



Working in Partnership



To all Members of the Planning Applications Committee

A meeting of the **Planning Applications Committee** will be held in the **Council Chamber, County Hall, St Annes Crescent, Lewes BN7 1UE** on **Wednesday, 11 January 2017** at **17:00** which you are requested to attend.

Please note the venue for this meeting which is wheelchair accessible and has an induction loop to help people who are hearing impaired.

This meeting may be filmed, recorded or broadcast by any person or organisation. Anyone wishing to film or record must notify the Chair prior to the start of the meeting. Members of the public attending the meeting are deemed to have consented to be filmed or recorded, as liability for this is not within the Council's control.

18/01/2017

Catherine Knight
Assistant Director of Legal and Democratic Services

Agenda

- 1 Minutes**
To approve the Minutes of the meeting held on 14 December 2016 (copy previously circulated).
- 2 Apologies for Absence/Declaration of Substitute Members**
- 3 Declarations of Interest**
Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct.
- 4 Urgent Items**
Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972. A Supplementary Report will be circulated at the meeting to update the main Reports with any late information.

- 5 Petitions**
To receive petitions from councillors or members of the public in accordance with Council Procedure Rule 13 (Page D9 of the Constitution).

Planning Applications OUTSIDE the South Downs National Park

- 6 LW/16/0491 - Sutton Leaze, Eastbourne Road, Seaford, East Sussex, BN25 4BB (Page 5)**

Supplementary Report to the Planning Applications Committee on 11 January 2017 (Page 13)

- 7 LW/14/0924 - Cricketfield Smallholding, Cricketfield, Newick, East Sussex (Page 14)**

- 8 LW/04/0086 - Springles Farm, Town Littleworth Road, Barcombe, East Sussex (Page 19)**

- 9 Outcome of Appeal Decisions from 23 November - 16 December 2016 (Page 21)**

To receive the Report of the Director of Service Delivery (Report No 8/17 herewith).

- 10 Written Questions**

To deal with written questions from councillors pursuant to Council Procedure Rule 12.3 (page D8 of the Constitution).

- 11 Date of Next Meeting**

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 1 February 2017 in the Council Chamber, County Hall, St Annes Crescent, Lewes, commencing at 5:00pm.

For further information about items appearing on this Agenda, please contact Jen Suh at Southover House, Southover Road, Lewes, East Sussex BN7 1AB (Tel: 01273 471600) or email jen.suh@lewes.gov.uk

Distribution: Councillor S Davy (Chair), G Amy, S Catlin, P Gardiner, T Jones, D Neave, V lent, T Rowell, J Sheppard, R Turner and L Wallraven

NOTES

If Members have any questions or wish to discuss aspects of an application prior to the meeting they are requested to contact the Case Officer. Applications, including plans and letters of representation, will be available for Members' inspection on the day of the meeting from 4.30pm in the Council Chamber, County Hall, Lewes.

There will be an opportunity for members of the public to speak on the application on this agenda where they have registered their interest by 12noon on the day before the meeting.

Planning Applications OUTSIDE the South Downs National Park

Section 2 of each report identifies policies which have a particular relevance to the application in question. Other more general policies may be of equal or greater importance. In order to avoid unnecessary duplication general policies are not specifically identified in Section 2. The fact that a policy is not specifically referred to in this section does not mean that it has not been taken into consideration or that it is of less weight than the policies which are referred to.

Planning Applications WITHIN the South Downs National Park

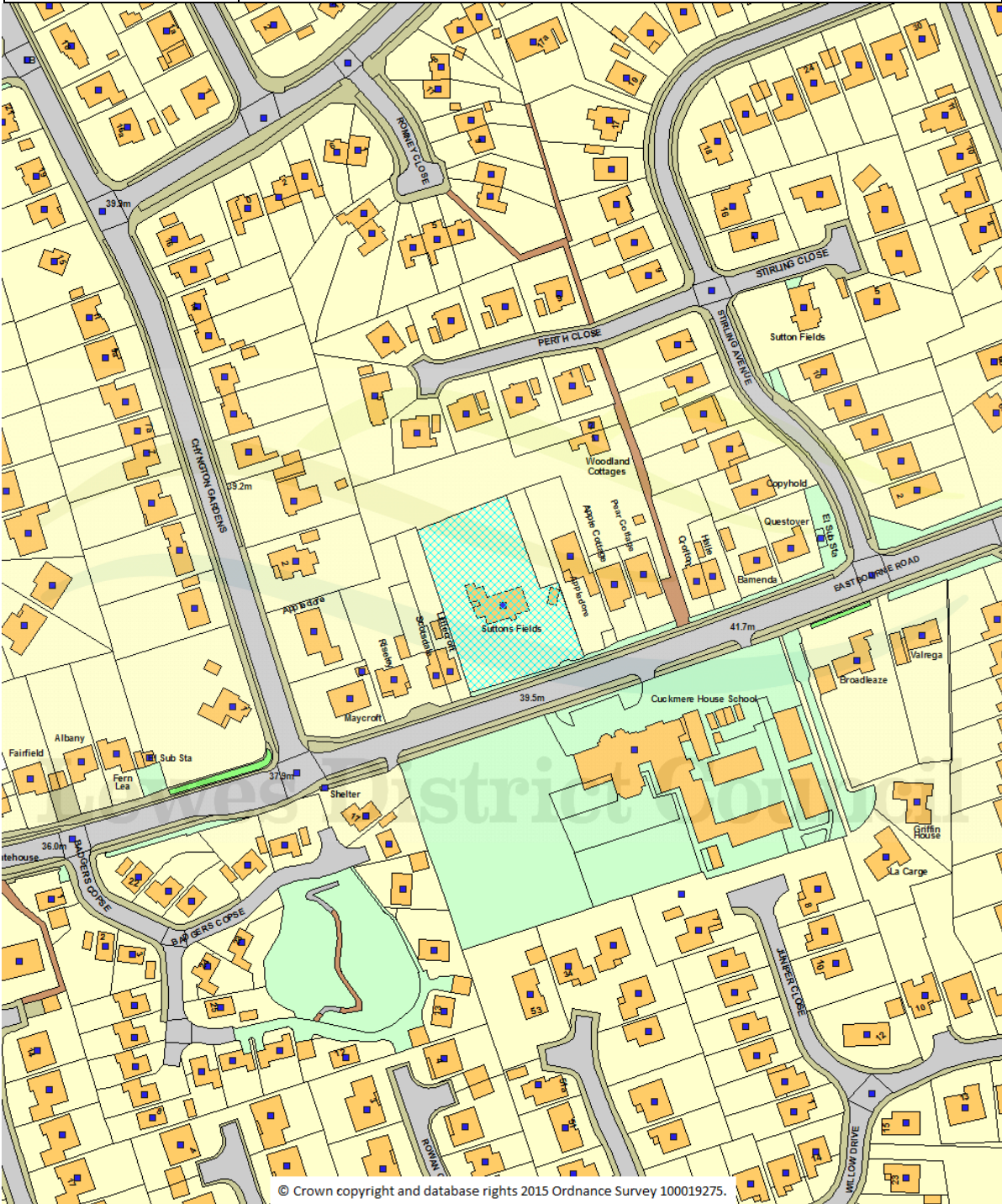
The two statutory purposes of the South Downs National Park designations are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes. Government policy relating to national parks set out in National Planning Policy Framework and Circular 20/10 is that they have the highest status of protection in relation to natural beauty, wildlife and cultural heritage and their conservation and enhancement must, therefore, be given great weight in development control decisions.

