

**Supplementary report to the Planning Applications Committee
on 7 December 2022**

LW/22/0153

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Land North of High Street, Barcombe, East Sussex

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- Materials
- Comparative Areas of Open Space and Hard Surfaces
- Attenuation Pond Safety
- Biodiversity Net Gain and Examples of Enhancement
- Representations since 23-11-22
- Representations since 23-11-22, specifically on Drainage, Flooding and Pumping Station

1. Drawings in the Public Domain/web site

A review of the public web site has been carried out. All drawings related to this application have been publicly available, except for the “Air Source Heat Pump Plan”, (Drawing 1057-RM-16 April 2022). This plan will therefore not form part of any decision at LPAC on 7-12-22.



Drawing 1057-RM-16 April 2022 Air Source Heat Pump Plan

2. Materials

- a) It should be noted that a “Materials” condition has been accidentally repeated in the 7/12/22 report, (10.3 and 10.9). Only one is required.
- b) Proposed additional Informative:

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“The applicant should note that in the submission of details pursuant to the Materials condition attached to LW/21/0530 (Outline) and LW/22/0153, the Local Planning Authority will be expecting

- i) a variety of roof colours to be submitted, considered, and implemented, and*
- ii) the submission of details of air source heat pumps”.*

3. Comparative Areas of Open Space and Hard Surfaces

Members have asked to be shown the areas of Open Space and Hard Surfaces for outline LW/22/0530 and the current proposal LW/22/0153. A drawing has been put into the slide presentation.

	Outline	Proposal
Hard + Private Curtilage	7,986m2 66.1%	7,625m2 63.1%
Open Space + Planting	4,094m2 33.9%	4,455m2 36.9%

4. Attenuation Pond Safety

Officers propose an additional condition:

“The design of the attenuation pond will include a “knee high post and rail boundary fence, a warning sign and life buoy ring”. Details to be submitted in writing for approval to the Local Planning Authority, and once approved will be implemented and maintained in a good condition for the lifetime of the development.

Reason: To ensure both good design and appropriate public safety in accordance with LP Part 2 DM25 Design”

5. Bio - Diversity Net Gain (BNG) and Examples of Ecology Enhancement Proposed by the Application Scheme

Members asked for a simple and clear description of the BNG methodology on this site and examples of ecology enhancements.

- a) BNG – Document submitted by the applicant on in Feb 2022. This sets out a “on-site baseline” and a “on-site post intervention” assessment. Three headings are used: “habitat units; hedgerow units and river units”. River units do not apply to this site.

Between baseline and intervention:

Habitat units moved from 4.69 to 5.39 = +14.85%
Hedgerow units moved from 2.07 to 4.46 = +115.95%

- b) Examples of Proposed Ecology Enhancements:
 - Bird and bat boxes

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- Swale habitat development
- Reptile support
- Pond - plant and wildlife development
- Wildflower grassland
- Retained hedgerows and wildlife development
- Retained trees and wildlife development
- New trees, including fruit and nut bearing to support wildlife
- Habitat piles

6. Representations since 23-11-22 – General Comments

Concerns and objections regarding drainage and flooding are dealt with at point 6 below.

11 additional letters with multiple objections have been received, including a further one from Barcombe Parish Council. A summary of points raised is provided below, along with Officer Comments:

a) Contrary to Policy, contrary to BA02, (no High Street frontage set back), out of character with the village, loss of views and conservation harm

Officer Comment: The scheme is not contrary to policy. The site allocated for housing in LP and is within settlement boundary. The design adjustment to bring homes towards the front of the High Street has the following benefits:

- The scheme matches the housing frontage to the immediate north
- allows the creation of more open space and planting compared to the outline scheme, (see 3 above)
- locates a better sized and safer open space and playground inside the development rather than on its vulnerable edge
- creates a better design transition from the site to the conservation area to the north – more open space and retention of the existing un - made vehicle and pedestrian path. This design will protect the qualities of the conservation area boundary

There will be a loss of view of an open field to a landscaped residential extension to the village within its boundary. Over time the boundary and internal landscaping, (absent from the existing open field), will mature, which will reduce the visual impact of the built homes. The design of the homes has been changed to reflect the architectural characteristics commonly found in the village.

b) Green space reduced and open/green space not at the right standard. Building on the countryside and impact on wildlife

Officer Comment: The development meets open/green space standards, and the proposed scheme increases open and planting space by 3% over the approved outline scheme, (see 3 above). The scheme is not building in the countryside, the site is designated for

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housing and is inside the settlement boundary. The BNG assessment shows that greater variety and quality flora and fauna can be produced by the scheme compared to the existing field, (see 5 above).

- c) **Loss of light, overlooking, overshadowing, overbearing, poor housing layout, unacceptable noise and disturbance, a poor housing layout and overdevelopment.**

Officer Comment: These issues have been examined and the design of the scheme meets normal residential design standards. The scheme is considered to be a good design that responds to the site and its village feel and is not overdeveloped. There is a significant amount of contextual open space and the house designs have been changed to be more in keeping with village characteristics.

