



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, 01 February 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.

20/01/2017

Catherine Knight  
Assistant Director of Legal and Democratic Services

## **Agenda**

- 1 Minutes**  
To approve the Minutes of the meeting held on 11 January 2017 (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/16/0892 - Land Rear Of 1 Denton Drive, Newhaven, East Sussex (page 5)**
- 7 LW/16/0775 - East Sussex Gliding Club, Kitsons Field, The Broyle, Ringmer, East Sussex, BN8 5AP (page 18)**
- 8 LW/16/1009 - Aqua House, 370 South Coast Road, Telscombe Cliffs, East Sussex (page 31)**
- 9 LW/16/1002 - Hole Farm, Nursery Lane, Wivelsfield Green, East Sussex, RH17 7RB (page 39)**
- 10 LW/16/0842 - 17 Cissbury Crescent, Saltdean, East Sussex, BN2 8EN (page 48)**
- 11 Tree Preservation Order (No.6) 2016, Beggars Wood, Beggars Wood Road, Chailey (page 54)**  
To consider the Report of the Trees & Landscape Officer (Report No 17/17 herewith).
- 12 Enforcement Monitoring (Part A) (page 66)**  
To receive the Report of the Director of Regeneration and Planning (Report No 18/17 herewith).
- 13 Enforcement Monitoring (Part B) (page 69)**  
To receive the Report of the Director of Regeneration and Planning (Report No 19/17 herewith).
- 14 Outcome of Appeal Decisions from 16 December - 17 January 2017 (page 71)**  
To receive the Report of the Director of Service Delivery (Report No 20/17 herewith).
- 15 Written Questions**  
To deal with written questions from councillors pursuant to Council Procedure Rule 12.3 (page D8 of the Constitution).

## **16 Date of Next Meeting**

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 22 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](mailto: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.

|                            |  |                       |                                       |
|----------------------------|--|-----------------------|---------------------------------------|
| <b>APPLICATION NUMBER:</b> | LW/16/0892   | <b>ITEM NUMBER:</b>   | <b>6</b>                              |
| <b>APPLICANTS NAME(S):</b> | DMH Stallard LLP   | <b>PARISH / WARD:</b> | Newhaven / Newhaven Denton & Meeching |
| <b>PROPOSAL:</b>           | Planning Application for Erection of 9 dwellings with associated access and landscaping. |                       |                                       |
| <b>SITE ADDRESS:</b>       | Land Rear Of 1 Denton Drive Newhaven East Sussex   |                       |                                       |
| <b>GRID REF:</b>           | TQ4502   |                       |                                       |



## 1. SITE DESCRIPTION / PROPOSAL

### SITE DESCRIPTION

1.1 The application site is some 2231 square metres in area situated on land between Denton Road and Denton Drive. The land slopes upwards both from north to south and from west to east.

1.2 The site has a frontage of some 71m to Denton Road, following the curve of the street in between 14 Denton Road and 1 Denton Drive, the former being a two storey dwelling and the latter being a single storey dwelling on the corner plot at the junction with Denton Drive.

1.3 The site is 53m across at its widest point and has 21m frontage to Denton Drive, adjacent to 7 Denton Drive, which is a detached bungalow.

1.4 The site is currently empty and comprises scrubland with some tree planting to the Denton Road boundary.

1.5 The application site is within the defined Planning Boundary for Denton/Newhaven. There are no listed buildings on the site and it is not in a Conservation Area.

### PROPOSAL

1.6 The application seeks full planning permission for the erection of 9 no. 2-bedroom dwellinghouses on the site comprising four pairs of semi-detached houses fronting Denton Road and a detached bungalow dwelling fronting Denton Drive.

1.7 The four pairs of semi-detached houses will be set back from the street along the building line established by the neighbouring houses. Due to the steep bank down to street level, the properties will effectively be three storeys in height with open-fronted garages at street level. This follows the pattern of neighbouring housing. Each house will have a shallow mono-pitched roof with a flat roof section in the middle and the principal elevations will feature a projecting element finished in facing brickwork and a recessed element over the garage featuring rainscreen cladding and a balcony over the garage.

1.8 The overall height of the dwellings will be lower than that of the existing neighbouring semi-detached houses.

1.9 Vehicular access to the new houses will be via a single access point off Denton Road and this will lead to a secondary service road in front of each house. The secondary access road will be delineated from Denton Road by way of a grass verge and a low brick boundary wall. A total of 12 trees will be planted in front of the houses and the plans submitted indicate that these trees will be as high as the top floor in each dwelling.

1.10 The plans indicate that each integral open-fronted garage will have capacity for 2 cars and will not have garage doors. 3 visitor car parking spaces are proposed behind the front boundary wall in front of units 5, 6 and 7.

1.11 Internally the houses will have a garage, utility room, hallway and bin store at street level; an open plan living dining and kitchen area on the first floor; three bedrooms and a bathroom on the top floor. Excluding the integral garages, each house will have a floor area of some 100 square metres.

1.12 The flat roof areas will incorporate photovoltaic solar panels.

1.13 The back gardens will be 12.3m long and will have level access from the living areas and the existing ground level, which is sloped. The land will be reduced and stepped to form three flatter areas of outdoor amenity space.

1.14 The detached bungalow front Denton Drive will have facing brick walls and a zinc clad pitched roof with a flat roof section incorporating solar photovoltaic panels below the ridge line. The bungalow will have contemporary zinc clad dormers to the front and rear and these will feature a timber louvred privacy screen/solar shade. A modern, projecting oriel window is proposed on the west-facing gable and this will be angled back towards the street.

1.15 Two car parking spaces are proposed to the side of the bungalow, alongside the boundary with 7 Denton Drive.

1.16 On the ground floor the property will comprise entrance hall, utility room, third bedroom with en-suite and an open plan kitchen/living/dining room. The roof space will accommodate two bedrooms and a bathroom/W.C. The total floor area will be approximately 122 square metres.

1.17 The back garden will be 7m long and the bungalow itself will be some 20m from the back of the proposed houses fronting Denton Road.

## 2. RELEVANT POLICIES

LDLP: – CT01 – Planning Boundary and Countryside Policy

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

LDLP: – SP2 – Distribution of Housing

LDLP: – CP1 – Affordable Housing

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – CP7 – Infrastructure

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP13 – Sustainable Travel

## 3. PLANNING HISTORY

**P/60/0025** - Outline application for use of land for residential development. - **Approved**

**P/71/0046** - Outline application for erection of three semi-detached split-level dwellings. – **Refused**

**P/71/0047** - Outline application for eight houses in two blocks. - **Refused**

**P/71/0097** - Outline application for the erection of dwellings and extension of service road between Denton Road and Denton Drive. - **Approved**

**P/72/0042** - Outline application for six houses, one chalet and two bungalows. - **Approved**

**LW/89/1367** - Outline application for erection of six detached houses. Restrictive Planning Condition No 7. - **Approved**

**LW/92/1363** - Application for Certificate of Lawfulness of use as private, commercial motor vehicle retail, vehicle and agricultural machinery repairs, maintenance, motor body repairs, breaking and storage. - **No Decision**

**LW/92/1550** - Renewal of Outline Application LW/89/1367 for the erection of six detached houses. - **Approved**

**LW/08/0411** - Erection of 10 new terraced houses comprising of eight x three bed and two x four bed & four new apartments comprising of two x two bed & two x one bed - **Withdrawn**

**LW/08/1151** - Erection of nine x three bedroom houses and four apartments (two x two bed and two x one bed) - resubmission of planning application LW/08/0411 - **Withdrawn**

#### **4. REPRESENTATIONS FROM STANDARD CONSULTEES**

**4.1 Environmental Health** – The proposal involves the erection of 9 dwellings with associated access and landscaping. Conditions are recommended to deal with potential contaminated ground on the site and requiring a Construction Environment Management Plan (having regard to Denton Community Primary School, which is about 70m from the site).

**4.2 Environment Agency** – No objections to the proposed development, subject to condition's to deal with potential contaminated ground on the site.

**4.3 Southern Gas Networks** – No objection

**4.4 Main Town Or Parish Council** – The committee objected to this application of the following grounds-

- Concerns over the safety of the proposed access on to Denton Road, which the committee felt was dangerous, and particularly when parents are picking up and taking children to the nearby Denton School.
- The design of the houses was considered to be out of keeping with neighbouring properties.
- Overdevelopment of a small site.
- Potential problems with surface water flooding resulting from concreting over the area.