This page is intentionally left blank.

APPLICATION NUMBER:	LW/16/0491	ITEM NUMBER:	6
APPLICANTS NAME(S):	Mr S Wiley	PARISH / WARD:	Seaford / Seaford East
PROPOSAL:	Planning Application for Erection of 3 x three bedroom bungalows and 6 x two/three bedroom dwellings		
SITE ADDRESS:	Sutton Leaze Eastbourne Road Seaford East Sussex BN25 4BB		
GRID REF:	TQ 50 93		



0. Introduction

0.1 Consideration of this application was deferred at the 14 December 2016 meeting, to enable the applicant to consider amending the layout so that the access is adjacent to neighbouring Milton Villa, and the housing is thus further away from Milton Villa.

0.2 At the time of writing (15 December 2016) the applicant is considering the amendment. An update on this will be given at the meeting.

Report to 14 December 2016 meeting

1. SITE DESCRIPTION / PROPOSAL

1.1 The site fronts onto Eastbourne Road between Chyngton Gardens and Sterling Avenue towards the east side of Seaford, and is flanked by houses being 'Milton Villa' and 'Appledore'. The site is roughly rectangular in shape, and has a frontage of 40m and a depth of some 60m. The site is slightly elevated above Eastbourne Road. The site was formerly occupied by a bungalow prior to its demolition, but now comprises open land.

1.2 The site is in a suburban part of Seaford, with predominantly residential properties in the locality, but with Cuckmere House School on the opposite side of Eastbourne Road. There is a bus stop on Eastbourne Road outside the frontage of the site.

1.3 The proposal is to develop the site with 6 two-storey houses and 3 bungalows. A new access road to serve the development would be centrally located off Eastbourne Road. There would be a terrace of three houses either side of the access. Each of the terraces would be a minimum of 1m off the respective side boundary. The gap between the terraces in the centre would allow room for the access road into the site. The three bungalows would be located towards the rear of the site, 6.7-8m in from the rear boundary. The bungalows, like the houses, would be 1m off the respective side boundaries, and would have 2.5m gaps between them.

1.4 All of the dwellings would face onto a centrally located parking area with, at the time of writing, 16 parking spaces (this may change, and an update will be given to the Committee at the meeting). The houses on the frontage would therefore back onto the Eastbourne Road, at a distance of about 5.5m. The Eastbourne Road boundary would have a new hedge planted along the boundary, behind which would be a low level (4' 6") close board timber fence with louvred screen over and cycle stores.

2. RELEVANT POLICIES

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – ST03 – Design, Form and Setting of Development

3. PLANNING HISTORY

LW/88/1825 - Change of Use of single private dwelling house to Registered Residential Care Home including extension and alterations to provide owners accommodation. - Approved

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Seaford Town Council – It was resolved to object, on the grounds of; over development, insufficient parking provision on site, increased traffic movements and road safety concerns and the impact on infrastructure and the character of the town generally.

ESCC Highways – On the safety of the access due to the proximity of the Cuckmere House School: The applicant commissioned a Road Safety Audit for the proposed access point. The Audit identified one concern regarding drainage, but this can be overcome by condition. The access point is considered to be acceptable.

On the access: Is acceptable, but a footway should be provided on one side of the access to the Eastbourne Road. The access should be 2m from the nearby lighting column and bus stop.

On parking provision/cycle parking: The 16 parking spaces are acceptable for a development of three x 3-bed and six x 2-bed dwellings.

Southern Gas Networks – Standard gas safety advice for construction purposes.

Environmental Health – Recommends conditions regarding 'unsuspected' contamination and hours of work during construction.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 Representations objecting to the application have been made by 6 residents from six local households and on behalf of the Cuckmere House School.

5.2 Objections have been raised on grounds of highway hazards, loss of light, overdevelopment, overshadowing, parking issues, traffic generation, traffic on A259, out of character, overbearing building/structure. It is contended that the nine properties are too large and are excessive development for the plot, with a lack of parking provision.

5.3 The number of properties would constitute overdevelopment.

5.4 Highway and pedestrian hazards would result from the access, close to the bus stop and opposite the entrance to Cuckmere School. Taxi's stop at the school, buses wait at the bus stop, and coupled with the busy character of the Eastbourne Road and likelihood of overflow parking from the site, highway and pedestrian hazards would be increased.

