houses that are too big. • Loss of trees. • Presence of road towards western boundary would compromise green corridor. • The indicative layout shown in the outline scheme was better and an appropriate compromise. • Houses should be heated using sustainable methods. Community heating scheme should be considered. • The landscaping shown on plans would take years to mature. • Sewage outflow pipe will cut through root protection areas. • Increased pressure on sewage infrastructure and drinking water supply. • Overlooking of neighbouring properties. • Loss of light to neighbouring properties.

	<ul style="list-style-type: none"> • Will result in light pollution. • New layout provides less greenspace than shown on outline indicative plans. • The presence of properties closer to the road will not encourage motorists to slow down. • Overbearing relationship towards Willow Cottage. • Disruption to neighbouring residents as a result of construction works. • Not enough done to increase sustainability and reduce energy usage. Barcombe are targeting net zero carbon emissions by 2030. • No provision for generation of renewable energy. • Developers have failed to engage with community or take on board concerns raised. • Design of development does not complement existing buildings in the village. • Playground is in a dangerous location, close to access to Hillside Nursery. • Should be additional pedestrian access to the village. • Management charges for landscaping and drainage will make the development unaffordable to many. • The proposed car park is close to boundaries of neighbouring dwellings. • Increased noise from traffic would disturb neighbours. <p>A number of objections refer to dwellings including chimneys and black cladding. These features have now been removed following the submission of updated plans in late October. References are also made to need for oil or LPG tanks/containers to provide heating. It has been confirmed that the heating needs of all dwellings would be met by air source heat pumps.</p> <p>One letter of general comment has also been received, querying what contributions the developer could make to the wider village.</p>
7.2	<p>Other Representations:</p> <p>None.</p>

8.	Appraisal:
8.1	<p><u>Key Considerations:</u></p> <p>The main considerations relate to the principle of the development; the impact upon the character and appearance of the area and neighbour amenities, impacts upon highway/pedestrian safety and flood risk and the overall merits of the scheme in terms of the balance of economic,</p>

environmental and social objectives that comprise sustainable development. As will be expanded upon in section 8.2, the 'tilted balance' must be applied in the determination of this application, meaning that it should only be refused if any harm caused would significantly outweigh the benefits of the scheme.

It is important to note that the principle of the residential development of the site, as well as the provision of the new site access has been established following allocation of the site within the development plan and the granting of outline planning permission under LW/21/0530. As such, these matters will not be reassessed.

The application will therefore be determined on the basis of how the appearance, layout, scale, and landscaping arrangements of the proposed development respond to relevant local and national planning policy. This includes direct policies relating to the above matters as well as indirect considerations, such as how the layout and landscaping of the scheme impact upon surface water drainage.

8.2

Principle:

As stated in section 8.1, the principle of development has been accepted following the approval of LW/21/0530. This is consistent with para. 005 of the Planning Practice Guidance for Making an Application which states that 'an application for outline planning permission allows for a decision on the general principles of how a site can be developed.'

Therefore, the current application must be determined within the remit of assessing the reserved matters only, these being the layout, scale and appearance of the development and the landscaping arrangements.

Para. 8 of the Revised National Planning Policy Framework (NPPF) defines sustainable development as comprising three overarching objectives, these being to respond positively to economic, environmental, and social needs. Para. 10 goes on to state that there should be a presumption in favour of sustainable development.

As LLP1 is now over 5 years old, the housing delivery target set out in policy SP1 (approx. 275 net dwellings per annum) is obsolete and the target now worked towards is therefore based on local housing need calculated using the standard method set out in national planning guidance as per para. 74 of the National Planning Policy Framework (NPPF). This has resulted in the delivery target rising to 782 dwellings per annum. This has been disaggregated taking account of the National Park development to an annual figure of 602.

Due to this increase in housing delivery targets, Lewes District Council is no longer able to identify a 5-year supply of specific deliverable sites for housing. Para. 11 (d) of the NPPF states that, where a Local Planning Authority is unable to identify a 5 year supply of housing land, permission for development should be granted unless there is a clear reason for refusal due to negative impact upon protected areas or assets identified within the NPPF or if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed

against the policies in the Framework taken as a whole. This approach effectively adopts a 'tilted balance' in favour of development.

