

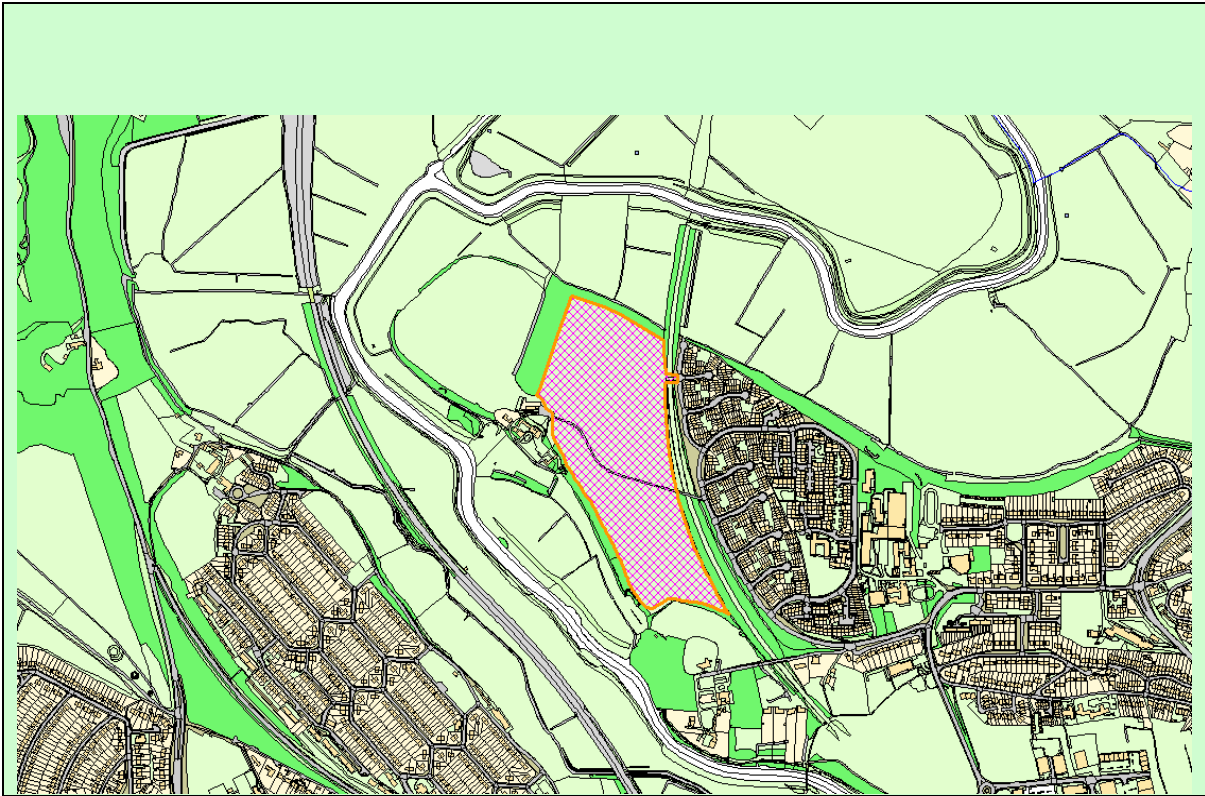
Agenda Item 8
Report PC24/25-03

Report to	Planning Committee
Date	12 September 2024
By	Director of Planning (Interim)
Local Authority	Lewes District Council
Application Number	SDNP/23/04659/REM
Applicant	Mr Andrew Shepherd – TopHat Communities Ltd
Application	Reserved Matters application for approval of scale, layout, external appearance and landscaping following grant of Outline Planning Permission for erection of 226 dwellings including affordable housing, public open space and associated infrastructure including vehicular and pedestrian access from Monks Way (SDNP/18/06103/OUT).
Address	Old Malling Farm, Old Malling Way, Lewes, East Sussex, BN7 2DY

Recommendation:

- I. That the reserved matters be approved subject to the conditions set out in paragraph 9.2 of this report.**
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Site Location Map



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Executive Summary

The application relates to the development of Old Malling Farm, which is a site allocated by policy SD76 of the South Downs Local Plan (SDLP) for residential development. Outline Permission was granted in 2022 for 226 dwellings, with new vehicular access from an existing farm access track in the north-eastern corner of the site, from Monks Way. This permission secured 50% affordable housing as well as extensive site management matters and a financial contribution of £1.7million towards highway and access improvements, including the delivery of pedestrian access into the railway cutting running along the eastern boundary.

The current application, which is recommended for approval, is for the 'Reserved Matters' of layout, scale, external appearance and landscaping – all of which have been informed by the Design Brief, approved by SDNPA in August 2020.

The dwellings would be zero-carbon in accordance with the requirements of the S106 Agreement for the Outline Permission. The dwellings would be of modular build construction, which leads to tighter knit areas of development and ensures the embodied carbon of the build is significantly reduced. This would also enable greater areas of green space within the site, which successfully break up the built form and also provide critical links between the character areas.

The site will deliver over 30% biodiversity net gain.

Officers consider the proposal accords with the Purposes and Duty of the South Downs National Park and with the South Downs Partnership Management Plan. The proposal also accords with the relevant South Downs Local Plan Policies and Policies of the Lewes Neighbourhood Plan.

The application is placed before the Planning Committee as it involves development of an allocated site within the SDLP, due to the original scheme being deemed to be major development for the purposes of paragraph 183 of the National Planning Policy Framework and given the level of public interest.