5.5 Loss of light would be caused to 'Milton Villa', which has a kitchen, family room and bedroom window facing the site, and overlooking would be caused to 'Scotsdale' (the other half of the semi-detached 'Milton Villa', on the west side of the site).

5.6 The terraced houses would be out of keeping with the detached and semi-detached houses in the locality. The architectural style does not fit in with the Edwardian properties to the west, the school to the south, post war bungalows and early 20th century semi-detached houses to the east.

5.7 The houses, backing onto the Eastbourne Road, would be out of keeping with other development along the Eastbourne Road which conventionally fronts onto the main road.

5.8 The bungalows should be removed from the application as the conversion of their roofspaces to accommodation would cause overlooking.

5.9 The bungalow which stood on the site was demolished without prior notice to residents, presumably in the expectation that planning permission would be granted.

6. PLANNING CONSIDERATIONS

6.1 The site is within the Planning Boundary for Seaford (in the Joint Core Strategy) where new residential development can be acceptable in principle in planning policy terms.

6.2 The terraces of three dwellings either side of the access road would be uncharacteristic of the predominant form of dwellings in the immediate locality, which are mainly detached with some semi-detached properties. However, the NPPF generally encourages development of a "wide choice of high quality homes", while Policy CP7 of the JCS expects housing developments to "provide a range of dwelling types and sizes to meet the identified local need". In this case the market has apparently indicated that there is a demand for the type of dwellings which are proposed (although that is not necessarily indicative of local 'need'). The number of dwellings proposed to be below the threshold by which 'affordable' housing would be required.

6.3 The dwellings would have relatively short private gardens, but the proposed layout demonstrates that the number of dwellings can be accommodated on the site in, it is considered, a satisfactory manner. The dwellings adjacent to Eastbourne Road would be two-storey, with bungalows in the rear part of the site, so the height would not, it is considered, be excessive.

6.4 The orientation of the houses means that they would back onto the Eastbourne Road. The frontage would feature a replacement hedge (the existing hedge is not in a particularly good condition), in front of a low fence. The back of the houses would align with the front of Milton Villa. It is considered that the appearance of the houses in the 'street scene' would be acceptable.

6.5 The dwellings would have their primary windows facing front and back, with limited high level windows in the side elevations facing adjacent dwellings. Overlooking of nearby properties should not, it is considered, be significant, particularly in the context of a suburban area where some overlooking of gardens is inevitable.

6.6 The two-storey house closest to Milton Villa would be alongside that house, and would not materially protrude beyond its rear wall. Milton Villa itself is about 3m off the shared boundary (a driveway runs up the side of Milton Villa). The side-by-side position of the dwellings in relation to each other indicates that loss of light to Milton Villa would not justify refusal of the application.

6.7 On the east side 'Appledore' is set back into its plot, to the extent that Appledore would be sited between the houses and the bungalows. The new houses would be about 9m in front of, but also to the side of, Appledore. A section drawing submitted as part of the application shows that the new houses would be built on lower land, meaning that the impact on Appledore is correspondingly reduced. If permission is granted, a 'levels' condition should be imposed to ensure that the difference in levels is carried through to the completed development.

6.8 The central parking area could potentially be a source of noise and disturbance to nearby occupiers but, serving 9 dwellings, it is not considered that the level of such noise and disturbance would be significant.

6.9 At the time of writing the Highway Authority (HA) are generally content with the proposal. However, while the 16 parking spaces are considered adequate for occupants of the dwellings, the HA consider that the development does not provide for visitor parking, if the 2/3-bed dwellings are actually occupied as 3-bed properties. This is because the

parking requirement increases where larger properties are proposed (based on the number of bedrooms per dwelling). The applicant is considering this issue and an update will be provided at the meeting.

6.10 Those opposed to the development have highlighted the potential for highway and pedestrian hazards arising from the bus stop outside the site and the Cuckmere House School opposite, and these points have been put to the HA. The HA has responded, advising that the applicant has commissioned a Road Safety Audit for the proposed access point, which did not identify any significant concerns. The access to the development is on a straight stretch of the Eastbourne Road and adequate sightlines can be achieved both ways.

6.11 Overall, the proposal is for development of a relatively large site within the Planning Boundary, in a sustainable location in relation to shops and services.

6.12 The proposal is considered to be acceptable.

7. RECOMMENDATION

That planning permission be granted.

The application is subject to the following conditions:

1. Before the development hereby approved is commenced on site, details/samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

Reason: To ensure a satisfactory development in keeping with the locality having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

2. Development shall not begin until details of finished floor levels in relation to the existing ground levels have been submitted to and approved by the Local Planning Authority. The works shall then be carried out in accordance with these details.

Reason: In the interest of residential amenity and the character of the locality having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

3. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason; To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

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

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to Policy ST3 of the Lewes District Local

Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

5. No development shall take place until details of the layout of the new access and specification for the construction of the access which shall include details of a footway link have been submitted to and approved in writing by the Planning Authority and the use hereby permitted shall not commence until the construction of the access has been completed in accordance with the specification set out on Form HT407 which is attached to and forms part of this permission.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, having regard to Policy ST3 of the Lewes District Local Plan.

6. The completed access shall have maximum gradients of 4% (1 in 25) from the channel line, or for the whole width of the footway/verge whichever is the greater, and 11% (1 in 9) thereafter.

Reason: To ensure the safety of persons and vehicles using the access and/or proceeding along the highway, having regard to Policy ST3 of the Lewes District Local Plan.

7. Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.

Reason: In the interests of highway safety, having regard to Policy ST3 of the Lewes District Local Plan.

8. Prior to commencement of development a Construction Traffic Management Plan shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This shall include the identification of areas for storing materials, plant and machinery; areas for contractor parking clear of the highway; turning area; size of vehicles, routing of vehicles and hours of operation. (Given the strategic nature of the A259 Eastbourne Road) the hours of delivery/ collection should avoid peak traffic flow times.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large, having regard to Policy ST3 of the Lewes District Local Plan.