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

It is considered that significant weight should be attached to the impact of development upon the established character and appearance of the area surrounding it, particularly in view of the 2021 revisions to the NPPF and the strengthening of section 12, in which para. 134 states 'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design'. It is noted that policy BA 02 includes a general design brief for the development of the site, and it is therefore important that the submitted scheme accords with it.

The details covered by reserved matters also clearly have the potential environmental implications in how the layout and landscaping of the development would respond in relation to surface water management, sustainability, carbon reduction and biodiversity and social implications in how the layout, scale, appearance and landscaping of the scheme would impact upon the amenities of existing and future residents as well as the general character of the surrounding area.

The merits of the scheme will therefore be assessed on this basis, with reference to the tilted balance.

8.3

Design & Character:

Prior to the submission of the scheme, the applicant sought advice from the Council's Design Officer in regard to the design and layout of the scheme. During this process the layout evolved, with the layout shown as an illustrative plan at the outline stage being developed and refined.

A number of alterations were made, with a particular focus on ensuring that the development would engage with the High Street, thereby strengthening community integration by providing an active frontage as encouraged by para. 92 of the NPPF. This has resulted in a marked improvement in how the development would interact with the rest of the village, ensuring it feels part of the settlement rather than a reclusive development which would result in future occupants feeling a sense of detachment from the community.

By introducing frontage buildings on the High Street, the development would also respond to, and integrate with, the established line of development flanking the High Street, respecting the staggered building line which is characterised by buildings moving closer to the road as it is traversed from east to west. The presence of frontage dwellings also offers a significant benefit in terms of highway safety by allowing the

development to be more clearly visible to motorists who would therefore be more likely to reduce their speed as they approach the site access.

The layout within the site interior is considered to replicate the broadly informal pattern of development exhibited on nearby residential roads branching off from the High Street such as Weald View, Muster Green and The Grange. The density of the submitted scheme is also similar to, and generally marginally lower than, the density of residential development on the aforementioned roads. The mix of designs and dwelling sizes that are incorporated into the proposed development are also considered to be reflective of the informal nature of existing development in the village, both historic and more contemporary.

Within the site, it is considered that dwellings would engage well with one another. There are no secluded areas that may feel isolated from the rest of the development. Communal areas such as the play space and car park would benefit from good levels of natural surveillance from dwellings within the development.

All dwellings within the development are two-storey, with no accommodation being provided within any roof space. This accords with LLP2 policy BA 02 b) which states that buildings should be no more than two storeys high. The design of the buildings has been developed with significant input from the Design and Conservation Officer, noting the proximity of the development to the Conservation Area and the need to preserve its setting. Through the design process, an appropriate range of external materials has been agreed, with an emphasis on red brickwork and tile hanging which are typical of traditional dwellings nearby as well as the wider surrounding area. A small amount of weatherboarding would also be provided which, again, is consistent with materiality in the village. Well defined roof forms have been incorporated in order to assist engagement as well as to break up the mass of terraced blocks and provide visual definition to individual dwellings. Other architectural features found within the village such as bay windows and porches are also represented.

It is considered that the use of car ports, and the small recessed parking area to the east of the site, would help reduce the suburbanising visual impact of parked cars. Space would also be retained for good levels of landscaping to the front of properties which, again, would help mitigate any unacceptable impact of suburbanisation. Landscaped buffers would also be maintained, enhanced, and enriched allowing for views towards and from the development to be filtered by vegetation, reinforcing the semi-rural setting of the development. Other than where openings are made for site access and cutting back is required to maintain visibility, the existing hedgerow and tree line on the field boundaries will be reinforced and enhanced in terms of species mix and biodiversity value.

Notwithstanding site boundary landscaping, the rising topography of the site means the proposed development would be visible, in part, from surrounding streets and open space, particularly when approaching Barcombe from over the former railway bridge to the south west. However, it is noted that existing views on this approach include dwellings on The Grange and it is considered that the proposed development would

integrate with these neighbouring buildings, marking the edge of the settlement and the transition from the rural environment to the village. It is also noted that the topography of the site would remain largely consistent with the existing contours of the site, with artificial looking terraces being avoided, although it is noted that some of the rear gardens would have split levels, the height differential would be minimal. When factoring in the amount of planting that would be carried out and the provision of verdant areas within the development, it is considered that, whilst the hillside setting of Barcombe would be altered by the development, the degree of change would not be excessively harmful to the setting of the village.