**4.5 ESCC Highways** – No objection. The Highway Authority consider the accesses onto Denton Road and Denton Drive, parking provision and traffic generation to be acceptable. Conditions are recommended relating to highway matters, including the provision of appropriate tactile paving on footpaths where necessary.



## 5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 No representations have been received from neighbours or the wider public.

## 6. PLANNING CONSIDERATIONS

6.1 The main considerations in the determination of this application include the principle of development; design and appearance; impact on neighbour amenity; and accessibility and sustainable transport.

### Principle of development

6.2 Spatial Policy 2 of the Joint Core Strategy "Distribution of Housing" states that excluding site allocations, a minimum of 425 residential units are required in Newhaven over the plan period up to 2030.

6.3 The application site is within the Planning Boundary of Denton in Newhaven, and constitutes an unidentified infill site within an area which is already predominantly characterised by residential development.

6.4 In principle the development of the site with housing is acceptable and will help to meet the demand for housing in the District whilst preserving the rural character of the countryside outside of existing villages and towns.

### Design and appearance

6.5 The form and scale of the proposed semi-detached houses is in keeping with those in the locality and similar to those existing houses. The new dwellings will be cut into the slope of the land with two storeys of accommodation over a garage. The new properties will follow the building line established along Denton Road and the houses will in fact not be as high as the neighbouring properties, although the eaves heights will be similar.

6.6 The new houses represent an appropriate scale and form of development whilst a more modern approach has been taken to the roof detailing and the materials and finishes. In this location this approach is appropriate and rather than standing out as incongruous, the new properties will form a distinct group with a shared character that will enhance and contemporise the street scene.

6.7 The existing vegetation that fronts the street will be replicated by way of tree planting in front of the new houses. This will filter views and soften the appearance of the development assisting in its assimilation into the street scape.

6.8 The proposed bungalow is of an appropriate scale and form and will be sited in line with the neighbouring bungalow, 7 Denton Drive. Again a contemporary approach has been taken to the external finishes and detailing although it should be noted that the main material to be used in the construction will be facing brick. This is considered acceptable and the standard of design is sufficient for the property to enhance the street scene without giving rise to visual harm.

6.8 In summary the proposed development is considered to be well designed and will enhance the visual amenities of the application site and the wider street scene, in accordance with retained policy ST3 and Core Policy 11 of the Joint Core Strategy.

## Amenity

6.9 Each of the new properties will have sufficient floor space, circulation and living areas, with sufficient natural light and useable outdoor amenity space by reason of the back gardens being stepped into more level and useable spaces.

6.10 The new dwellings have been designed to avoid mutual overlooking and overshadowing and the nearest neighbouring properties likely to be affected by the proposals are 14 Denton Road and 1 and 7 Denton Drive.

6.11 There will be no habitable room windows overlooking 14 Denton Road, only windows to the staircase (and lower ground W.C.) and the new dwellings will line up with its flank elevation, thereby precluding loss of light and overshadowing. The proposals also include a significant gap between the new houses and the neighbouring properties, leaving a space of just under 6.5m between the buildings.

6.12 Similarly the new houses will be just under 10m from 1 Denton Drive, which is sufficient separation to preclude overshadowing or an overbearing impact, and the windows on the side elevation again will serve the interior staircase, which is not a habitable room and will not give rise to loss of privacy at that distance and height in relation to the neighbouring property, which is single storey.

6.10 The proposed bungalow will be 9.8m from 1 Denton Drive and the only window with potential to overlook is the flank oriel bay window in the gable, which has been designed at an angle so that views from the window will be towards the street as opposed to the direction of the neighbouring property.

6.11 The bungalow will be 3.45m from 7 Denton Drive because the driveway and off-street parking will be in between the two buildings. As such the development will not have an overbearing impact. In terms of privacy, there is a window on the gable of 7 Denton Drive that may be overlooked by the window on the opposing gable of the new bungalow dwelling, and in order to safeguard privacy a condition should be imposed to ensure this window is obscure glazed. It is a secondary window to an attic storey bedroom which also benefits from a rear dormer and as such future residents will still have an adequate outlook despite the obscure glazing of the secondary window.

## Accessibility and sustainable transport

6.12 The application site is within a well-populated area and is within walking distance of bus stops operated locally by Compass Travel situated on Denton Road opposite the junction with Denton Drive, and bus services to Brighton and Eastbourne along Avis Road. The application site is also within walking distance of the local supermarket (Sainsbury's) by way of a pedestrian friendly green route through Drove Park behind the Premier Inn. This is also situated opposite Denton Community Primary School.

6.13 Whilst the proposal is below the threshold for requiring a S106 Agreement, the development will be CIL liable and in accordance with the CIL 123 Regulations, some of this money will go towards improving education facilities and other infrastructure within the District.

6.14 Each of the new properties will have off-street car parking for up to 2 vehicles, and provision is made within the site for visitor car parking as well.

6.15 In summary the application site is in a sustainable location in terms of access to public transport and local facilities and services. Future residents need not be reliant of car

use for their day-to-day needs and the development will provide sufficient car parking clear of the public highway.

### Other Matters

6.16 Both the Environment Agency and Environmental Health have recommended conditions to deal with potential contaminated land as a result of the historic uses of the land.

## **7. RECOMMENDATION**

The application is recommended for approval.

### **The application is subject to the following conditions:**

1. No development shall take place until details/samples of all external materials and finishes to be used in the construction of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details/samples.

Reason: To ensure a satisfactory appearance to the development in keeping with the locality having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, 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 there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected within and, where necessary, around the perimeter of the application site. The boundary treatment shall be completed in accordance with the approved details prior to the occupation of the dwelling units hereby permitted and retained as such thereafter.

Reason: To enhance the general appearance of the development having regard to retained policy ST3 of the Lewes District Local Plan, Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

4. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the first occupation of the new dwelling units hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the general appearance of the development having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

5. Prior to any demolition or site clearance works necessary to implement the development hereby approved, until a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority. The CEMP shall provide for:

- the size of vehicles (contractors and deliveries);
- the routing of vehicles (contractors and deliveries);
- hours of operation;
- contractors' parking and Travel Plan;
- temporary site-security fencing;
- lighting;
- measures to control the emission of dust and dirt during construction;
- loading and unloading of plant and materials;
- storage of plant and materials used during construction;
- the location of any site huts/cabins/offices.

Reason: In the interests of the residential amenities of the neighbours having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

6. No development shall take place until details of a Wheel Cleaning Facility have been submitted to and approved in writing by the Planning Authority. The approved facilities shall be installed at the site prior to the commencement of construction work and shall be maintained in full and effective working order at all times and available for use throughout the period of construction works and shall be used by any vehicle carrying mud, dust or other debris on its wheels before leaving the site and re-entering the public highway.

Reason: In the interests of the residential amenities of the neighbours and highway safety, having regard to retained policy ST3 and Core Policy 13 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

7. Construction work and deliveries in association with the development hereby permitted shall be restricted to between the hours of 0800 and 1800 Mondays to Fridays and from 0830 until 1300 on Saturdays. No works in association with the development hereby permitted shall be carried out at any time on Sundays or on Bank/Statutory Holidays.

Reason: In the interests of the residential amenities of the neighbours having regard to policy ST3 of the Lewes District Local Plan, policy CP11 of Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

8. Prior to the occupation of the residential units hereby permitted, full details of the facilities for secure cycle storage shall be submitted to and approved in writing by the local planning authority. Each cycle parking facility shall provide Sheffield type stands allowing for secure storage of cycles by frame and wheel, together with details of a canopy or shelter over each cycle parking facility. The development shall be implemented in accordance with the approved details and the cycle parking facilities shall be retained thereafter for the use of residents of, and visitors to the development.

Reason: In order to encourage the use of sustainable transport and minimise dependence on private car use in the interests of the environment and the amenity of the area in accordance with Core Policy 13 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to National Planning Guidance contained in the National Planning Policy Framework 2012.

9. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning

Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A site investigation scheme based on the submitted Phase 1 Desk Study Report (carried out by Phlorum Limited and dated January 2016) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
2. The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

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 in accordance with Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 120 and 121].