9. During any form of earthworks and excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Planning Authority, to prevent contamination and damage to the adjacent roads

Reason: In the interests of highway safety and for the benefit and convenience of the public at large, having regard to Policy ST3 of the Lewes District Local Plan.

10. The development shall not be occupied until car parking, cycle storage and turning space for vehicles has been provided and constructed in accordance with the approved plans, and these areas shall thereafter be retained for those purposes.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, having regard to Policy ST3 of the Lewes District Local Plan.

11. The visibility splays available at the site access as shown on the submitted plan (Drawing No.1556.PL01A) shall be maintained to a minimum of 2.4m x 43m in both directions. These splays shall be cleared of all obstructions exceeding 600 mm in height and kept clear thereafter.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, having regard to Policy ST3 of the Lewes District Local Plan.

12. The building shall not be occupied until the existing access shown on the submitted plan [Drawing No. 1556.LP01] has been stopped up and the kerb and footway and verge] reinstated in accordance with details submitted to and approved in writing by the Planning Authority.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, having regard to Policy ST3 of the Lewes District Local Plan.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with National Policy Guidance contained in the National Planning Policy Framework 2012.

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

Reason: In the interest of the amenities of the adjoining residents having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

INFORMATIVE(S)

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. The applicant's attention is drawn to the need for a S184 licence for the construction of the new access. The existing access onto Eastbourne Road should then be permanently closed off. The applicant should contact ESCC to apply for a licence to ensure the construction is up to an acceptable standard. The alteration of this will require the compliance with the Traffic Management Act 2004 and that the contractor will have to book road space with the County Council's Network Coordination team (0345 60 80 193)

3. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Proposed Block Plan	10 June 2016	1556.LP01
Location Plan	10 June 2016	1556.LP01
Existing Layout Plan	10 June 2016	1556.S01
Existing Floor Plan(s)	10 June 2016	1556.S01
Existing Roof Plan	10 June 2016	1556.S03
Existing Layout Plan	10 June 2016	1556.S03
Existing Floor Plan(s)	10 June 2016	1556.S02
Existing Layout Plan	10 June 2016	1556.S02
Design & Access Statement	10 June 2016	
Proposed Elevation(s)	17 November 2016	1556.PL05 B
Proposed Section(s)	17 November 2016	1556.PL06 B

**Supplementary Report to the Planning Applications Committee
on 11 January 2017**

LW/16/0491

Page 5

As indicated in the main report, this application was deferred at the 14 December 2016 meeting, so that the applicant could consider changing the layout so that the access road was next to Milton Villa next door (and the houses were thus moved further away).

The applicant has not been able to agree to the change, commenting that the scheme is *“very symmetrical with a central access road, which we feel is very important, by moving the access road we feel it could harm the street scene elevation and throw the visual balance”*, that there has been a *“year long discussion to arrive at this optimum design”*, the Road Safety Audit confirms there are no dangers with the access, and that there are no windows to habitable rooms at first floor level facing Milton Villa (the only window is an obscure glazed bathroom window).

The left hand terrace closest to Milton Villa has, however, been moved 300mm further away from the boundary (now a gap of 4.8m to Milton Villa at the rear and 4.6m at the front).

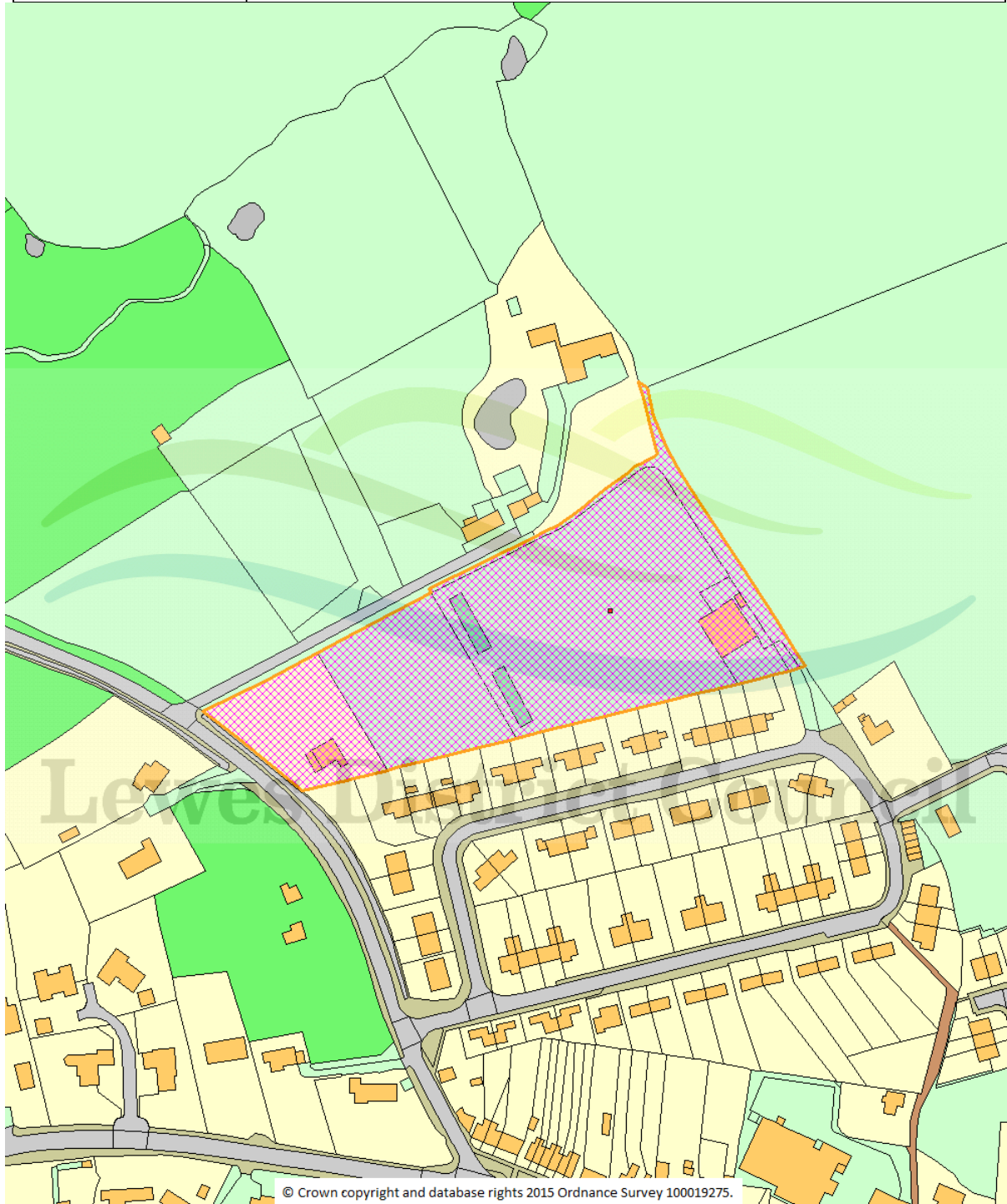
The occupier of Milton Villa is *“very disappointed that the applicant has decided against the proposed solution which I felt fair and reasonable. The immediate terrace being moved a mere 30cm is a negligible gesture”*.