From further afield, the site is well screened by mature trees that follow the course of the former railway line and any views from surrounding public footpaths would be infrequent and largely confined to roof tops which would be seen in context with the roofscape of the rest of the village. The development would be more apparent when seen from PROW Barcombe23 to the south of the site although this would be restricted to views through the gap between the hedge/tree line and existing dwellings on the southern side of the High Street where the footpath meets the road and in which the development would be viewed in context with existing development within the village.

The ESCC Landscape Officer was consulted during the design modification process and welcomed the retention of trees and hedging and their strengthening with new planting as well as the provision of a green buffer on the western boundary as it would provide a root protection area to boundary trees. The officer also considered that bringing development forward on the site closer to the road and aligned with the neighbouring house (Wheelwrights) would benefit the streetscape as it would reflect the character of the built form along the high street whilst noting existing hedging should be retained and landscaping provided to the front of dwellings facing onto the High Street in order to retain the green character of the frontage.

Overall, it is considered that the proposed development would assimilate with the visual and spatial characteristics of the existing village which is situated to the east whilst retaining suitable green buffers and interior planting to maintain the transition between the urban and rural environment and to preserve the semi-rural character of the village.

It is therefore considered that the application complies with policy CP10 of LLP1, policies BA02(c), DM25 and DM27 of LLP2 and paras. 127 and 170 of the NPPF insofar as the outline details of the scheme are concerned.

8.4

Impact upon amenities of neighbouring residents

There is existing residential development adjacent to all boundaries of the application site, the nearest neighbouring properties being at Willow Cottage not the south west and at Wheelwrights House, Vine Sled and Hillside to the east.

The layout of the site allows for green buffers on all site boundaries and this serves two purposes in regard to the protection of neighbouring

amenities by providing a sympathetic screen to the development whilst also allowing suitable separation distances between buildings to be maintained.

It is noted that Willow Cottage is particularly sensitive to the impact of the development given that it is a bungalow dwelling positioned on a low-lying plot of land. Development on the application site would therefore have the potential to appear overbearing towards this site as well as to introduce intrusive levels of overlooking. However, it is considered that the layout of the development addresses these concerns, with all dwelling orientated so as to not face directly towards Willow Cottage and the minimum distance maintained between new development and the existing dwelling being approx. 24 metres. The occupant of Willow Cottage has raised concerns regarding overshadowing but, given the height of new development is limited to two-storeys, the degree of separation between the new development and Willow Cottage and, other than plots 1-3 which are some 40 metres away, all development being to the north-east of Willow Cottage, it is considered that the development would not result in any level of overshadowing that would be detrimental to amenity and living conditions.

Turning to properties to the east, there would be two terraces of dwellings that would face broadly side-on to existing properties at Wheelwrights House, Vine Slead. The two-storey block of flats, which would be stepped further in from the site boundary, would include windows facing in the general direction of the rear garden at Wheelwrights House and the driveway/parking area to the front of Vine Slead. Bedroom windows to the front of the terrace would allow for angled views towards the rear garden, parking and driveway area and windows on the western elevation of Vine Slead but, with a distance of some 55 metres maintained between existing and proposed dwellings and some 33 metres between the rear garden it is considered that these views would not be intrusive. There is an eastern facing window within plot 17 that would look towards the rear garden at Vine Slead. This would be a secondary bedroom window and it is considered that its presence would not compromise the privacy of the rear garden area. Rear facing windows at plots 17-20 would look towards the parking area at Vine Slead, with a suitable distance maintained to prevent views being intrusive. The proposed first floor flat at plot 23 would also have windows facing back towards the rear of Wheelwrights House, some 20 metres to the south-west. As these windows would serve the landing and bathroom it is considered reasonable to impose a condition that they are obscurely glazed so as to prevent direct views towards windows at Wheelwrights House. There is also a side facing first floor landing window at plot 26 that faces towards windows at Wheelwrights House and it is recommended that this window also be obscurely glazed.