10. Prior to the first residential occupation of any part of the development hereby permitted, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

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 in accordance with Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 120 and 121].

11. 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, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and the National Planning Policy Framework.

12. No development shall take place until details of the means of providing surface water drainage, to include an assessment of the hydrological and hydrogeological context of the development, system and including :

1. Details of the existing surface water management including the connection to the wider drainage network and existing peak discharge rate.
2. A demonstration using the relevant hydraulic calculations of how the proposed drainage is expected to function during a critical storm duration for a number of rainfall events such as event with an annual probability of 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change). These calculations should also show a "like for like" discharge from the site during the existing and proposed scenarios.
3. Evidence that the different proposed surface water attenuation measures can be connected using a gravity connection, allowing water to be conveyed safely from each structure until it reaches the outfall.
4. Confirmation of the proposed maintenance arrangements for the surface water drainage system through the lifetime of the development,

Reasons: In the interests of amenity and because contamination may be present at the site as a result of its historical uses and may be mobilised by the approved development, thereby posing a risk, and in accordance with Core Policies 12 and 13 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012, in particular paragraph 109.

13. Notwithstanding the provisions of the Town and Country (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development as described in Schedule 2, Part 1, Classes A (with the exception of replacement of existing windows/doors), B, C and E, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing in an application on that behalf.

Reason: Further extensions, alterations and a more intensive development of the site would be likely to adversely affect the appearance and character of the development, the area and neighbour amenity, having regard to retained policies ST3 and RES13 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

14. The residential units hereby approved shall not be occupied until the parking areas have been provided in accordance with the approved plans and shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles used by occupants of and visitors to the development hereby permitted.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, and in the interests of safeguarding amenity in accordance with retained policy ST3 and Core Policy 13 of Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

15. The residential units hereby approved shall not be occupied until the cycle parking areas have been provided in accordance with the approved plans and these shall thereafter be retained for that use and shall not be used other than for the parking of cycles used by occupants of and visitors to the development hereby permitted.

Reason: In the interests of amenity and to provide for alternative methods of transport to the private car in accordance with retained policy ST3 and Core Policy 13 of Lewes District Local

Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

16. The semi-detached houses hereby permitted shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the submitted plan (Drawing No. 1521-P-003 Rev P1) and the turning space shall be retained thereafter for that use and shall not be obstructed.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, and in the interests of safeguarding amenity in accordance with retained policy ST3 and Core Policy 13 of Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

17. The development shall not be occupied until visibility splays have been provided either side of the vehicular access to Denton Road, measuring at least 2.4m (x) by 43m (y) in both directions. The visibility splays shall be kept clear of all obstructions exceeding 600mm in height above the highway, and retained as such thereafter.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to retained policy ST3 and Core Policy 13 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

18. No development shall take place until details of the layout of the new access onto Denton Road, and the specification for the construction of the access, which shall include details of dropped kerbs and tactile paving, have been submitted to and approved in writing by the local planning authority in consultation with the highway authority, and the development hereby permitted shall not commence until the construction of the access has been completed in accordance with the specification set out on Form HT507.

Reason: To ensure the safety of persons and vehicles entering and leaving the access having regard to retained policy ST3 and Core Policy 13 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

19. No development shall take place until details have been submitted to and approved by the local planning authority a scheme to incorporate tactile paving and dropped kerbs in order to provide crossing points to the recreation ground opposite the application site. The scheme shall include details of the timing of the works in relation to the implementation of the approved development, and shall be carried out in accordance with the approved details prior to the first occupation of the semi-detached houses hereby permitted.

Reason: To ensure the safety of persons and vehicles entering and leaving the access having regard to retained policy ST3 and Core Policy 13 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

## **INFORMATIVE(S)**

1. 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>

2. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

3. In respect of condition 12 the applicant is hereby advised that the surface water drainage scheme should ensure that the discharge of surface water from the application site onto the public highway, and the discharge of surface water from the public highway onto the application site, should be prevented.

4. In respect of condition 16, the applicant is hereby advised that the new access point on Denton Road shall have maximum gradients of 2.5% (1 in 40) from the channel line and 11% (1 in 9) thereafter.

5. The applicant is hereby advised that in respect of condition 19, details of Form HT407 can be found by contacting East Sussex County Council as the highway authority for the Lewes District, on 01273 337 051.

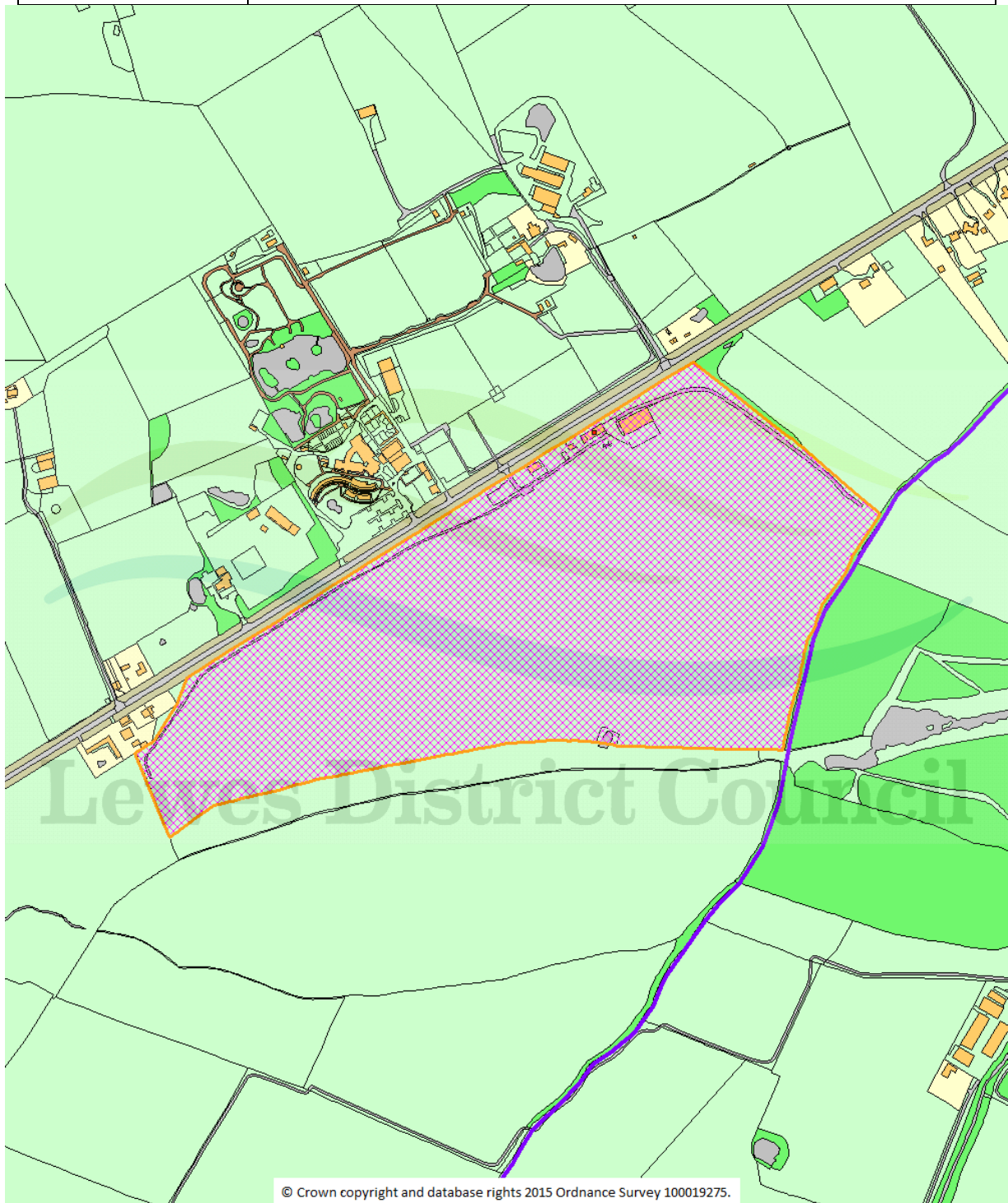
**This decision is based on the following submitted plans/documents:**