The application therefore falls to be decided as at the December 2016 meeting, except the terrace next to Milton Villa is a further 300mm away from the boundary.

In the planning officer's view the application remains recommended for approval. The gap of over 4m between Milton Villa and the terrace is considered to be acceptable, and any sunlight which would be lost to Milton Villa would be during morning hours only. The windows in the side of Milton Villa facing the site appear to be a sole kitchen window and dining room window on the ground floor (both formed when the house was extended around 2007) and first floor bathroom and bedroom windows (again, both formed when the house was extended around 2007).

While the objection raised by the occupier of Milton Villa is noted and understood, it is not considered that the alleged loss of light to Milton Villa would be sufficient grounds to justify refusal. The recommendation for conditional approval stands, as set out in the main report.

APPLICATION NUMBER:	LW/14/0924	ITEM NUMBER:	7
APPLICANTS NAME(S):	Thakeham Homes Ltd	PARISH / WARD:	Newick / Newick
PROPOSAL:	Application for a Deed of Variation to the original S106 agreement attached to the approved application for demolition of existing residential dwelling and on-site structures and redevelopment to provide 31 dwellings together with associated parking, access and landscaping		
SITE ADDRESS:	Cricketfield Smallholding Cricketfield Newick East Sussex		
GRID REF:	TQ 41 21		



1. SITE DESCRIPTION / PROPOSAL

1.1 The application site is located on the eastern side of Newick Hill and on the northern side of the Cricketfield housing development. The site, which covers an area of approximately 1.4 hectares, was occupied by a residential bungalow, some outbuildings, open land used as vegetable garden, a large field with and agricultural style storage building adjacent to the eastern boundary. A private track abuts the eastern boundary, whilst a public footpath runs along the northern boundary and crosses the eastern end of the site connecting with Cricketfield adjacent to number 37. The southern boundary abuts the gardens of the dwelling houses in Cricketfield, whilst the western boundary faces onto Newick Hill. A formal vehicle access to the site exists off Newick Hill whilst an informal but established access also exists to the east off Cricketfield.

1.2 The site is relatively well screened to west, north and eastern boundaries, due to the change in gradient at Newick Hill and the existing bank at the entrance to the site. The site is situated outside of the defined planning boundary but adjacent to it on the southern boundary.

1.3 The application to demolish the existing structures on the site and to construct 31 residential units of which 12 (40%) are to be affordable, was considered by the Committee on the 27 May 2015, with permission being issued on the 30 November 2015 subject to a S106 agreement. This report relates to a request to enter into a Deed of Variation to alter the contributions secured with the original S106 agreement.

2. RELEVANT POLICIES

LDLP: – CP7 – Infrastructure

3. CONSIDERATIONS

3.1 The proposed Deed of Variation (DoV) is required in order to maintain the commercial viability of the proposed development at Newick Hill (LW/14/0924). Since permission was granted a number of connected viability issues have arisen relating to condition 1 of that permission which stated:

Development shall not commence until a scheme for the provision of SANG to mitigate the effects of the development at the ratio of 8 hectares per additional 1000 residents has been submitted to the local planning authority and approved in writing. Any such scheme shall identify the location of the SANG and detail the proposals and timetable to bring it up to a standard and into a condition to make it acceptable as a SANG. No dwelling shall be occupied before written confirmation has been obtained from the local planning authority that the SANG has been provided in accordance with the approved scheme and is available for use.

3.2 At the time permission was granted a SANG did not exist in the area and in order to bring forward the approved development Thakeham Homes had the option of either acquiring its own SANG site at market value, or wait for LDC to progress an acquisition of a suitable site which it would operate and charge developers to use. The LDC option carried significant risk, both in terms of funding and a causing significant delay to the development if such a site could not be found and acquired. In addition, it was identified by Thakeham Homes that the level of financial contributions set out in the S106 together with the provision of affordable rent units as part of the affordable housing offer could not be supported if a SANG site was purchased by Thakeham Homes.

3.3 In early 2016 Thakeham Homes were able to identify and purchase a 11.8 hectare site between Jackies Lane and the A272 to the west of Newick. A subsequent application (LW/16/0510) was considered by the Planning Committee on the 21 September 2016 for the change of use of this land to a SANG, with permission being granted on the 16 November 2016 with a S106 agreement. The land was considered capable of providing the necessary mitigation for the impact of residential development, on the Ashdown Forest Special Protection Area, both for the approved scheme at Newick Hill and other sites that may come forward in the future. The works of laying out the SANG will be carried out by Thakeham Homes after which and upon completion of the works the land will be handed over to LDC to administer.