Regarding access to natural light, it is considered that the orientation, spacing and separation distances incorporated into the layout of the scheme would prevent dwellings within the new development from having an unacceptable impact upon the amenities of occupants of properties to the east as a result of overshadowing or overbearing.

The residential use of the site, as well as its intensity, is considered to be consistent with the character of surrounding residential development and would therefore not bring about activities of an intensity and nature that would be unacceptably disruptive to existing residential amenity at nearby properties. The roads and parking areas are generally positioned away from site boundaries so as to minimise impact of noise produced by moving vehicles whilst boundary treatment would help control light spill from headlights. It is noted that there is a car parking area positioned close to the western site boundary. However, this is positioned adjacent to an access track which provides a buffer between neighbouring dwellings and there is also space for landscaping/screening in placer to soften impact. It should also be noted that, had the existing access to the site been practical to serve the needs of the development, all traffic associated with it would have passed dwellings to the east.

8.5

Living Conditions for Future Occupants & Affordable Housing:

Para. 134 of the NPPF states that ‘development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Para. 126 of the National Design Guide (2019) states that ‘well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.’

The Technical housing standards – nationally described space standard (2015) defines minimum levels of Gross Internal Area (GIA) that should be provided for new residential development, based on the number of bedrooms provided and level of occupancy. Floor plan drawings and measurements confirm that all units would meet or exceed minimum GIA.

Each dwelling and flat is considered to have a clear and easily navigable layout, with awkwardly sized rooms and overly large or long circulation areas being avoided. All primary habitable rooms would be served by clear glazed windows that would not have any immediate obstructions to outlook. These windows would allow for access to good levels of natural light as well as providing effective natural ventilation. All dwellings and flats would be multiple aspect, increasing the effectiveness of natural ventilation and also prolonging exposure and access to natural light throughout the course of the day.

LLP2 policy DM25 states that developments of 10 or more dwellings should demonstrate how the ‘Building for Life 12’ criteria have been considered and would be delivered by the development. One of the recommendations made in Building for Life 12 is that rear gardens are at least equal to the ground floor footprint of the dwelling. The occupants of each dwelling would have direct access to a suitable sized private garden area. The garden area is generally equal to, or in excess of the footprint of the dwelling although it is noted that the rear gardens at plots 25 and 26, are limited to approx. 90% of the building footprint. These are the smallest gardens within the development and, at approx. 46 m² in area, are considered to be a suitable size to provide an appropriate amount of amenity space for the two-storey dwellings that they would serve. All

gardens are considered to provide a suitable level of facility and are of an appropriate square/rectangular shape to ensure an optimum level of usability and adaptability.

Although the flatted element of the scheme would not be allocated any private amenity space there would be communal green areas directly adjacent to the flats and they are also within close proximity to the play areas towards the north-eastern corner of the site.

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

Whilst the affordable housing provision within the scheme would be concentrated towards the eastern side of the site rather than 'pepper potted' it is considered to be compliant with this statement in all other regards in that the design and scale of the dwellings would be indistinguishable from the market housing as would space standards. Furthermore, the orientation of the dwellings would allow them to engage fully with the market housing and the affordable element would therefore not appear disconnected or divorced from the wider development.

It should also be noted that para. 3.7 goes on to state that 'the Council recognises that pepper-potting may not be possible on development sites consisting of 25 dwellings or less'. This is primarily due to viability and practicality issues associated with the registered providers who would take on the affordable housing. Whilst the proposed scheme is for 26 dwellings, it is considered that it would experience similar issues in this regard as would a development of 25 or less dwellings.

Secluded and/or isolated areas that may create an environment for anti-social and criminal behaviour, or foster a sense of risk of such behaviour, are avoided. All dwellings would face towards neighbouring properties and it is considered that, along with the surveillance provided, this would also encourage a sense of community and increase interactions between neighbours, creating a healthy, inclusive and stimulating environment, as supported by para. 92 of the NPPF, para. 35, 38 and 72 of the National Design Guide and P2 of the National Model Design Code Part 2 Guidance Notes.