| <u>PLAN TYPE</u>       | <u>DATE RECEIVED</u> | <u>REFERENCE</u> |
|------------------------|----------------------|------------------|
| Location Plan          | 18 October 2016      | 001 P1           |
| Proposed Block Plan    | 18 October 2016      | 001 P1           |
| Proposed Floor Plan(s) | 18 October 2016      | 009 P1           |
| Proposed Elevation(s)  | 18 October 2016      | 009 P1           |
| Proposed Floor Plan(s) | 18 October 2016      | 010 P1           |
| Proposed Elevation(s)  | 18 October 2016      | 010 P1           |
| Illustration           | 18 October 2016      | 011 P1           |
| Proposed Elevation(s)  | 18 October 2016      | 007 P1           |
| Proposed Floor Plan(s) | 18 October 2016      | 003 P1           |
| Proposed Roof Plan     | 18 October 2016      | 004 P1           |
| Proposed Floor Plan(s) | 18 October 2016      | 006 P1           |
| Proposed Floor Plan(s) | 18 October 2016      | 005 P1           |
| Proposed Section(s)    | 18 October 2016      | 008 P1           |



|                              |                 |                       |
|------------------------------|-----------------|-----------------------|
| Existing Layout Plan         | 18 October 2016 | 002 P1                |
| Technical Report             | 18 October 2016 | BAT SURVEY            |
| Planning Statement/Brief     | 18 October 2016 |                       |
| Transport Assessment         | 18 October 2016 |                       |
| Land Contamination           | 18 October 2016 | PHASE 1 PART 1, 2 & 3 |
| Technical Report             | 18 October 2016 | REPTILE SURVEY        |
| Biodiversity Checklist       | 18 October 2016 | ECOLOGICAL APPRAISAL  |
| Design & Access<br>Statement | 18 October 2016 |                       |
| Flood Risk Assessment        | 18 October 2016 |                       |

|                            |   |                       |                                 |
|----------------------------|---|-----------------------|---------------------------------|
| <b>APPLICATION NUMBER:</b> | LW/16/0775  | <b>ITEM NUMBER:</b>   | <b>7</b>                        |
| <b>APPLICANTS NAME(S):</b> | East Sussex Gliding Club  | <b>PARISH / WARD:</b> | Ringmer / Ouse Valley & Ringmer |
| <b>PROPOSAL:</b>           | Planning Application for Raising of ground level to create two safe landing strips for gliders with new site drainage |                       |                                 |
| <b>SITE ADDRESS:</b>       | East Sussex Gliding Club Kitsons Field The Broyle Ringmer East Sussex BN8 5AP   |                       |                                 |
| <b>GRID REF:</b>           | TQ 48 14  |                       |                                 |



## 1. SITE DESCRIPTION / PROPOSAL

1.1 East Sussex Gliding Club is located some 4km north-east of Ringmer and is accessed from the B2192. It covers an area of approximately 24.5 hectares and has a road frontage of about 800 metres. There is a single access point serving the site roughly midpoint on the site frontage.

1.2 Within the site are a small number of buildings including a hanger building and a clubhouse. All the buildings are situated close to the road frontage which is bounded by trees and a hedgerow. The access leads into an informal car parking area. The remainder of the site is an open grassed field bounded by trees and hedgerows with a stream along the southern boundary. The land falls from the north and west of the site to the south and east. The highest point of the site is about 34m AOD and the ground falls to around 20m AOD at the southern end.

1.3 The surrounding land is largely agricultural. Residential properties immediately adjoin the south-west boundary of the site (Upper Broyle Farm and Cottages). Raystede Animal Welfare Centre, no.'s 1 and 2 Upper Lodge Cottages and the access to Upper Lodge Farm are situated on the other side of the road opposite the site. A bridleway (no. 29b) is adjacent to the south-eastern boundary and a footpath (no. 28) runs alongside the north eastern boundary. The site and its operations are visible from these public rights of ways.

1.4 The application has been described as the creation of safe landing strips for gliders and the submitted Statement explains the proposals as follows:

*"In its present state the land where the gliders take off and land is boggy and has subsided since the earlier land raising, partly by natural erosion and partly through use and extreme weather conditions over the last few years. The gliders are now struggling and following advice from the British Gliders Association, the best way forward is to create slightly raised levels by banking with soils and 0.5m depth of chalk capping along the length of each strip. In conjunction with this, bespoke drainage pipes will be run along each strip."*

1.5 Whilst this seems to indicate that only the landing strips are to be raised, what the submitted plans actually indicate is that the whole of the site is to be raised by approximately 0.5 metres, with green chalk capping to the two landing strips only. This will mean that whilst the aircraft will continue to be able to use the whole of the airfield for take-off and landings, there will be two strips of more solid construction making for easier take-off during wetter conditions.

1.6 The proposals will require 95,000 cubic metres of combined soil and green chalk to be imported. The construction will be carried out in 2 phases, completing 1 strip before commencing the second in order to keep the airfield operational. It is indicated that the time period for the works would be in the region of 2 years.

1.7 Once completed and seeded the whole of the site will simply appear as a grassed surface with little differentiation between the strips and wider airfield.

## 2. RELEVANT POLICIES

**LDLP: – CT01 – Planning Boundary and Countryside Policy**

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

- LDLP: – ST11 – Landscaping of Development**
- LDLP: – CP10 – Natural Environment and Landscape**
- LDLP: – CP11 – Built and Historic Environment & Design**
- LDLP: – CP13 – Sustainable Travel**
- LDLP: – RNP41 – Policy 4.1-Planning Boundary**
- LDLP: – RNP410 – Policy 4.10-Biodiversity**
- LDLP: – RNP51 – Policy 5.1-Employment Sites**
- LDLP: – RNP81 – Policy 8.1-Traffic Generation**
- LDLP: – RNP96 – Policy 9.6-Hard and Soft Landscaping**

### **3. PLANNING HISTORY**

3.1 The application site has a long and extensive planning history; however of particular interest to the consideration of this application are the following applications:

**LW/79/0991** - Use of land as gliding site for launching of gliders. Approved - 19 July 1979

**LW/83/1770** - Change of Use of land to gliding site. Approved - 14 December 1983

**LW/83/1771** - Renewal of Temporary Planning Permission (LW/80/0039) to launch gliders by aerotow. Approved - 14 December 1983

**LW/87/0083** - Continued use of gliding club without complying with conditions attached to permission LW/83/1770 and LW/83/1771. Approved -17 March 1987

**LW/98/1402** - Improvements to landing strip by levelling, infill & drainage & improve road access. Approved - 25 May 1999

### **4. REPRESENTATIONS FROM STANDARD CONSULTEES**

**ESCC Archaeologist** – Although this application is situated within an Archaeological Notification Area, defining the remains of a late Iron Age and Roman settlement, These remains are buried at a depth of c. 2 metres below made ground imported to create the current runway, Therefore I do not believe that any significant below ground archaeological remains are likely to be affected by these proposals as the impact depth of the drainage is 150mm. For this reason I have no further recommendations to make in this instance.

**Ringmer Parish Council** – Ringmer Parish Council felt they were unable to comment on this application as there is confusion as to what is proposed. There appears to be a disparity between what was presented to the Council and the application itself.

Members have requested this application be "called in" by the local District Council in order for the application to be considered by LDC Planning Applications Committee. Ringmer Parish Council recommend the Officer dealing with the application seek clearer clarification regarding the proposed outlined in the application and consider any impact this may have.

**Wealden District Council** – I am now able to advise you that this Council RAISE NO OBJECTIONS to this application

**Natural England – STATUTORY NATURE CONSERVATION SITES - NO OBJECTION**

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

**PROTECTED SPECIES**

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

**LOCAL SITES**

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

**ESCC Highways** – It would seem that the proposed temporary development of 95,000 cubic metres of material would entail 28 HGV's daily over 5 days and over 2 years thus 56 vehicular lorry trips a day (i.e. 28 movements in and 28 movements out). A previous permission (239/CM) on this site allowed for 50 movements in and 50 movements out a day therefore subject to the routing of vehicles and access improvements I have no highway objection to this proposal with fewer trips.

The highway authority would wish to see all vehicles entering and leaving the site going to and from the north to the A22 and not to the south through Ringmer village. This would need to be included in a construction traffic management plan along with signage all of which can be dealt with by a condition of any planning permission. The access shall be improved to ensure the access is sufficient to cater for the construction vehicles and upon completion of the landing strips the access will need to be returned to the existing layout and a condition can be imposed on the planning permission for this.