3.4 Thakeham Homes re-evaluated the viability of the approved scheme at Newick Hill, the S106 agreement and the costs associated with providing the SANG and contributing to its long term maintenance. For a development to be viable it must normally show at least a 20% return on development cost. This return on cost percentage is required in order to persuade a developer to proceed, and is in line with the market norm.

3.5 Thakeham Homes appointed Vail Williams to provide a viability report in connection with varying the S106 agreement to take account of the acquisition of a SANG by Thakeham Homes, rather than making a contribution towards an LDC operated SANG, and to assess the planning contributions and affordable housing tenure.

3.6 Since the grant of planning and in order to maintain a commercially developable site, a number of interconnected viability issues have arisen, as follows.

3.7 In complying with condition 1, it was identified that a suitable SANG site did not exist in the area and that Thakeham Homes would have to acquire its own SANG site at Market Value, or wait for LDC to progress an acquisition of a suitable site which they would operate and charge developers to use. The latter option was considered to carry significant risk, including the availability of Council funds and the potential for a lengthy delay, if the Council did not secure a suitable site.

3.8 It was identified that the level of financial contributions set out in the S106 and provision of affordable rent units as part of the affordable housing offer, could not be supported if a SANG site was purchased by Thakeham Homes. Vail Williams carried out two appraisals, on the assumption that planning consent would be granted for the SANG. The appraisals provide the following results:

Appraisal A

Under this scenario the appraisal based on the consented scheme, including GDV and S106 contributions, and the full cost to deliver the SANG site as within their report along with the fixed land price. This showed a very modest profit position of 5.27% which is clearly unviable and would not be taken forward by a developer.

Appraisal B – Proposed variation to the S106

We have considered the return on cost which is anticipated if the proposed variations (understood to have been discussed between Thakeham and LDC) to both the tenure mix of the affordable units and reduction in planning contributions are agreed, whilst making the same assumptions regarding SANG costs. This includes a change to the tenure mix of the affordable units, resulting in 12 intermediate units, as well as a reduction in financial

contributions of circa £404,666 – resulting in a revised S106 payment of £312,503.

On this basis a profit of 16.01% is shown which, although not meeting the market norm expectation of 20%, is at a level which we are advised that Thakeham is prepared to accept.

3.9 Vail Williams report concluded that, taking account of the above, there is clearly a significant viability issue and in order to make the development commercially attractive, planning contributions and affordable housing requirements would need to be renegotiated to unlock the development.

3.10 Therefore, following detailed discussions between officers from LDC, ESCC Highways and Education the following alterations to the S106 agreement have been negotiated:

1 – Transport contribution – reduced from £190,000 to £68,400. Teresa Ford at ESCC Highways, in an email dated 25.01.16 considered that on the basis that a contribution for the site at Mitchelswood Farm was based on taxis for the number of pupils likely to be generated that a similar pro rata contribution for the Newick Hill site should also be adopted. Based on the fact that the number of units are basically half that of Mitchelswood then statistically the number of pupils for Newick Hill are likely to be between 6 and 7 pupils. Therefore 2 taxis are required thus £13,680 is required per year for 5 years thus a total of £68,400. Although not the preferred option for transferring pupils, the Highway Authority would accept a reduction of school transport contributions from £190,000 to £68,400 in this instance.

2 – Equipped play space – omission of the £81,035. An email from C Bibb at LDC on the 09.11.16 confirmed that the issue of play equipment had been discussed with the Parish Council and in light of the condition relating to the SANG it was agreed that the contribution for equipped play space could be forsaken on this occasion providing Thakeham Homes would amend the onsite LAP to provide basic play provision of ‘natural’ style in keeping with the rural area.

3 – Education payments - early years education contribution of £24,238, primary education contribution of £86,536, secondary education contribution of £91,257 – in an email from Ellen Reith (Principal Strategic Planner at ESCC) on the 13.10.16 it was confirmed that the Education Department had reviewed pupil forecasts and concluded that education contributions from the Newick Hill development would no longer be required.

3.11 As a result of the negotiations and discussions between the developer and LDC officers, supported by the viability report, the S106 would need to be varied by a Deed of Variation. The amended agreement would secure the following financial contributions:

Recycling - £589 (same)

Rights of Way - £744 (same)

SAMMS contribution - £36,270 (same – calculated on the up to date SAMM tariff)

Transport - £68,400 (reduced)

Traffic Regulation - £6,500 (same)

SANG management - £200,000 (new)

This would allow the full affordable housing provision to be maintained on the Newick Hill site as well as contributing £200,000 towards the long term management/maintenance of the SANG.