It is therefore considered that the proposed development complies with policy CP2 of LLP1, policy DM15, DM16 and DM25 of LLP2 and section 8 of the NPPF.

8.6

Flooding and Drainage:

The proposed development would involve the introduction of buildings and impermeable surfaces (equating to a total area of approx. 0.42 hectares) on what is currently an undeveloped greenfield site. The site is located in Flood Zone 1 and, as such, is at low risk from tidal and fluvial flooding. There are no records of any significant issues with surface water drainage

within the site itself although land to the south, particularly on the adjoining site at Willow Cottage as well as land to the west at Bridgelands is identified by the Environment Agency as being at high risk of surface water flooding and given surface water from the development would ultimately be discharged into the existing watercourse adjacent to Bridgelands, it is vital that existing surface water issues are not exacerbated and, ideally, are improved as a result of drainage infrastructure installed as part of the development.

The proposed development would utilise surface water attenuation facilities, including a sizeable pond in the south western corner of the site and a swale in the biodiversity protection area in the north-eastern corner. These features would allow for the discharge of surface water into the watercourse to be controlled at an appropriate rate, noting that the site topography results in the surface water generated on the site as it currently is discharging towards the same watercourse. This would be via an attenuation pond formed in the south-western corner of the site which would allow discharge to be managed as close as practicable to existing greenfield run-off rates, this being 5.4 litres per second. Contingencies are required in order to ensure that rates are controlled at appropriate levels including an allowance for a 1 in 100-year weather event with an additional 40% allowance to account for the predicted impacts of climate change.

Whilst the principle of the SUDs scheme was agreed with the Lead Local Flood Authority (LLFA) at the outline stage, they currently have an objection in place as they require further details to demonstrate how the drainage scheme would be constructed and operated and, for this reason, it is recommended that, if members are minded to approve the scheme, this matter is delegated to officers to resolve prior to any permission being issued.

It is therefore considered that surface water run-off generated by the development can be adequately managed without unacceptable risk of flooding within the development or on neighbouring land. The development is therefore considered to comply with policy CP12 of LLP1 and paras. 163 And 165 of the NPPF.

8.7 Water Quality

Foul water would be disposed of by way of connecting with the existing public foul water network. A pumping station would be installed in order to facilitate disposal. LLP2 policy BA 02 g) states that occupation of the development should be phased to align with the delivery of sewerage infrastructure, in liaison with the service provider.

Southern Water has a statutory duty under section 94 of the Water Industry Act (WIA) (1991) to plan and implement any works that are necessary to ensure the network of sewers (and sewage treatment facilities) continue to operate satisfactorily once they have received notification that a developer intends to exercise their right to connect under section 106 (1) WIA 1991.

Sewer infrastructure improvements would be secured by way of Southern Water infrastructure charges that would contribute towards the maintenance and improvement of the public sewer network. The development would require a connection agreement to be issued by Southern Water, who would also stipulate that completion is phased to align with improvement works to the network, in order to ensure existing infrastructure is not overloaded. A condition will be used to ensure a phasing agreement is secured, if required.

Pollution control measures could be integrated into the drainage scheme to prevent discharge of pollutants into surrounding watercourses or onto surrounding land. It is therefore considered that the proposed drainage scheme would meet the criteria of sustainable drainage as set out in para. 051 of the Planning Policy Guidance on Flood Risk and Coastal Change in that it would manage run-off, control water quality, provide amenity (in the form of the attenuation pond) and would enhance biodiversity by creating habitat not currently present on the site. The Lead Local Flood Authority (LLFA) have stated that they are satisfied that the surface water generated by the proposed development can be managed effectively.

Southern Water have confirmed that they have no objection to the proposals.

Notwithstanding SW comments LDC officers are recommending a controlling condition that limits occupation until such time as SW have agreed sufficient headroom within their local network.

Landscape, Ecology & Biodiversity

The outline application was accompanied by an Ecological Appraisal Report, as required by BA20 (e). The appraisal was reviewed by the ESCC Ecologist who was satisfied that a development of up to 26 dwellings could be accommodated on the site without resulting in unacceptable harm to habitat and ecology.