There is also an additional field access gate in the north western corner of the site onto the B2192 which the highway authority would not wish to see used for this development.

**Sussex Police** – I have viewed the proposals within this application, including the Traffic Routing Plan, and advise that from a crime prevention viewpoint I have no comment to make and no objection to the application.

**Southern Water Plc** – The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

Specify the responsibilities of each party for the implementation of the SUDS scheme  
Specify a timetable for implementation. Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".

**ESCC SUDS** – We do not consider that the proposals would significantly impact surface water flood risk and therefore we have no comments to make.

## 5. REPRESENTATIONS FROM LOCAL RESIDENTS

Four letters of objection raising the following points:

- A similar project was carried out a few years ago resulting in considerable traffic disturbance.
- The club has recently started flying microlights and is using motorised gliders more frequently.
- The current situation is unacceptable .
- The tow vehicle is extremely noisy.
- The larger landing strips will lead to more flights and noise disturbance.
- The earthworks and resultant drainage system will increase the amount of rainwater runoff into our garden causing flooding.
- Noise and fumes of gliders congregating adjacent our boundary results in noise and fumes. Disruption due to sections of the field being unusable for flying during the earthworks, will mean increased ground and air traffic right next to, and even over the top of our property.
- How long will the process take? There must be a rigid and brief as possible timescale for the work to take place and it would preferably be in the winter months.
- Why were we not informed by the Council that a plan had been submitted?
- Why are they now proposing to raise the entire field? This is different to the proposals presented to local residents and the parish council.
- The club have stated they do not have enough money to purchase a new tug tow plane, which would be a lot quieter for local residents, so how can they afford to raise the whole field?

- What is their long term objective?
- Surely they should be looking for a different line of take off?
- What guarantees would be given that the village would be protected from this traffic and that only the A22 would be used, approaching only from Halland.
- Previous application proposed drainage which has not been implemented.
- There is no justification for these proposals.
- Site is highly visible from the South Downs National Park.
- Application should be the subject of an Environmental Impact Assessment.

## 6. PLANNING CONSIDERATIONS

### Principle/Need

6.1 With the application site falling outside of the planning boundary of Ringmer as defined by the Lewes District Local Plan, Policy CT1 is relevant to the consideration of this application. This policy seeks to resist development outside the planning boundaries unless it is for uses compatible with the countryside.

6.2 The use of this site by the Gliding Club is well established, having been in operation since the 1970s. This is noted by the Ringmer Neighbourhood Plan which has identified the site under Policy 5.1 as an established leisure site where the more intensive use of the site, and the upgrading of its facilities, will be supported.

6.3 As noted above, permission was granted in 1998 for similar land-raising at the site. At the time of the consideration of that application it was explained that there was an overriding need for the surface of the airfield and its drainage to be improved following a number of accidents. The use of the runway had been restricted due to rutting and hollows, and the proposed improvements meant that more of the field could be used in more varying wind conditions.

6.4 It is understood however that the drainage proposals were not successful and poor drainage of the site continues to cause operational problems. Having sought advice from drainage experts, the applicants have submitted this application with a view to improving the landing area through the implementation of formalised drainage system. In order to install the drainage the land needs to be raised.

6.5 It is clear from both past and current supporting information that for the landing area to be safe it needs to be more level than it currently is. On this basis it is considered that there is a demonstrable need for the proposed land raising and that therefore, in principle there is no objection to the proposed works. However, the impact of the proposal in terms of overall environment and highway implications also needs to be given due consideration.

### Landscape

6.6 Clearly one of the main issues in relation to these proposals is the resulting impact on the wider landscape. In fact Appendix 2 of the Ringmer Neighbourhood Plan notes that there is *"little screening from the B2192 or the public footpath along the south-eastern boundary of the site, so any development must be subject to consideration of landscape impact."*

6.7 This being so, whilst the operations to carry out the works will no doubt be visible from the surrounding highway and public footpaths, once completed it is likely that the visual appearance of the site will not be notably different from existing. The gentle gradient of the proposed land raising will mean that the increased land height will be difficult to

detect, and on this basis it is not considered that the proposal will have an adverse impact on the landscape.

### Traffic

6.8 One of the main matters of concern in relation to this proposal is the impact of the traffic movements associated with the proposed land raise. The applicants have calculated that the land raise will need 95,000 cubic metres of combined soil and green chalk to be imported. Whilst it is not currently known where exactly the material will be imported from it is intended that it will be sourced from within approximately 15 miles of the site.

6.9 The site has been professionally surveyed and it has been assessed that 13,800 cubic metres of green chalk for the two landing strips, and 81,200 cubic metres of subsoils will be required.

6.10 The proposed materials will be delivered to the site on rigid HGVs. Approximately 14-15 cubic metres can be imported per vehicle. Based on the required 95,000 cubic metres this would equate to a maximum of 10,555 vehicle movements over a 2 year period, or 30-40 per day, depending on availability, weather conditions and seasonal changes. This also takes into account no works being carried out after 6pm, or on Sundays or Bank Holidays.

6.11 The proposals have been considered by the Highways Authority. In their response they have noted that the previous permission allowed for 50 movements in and 50 movements out a day. On this basis, subject to appropriate routing of vehicles and access improvements, which can be secured by conditions, no objections are raised.

### Neighbour amenity

6.12 The lorry movements generated by this proposal are likely to affect residents in close proximity and to a lesser extent, may have an impact in nearby settlements such as Ringmer and Halland. However, controls on hours of operation and the number and routing of vehicles will help limit any significant harmful impacts.

6.13 Operations on site also have the potential to cause disturbance to nearby residential properties as a result of noise and dust. When the previous application was determined it was considered appropriate to provide a 100m buffer around the site along with noise attenuation measures in order to limit harm to neighbour amenity. It is considered that similar arrangements would be appropriate again.

6.14 Whilst this will not eliminate all noise and disturbance it should bring it to within acceptable levels. On the basis that any noise and disturbance will only be a temporary inconvenience, with measures in place to mitigate the harm as far as possible, it is considered that limited harm to neighbour amenity would be unreasonable grounds to resist the application proposals.

6.15 Many of the objections to the application make reference to noise and disturbance created by the actual use of the airfield i.e. noise from the aircraft, tow plan and vehicles on site. On the basis that this application does not seek to amend the lawful use of the site approval of this application will not alter the number, type or frequency of flights already permitted to operate from the site. Notwithstanding this, the applicants have pointed out that the improvements to the take-up strips should actually reduce noise from the site to a degree as the tow planes are currently struggling to take-off on the un-even, boggy and rutted surface. A smoother take-off should lead to quieter take-offs.



## Other Matters

6.16 It has been suggested that this application should have been the subject of an Environmental Impact Assessment (EIA). The proposed development falls outside of the categories of development set out in Schedules 1 and 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, as amended and therefore an EIA is not required.

6.17 Questions have also been raised about the long term plans of the gliding club; a suggestion that the flight path of the gliders should be re-considered; and the breach of existing planning conditions has also been mentioned. These are matters unrelated and irrelevant to the determination of this current application, which must be considered on its own merits.

## CONCLUSION

6.18 The proposal would result in an improved surface for the airfield, improving safety for well-established use of the site. The development, on completion, will have little impact on the visual amenity of the area and is therefore considered to comply with Policies ST3 of the Lewes District Local Plan and Core Policy 10 of the Joint Core Strategy. Whilst the works to implement the scheme will have some impact locally, this will be for a temporary period only and for this reason the proposals are considered acceptable subject to conditions to minimise the impact on the amenity of local residents.

## **7. RECOMMENDATION**

7.1 That permission be granted subject to the following conditions:

### **The application is subject to the following conditions:**

1. The development hereby approved shall be carried out in its entirety and in complete accordance with the approved plans and specifications within 2 years of the commencement of development.

Reason: In the interests of the amenity of nearby residential occupiers and to accord with policy ST3 of the Lewes District Local Plan.