I. Site Description

- I.1 The application relates to a 10-hectare area of arable farmland forming a green finger, which is located between the Malling Housing Estate and the complex of buildings known as Old Malling Farm to the north of Lewes. The site, which is accessed via Old Malling Way, is an allocated site for residential development under the South Downs Local Plan Policy SD76 and was granted outline planning consent in 2022 (SDNP/18/06103/OUT).
- I.2 The site is located along the Lower Ouse Valley Side, as defined by the South Downs Integrated Landscape Character Assessment (SDILCA). The river Ouse runs north of the site and meanders around the northwest corner and parallel to its western boundary (within 115m at its nearest point). The site is a promontory – sitting higher than the immediately surrounding land and with the extremities of the site dipping into the valley.
- I.3 There are well-established woodland belts to the west and east, with mature trees lining both the northern and southern boundaries. A former railway cutting (and Local Wildlife Site) lies within the eastern belt and runs alongside the full length of the site boundary, extending further north towards Hamsey and south towards the town centre – opening out onto the Malling Fields community space. This cutting is level with the site at its northernmost point and quickly falls as it heads south. Beyond the cutting to the east lies the Malling Housing Estate, which is primarily mid-20th Century housing surrounding Malling House (Grade II Listed), which is now used as the Sussex Police Headquarters.
- I.4 The existing site access is at the mid-point from Old Malling Way via a bridge over the cutting. A concrete access track then bisects the site, supplemented by a mature tree belt subject to a Tree Preservation Order, with unmanaged understorey planting along the southern edge. This access is maintained for the residents at the complex of buildings at Old Malling Farm, which includes the Grade II Listed ruins of a College of Benedictine

Canons. There is also a field access further north along the eastern boundary, via Monks Way.

- 1.5 The northernmost end of the site is within Flood Zones 2 and 3, although the field access remains outside this in Flood Zone 1 (lowest flood risk), along with the remainder of the site. Beyond the site, on the western bank of the River Ouse, is the Offham Marshes Site of Special Scientific Interest (SSSI). Immediately to the south of the application site is the Malling Deanery Conservation Area, which includes the listed Church of St Michael; the churchyard for which provides views to the site. The site is also visible from Lewes Castle (Scheduled Monument), which is approximately 1km to the south, the Parish Church of St Peter (Hamsey) to the north and both Malling Down and Offham Hill to the east and west, respectively.

2. Relevant Planning History

- 2.1 *SDNP/17/05300/PRE* – Proposal to develop land for up to 240 dwellings in accordance with policy SP4 of Lewes Joint Core Strategy. Closed following submission of outline planning application.
- 2.2 *SDNP/17/06280/SCOPE* – Screening and Scoping application for a development comprising up to 240 dwellings with associated access from Monks Way, Public Open Space and related infrastructure on approximately 10 hectares of land at Old Malling Farm. Screening and Scoping opinion issued 19 January 2018, in which the proposal was determined to meet the criteria of Schedule II of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) and that an Environmental Statement would need to accompany any future application.
- 2.3 *SDNP/18/06103/OUT*: Erection of up to 226 dwellings and Public Open Space with associated infrastructure including new access from Monks Way (Outline with all matters reserved except Access). Approved with S106 Agreement – 11 March 2022.
- 2.4 *SDNP/23/01064/PRE*: Pre-application for Reserved Matters following Outline Permission *SDNP/18/06103/OUT* for the erection of up to 226 dwellings and Public Open Space with associated infrastructure including new access from Monks Way. Closed – 06 November 2023. The pre-application was undertaken as a series of workshops between officers and the applicant, as well as sessions with the Design Review Panel. The advice provided during this stage helped guide the layout and external appearance, as well as ensuring there were better links between the proposed built form and green infrastructure. Further details are provided later in this report.

3. Proposal

- 3.1 This application is seeking reserved matters approval for the remaining matters of layout, scale, external appearance and landscaping of the Old Malling Farm scheme granted Outline planning permission in 2022 (*SDNP/18/06103/OUT*).
- 3.2 In summary, this consists of 226 dwellings, internal road layout, public green spaces, surface water drainage and biodiversity features.
- 3.3 The Outline planning permission has already approved the details relating to access – specifically the new vehicular access from Monks Way (northern end of the site) and the retention of the existing access for non-motorised users and existing residents of Old Malling Farm (mid-point of the site). Additional to this, a detailed Design Brief was approved in 2020 (please see link in Background Papers), following consideration by Planning Committee. This is to be used to guide any Reserved Matters application and discharge of conditions.
- 3.4 A Section 106 Agreement (S106) was secured with the grant of Outline planning permission which, along with 50% affordable housing and site management matters, requires the developer to pay a financial contribution towards the delivery of access into the railway

cutting running along the eastern boundary. In addition, the S106 also secures a timescale for delivery including concept design, technical approval and implementation. The design and implementation of such a provision are the responsibility of Lewes District Council, who own the cutting. Other than ensuring adequate space is provided along the application site boundary (which this application provides), no part of this access into the cutting is required to form part of this application.

3.5 The scheme would comprise 226 dwellings in the following mix:

- 5 x 1-bed flats;
- 5 x 2-bed flats;
- 96 x 2-bed houses;
- 93 x 3-bed houses;
- 27 x 4-bed houses.

3.6 In accordance with the S106 Agreement, the scheme will deliver 113 (50%) of these units as affordable housing. The housing and tenure mix are as follows:

Lewes Low-Cost Housing

- 10 x 2-bed houses.

Affordable Rent

- 5 x 1-bed flats;
- 5 x 2-bed flats;
- 39 x 2-bed houses;
- 21 x 3-bed houses; and
- 5 x 4-bed houses.

Shared Ownership

- 20 x 2-bed houses;
- 7 x 3-bed houses; and
- 1 x 4-bed house.

3.7 Each dwelling is provided with at least one parking space, either on-plot or within a closely located parking court. A total of 363 spaces are proposed, including 40 visitor spaces and 2 Car Club spaces. All spaces directly associated with a residence, including those in parking courts, include electric vehicle (EV) charging facilities.

3.8 The dwellings will be built using a modular construction utilising a timber-frame approach with a brick façade system. The brick façade involves the reuse of natural materials (e.g. clay/chalk) in the brick-printing system in order to achieve finishes that resemble more traditional materials. To add further interest, specific dwellings will be clad with timber boarding. All dwellings will be finished with either clay tiles or natural slate on the roofs. All will also have solar PV panels built into the roofs and will be heated using air-source heat pumps (ASHP).

3.9 During pre-application discussions and a series of workshops with SDNPA's Design Review Panel, advice has been given to help inform the proposal to better demonstrate key principles of the Design Brief. These include:

- Views through to key heritage features have been retained and framed by the development.