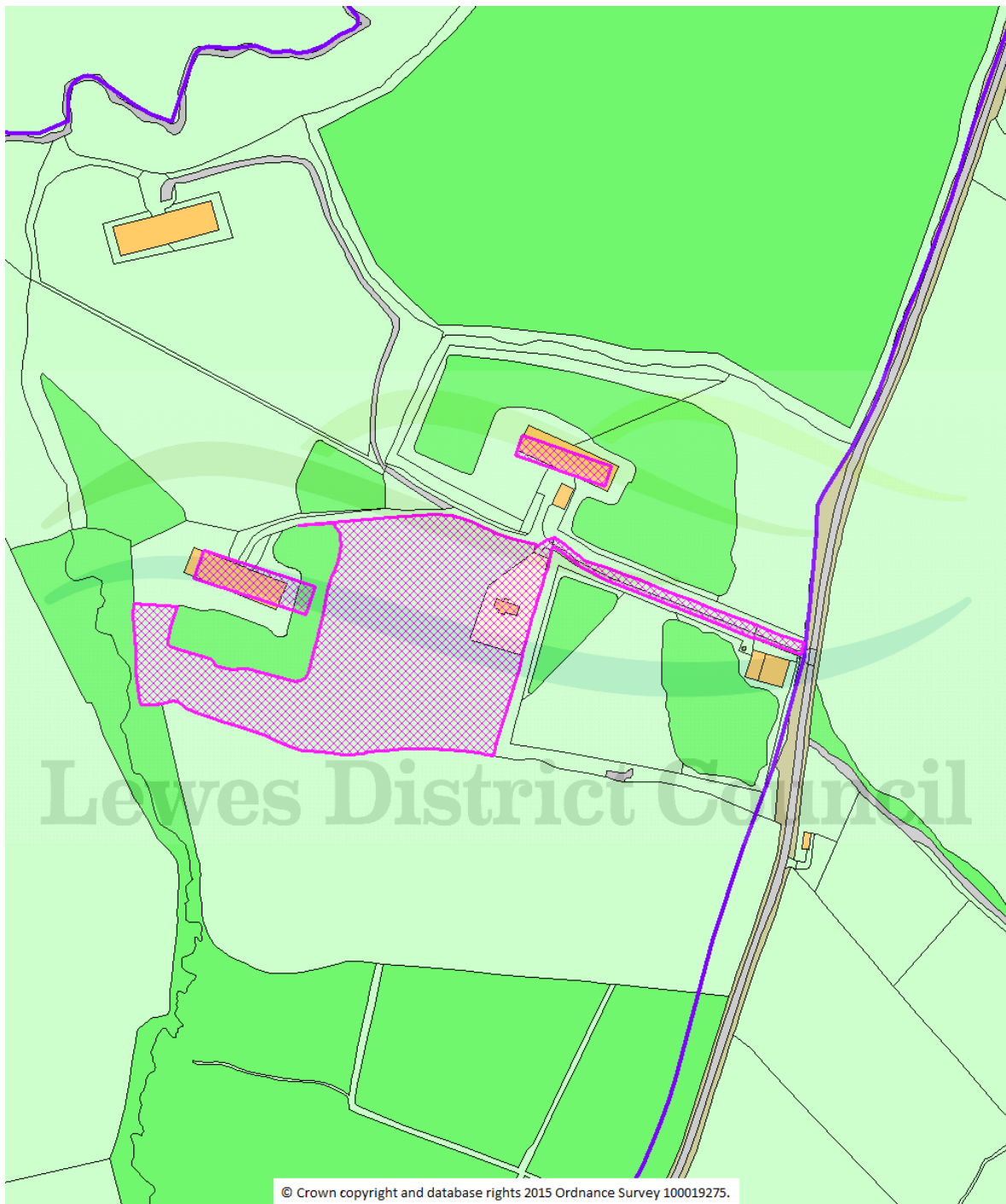
3.12 Given its size, the SANG site that has been acquired is capable of providing mitigation to a number of other sites in the wider locality. Given the lack of alternative SANG sites in the area, this offers an opportunity to release land for development of new homes in the northern part of the district coming forward, significantly impacting the delivery of new homes in the District.

3.13 If a Deed of Variation is not forthcoming, it is extremely likely that Thakeham Homes would not be in a position to bring the Newick Hill site forward and may have to land bank it, as it is not commercially viable to take forward under the extant consent.

4. CONCLUSION

4.1 Therefore in view of the consultation responses from ESCC and LDC officers, and in view of the necessity to secure the SANG, secure funding for its long term maintenance, and the strong desirability to secure more general and affordable housing within the district, the proposed new contributions are considered acceptable. A Deed of Variation should therefore be entered into to vary the terms of the original legal agreement as set out within the report.

APPLICATION NUMBER:	LW/04/0086	ITEM NUMBER:	8
APPLICANTS NAME(S):	Grassington Rangers Ltd	PARISH / WARD:	Hamsey Barcombe/Hamsey
PROPOSAL:	Application for a Deed of Variation to the original S106 agreement attached to the approved application for the erection of an agricultural workers dwelling and two poultry barns at Springles Farm for Grassington Rangers.		
SITE ADDRESS:	Springles Farm, Town Littleworth Road, Barcombe, East Sussex		
GRID REF:	TQ 4016		



1. SITE DESCRIPTION / PROPOSAL

- 1.1 The application site is located on the western side of the Town Littleworth Road, north west of Barcombe. Grassington Rangers is one of the largest independent egg producers in the UK. As a result of new EU regulations, which require all eggs to be produced free range by the year 2011, Springles Farm was purchased by the applicant in 2003 as it offered the opportunity to both expand the business and ensure compliance with the forthcoming regulations. Springles Farm covers an area of 38 hectares and consisted of an existing barn adjacent to the road which had already been converted to a poultry house.
- 1.2 The applicant is seeking a Deed of Variation to remove a redundant barn, which has been granted planning permission for its conversion to 3 dwellings, from the original holding.

2. RELEVANT POLICIES

LDLP: – CP7 – Infrastructure

3. CONSIDERATIONS

- 3.1 In 2004 planning permission was granted (LW/04/0086) for the erection of agricultural worker's dwelling and two poultry barns. The dwelling was centrally located within the site, within view of the poultry houses. The dwelling has an internal floorspace of approximately 164sq.m in a two-storey dwelling of vernacular design and appearance. Permission was granted subject to a S106 agreement, signed on the 6 October 2004, which tied all the buildings and the land to remain as a single holding.
- 3.2 In 2016 permission was granted under LW/16/0408 for the conversion of the existing barn which fronts onto the Town Littleworth Road into three dwellings. The barn had become redundant due to the completion of the other four larger modern chicken houses on the farm.

4. CONCLUSION

- 4.1 Therefore a Deed of Variation is being sought in order to remove the barn from the original holding and as secured by the original S106 agreement. Such a variation is considered acceptable and would not undermine the original purpose of the S106 agreement or how the holding would continue to function. It is therefore recommended that a Deed of Variation is agreed.