2. Development shall not begin until a programme for the phased working of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of:

- a) The area, sequence and estimated duration of operations;
- b) The size of vehicles and routing of vehicles;
- c) The construction and removal of internal haulage routes phased in accordance with the operations area and sequence, which permit the safe movement of vehicles and pedestrians within the site;
- d) The location of wheel cleaning facilities and methods for preventing mud and debris entering the highway;
- e) The identification of a 100m buffer zone from the nearest residential property within which any drainage works shall be completed in this part of the site before the phased working programme begins on the remainder of the site;
- f) The erection of a fence to attenuate noise to be located along the boundary of the buffer zone and maintained throughout the period of operations on the remainder of the site;
- g) The location and construction of fencing to protect existing trees and hedgerows;
- h) The construction of facilities for the storage of oils, fuels and chemicals;

- i) The construction of surface water drainage works;

and the development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenity of area and to accord with policy ST3 of the Lewes District Local Plan.

3. Development shall not begin until a programme for the phased restoration of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall accord with the approved phased working programme and include details of:

- a) Plans showing the existing and final site contours of the whole site and each phase of operation;
- b) The retention of existing top and sub soils on site for restoration;
- c) The location and height of topsoil and subsoil stockpiles;
- d) The seeding of each completed phase in the next planting season;

and the development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenity of area and to accord with policy ST3 of the Lewes District Local Plan.

4. Development shall not begin until marker posts and profile boards related to Ordnance Datum have been placed around the area of each phase at 25 metre intervals to indicate the extent of the approved land raise and the finished contours on the approved plans. Such posts shall be retained in place for the full duration of the development and grading operations and shall be replaced within seven days if they are removed or displaced at any time. The marker posts and profile boards shall not be removed until the finished levels have been approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of area and to accord with policy ST3 of the Lewes District Local Plan.

5. No development shall take place until details of the temporary layout of the reconstructed access and the specification for the construction of the access which shall include details of levels and drainage 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 and to accord with policy ST3 of the Lewes District Local Plan.

6. Any gate(s) shall be positioned at least 17m back from the edge of the highway in order that a vehicle may wait clear of the highway whilst the gate(s) are being operated.

Reason: To ensure that the use of the highway by persons and vehicles is not obstructed by waiting vehicles and to accord with policy ST3 of the Lewes District Local Plan.

7. Traffic associated with this development shall not use the northern access to this site for the duration of this development.

Reason:- In the interests of highway safety and to accord with policy ST3 of the Lewes District Local Plan

8. Wheel cleaning facilities shall be installed on site in accordance with the approved phased working programme (referred to in condition 3) and shall be used so that no vehicles associated with the development shall leave the site carrying mud, dust or other debris on their wheels.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large and to accord with policy ST3 of the Lewes District Local Plan.

9. No deposition of materials or grading works shall take place until temporary hard surfaced internal haul roads and a turning space which permits any vehicles depositing materials to enter and leave the site in forward gear have been provided in accordance with the approved phased working programme (condition 3).

Reason: In the interests of highway safety and to accord with policy ST3 of the Lewes District Local Plan.

10. The maximum number of daily vehicle movements connected with the development shall not exceed 40 (20 in and 20 out).

Reason: In the interests of the amenity of area and to accord with policy ST3 of the Lewes District Local Plan

11. No vehicles connected with the development shall enter or leave the site other than between 0800 to 1800 on Mondays to Fridays and between 0800 to 1300 on Saturdays and at no time on Sundays, Bank Holidays and Public Holidays.

Reason: In the interests of the amenity of area and to accord with policy ST3 of the Lewes District Local Plan.

12. Work shall be carried out in daylight hours only and in any event shall not be carried out at times other than between 0800 to 1800 on Mondays to Fridays and between 0800 to 1300 on Saturdays and at no time on Sundays, Bank Holidays and Public Holidays.

Reason: In the interests of the amenity of area and to accord with policy ST3 of the Lewes District Local Plan.

13. Development shall not begin until a detailed noise attenuation scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall accord with the approved phased working programme (condition 3) and shall include details of:

- a) The maximum noise levels at the site boundaries or such other locations as may be agreed;
- b) The identification of a 100m buffer zone from the nearest residential property within which there shall be no deposition of materials;
- c) The location and construction of a fence to attenuate noise along the whole boundary of the 100m buffer zone to be maintained throughout the operations on the remainder of the site;
- d) Any works to be carried out within the 100m buffer zone and measure to attenuate noise;
- e) Noise monitoring and recording procedures;
- f) Noise suppression measures;
- g) Procedures to be adopted in the event of maximum noise levels being exceeded

and the scheme shall be fully implemented in accordance with the approved details.

Reason: In the interests of the amenity of nearby residential occupiers and to accord with policy ST3 of the Lewes District Local Plan.

14. The level of noise emitted from the site from the development shall not exceed 68dB(A) and shall not exceed the maximum noise levels at the other locations agreed in the approved noise attenuation scheme.

Reason: In the interests of the amenity of the area and to accord with policy ST3 of the Lewes District Local Plan

15. Operations associated with the development shall be carried out in such a way as to ensure that dust is contained within the site.

Reason: In the interests of the amenity of area and to accord with policy ST3 of the Lewes District Local Plan.

16. All existing ditches/watercourses or other aquatic features and their associated vegetation shall be retained unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent pollution and to accord with policy ST30 of the Lewes District Local Plan.

17. No materials other than clean inert soils and green chalk shall be deposited on the site.

Reason: To prevent pollution and to accord with policy ST30 of the Lewes District Local Plan.

18. No deposition of materials or excavation shall be carried out within 5 metres of the top of the water course channels.

Reason: To prevent pollution and to accord with policy ST30 of the Lewes District Local Plan.

19. Any facilities for the storage of oils, fuels or chemicals associated with the development hereby approved shall be sited on impervious bases and surrounded by impervious walls. Development shall not begin until details of such facilities have been submitted to and approved by the Local Planning Authority. The facilities shall be constructed in accordance with the approved details and the approved phased working programme.

Reason: To prevent pollution and to accord with policy ST30 of the Lewes District Local Plan.

20. Development shall not begin until a detailed scheme for the containment, drainage and disposal of surface water has been submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in accordance with the approved scheme and the phased working programme.

Reason: To ensure the adequate drainage of the site and to prevent water pollution and to accord with Policy CP12 of the Joint Core Strategy.

21. All trees and hedgerows on the site boundaries shall be retained unless the written approved to their removal of the Local Planning Authority has been obtained. If any tree or hedgerow to be retained is removed, uprooted, is destroyed or dies another tree/hedgerow of the same species and size as that originally planted shall be planted in the same place in the next planting season unless the Local Planning Authority agrees in writing to any variation.

Reason: To preserve the trees and hedgerows on the site in the interests of visual amenity and the environment and to accord with Policy ST3 of the Lewes District Local Plan.

22. Development shall not begin until a scheme showing the protection of existing trees and hedgerows including the erection of protective fencing has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details and the phased working programme.

Reason: To preserve the trees and hedgerows on the site in the interests of visual amenity and the environment and to accord with Policy ST3 of the Lewes District Local Plan.

23. On completion of the development hereby approved the access to the site shall be reinstated in character with details to and agreed by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy ST3 of the Lewes District Local Plan.

### **INFORMATIVE(S)**

1. 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>

2. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

3. Due to the minor nature of the highway in the vicinity of the site, construction traffic could damage the carriageway/verges. The Highway Authority will require the applicant to reimburse their legitimate expenses in making good any such damage. Prior to the commencement of development the applicant should contact East Sussex Highways on 0345 60 80 193 to arrange a photographic survey and joint inspection of the local highway network

4. The applicant's attention is drawn to the need for a Licence Agreement for the construction of the "temporary" access and reinstatement of the access. The applicant should contact ESCC on 0345 6080193 prior to commencement of development to complete the agreement and pay the necessary fee

5. The applicant should be made aware that the creation/alteration of this access 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)

6. Given the volume of traffic on the approach road the hours of delivery/collection should avoid peak traffic flow times.