- High quality multi-functional and characteristic open spaces with new dwellings facing onto them.
- Each open space has retained and enhanced the existing local landscape context in which it is located, e.g. the flood meadow.
- Growing spaces (allotment) for the community, with associated rainwater tanks and delivery of informal play/trim-trails.
- Roads and path networks deliver the principles of the Brief, including a largely perimeter pedestrian route.
- Opportunities to contribute to character through road and path design (including their boundaries) have been explored.
- Significant increase in tree planting, as well as overall retention, and species-rich (wildflower) grassland is proposed on site.
- The existing topography has been respected with only some minor changes, therefore conserving and enhancing the undulating character of the site and its relationship with the surrounding area.

3.10 In addition to these, the proposed development would also provide:

- Assorted natural and equipped play space;
- Trim trail equipment;
- Pétanque court and covered area on the Green;
- Orchards to be stocked with heritage fruit varieties.

4. Consultations

4.1 **Active Travel England** – Refer to Standing Advice, which sets out measures to ensure development is capable of meeting the aim for walking, wheeling (trips made by wheelchair and mobility scooters) and cycling to be seen as the most convenient, desirable and affordable ways to travel

4.2 **Archaeology Officer** – No objection.

4.3 **Conservation Officer** – No objection.

4.4 **Design Officer** – No objection, subject to specific improvements.

Many aspects of the Design Brief Vision have been achieved and the revised masterplan layout has demonstrated it is landscape-led. Overall, the proposed density works well and responds to local landscape character. In order to ensure roads are designed for the desired speed, more frequent narrowing points are required. Above-ground sustainable drainage solutions require improvement, as they are lacking. Bin and bike store details could accommodate green roofs and will need to comply with national standards in terms of size. Other design details, such as windows and brick/mortar colour can be secured by condition.

4.5 **Ecology Officer** – No objection, subject to conditions.

4.6 **Environment Agency** – No objection. Condition 6 of SDNP/18/06103/OUT should be adhered to and it is noted that the residential development is proposed within Flood Zone 1.

4.7 **Landscape Officer** – No Objection, subject to minor amendments to be secured by conditions.

The site offers enormous opportunities to bring about a positive landscape change associated with the development. The onus has been on creating a high-quality public realm, functional open spaces and semi-natural habitats to help the site integrate into its context.

The applicant has made clear commitments to fulfilling these aims and with the suggested conditions covering hard surface details, soft landscaping and boundary treatment, these will be readily deliverable.

4.8 **Lead Local Flood Authority** – No objection, subject to conditions.

4.9 **Lewes Town Council** – Objection.

- Concern regarding the additional vehicle journeys that will be generated along residential roads that were not designed for this volume of traffic. Much better measures are required to reduce the number of journeys and to mitigate the impact of the additional traffic on existing residents and wildlife.
- The proposed cycling and walking access (ramp to southeast of site) is nowhere near adequate to ensure most residents make use of the path along the old railway line into town. The ramp is too steep, too narrow and too long, which will make it inaccessible for disabled people and will reduce the propensity to cycle and walk. Support the alternative design proposed by Cycle Lewes in their response.
- The southern entrance at Deanery Corner should be made more attractive, to encourage residents to use this as the main entrance.
- Further measures are also recommended to reduce traffic, which should be secured through S106 Agreement.
- Concern about the reduction in planned car parking provision. Mitigation measures should be provided, such as those developed for the North Street Quarter application.
- Concern about the potential flood risk and increased run-off from the new housing. Better measures are needed to ensure that both homes and the environment are protected from the increased flood risk arising from climate change.
- Whilst the stated environmental benefits of the novel construction method are welcomed, there is concern about the suitability and longevity of the product and whether it is suitable in terms of the location in an historic town. Assurance the homes will have the same longevity as standard construction and that they can be repaired and altered without significant additional cost should be provided. In addition, confirmation that the homes will be able to withstand future climate change.
- Commitment to local employment during construction and ongoing maintenance required.
- Detrimental impact on residents during construction – further detail needed.
- Welcome commitment to 50% affordability according to government definition (although this is not generally affordable in Lewes). Would like to see provision of Lewes Low Cost Housing and adequate provision of Social Housing. More mixed modes of housing to meet the needs of the community needed.
- Details of management company charges should be made clearer and controls in place regarding costs.
- Disappointed regarding the lack of community facilities within the site.
- Lack of provision for those with disabilities.
- Impact in views from Hamsey Church, Malling Down, Nevil and Landport Bottom – a review of whether 3-storey dwellings are suitable the site.
- Welcome commitment to heat-pumps but these should be ground source, not air source.
- Greater consideration of the impact on the Malling Down Conservation Area, with

further action needed. Reference should be made to the site's heritage (e.g. information boards and street naming).

- Welcome claims for biodiversity net gain, although further improvements should be made, including further tree planting, ponds, bird and bat boxes (for example).
- Further information required regarding the detailed network modelling that is referred to in the response from Southern Water.

4.10 **Lewes District Council** – No Objection. The proposed landing point of the access from the railway cutting conforms with Lewes District Councils expectations for its location. The access point needs to be as far south as reasonably practical to encourage residents from the development to make use of it for journeys into town.

4.11 **Local Highway Authority (ESCC)** – No objection, subject to conditions securing cycle parking, car parking space dimensions, highway design details, pre-condition the scheme layout and overall design follows the principles of Manual for Streets and Local Design Guidance. Whilst the number of car parking spaces is less than suggested at Outline stage, the amount accords closely with the SDNPA Car Parking SPD calculator guidance.

4.12 **Natural England** – Comments: The Landscape and Visual Impact Assessment has not addressed concerns raised during the Outline stage in respect of additional views to enable assessment of the panoramic views experienced from Offham Hill. There is no assessment of the impacts of the proposal on Offham Marshes Site of Special Scientific Interest.

4.13 **National Highways** – No objection.

4.14 **Southern Water** – No objection. The additional foul flows from the proposed development will not increase the risk of flooding in the public sewerage network. Southern Water can hence facilitate foul disposal to service the development.