At this stage, the new site access, which requires a gap to be formed in the relatively young primarily beech hedge on the southern site boundary, was accepted and was approved. The length of hedging removed to facilitate the development would be 18.4 metres of the species poor hedgerow on the southern boundary. Overall, the development of the approx. 1.22 hectare site would result in the loss of 0.85ha of land (made up of 0.2374ha of vegetated gardens, and 0.5099ha of developed land and sealed surfaces, with an additional 0.0072ha of land forming a proposed play area.

The proposed development includes additional planting to strengthen and enrich the existing hedgerow and tree lines on site boundaries, including the hedge flanking the High Street. There is a focus on native species that would provide a habitat and food source for wildlife. Not including planting which would be positioned on land under private ownership, the proposal would incorporate 590 metres of additional hedgerow planting. 120 new trees would also be planted and all grassland outside of private garden and formally landscaped would be overseeded with native wild grasses and flowers.

	<p>The applicant has used the DEFRA metric (v3.0) to quantify the existing biodiversity value of the site as well as the value of the developed site, including the submitted landscaping strategy. The assessment establishes that the habitat unit score within the site would increase by 14.85% whilst the hedgerow unit score would increase substantially, by 115.95%.</p> <p>A reptile survey, carried out as part of the ecological appraisal of the site, identified colonies of slow worm, primarily concentrated to the rank grassland around the edge of the site. The County Ecologist required arrangements to be made for new habitat to be created within the site and for slow worm to be captured and translocated to these habitat sites prior to construction works beginning. The site landscaping scheme includes a number of secure biodiversity enhancement areas where the slow worms would be moved to. These areas would be formed and fenced off prior to construction beginning and would be monitored and maintained throughout the lifetime of the development. All biodiversity enhancement areas would be seeded with native wild grasses and flowers, helping to deliver biodiversity net gain. Access to the biodiversity areas would be controlled and information signage would be erected to help increase awareness of the function of the land and to provide education.</p> <p>As noted in para. 8.4.9, the County Landscape Architect has welcomed the strengthening of existing boundary landscaping, something which is an integral part of the overall site landscaping scheme. The provision of green frontages to all dwellings and flats has also been welcomed and it is considered that this would help prevent the development appearing unacceptably suburban in character, instead assimilating with the semi-rural character and appearance that is a prevailing characteristic of the village.</p> <p>It is therefore considered that the development complies with policy CP10 of LLP1, policies BA02(e), DM24 and DM27 of LLP2 and paras. 170 and 175 of the NPPF.</p>
8.8	<p><u>Highways:</u></p> <p>As stated earlier in this report, the access arrangements to the site from the High Street have already been approved, subject to the conditions attached to outline permissions LW/21/0530.</p> <p>The ESCC Highways Officer is satisfied with the internal layout of the scheme, including adoptable roads, footways, parking arrangements and turning facilities for refuse and other servicing vehicles.</p> <p>The internal footway would provide connectivity with the existing pedestrian footway on that flanks the southern boundary of the site, allowing for residents to safely access the centre of the village on foot. General arrangements for cycle parking have also been accepted, subject to further details that would be secured by condition to ensure that stores are secure and covered</p>
8.9	<p><u>Sustainability:</u></p> <p>The application is accompanied by an Energy Strategy which sets out measures incorporated at the design level to improve the sustainability of</p>

the development and to reduce carbon emissions, energy, and water consumption.

The strategy follows the be lean, be clean, be green methodology and quantifies the benefits of the measures in terms of emissions taken against a baseline level, this being the Target Emission Rate (TER) set out in part L of the building regulations, which itself is a reduction on the emissions associated with a 'notional dwelling'. The strategy responds to the requirement set out in the LDC Technical Advice Note (TAN) on sustainability in development which required new dwellings forming major development to achieve a minimum 20% improvement over TER. The strategy confirms that through the use of energy efficient materials, construction methods to achieve air tightness and the provision of air source heat pumps, the required improvement over TER would be achieved. A condition will be used to ensure that the development is carried out and maintained in accordance with the details provided within the statement. Overall, the measures set out would limit CO² emissions generated by the development to 36.9 tonnes per annum, a 45% reduction on the TER of 68.2 tonnes per annum.