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

| <u>PLAN TYPE</u>     | <u>DATE RECEIVED</u> | <u>REFERENCE</u> |
|----------------------|----------------------|------------------|
| Proposed Layout Plan | 6 December 2016      | 200 A            |
| Proposed Layout Plan | 6 December 2016      | 500 A            |
| Location Plan        | 8 September          |                  |

|                              |                      |                       |
|------------------------------|----------------------|-----------------------|
|                              | 2016                 |                       |
| Proposed Layout Plan         | 8 September<br>2016  |                       |
| Other Plan(s)                | 8 September<br>2016  | TRAFFIC ROUTING       |
| Other Plan(s)                | 26 September<br>2016 | 101 A DRAINAGE        |
| Other Plan(s)                | 8 September<br>2016  | 100-B B TOPOGRAPHICAL |
| Planning Statement/Brief     | 8 September<br>2016  |                       |
| Design & Access<br>Statement | 8 September<br>2016  |                       |
| Proposed Section(s)          | 26 September<br>2016 | 102                   |

|                            |  |                       |  |
|----------------------------|--|-----------------------|--|
| <b>APPLICATION NUMBER:</b> | LW/16/1009   | <b>ITEM NUMBER:</b>   | <b>8</b>                                     |
| <b>APPLICANTS NAME(S):</b> | Baron Homes Corporation Ltd.   | <b>PARISH / WARD:</b> | Telscombe / East Saltdean & Telscombe Cliffs |
| <b>PROPOSAL:</b>           | Planning Application for Erection of a rear extension to form six new studio flats |                       |  |
| <b>SITE ADDRESS:</b>       | Aqua House 370 South Coast Road Telscombe Cliffs East Sussex                       |                       |  |
| <b>GRID REF:</b>           | TQ3901   |                       |  |



## 1. SITE DESCRIPTION / PROPOSAL

1.1 Aqua House is a three storey flat roofed block of flats located on the northern side of the A259, South Coast Road and east of the crossroads with Telscombe Cliffs Way in Telscombe.

1.2 This application proposes the addition of 6 studio flats over four floors as a rear extension (to be centrally positioned) on the existing car parking area. The car parking area is accessed via Telscombe Cliffs Way.

1.3 Planning permission was granted under LW/15/0773 to provide an additional (fourth) floor and four new flats predominantly over the footprint of the existing building. The 2015 permission comprises a mansard roof with three gable elements which have their ridgelines orientated on a north south axis.

1.4 This application would extend the ridgeline of the central gable (approved under the 2015 permission) across the existing car park by approximately 5.5m. The width of this gable would also increase by approximately 2m from around 6.2m to 8.2m. The proposed elements either side of the gabled projection are set further back (by around 1.8m) and will be flat roofed with a mansard surround to match the height approved under the 2015 permission.

1.5 The 2015 permission approved the renovation of the entire building including rendering (to be painted white) over the existing brickwork and between the gabled features. The windows were to be replaced with aluminium powder coated casements. Each flat has a balcony on the front of the building facing onto the South Coast Road.

1.6 The current application is proposing red brick elevations at the east and western ends with white painted rendered external walls between, and dark grey brickwork on the central gabled feature. Timber framed windows and doors are proposed instead of the earlier aluminium powder coated casements. A slate roof is proposed over the entire building.

1.7 16 parking spaces are proposed at the rear together with undercover gated cycle storage and refuse store.

## 2. RELEVANT POLICIES

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

LDLP: – **CP11** – Built and Historic Environment & Design

## 3. PLANNING HISTORY

**LW/15/0773** – Top floor extension of existing three-storey residential building to create four new dwellings and partial re-cladding of existing façade - **Approved**

## 4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 **Main Town Or Parish Council** – The Planning & Highways Committee considered the application and **OBJECT** to the proposal on the following grounds.



a) The addition of six new studio flats would create 28 flats in total with only 14 parking spaces, and little nearby off road parking provision. While 14 parking spaces appear to be provided, the Committee believe that many of these spaces would not be functional as they are too narrow or would not have enough room to turn within the site to exit the site frontwards. There are no visitor spaces provided, and there does not appear to be enough room for service vehicles to collect rubbish from the rear of the building should cars be parked, or for emergency vehicles. The proposal would be an overdevelopment of the site which would be detrimental to neighbouring amenities.

Many of the application documents talk about the current low level of use of the car park, however they do not acknowledge that there is currently a parking permit scheme in operation in the car park, with many tenants presumably having to pay for parking permits to access the car park and therefore any such documentation may be misleading when discussing future demand. The application plans also do not include a proposed site plan or roof plan, making it difficult to fully assess the depth of the building and the impact it will have on neighbouring properties and the car park.

The Committee believe that East Sussex County Council should provide further comments on this application with regards to the increase in number of units and parking/servicing arrangements, turning circles and visitor pairing requirements.

b) The rear extension will extend from the rear of the building which will diminish daylight and potentially sunlight from neighbouring Alfa Court, which will be detrimental to neighbouring amenity.

c) The introduction of windows in the eastern elevation of the extension will lead to direct overlooking and loss of privacy to residents of Alfa Court, which will be detrimental to neighbouring amenity.

The application would therefore be contrary to RES13 and ST3 of the local plan.

**4.2 Environmental Health** – Recommends a condition for unsuspected contamination.

**4.3 District Services** – Recommendation of planning condition seeking provision of a 1100 litre bin store at the side of the property with access for collection purposes.

**4.4 ESCC Highways** – Recommends conditions.

## 5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 Letters of objection have been received from the occupants of 2 nearby households. Their concerns have been expressed as follows;

- the site has been used as a dumping ground and the proposed development would result in a cramped parking area making access for the removal of rubbish even more difficult.

- traffic congestion because it would shift some of the existing parking onto the street, prejudicial to highway safety.
- noise disturbance
- oppressive in outlook due to overbearing impact
- overdevelopment
- overlooking/loss of privacy

## 6. PLANNING CONSIDERATIONS

6.1 The main planning issues for consideration are impact on the character and appearance of the area, impact on the living conditions for the occupants of adjoining properties and highways.

### Character and Appearance

6.2 The immediate locality on the northern side of South Coast Road and flanking the site to the east and west is characterised by a mix of buildings of differing styles, heights, form and proportions. The buildings flanking the site to the east and west are two storeys in height and significantly smaller in terms of their widths, but they project deeper into their plots. Aqua House has a rectangular footprint with a long frontage and not much depth. It is considered to be of bland appearance with little articulation. Permission was granted under LW/15/0773 to significantly modernise the building providing a fourth floor of accommodation utilising a mansard roof which has gable ended wings.

6.3 This application would provide a rearwards extension to the centrally positioned gable wing already approved (LW/15/0773). The proposed west elevation drawing illustrates the depth of the proposed extension which is of generous proportions. However, the extension would not be visible in the street scene so would not materially harm nor compromise the character and appearance of the locality.

6.4 Telscombe Town Council has objected to the scheme partly on the grounds of overdevelopment. The proposed block and location plan drawing illustrates the extent of the footprint of the proposed extension which shows that it would be considerably set in from the east and western side elevations of the existing building. It is considered that this would retain an acceptable level of parking (by East Sussex County Council Parking Calculator) at the rear.

6.5 The ground floor of the proposed extension is open to the elements either side of the central wing and is supported by reinforced columns. This would create a sense of openness thereby maintaining the existing space and amenity area at the rear. While it is recognised that the proposed extension does have a notable depth, in terms of its overall form and proportions, it is of a subordinate scale to the resulting building approved under LW/15/0773.

6.6 It should also be recognised that the addition of 6 flats in a sustainable location such as this, further contributes to the Council's housing supply and is in accordance with the National Planning Policy Framework.

### Living Conditions

6.7 Telscombe Town Council has objected to the scheme partly on the grounds that the rear extension will extend from the rear of the building which will diminish daylight and potentially sunlight from neighbouring Alfa Court, which will be detrimental to neighbouring amenity. The architects have commented that they took advice on this issue when

designing the proposed extension and the advice received was that it would not materially harm the living conditions for the occupants of Alfa Court. The nearest part of the extension would be approximately 11m from Alfa Court and it is considered that there would be no material harm resulting from loss of daylight and sunlight which would be largely towards the latter part of the day.

6.8 The Town Council has raised concerns that the introduction of windows in the eastern elevation of the extension will lead to direct overlooking and loss of privacy to residents of Alfa Court, which will be detrimental to neighbouring amenity.

6.9 It should be noted that this is a built up residential area where mutual overlooking already exists. The windows proposed in the eastern elevation are proposed with obscure glass where they are above eye level which will mitigate any perceived loss of privacy. As such, it is considered that there would be no material harm by reason of overlooking and a loss of privacy.