5. Representations

5.1 71 objections were received when the scheme was first received, including from Friends of Lewes, and a further 15 following the consultation on revised and additional information submitted in April 2024. In addition, 4 general comments (neither expressing support nor objecting to the proposal) have been received as well as 3 representations supporting the scheme. The comments are summarised below. Where multiple comments have been received from a single party, these have been counted as one representation.

5.2 Objections

- Scheme is not landscape-led and does not comply with Design Brief.
- Straight rows of terraces instead of character areas are uncharacteristic, with lack of variety in dwelling type. Scale of some units (i.e. 3-storey) is too high.
- Too many units with gardens of inadequate size.
- Modular construction design does not reflect local style and not of high quality. Concern the life expectancy is too short.
- Should be zero carbon footprint - Solar panels and heat pumps plus EV charging points required.
- Proposed layout will disadvantage those with disabilities; there is no safe crossing point at pedestrian access or segregation from cyclists as well as vehicular traffic. The shared surfaces are constructed from unsuitable materials e.g. granite sets can create an uneven surface and Hoggin is not appropriate for all users. There is no dedicated pavement with kerb. It is also unclear whether the siting of lockable bollards will allow enough space for wheelchair users and guide dogs.
- Unadopted roads will not be maintained.

- Insufficient provision for foul and surface water drainage.
- Bird and bat boxes should be provided and more trees needed around perimeter.
- Effect on historic assets including Grade I listed Hamsey Church, and next to the Malling Deanery Conservation Area.
- Impact on existing residents by construction traffic including transportation of pre-formed dwellings and lack of phasing for the build.
- Dominance of vehicular traffic through provision of 'ring road'.
- Insufficient parking - will have knock on effect into existing areas, most units only allocated one space instead of two spaces. The further reduction of spaces following the revisions will compound this issue.
- Privacy of existing residents of Old Malling Farm harmed by proposed footpath along western site boundary and public green spaces. A gate should be installed at entrance to farm complex and signage provided.
- Updated proposals are largely unchanged from the original submission and therefore issues previously raised have not been addressed.
- Lack of security for retaining affordable units – management strategy is required.

Officer comment: The following objections have also been received, however as these do not directly relate to the reserved matters being considered as part of the current application, they carry limited weight.

- Access inadequate for number of vehicles. Monks Way is not suitable for extra traffic and with poor visibility to Old Malling Way – a second access should be provided. There is concern over the loss of the grass verge, trees and hedge that run along one side of Monks Way and conflict with the permissive path in the railway cutting. Church Lane and Old Malling Way are already busy and difficult to cross – a formal crossing point, speed bumps and speed restrictions required.
- Agricultural land will be lost – should develop brownfield sites first.
- Current bus service provision is inadequate – new bus stop required.
- Lack of infrastructure on site e.g. workplaces such as studios, allotments, shops, doctors, or schools, placing further pressure on existing services.
- Existing properties will be affected by poor water pressure and increased flood risk.
- Doesn't conserve and enhance the landscape or natural environment – site currently full of wildlife and the beauty of the surrounding area will be destroyed.
- Pollution – noise, light and air quality impacts.
- Fire safety concerns related to the use of pre-fabricated structures (Officer comment – this is covered by Building Regulations).
- Poor consultation effort with locals and little consideration for existing community feel (Officer comment – the consultation was carried out in line with the NPPF, which encourages pre-application engagement).

5.3 Neutral

- Bridge should be rebuilt over the river at the end of the old railway track so that residents within the development could walk/cycle to Hamsey;
- Lewes low-cost housing/social housing should be provided;

- Swift bricks and artificial House Martin and Swallow cups should be provided;
- Community resilience groups to be formed;
- Conservation for optimum efficiency during heat waves;
- Consideration to ‘right place, right tree’ principles;
- Consideration of installation of solar shade sails.

5.4 Support

- Sensible area for infill development;
- Will provide much-needed housing for the area;
- Use of prefabricated construction will help compensate for the limited road access and make completion of development quicker;
- Changes made during application process are sensible;
- Pedestrian access on the existing bridge into the site should be preserved.

5.5 In addition to the above, several representations have also been received, including from Cycle Lewes, objecting to the proposed pedestrian and cycle access from the site to the Town Centre, i.e. the access from the site into the railway cutting along the eastern site boundary. These comments are summarised as follows:

- The proposed route does not follow the natural desire line;
- The direct link to town via ramps should be redesigned to be less steep;
- A better solution would be to create a link through earthworks, with gentler and less steep ramps. This would require the relocation of several proposed dwellings at the southern end of the site;
- Cyclists will not want to push their bikes up and down ramps equivalent to 237 metres and with two 180-degree dog-legs;
- Ramps are not inclusive – they are too long, too narrow and too steep;
- Ramps will be expensive to construct and maintain, as well as visually intrusive;
- This vital link needs to be resolved before the housing layout can be approved – it must not be an afterthought.

Officer comment: As previously stated in paragraph 3.4, the design of the ramped access into the railway cutting is not required to form part of the current application. Whilst the concerns raised by the parties are noted, these are not a material consideration for the current proposal (as matters of access were approved under the Outline planning permission).

6. **Planning Policy**

6.1 Most relevant Policies of the Adopted South Downs Local Plan (2014-2033) (A full list of relevant policies can be found in Appendix 1):

- SD4: Landscape Character
- SD5: Design
- SD6: Safeguarding Views
- SD9: Biodiversity and Geodiversity
- SD21: Public Realm, Highway Authority

- SD22: Parking Provision
- SD27: Mix of Homes
- SD45: Green Infrastructure
- SD49: Flood Risk Management
- SD76 – Land at Old Malling Farm

6.2 Most Relevant Policies of the Adopted Lewes Neighbourhood Development Plan (A full list of other relevant policies can be found in Appendix I):

- LE1 – Natural Capital
- LE2 – Biodiversity
- PL1A – General Housing Strategy
- PL2 – Architecture and Design
- PL3 – Flood Resilience
- PL4 – Renewable Energy and the Resource and Energy Efficiency of New Buildings
- AM1 – Active Travel Networks
- AM3 – Car Parking Strategy