- d) **Overshadow and overbearing of Willow Cottage**

Officer Comment: The proposed development is some distance to the north of Willow Cottage, which will not be overshadowed or dominated by the new scheme. There will also be a landscaping buffer.

- e) **Highway hazard, pollution from vehicles, land contamination, unacceptable traffic generation, inadequate access, inadequate highway assessment**

Officer Comment: The design of the estate and new access road is agreed by ESCC Highways. It is not considered to be a highway hazard. The new formal access point offers good sight lines onto the High Street. (Access via the existing un-made north/south access, would have poor sight lines, and would threaten removal of significant tree). New car pollution events will not be significant, with only 26 homes and the UK is moving to nationwide electric vehicles within the lifetime of the development scheme. There are conditions imposed on the scheme to deal with unexpected land contamination.

- f) **Attenuation pond safety**

Officer Comment: See 4 above

- g) **Concern about future maintenance and management of the grounds of the 26 homes**

Officer Comment: This will be a matter for the management of the site and is not a planning matter.

- h) **Lack of general infrastructure to support 26 new homes, including sewage capacity**

Officer Comment: The addition of only 26 new homes cannot by itself trigger new infrastructure. But through the not insignificant Community

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Infrastructure Levy payment the scheme contributes to infrastructure improvements overtime. Southern Water have raised no objection to the scheme and a “**wastewater management condition**” has been added – see 10.2 of report

i) Scheme is not sustainable

Officer Comment: The scheme is sustainable. It is well located near village facilities. There will be cycle facilities, BNG and the use of air source heat pumps. At the outline stage a renewable condition was imposed for the scheme to generate 10% energy on site.

7. Representations since 23-11-22: Drainage, Flooding and Pumping Station

A large number of objections have been submitted on “Drainage Strategy” Plan (BAR-HSP-00-XX-DR-C-2000). These include:

- Concern about flooding
- Drainage scheme insufficient
- The pumping station badly designed and may not work
- Pumping station noise, vibration, odour, overflow
- Drainage maintenance and management concerns
- High risk of surface water flood of High Street and Willow Cottage, Bridge Cottage and Barcombe Cross Station

However, it should be noted that this report does not recommend the approval of the Drainage Strategy plan (see page 36/37, i.e. the plan is not included). It has nevertheless been used to support the proposed layout design. Whilst the report at para 8.7 confirms that drainage design to date shows that the scheme should be able to manage flooding events, the applicant/developer must still submit further information and technical data to satisfy 3 drainage conditions set by the Outline Approval LW/21/0530. These are:

*“20. **The surface water drainage strategy** outlined in HSP Consulting Flood Risk Assessment Report (dated September 2020) should be carried forward to detailed design. Surface water runoff from the proposed development should be limited to 5.4 l/s for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence.*

Evidence of this (in the form of hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features. The details of the outfall of the proposed attenuation pond and how it connects into the watercourse should be provided as part of the detailed design. This should include cross sections and invert levels.

The condition of the ordinary watercourse which will take surface water runoff from the development should be investigated before discharge of surface water runoff from the development is made. Any required improvements to the condition of the watercourse should be carried out prior to construction of the outfall. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

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Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policies BA02(f) and DM22 and paras. 163 and 165 of the NPPF.

21. **Drainage Construction** - Prior to occupation of the development, evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policies BA02(f) and DM22 and paras. 163 and 165 of the NPPF.

22. **A drainage maintenance and management plan** for the entire drainage system should be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan should cover the following:
a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details.
b) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.

Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policies BA02(f) and DM22 and paras. 163 and 165 of the NPPF"

Notwithstanding the above, and as a result of public concerns at this stage, the applicant has submitted an amendment to the existing Proposed Site Layout plan (p36 22080-P201), proposing replacement "**22080-C201A Nov 2022**". A copy of this is in the Committee presentation and it will also go up on the web site.

This demonstrates the space and capacity to locate, if necessary, a "Type 3 Pumping Station and service area", without impacting on the distance to proposed homes; access and egress routes and turning areas; tree canopies; the western ecological corridor or the increase in open space proposed in the submitted scheme over the outline scheme. To do this, the revised Site Layout uses the flexibility of minimum estate road widths, (though still above the minimum of 3.7m). This maintains the option for the applicant to make representations to the Flood Authority and Southern Water for a Type 2 pumping station which is believed to be fully appropriate, with a fall back to Type 3 if necessary. Either option would not affect the site layout.

For the above reasons the proposed new Site Layout plan is considered a non-material amendment, not requiring further public consultation.

Being able to accommodate a Type 3 pumping station is the "layout starting point solution" for the range of drainage and flood objections submitted against LW/22/0153.

A detailed technical Drainage Objection, by civil engineers, containing 24 points and emphasising the range of functional drainage and flood concerns by local residents set out at the beginning of this section - has

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recently been submitted (Nov 22). The Applicant has fully responded to all 24 points and the resident concerns. The Applicant's response will be uploaded on to the public web site. Both will go before the Flood Authority and Southern Water as they advise the LPA on determining the above 3 Drainage conditions.