Agenda Item No: 9 **Report No:** 8/17
Report Title: Outcome of Appeal Decisions from 23 November - 16 December 2016
Report To: Planning Applications Committee **Date:** 11 January 2017
Cabinet Member: Cllr Tom Jones
Ward(s) Affected: All
Report By: Director of Service Delivery
Contact Officer(s):
Name(s): Mr Steve Howe and Mr Andrew Hill
Post Title(s): Specialist Officer Development Management
E-mail(s): Steve.howe@lewes.gov.uk and Andrew.hill@lewes.gov.uk
Tel No(s): (01273) 471600

Purpose of Report: To notify Members of the outcome of appeal decisions (copies of Appeal Decisions attached herewith)

<p>13 Belgrave Road, Seaford, BN25 2EG</p> <p>Description:</p> <p><i>Demolition of existing garage and change of use of Stanbury Cottage to C2 (care home) and single storey extension to Nova House linking three buildings to provide 7 extra bedrooms and day room</i></p>	<p>Application No: LW/15/0890</p> <p>Delegated Refusal</p> <p>Appeal is Dismissed</p> <p>Appeal Type: Written Representations</p> <p>Decision: 16th December 2016</p>
--	---

Robert Cottrill
 Chief Executive of Lewes District Council and Eastbourne Borough Council



Appeal Decision

Site visit made on 8 November 2016

by R J Marshall LLB DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 December 2016

Appeal Ref: APP/P1425/W/16/3150207

13, Seaford Homes Ltd., Belgrave Road, Seaford, East Sussex, BN25 2EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Sunjay Rai against the decision of Lewes District Council.
 - The application Ref LW/15/0890, dated 9 November 2015, was refused by notice dated 16 February 2016.
 - The development proposed is Demolition of existing garage and change of use of Stanbury Cottage to C2 (Care Home) in conjunction with Nova House and 2A Westdown Road and single story extension to Nova House linking the three buildings to provide seven extra bedrooms and day room.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The appeal site is in an attractive, largely residential, suburban area. It has been defined by the Council as an Area of Established Character (AEC). These are areas where in accordance with saved Policy H12 of the Lewes District Local Plan (2003) special attention will be paid to the need to retain the existing character of the area. The areas designated as AECs are those of sufficient merit to justify particular care when considering development proposals.
4. The appeal site is on a roughly rectangular piece of land between Belgrave Road to the south and Westdown Road to the north. Both of these roads are fronted primarily by detached houses on relatively large plots. The houses range widely between a few 1960s style houses, 1920's/30s style houses and some Victorian/Edwardian properties. And although some of the houses are quite close together the fairly substantial width of the two roads, with grass verges and pavements to either side, results in a spacious appearance to the area. The overall impression created is of a most attractive residential environment. Belgrave Road and Westdown Road roads are linked by Wilmington Road, a narrow private road that runs alongside the north-eastern boundary of the appeal site. Nova House, the main building on the appeal site, and 2/3 storeys in height, has a lengthy frontage to this road and lies in quite

close proximity to it. However, the more substantial set back of 2 detached houses on the opposite site of the road and the sizeable gap between them ensures that Wilmington Road nonetheless retains a reasonably spacious appearance. And this is so notwithstanding the taller block of flats on the Wilmington Road/Belgrave Road frontage given the extent that it is set back from both roads.

5. There are 3 buildings on the appeal site. Nova House, a C2 Care Home, is on the largest south-eastern portion of the site. As well as facing Wilmington Road it also faces onto Belgrave Road. On the remaining smaller north-west portion of the site are 2 much smaller single-storey buildings. They are Stanbury Cottage, in C3 use, and No. 2A Westdown Road which is in C2 use in connection with Nova House.
6. The proposed development is for the change of use of Stanbury Cottage to C2 use to bring it into the Care Home complex and the construction of 2 single storey extensions. The largest extension would provide additional bedrooms and link Nova House with Stanbury Cottage. The other extension, providing a day room, would link Stanbury Cottage with No. 2A Westdown Road.
7. The Council has no objection solely to the change of use of Stanbury Cottage. Correctly so in my view as the change of use of the premises alone would have no substantial impact on the character and appearance of the surrounding area. However, turning to other aspects of the proposed development, by linking Nova House and Stanbury Cottage the bedroom extension would result in a very lengthy property overall. This would be wholly out of keeping with most other buildings in the locality. This, together with the rather piecemeal effect of adding to an already extended building, would detract from the character and appearance of the area notwithstanding the use of matching materials. And by filling in an existing gap it would detract from the spacious appearance of this part of Wilmington Road. This harm would not be outweighed by any benefit that might arise in removing from view a cluster of small sheds within the gap, not least because they are reasonably well screened by an existing fence.
8. By linking Stanbury Cottage with No. 2A the proposed day room would create a building with a greater width across its frontage than is characteristic along Westdown Road. However, this would not be to an extent that, taken alone, it would result in an unacceptable form of development. However, the extension would link 2 buildings of notably different design, one with a fully hipped roof, and the other with a gable end. And both buildings are set back different distances from the road. To some extent the proposed extension would work quite well in joining these 2 properties together and in using matching materials. Its roof design would blend in quite well with the fully hipped roof of Stanbury Cottage. However, there would be an awkward juxtaposition between the partially sloping roof of the proposed extension and the gable end of No. 2A, not least because of the forward projection of the extension from this property. This would result an unattractive element to part of the extended building that would be detrimental to the street scene. This harm would outweigh the advantage of removing an existing garage between the 2 buildings and generally tidying them up. And any landscaping would be unlikely to provide an effective screen to this part of the extension given the need to prevent obscuring windows.

9. It is concluded that the proposed development would detract from the character and appearance of the surrounding area. It would be contrary to LP Policies H12 and ST3 on the protection of AECs and need for new development generally to respect the local area and to Core Policy 11 of the Joint Core Strategy which has similar objectives.
10. I appreciate that the Care Home meets an important need locally. And I note the appellant's observations on the need to enhance facilities and services at a time when such premises are going through difficult times economically. However, whilst I sympathise with the appellant in this regard these considerations do not outweigh the harm I have found.

Conclusion

11. For the reasons given above is concluded that the appeal should be dismissed.

R J Marshall

INSPECTOR