6.3 Most Relevant Sections of the National Planning Policy Framework:

- Section 2 – Achieving sustainable development
- Section 5 – Delivering a sufficient supply of homes
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 12 – Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15 – Conserving and enhancing the natural environment

6.4 Relevant Policies of the South Downs Management Plan (2020 – 2025):

- Partnership Management Plan Policy 1 (Landscape)
- Partnership Management Plan Policy 3 (Dark Skies)
- Partnership Management Plan Policy 4 (Habitats)
- Partnership Management Plan Policy 23 (Water Resources)
- Partnership Management Plan Policy 25 (Water Efficiency)
- Partnership Management Plan Policy 28 (Access)
- Partnership Management Plan Policy 37 (Active Travel)
- Partnership Management Plan Policy 39 (Vehicle Parking)
- Partnership Management Plan Policy 40 (Transport)
- Partnership Management Plan Policy 48 (Towns and Villages)
- Partnership Management Plan Policy 50 (Housing)

6.5 Other Relevant Policy Documents (including Supplementary Planning Documents and

Technical Advice Notes):

- Design Guide SPD
- Parking for Residential and Non-Residential Development SPD
- Sustainable Construction SPD
- Biodiversity Net Gain TAN
- Dark Skies TAN
- Ecosystem Services TAN

7. Planning Assessment

7.1 This Reserved Matters application is seeking approval of scale, layout, appearance and landscaping for the development of the Old Malling Farm scheme. Therefore the main issues for consideration are:

- Design approach (including response to Design Brief);
- Dark night skies;
- Parking and public realm;
- Sustainable construction and achieving net zero;
- Impact of layout and landscaping on ecology;
- Impact of scale, layout and appearance on residential amenity and other visual receptors;
- Historic environment;
- Impact of layout and landscaping on drainage;
- Environmental Impact Assessment implications.

7.2 Other issues related to access, the principle of the development, the amount and type of affordable housing, the provision of the ramped access within the railway cutting and flood risk were all considered under the outline application SDNP/18/06103/OUT, for which permission was granted on 11 March 2022. Matters relating to affordable housing and the ramped access were secured within the Section 106 Agreement associated with this permission, with a programme for design and delivery for the ramped access included. These therefore do not form part of the assessment of the current proposal. Furthermore, the construction and environmental management plan (CEMP), landscape and ecological management plan (LEMP) and lighting strategy were all secured by condition at outline stage. It is noted there have been a number of issues raised in the Town Council and third-party representations, this application is not an opportunity to revisit or revise the wording of these conditions or obligations secured.

Design Approach

7.3 Many of the key principles in the approved Design Brief form part of the Green Infrastructure (GI) Strategy. The GI is considered to be “the site’s strong landscape framework, its immediate wooded context and that of the site itself”. Key principles include:

- Layout and number of dwellings responding to geological context and site topography;
- Incorporation of measures to improve water quality;
- Retention and enhancement of key landscape features;
- Views and vistas to key landmarks used to create a sense of place;

- Open spaces characteristic of local area and focussed on habitat improvements;
 - Site should be pedestrian and cycle friendly with recreational routes of high quality;
 - Dwellings located in clusters with areas of open space in between.
- 7.4 Many aspects of the approved Design Brief have been achieved through the proposed scheme, including:
- Identity drawn from local landscape, including responding to contours and existing woodland;
 - Well linked and generous green spaces that are diverse in character;
 - The majority of dwellings facing onto communal areas; and
 - A series of routes and paths that celebrate the site's mature woodland boundaries.
- 7.5 The layout has been primarily led by the overall response to the site's green infrastructure network and loosely follows the illustrative concept plan including in the Design Brief. The modular construction approach, which enables enhanced sustainability credentials, has led to a large number of terraced units on the site. Terraces are prevalent within Lewes town centre and there are also examples within the Twentieth Century developments in close proximity to the site. This approach can lead to a more uniform and regimented appearance, although also presents a number of benefits. Significantly, the scheme has increased the amount of open space and reduced the area of hardstanding compared to the concept presented at Outline stage. The delivery of this increased open space as high-quality, multifunctional spaces for people and nature is considered an acceptable trade-off in terms of the mix of housing types being proposed.
- 7.6 There is a slight difference between the housing mix suggested in the Outline permission and in the proposed development. There is a greater number of 3-bed units replacing some 2-bed units. This mix remains acceptable and the affordable housing provision is still in line with the S106 Agreement.
- 7.7 The layout and scale of the development have conserved and enhanced the key landscape characteristics. Most notably, the wooded boundaries of the site would be supplemented and dwellings moved away from these edges to ensure any pressure to remove trees is avoided. The undulating landform has been embraced, with only targeted levelling proposed. The main roads continue to respond to the contours, which has been a fundamental keystone of the Brief. The terraces of houses respond to the gentle slopes and green spaces make use of the dips and rolls, for play/amenity and drainage features.
- 7.8 The scale of the dwellings – and the location of those which are 3-storey – is in accordance with the Design Brief principles. This recommended that the taller buildings were located along the eastern edge of the site. the remainder of the site comprises 2-storey units, which is also acceptable.
- 7.9 The dwellings, whilst simple and part of a package of standard housing typologies, have responded to their immediate context. For example, dwellings facing parking courts have additional windows serving primary living space to provide active surveillance. Some properties have porches with either flat or dual-pitched roof construction which add interest. Roof materials and pitches also vary; a mix of red clay tile and natural slate (high quality materials) would be used whilst the roof pitches on some streets would run parallel to highway and others would feature fronting gables. This both maximises opportunities for solar gain and is reflective of Lewisian character.
- 7.10 The construction method leads to a much simpler and limited palette of materials for use on the dwellings. This could exacerbate the uniformity within the development and limit the distinctiveness of the character areas within the site. The applicant has responded to this constraint by using the screen print method fundamental to their construction approach to

reproduce brick facades. Different bonds and colours, found within Lewes, have been used to create a suite of façade types to reflect local distinctiveness. This includes use of grey headers and two-tone Flemish bond using both red and grey bricks. To punctuate the almost entirely brick aesthetic, some dwellings will be finished with timber boarding, which is a finish found in both Lewes town and the surrounding rural area. The overall approach helps to define the character areas and create a sense of place. Sample panels of the final finishes for the facades, as well as the other materials used on the dwellings are recommended to be secured by condition in order to ensure a high-quality finish.