And ESCC has now fully removed its holding objection to the application. In addition to the 3 Outline conditions set out above it believes the scheme can move forward subject to 2 further and final Reserved Matters conditions – these are:

Full Details of Surface Water Drainage

No development approved by this permission shall be commenced until full details of surface water drainage have been submitted to and approved by the Local Planning Authority. Thereafter all development shall be undertaken in accordance with the approved details and no occupation of any of the development shall be take place until the approved works have been completed. The surface water drainage system shall be retained as approved thereafter.

Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and paras. 163 and 165 of the NPPF.

Attenuation Pond

The detailed design of the attenuation pond should be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.

Reason: In order to ensure surface water is managed effectively in accordance with LLP1 policy CP12, LLP2 policy DM22 and paras. 163 and 165 of the NPPF.

Therefore, at this stage, with the layout and space planning element of drainage and anti-flood design resolved by the revised Layout submission, Planning Officers can see no reason not to approve the “revised Proposed Site Layout Plan 22080-C201A”.

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Land between The Broyle and Round House Road, Ringmer

HIGHWAYS:

The applicant submitted an updated Road Safety Audit [RSA] and amended plan Nos: - 06121-GA-0014P1 and 06121-GA-001-P10P4 showing pedestrian/cycle path access general arrangement to ESCC Highways, in

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response to their earlier comments. The updated plans will be included in the committee slide presentation.

ESCC Highways have confirmed their concerns have been addressed, with all remaining issues able to be resolved through the detailed design and s278 agreement.

The mitigation measures required by ESCC Highways (listed in 8.3 of the report) have been altered. The footway between the site and Broyle Lane is now to be 3 metres wide, with a minimum of 2 metres width allowed at pinch points. This is in response to the aspiration of the ESCC Local Cycling and Walking Infrastructure Plan (LCWIP), in combination with Sustrans, to provide cycling opportunities/links along the B2192 to enable cyclists to reach the off road cycleway (route 310) which currently commences at New Road. Although the footway would not function as a formal cycle route initially it may be possible for it to form part of a future route.

ECOLOGY:

Conditions referred to in 8.12 of the officer report were not included in the agenda report as final wording remained to be agreed with the ecologist. The conditions to be applied are as follows: -

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure that any adverse environmental impacts of development activities are mitigated, to avoid an offence under the Wildlife and Countryside Act 1981, as amended, The Conservation of Habitats and Species Regulations 2017, as amended, and the Protection of Badgers Act, 1992, and to address Core Policy CP10 of the Lewes District Local Plan 2016 and policy DM24 of the adopted Local Plan part 2.

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

- a) Purpose and objectives for the proposed works.
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used).
- c) Extent and location of proposed works shown on appropriate scale maps and plans.
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction.
- e) Persons responsible for implementing the works.
- f) Initial aftercare and long-term maintenance (where relevant).
- g) Disposal of any wastes arising from the works.

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

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended.

No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site for biodiversity has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

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

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

Reason: To provide a net gain for biodiversity as required by Section 40 of the

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Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework, and Core Policy CP10 of the Lewes District Local Plan 2016.

REPRESENTATIONS SINCE 23/11/22:

29 additional letters of objection have been received; a summary of points raised is provided below: -

- Unsustainable, car dependent development.
- Lack of infrastructure.
- No spare capacity at local schools and GP's.
- Will result in increased discharge of sewage into water courses.
- Inadequate car parking.
- Affordable housing concentrated towards the least attractive part of the site.
- Further renewable energy generation needed.
- Failure to achieve 10% minimum on site biodiversity net gain.
- Some properties will be exposed to unacceptable levels of noise if windows are open.
- Air quality assessment does not take post occupation levels of emissions into account.
- Pedestrian route along The Broyle is unsafe due to traffic speed/volume.
- Limited local construction jobs created as buildings are made in Derby.
- Little employment available nearby so would result in out-commuting.
- Ringmer has already taken its fair share of new housing.
- Densely packed housing in rural landscape.
- There is a drainage objection in place.

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Former Hamsey Brickworks, South Road, South Common, South Chailey, East Sussex

Viability: Given the dynamic market in terms of rising construction and labour costs and potentially falling house prices it is considered that the monetary sums available to make a contribution to offsite affordable housing cannot be relied upon and a revised recommendation is outlined below.

Recommendation: Approve subject to conditions and a S106 legal agreement to cover self-build status of the scheme and a financial review mechanism within the agreement to allow for clarity over the true construction costs and sales values and if there are surpluses then these will make a financial contribution towards the provision of off-site affordable housing.

The review mechanism is likely to be required in relation to each individual property, and as such it is considered reasonable for the s.106 agreement to

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also require the owners to meet the cost of the viability reviews and the costs of the council in considering the same by way of a monitoring fee per property

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The Forecourt, Court Road Car Park, Court Road, Lewes

Nothing further to add.