Further sustainability measures are secured by condition 30, attached to the outline planning permission, which requires details of ways in which water efficiency will be improved, the provision of functioning electric vehicle charging point for all dwellings and a minimum of 10% energy use being supplied by renewables.

It is noted that the development incorporates sustainable drainage infrastructure which would provide additional habitat and amenity value and would also help control the release of any pollutants from the site into neighbouring watercourses. The development would be linked to the village centre by footpath, allowing for easy access to the shop and services provided within the village by foot. A travel plan, secured by a condition attached to the outline approval, would be expected to focus on encouraging and promoting the use of more sustainable modes of transport.

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

8.10 Archaeology

Archaeological fieldworks were secured by way of a condition attached to the outline planning permission granted under LW/21/0530. These works were carried out in accordance with methodology and scope agreed with ESCC Archaeology between 26th and 28th October 2021. The County Archaeologist was provided with a report on the findings of the fieldwork and was satisfied that no further works or information was required. The report has been added to the Historic Environment Record.

It is therefore considered the proposed development complies with policy CP11 of LLP1, DM33 of LLP2 and section 16 of the NPPF

8.11	<p><u>Planning Obligations:</u> A section 106 agreement to secure policy compliant affordable housing provision was signed at the outline stage. Highway improvement works would be secured through a section 278 agreement</p>
8.12	<p><u>Human Rights Implications:</u> The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.</p>

9.	Recommendations
9.1	<p>It is recommended that permission is granted subject to the conditions listed below. Please note that these conditions supplement the extensive schedule already attached to the scheme as per the outline approval granted under LW/21/0530.</p>

10.	Conditions:
10.1	<p>Time limit The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date on which this permission is granted.</p> <p>Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92 of the Town and Country Planning Act 1990 (as amended).</p>
10.2	<p>Wastewater reinforcement Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development</p> <p>Reason: In order to ensure suitable arrangements for foul water disposal are in place in accordance with LLP1 policies CP7 and CP10, LLP2 policies BA02, DM20 and DM22 and para. 174 of the NPP</p>
10.3	<p>Materials Prior to the application of any external finishing (including window and door frames), a full schedule of external materials finishes and samples to be used on the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved schedule and samples.</p>

	<p>Reason: In the interest of visual amenity and the setting of the adjacent Conservation Area in accordance with LLP1 policies CP10 and CP11, LLP2 policies BA02, DM25 and DM33 and para. 130 and 197 of the NPPF.</p>
10.4	<p>Parking The development shall not be occupied until 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 motor vehicles</p> <p>Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with LLP1 policies CP11 and CP13, LLP2 policy DM25 and para. 110 and 112 of the NPPF.</p>
10.5	<p>Size of Parking Spaces 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 in accordance with LLP1 policies CP11 and CP13, LLP2 policy DM25 and para. 110 and 112 of the NPPF.</p>
10.6	<p>Cycle Parking 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</p> <p>Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development in accordance with LLP1 policies CP11 and CP13, LLP2 policy DM25 and para. 106 and 112 of the NPPF.</p>
10.7	<p>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 a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.</p> <p>Reason: In order to prevent damage to the environment and the exposure of existing and future occupants to contaminants in accordance with LLP1 policies CP10 and CP11, LLP2 policies DM20, DM21 and DM22 and para. 174 and 183 of the NPPF.</p>