- 7.11 Officers consider the new buildings are well designed and of an acceptable appearance with a good relationship of built form to open space and with a well-proportioned roof-scape. The scheme therefore represents a landscape-led approach, which delivers on the key principles in the Design Brief and accords with Local Plan Policies and the Design Guide SPD.

Dark night skies

- 7.12 The updated lighting scheme and assessment submitted for Reserved Matters has not increased the potential effects on dark night skies from that concluded in the Environmental Statement. Therefore, there continues to be a neutral magnitude for change and no further mitigation is required in order to protect the integrity of the Dark Night Skies Reserve. There are some concerns regarding the proliferation of bollards leading to street clutter and potential adverse effects on wildlife corridors. This is further considered as part of the public realm section and can be resolved through a suitably worded hard landscaping condition (lighting strategy has been secured through the outline permission).

Parking and Public Realm

- 7.13 Each dwelling is allocated at least one parking space, with further unallocated resident and visitor spaces available. A total of 363 spaces are provided across the site. The parking provision is in line with the SDNPA Parking Calculator, which requires 350 spaces in total, based on the updated development mix. Parking is provided as a mix of on-plot and in small parking courts. Other spaces are also available in purpose-built lay-bys. These have been arranged to limit the incursion into the public realm. Two Car Club spaces are also proposed on site, in line with the S106 Agreement, with potential for a further two spaces to be allocated, should there be demand.
- 7.14 The number of spaces proposed has reduced from that assumed for the outline application (451 in total) and concerns have been raised over the total amount of parking and the impact this would have on the surrounding area. The location of the development, the amount of parking proposed for the development mix and the potential for new residents to seek alternative methods of transport to the private car mean that the current issues regarding parking are unlikely to be exacerbated by the proposal. As indicated in the officer's consideration of the matter at Outline stage, a reduced number of spaces was considered acceptable because other measures were proposed – and are now secured. These include the improved pedestrian and cycle access towards the town centre and public transport hubs and the provision of car club spaces. Given this context – including compliance with the Authority's Parking SPD - officers consider that the provision of parking is acceptable.
- 7.15 Each dwelling will have access to secure cycle storage; for houses this will be on plot and for the apartment blocks this will be in a communal store adjacent to the buildings. The final design of these will be secured by condition, in order to maximise the opportunity to incorporate enhanced finishes, including green roofs. Bin stores are subject to the same approach, although the locations of the stores is confirmed.
- 7.16 Most boundary treatments facing the public realm will be brick walls and hedgerows, with small stretches of 'hit and miss'-style fencing (and this type of fencing would also be used between rear gardens). Final details of this will be secured by condition.

- 7.17 Within the site is a hierarchy of routes, although it has been designed as a space in which pedestrians, cyclists and wheelers take priority. Secondary and tertiary streets/areas are true shared surfaces, whilst the main spine road would have a separate demarcated footpath (a row of granite setts and change in material). The site is not proposed to be suggested for adoption by the Local Highway Authority. Some concerns have been raised by third parties regarding the lack of dedicated footways with kerbs and a true separation from vehicles and the risk this brings to children and those with visual impairments as well as other disabilities. These concerns have been given consideration alongside other matters, including those of the volume, speed and type of traffic within the site and landscape impacts. There are routes within the site which are pedestrian only as well as dedicated access points for wheelers and pedestrians. The overall approach is also in line with the advice within the SDNPA Design Guide SPD. When taking all matters into account and noting that the Local Highway Authority has raised no objection, it is considered that shared surface approach in this location is acceptable.
- 7.18 A recreational route, broadly following the perimeter of the site is proposed and welcomed. This provides links between each of the green spaces and links the character areas. The surfacing of this route has been updated to match the specification used on the Egret's and Centurion Way (Type I Aggregate Base with Limestone Dust on top). This surfacing is an improvement to the previously suggest Hoggin, which can quickly rut and slip, meaning it is not accessible for wheelers. This base is also a more permeable surface and characteristic of the countryside edge.
- 7.19 Green spaces have been designed with a variety of uses in mind, are well designed and located and are a benefit of the proposals. There are 'pocket parks' in the southern part of the site which include equipment and community growing spaces. The latter would be served by rainwater harvesting tanks as will the orchard spaces. Areas of natural play have also been created throughout; these often interact with features such as swales to create multifunctional spaces. Trim trail equipment is located along the perimeter path. A pétanque court and a covered area have also been included in the northern field.
- 7.20 These facilities will be available for use by existing local residents as well as new residents of the site, providing public access where there is currently none. The public realm will therefore be in accordance with the Design Brief, Design Guide SPD and SDLP Policies.

Sustainable Construction and achieving net zero

- 7.21 The Outline Permission (in the S106 Agreement) required the development to provide 'zero carbon dwellings' and defined these, for the purpose of this particular development as "the amount of carbon emissions associated with the Dwelling Units operational energy on an annual basis is zero or negative".
- 7.22 The proposed delivery of the scheme using a modular build and façade system would achieve an embodied carbon build which is significantly lower than standard practice. This would be an additional improvement above the requirements of the Outline Permission. The use of ASHP and solar panels, as well as efficient fabric for all residential buildings will ensure that a site-wide average of 100% net zero dwellings would be achieved. This ensures that the site specific requirement for achieving net zero would be met.
- 7.23 Further bespoke definitions relating to sustainable construction were also provided in the S106 Agreement which include:
- Provisions for a Site Waste Management Plan (SWMP) demonstrating at least 50% volume/tonnage of excavation, 50% volume/tonnage for non-demolition;
 - Provision of garden compost bins;
 - Locally sourced and low-embodied carbon materials;

- Predicted internal mains water consumption of no more than 90 litres/person/day for all dwellings.

7.24 The application has demonstrated that these requirements have been met, or through the construction process would be capable of being met (at the point a SWMP is submitted). There has been further clarification that water butts and appropriate waste and recycling management systems would be included and provision of final details of these would be secured through condition. The sustainability credentials of the proposed development are strong.

Impact of layout and landscaping on ecology

7.25 Existing habitats for protected species identified at Outline stage have been carefully considered through the development of the detailed layout. Opportunities to avoid any adverse impacts have been implemented, including the retention of key green spaces / non-developed areas and supplementing existing woodland and tree belts. As a result, there will not be a harmful impact on the neighbouring Local Wildlife Site adjacent to the application site.

7.26 The site is within 250m of the Site of Special Scientific Interest (SSSI) for Offham Marshes, which is designated for biological interest and noted for its large amphibian population. It was resolved at Outline stage that the principle of the proposed development would have a negligible impact on the SSSI during both the construction and operational phases, with mitigation measures (including a SuDS scheme controlling surface water run-off) secured via condition. Natural England requested further clarification that the circumstances have not changed through the evolution of the detailed design. The applicant has provided further clarification, which advises the drainage strategy principles remain unchanged from the Outline application and it has been demonstrated that throughout the site, a full SuDS treatment train would be in place or a downstream defender installed to ensure that there would be no impact on the SSSI. Officers are satisfied this addresses the concerns raised by Natural England and there are no objections from the Ecologist. Other conditions, including the Construction and Environmental Management Plan (CEMP) already in place, continue to secure appropriate mitigation to protect the SSSI.

7.27 Further information provided by the applicant has confirmed that three individual trees and one small group of trees are scheduled for removal to facilitate the development. These are located within the tree belt running through the application site, covered by the TPO. Of these, only one has any potential to support roosting bats. A recommendation to soft fell has been made, with further details secured as part of the CEMP (already conditioned). All other mitigation measures for habitats and protected species are as proposed and secured as part of the Outline Permission.

7.28 Over 400 new trees will be planted throughout the site. A set of guiding principles have been created to determine their location, including to support the site boundaries and existing tree belts, break up and preserve views, support and strengthen SuDS measures and provide shaded and cooled spaces for residents. These will also be important green links for wildlife across the site. As part of the species mix, Black Poplar has been included, with these new trees deriving from the existing Black Poplar on site. Other species will be selected from the Trees for the Downs project species list as confirmed in the Design and Access Statement.

7.29 A request for bat boxes and swift bricks to be installed on the buildings has been made, however the construction method means this would not be possible. Other measures to overcome this and provide appropriate mitigation and enhancement measures for wildlife will be confirmed and secured in the Ecological Design Strategy condition on the Outline permission.

7.30 An updated Biodiversity Metric has been produced, which fully reflects the baseline habitats

on site. This demonstrates that the site would provide well in excess of the 10% minimum BNG, comprising both linear (hedgerow) and habitat features. An area of proposed orchard would provide a high distinctiveness habitat. Management of these features are secured through the existing conditions on the Outline Permission and through the LEMP secured in the S106 Agreement.

Residential Amenity and visual impact

- 7.31 The effects of construction were considered at Outline stage, however it is acknowledged that the bringing forward of the site using a modular construction method will be different to that of a more traditional build. The Construction and Environmental Management Plan (CEMP) secured previously requires substantial details to be submitted and considered by both the SDNPA and Local Highway Authority. No further information or consideration is necessary at this stage.
- 7.32 The existing dwellings at Old Malling Farm remain those that will be most directly affected, although that affect is still not considered unacceptable. The nearest dwelling to the existing properties is more than 30m away, with a side to side orientation that even without the intervening mature vegetation, would be an acceptable separation distance. There is a change in levels between the existing and proposed properties, but this still does not lead to an overbearing relationship or unacceptable degree of overlooking.
- 7.33 As required by policy SD76, the existing residents would still be able to access their properties via the farm access track through the site. Measures to ensure this is possible, whilst not allowing other vehicles access, are currently being negotiated and are already secured by a condition on the Outline permission. The applicant has also agreed to install a field-access gate at the boundary between the existing Old Malling Farm complex and the application site. It is therefore considered that the proposal is acceptable.
- 7.34 The importance of the intervisibility between historic landmarks through, and from within the site, has been raised from the point the site was allocated. The current application has provided verified views and photomontages to demonstrate that these critical views, in particular the Parish Church of St Peter at Hamsey, are retained.
- 7.35 Some concern has been raised by Natural England regarding the grouping and status of viewpoints, which is noted, however these comments relate more to following best practice for the LVIA and it is considered that the updated LVIA assessment is acceptable and demonstrates that there are no changes in effects to those identified at Outline stage. Officers consider that the proposal is acceptable when viewed in short and long-range views.

Effect on historic environment

- 7.36 The area within the application site identified as having potential for archaeological interest remains outside of the developable areas, in line with the Outline permission. The main points of consideration relating to the historic environment are intervisibility between the site and heritage assets beyond the boundary. The assessment undertaken for the Outline permission found that development of the site would lead to 'less than substantial' harm to the surrounding heritage assets. For the Malling Deanery Conservation Area to the south, mitigation strategies were proposed, including additional planting and a reduced density of dwellings in the southernmost portion of the site. For Lewes Castle, the breaking up of the site using vegetation, subtle roof materials and limiting street lighting were advised. These have been upheld in the Reserved Matters application and the conclusions of the Outline application are therefore unchanged.

Drainage

- 7.37 An updated drainage strategy has been provided, with further supporting information to demonstrate that there would be no risk to underground sensitive features and that infiltration into the chalk substrata is achievable. This has satisfied the Lead Local Flood Authority, although final detailed design of soakaways and hydraulic calculations will need to

be secured by planning condition.

- 7.38 Some above-ground SuDS features are included, such as rainwater gardens and swales, which are welcomed. Some of these features, whilst located appropriately appear to be relatively tokenistic and would only come into play during the most exceptional and infrequent rainfall events, rather than providing attenuation for frequent rainfall events. The latter would be addressed through a series of pipes and underground attenuation. Whilst this is not in itself unacceptable or so significant as to sustain a reason for refusal (indeed the proposal is considered to comply with the requirements of policy SD50 in this respect), it is disappointing that further measures to provide meaningful 'at-source' SuDS solutions have not been taken.
- 7.39 Foul drainage will still be dealt with via mains sewer, as proposed in the Outline application. A small, below-ground pump station to assist drainage from a small number of dwellings to the north of the site is required. Southern Water have confirmed this remains acceptable and that capacity exists in the existing sewerage network.