10.8	<p>Unexploded Ordnance Report Prior to the commencement of development an Unexploded Ordnance (UXO) risk assessment must be submitted to and approved by the Local Planning Authority and construction works carried out in adherence to any recommendations made within the assessment.</p> <p>Reason: In the interest of public safety in accordance with LLP1 policy CP11, LLP2 policy DM20 and para. 119 of the NPPF</p>
10.9	<p>External Materials Prior to the application of any external finishing (including window and door frames), a full schedule of external materials finishes and samples to be used on the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved schedule and samples.</p> <p>Reason: In the interest of visual amenity and the setting of the adjacent Conservation Area in accordance with LLP1 policies CP10 and CP11, LLP2 policies BA02, DM25 and DM33 and para. 130 and 197 of the NPPF.</p>
10.10	<p>Obscure Glazing The first floor windows on the southern elevation of plot 23 and the eastern elevation of plot 26 shall be obscurely glazed and fixed shut at all times, other than any parts that are over 1.7 metres above the finished floor level of the rooms that they serve.</p> <p>Reason: In order to protect the amenities of neighbouring residents in accordance with LLP1 policy CP11, LLP2 policy DM25 and para. 130 of the NPPF.</p>
10.11	<p>Informatives: ESCC's requirements associated with this development proposal will need to be secured through a Section 278 Legal Agreement between the applicant and East Sussex County Council The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.</p> <p>The applicant is advised to enter into a Section 38 legal agreement with East Sussex County Council, as Highway Authority, for the proposed adoptable 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 Sec 38 agreement being in place are undertaken at their own risk.</p>

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

	<u>Plan Type</u>	<u>Date Received</u>	<u>Reference:</u>
	Location Plan	2 nd March 2022	1057-RM-01
	Tree Works Plan	5 th May 2022	1057-RM-03 Rev B
	Parking Allocation Plan	5 th May 2022	1057-RM-04 Rev B
	Refuse and Recycling Layout	5 th May 2022	1057-RM-05 Rev B
	Fire Tender Tracking Plan	5 th May 2022	1057-RM-06 Rev B
	Ground Floor Layout	5 th May 2022	1057-RM-07 Rev B
	Road Adoption Plan	5 th May 2022	1057-RM-08 Rev B
	Boundary Treatment Plan	5 th May 2022	1057-RM-09 Rev B
	Hard Landscaping Layout	5 th May 2022	1057-RM-10 Rev B
	Soft Landscaping Layout (sheet 1)	2 nd March 2022	1057-RM-11
	Soft Landscaping Layout (sheet 2)	2 nd March 2022	1057-RM-12
	Affordable Housing Plan	5 th May 2022	1057-RM-13 Rev A
	Existing and Proposed Levels (sheet 1)	31 st May 2022	1057-RM-14 Rev B
	Existing and Proposed Levels (sheet 2)	31 st May 2022	1057-RM-15 Rev B
	Air Source Heat Pump Locations	5 th May 2022	1057-RM-16
	Coloured Site Layout	25 th October 2022	22080-C201
	Dwelling Material Distribution Plan	25 th October 2022	22080-C203
	Proposed Site Layout	25 th October 2022	22080-P201
	Coloured Street Scenes AA-CC	25 th October 2022	22080-C204
	Coloured Street Scenes DD-FF	25 th October 2022	22080-C205
	Plot 1-3 Plans and Elevations	25 th October 2022	22080-P210
	Plot 4 Plans and Elevations	25 th October 2022	22080-P211
	Plot 5 Plans and Elevations	25 th October 2022	22080-P212
	Plot 6 Plans and Elevations	25 th October 2022	22080-P213
	Plot 7 Plans and Elevations	25 th October 2022	22080-P214

	Plot 8 Plans and Elevations	25 th October 2022	22080-P215
	Plot 9 Plans and Elevations	25 th October 2022	22080-P216
	Plot 10 Plans and Elevations	25 th October 2022	22080-P217
	Plot 11 Plans and Elevations	25 th October 2022	22080-P218
	Plot 12 Plans and Elevations	25 th October 2022	22080-P219
	Plots 13-16 Plans and Elevations	25 th October 2022	22080-P220
	Plots 17-20 Plans and Elevations	25 th October 2022	22080-P221
	Plots 21 & 22 Plans and Elevations	25 th October 2022	22080-P222
	Plot 23 Plans and Elevations	25 th October 2022	22080-P223
	Plot 24 -26 Plans and Elevations	25 th October 2022	22080-P224
	Energy Strategy	31 st May 2022	2252-50-RPT-01
	Contamination Report	5 th May 2022	J14919
	Arboricultural Implications Assessment	2 nd March 2022	J58.67
	Proposed New Landscaping – Planting Schedule	2 nd March 2022	

12.	Appendices
12.1	None.

13.	Background Papers
13.1	None.