Environmental Impact Assessment Implications

- 7.40 Under the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regs), where a planning consent involves more than one stage (termed a 'multi-stage consent'), for example, an initial stage involving a principal decision (such as an Outline planning permission) and other decision stages to enable implementation (such as Reserved Matters), the likely significant effects of a project on the environment should be identified and assessed at the time of the principal decision. However, if those effects are not identified or identifiable at the time of the principal decision, an assessment must be undertaken at the subsequent stage.
- 7.41 In this case the principal decision was the Outline permission SDNP/18/06103/OUT, which was accompanied by an Environmental Statement (ES) required by the EIA Regs 2017. The decision reached on that permission concluded that the likely environmental impacts of the development had been adequately assessed in the ES and subject to the imposition of appropriate conditions to secure the mitigation measures the development was considered acceptable.
- 7.42 The determination of this Reserved Matters application only relates to the scale, layout, appearance and landscaping. Therefore, it is considered that the original ES adequately assessed the environmental impacts of the scheme in accordance with the EIA Regs. Updates have been provided in respect of landscape and visual impact as well as lighting, as the proposed development has presented further details that may influence the conclusions of these specific chapters of the ES. Having taken these into consideration as part of the above assessment, there has been no significant change in circumstances in terms of those environmental impacts or the identification of any new impacts which were not previously assessed to require the submission of a new ES. The conclusions of the existing ES remain relevant and unchanged.

8. Conclusion

- 8.1 It is considered that the proposal is well designed and would deliver on the key principles of the approved Design Brief for the Old Malling Farm site and improve on the green infrastructure strategy that was key to achieving a landscape-led development.
- 8.2 The proposal would not have a detrimental impact on the character of the local area and it is considered it would conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park, and would not have a detrimental impact on the amenity of local residents.
- 8.3 Through the details of layout, scale, external appearance and landscaping, the scheme would fulfil the requirements of site allocation policy SD76, as well as other policies of the SDLP and Lewes Neighbourhood Plan and the scheme as a whole would deliver significant planning

benefits.

9. Recommendation and Conditions

9.1 It is recommended to grant planning permission subject to the conditions set out in paragraph 9.2.

9.2 Planning Conditions and Reasons

1. The development to which the permission relates shall be begun not later than two years from the date of this permission.

Reason: To comply with the provisions of Section 92(2) of the Town and Country Planning Act, 1990.

2. The development hereby permitted shall be carried out in accordance with the plans and documents listed below under the heading 'Plans and Documents referred to in consideration of this application', unless otherwise agreed in writing by the Local Planning Authority.

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

3. No development shall be commenced until a schedule and samples of all external materials, surfacing materials and finishes to be used in the development, including sample panels of the printed brick facades, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved schedule and samples.

Reason: To safeguard the appearance of the development in the interest of conserving and enhancing the landscape character of the area and to ensure surfaces are appropriate for all users including mobility scooters and wheelchair users.

4. No development shall be carried out above ground floor slab level until a detailed scheme of soft landscaping, including planting and details of the replacement and enhanced tree planting, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the Design and Access Statement dated October 2023 and the Design and Access Statement Landscape Chapter Addendum dated April 2024 and shall align with the Ecological Design Strategy secured by condition 14 of SDNP/18/06103/OUT. The scheme shall prioritise native species suitable to the location, climate and soils of the site and take climate change into account. The development shall be carried out in accordance with the approved details.

All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any plants or species which within a period of 5 years from the time of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory development in accordance with the Old Malling Farm Design Brief 2020 and in the interests of amenity and landscape character.

5. Notwithstanding the requirements of condition 3, no development shall be carried out above ground floor slab level until a detailed scheme of hard landscaping, including bollards, railings, fencing, edges, play equipment, retaining walls, gates, signage, water butts, rainwater harvesting solutions, car parking dimensions and any other street furniture, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the Design and Access Statement dated October 2023 and the Design and Access Statement Landscape Chapter Addendum dated April 2024. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development in accordance with the Old Malling Farm Design Brief 2020 and in the interests of amenity and landscape character.

6. Prior to the commencement of development detailed drainage drawings for the surface water drainage proposals shall be submitted to and approved in writing by the Local Planning Authority. These drawings shall be supported by hydraulic calculations that take account of the connectivity of different surface water drainage features and include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely. The detailed design of soakaways shall be informed by findings of groundwater monitoring between autumn and spring. The design shall leave at least 1m unsaturated zone between the base of the soakaways and the highest recorded groundwater level. The development shall be carried out in accordance with the approved details.

Reason: To ensure surface water discharge rates do not exceed Greenfield runoff rates for all rainfall events (including those with 1 in 100 plus 45% for climate change annual probability of occurrence) and to protect sensitive groundwater features.

7. No development shall be carried out above slab level until details of the refuse and recycling provision within dwellings and bin stores have been submitted to and approved in writing by the Local Planning Authority. The bin stores shall include green roofs where applicable. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory development in accordance with the Old Malling Farm Design Brief 2020 and in the interests of amenity and landscape character.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures, extensions, additions, enlargements or external alterations as defined within Part 1 of Schedule 2, classes A, AA, B, C, D and E inclusive of that Order, shall be erected or undertaken on the site unless permission is granted by the Local Planning Authority pursuant to an application for that purpose.

Reason: To enable the Local Planning Authority to regulate and control the development of land for which the layout and external appearance has been guided by the Old Malling Farm Design Brief 2020.

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Appendices: Appendix 1 - Information concerning consideration of applications before committee.

Background Documents: [All application plans, supporting documents, consultation and third party responses for SDNP/18/06103/OUT](#)

[Lewes Neighbourhood Development Plan](#)

[Old Malling Farm Design Brief 2020](#)

[South Downs Local Plan 2019](#)

[Supplementary Planning Documents and Technical Advice Notes](#)