### Highways

6.10 The Town Council have raised concerns that the parking provision was insufficient under the earlier permissions LW/15/0018 and LW/15/0773 but it was considered that the parking situation at the rear was previously agreed by the Highway Authority and had been designed in compliance with parking standards.

6.11 The Town Council has commented on the current low level usage of the car park and existing tenants having to pay for parking permits to access the car park and that this may affect future demand.

6.12 The agent has confirmed that "none of the existing flats use the parking or are entitled to use the parking spaces. All of the flats are utilised by Brighton Council as short term emergency accommodation and the car park is not included as part of the arrangement therefore it is not used. The freeholder has had issues with staff from the adjoining site (motor home sales) parking illegally in the car park which is why the permit signs have been installed. No permits will be issued though."

6.13 The Highway Authority at East Sussex County Council has not objected to the proposal.

6.14 The ESCC parking calculator for a development of this type in this location confirms that the proposal should be provided with 3 parking spaces. Aqua House currently has 16 parking spaces for the existing residential use (14 studio flats, 4 No. 1 bed flats, plus approval for an additional 2 No.1 bed flats and 2 studio flats under LW/15/0773). In accordance with the ESCC parking calculator this proposal (in addition to the existing flats) should be provided with a total of 14 car parking spaces.

6.15 The Highway Authority also recognises that the location is sustainable given the proximity to public transport and local goods and services. Also, the proposed parking can be justified by census data 2011 which indicates that 70% of people living in studio accommodation in the Lewes District do not own vehicles.

6.16 The 6 flats proposed are studio flats in a sustainable location which is highly accessible to public transport.

## Conclusion

6.17 Overall, it is considered that the proposed extension would not materially harm the character and appearance of the locality. This is a sustainable location and is providing additional housing which contributes towards the Councils housing supply and is in accordance with the National Planning Policy Framework. No material harm would be caused to the occupants of adjoining properties and there is no objection raised by the Highway Authority at East Sussex County Council. Therefore it is recommended that planning permission be granted.

## **7. RECOMMENDATION**

That 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. The development shall not be occupied until parking areas have been provided in accordance with the approved plans (Y0133-1200) and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with policy ST3 of the Lewes District Local Plan and National Planning Policy Framework.

3. The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development in accordance with policy ST3 of the Lewes District Local Plan and the National Planning Policy Framework.

4. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans Y0133 and the turning space shall thereafter be retained for that use and shall not be used for any other purpose;

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with policy ST3 of the Lewes District Local Plan and the National Planning Policy Framework.

5. 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.

6. The windows in the east elevation of the building (as shown on the approved plans to serve YO133-2002 Proposed E Elevation) shall be:
- (a) glazed in obscure glass only in accordance with details which shall first have been submitted to and approved in writing with the Local Planning Authority
  - (b) fixed shut, except for the provision of fanlight windows, only in accordance with details which shall first have been submitted to and approved in writing with the Local Planning Authority
  - (c) following installation in accordance with (a) and (b) above, all of the said windows shall be maintained in accordance with the approved details, and none shall be reglazed in clear glass or shall be opening other than with any approved fanlights.

Reason: To help safeguard the privacy of nearby occupiers, 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. 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>

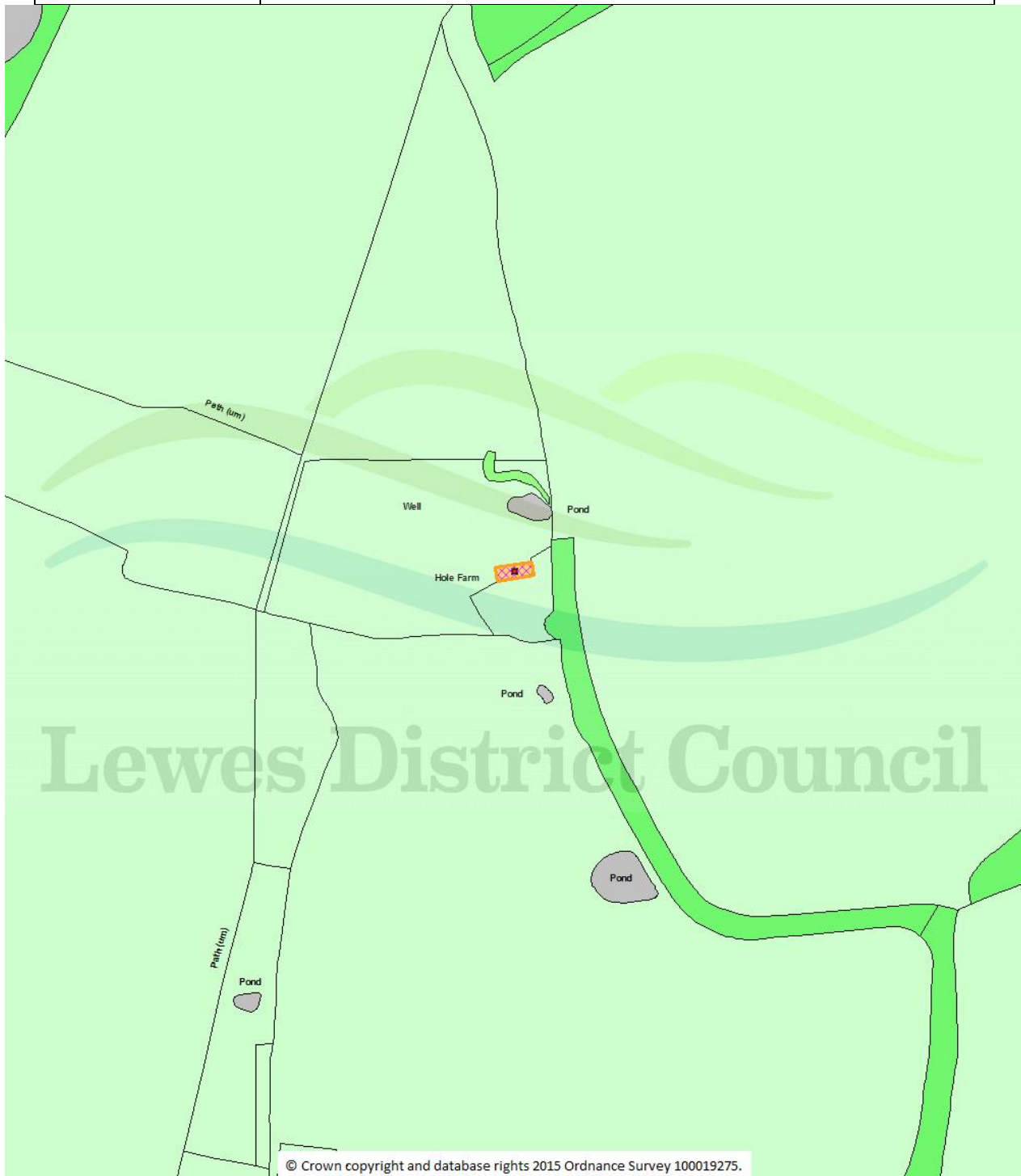
2. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

| <u>PLAN TYPE</u>       | <u>DATE RECEIVED</u> | <u>REFERENCE</u> |
|------------------------|----------------------|------------------|
| Proposed Block Plan    |                      | 0001             |
| Location Plan          |                      | 0001             |
| Existing Layout Plan   |                      | 0002             |
| Other Plan(s)          |                      | 0003             |
| Proposed Layout Plan   |                      | 0010             |
| Existing Floor Plan(s) |                      | 0600 GF          |
| Existing Floor Plan(s) |                      | 0601 1F          |
| Existing Floor Plan(s) |                      | 0602 2F          |
| Other Plan(s)          |                      | 0603 3F          |
| Existing Roof Plan     |                      | 0604             |

|                        |                         |
|------------------------|-------------------------|
| Other Plan(s)          | 0605                    |
| Street Scene           | 0700 SOUTH              |
| Existing Elevation(s)  | 0700 SOUTH              |
| Existing Elevation(s)  | 0701 NORTH              |
| Existing Elevation(s)  | 0702 EAST AND WEST      |
| Other Plan(s)          | 0703 STREET             |
| Other Plan(s)          | 0703 SOUTH ELEV         |
| Other Plan(s)          | 0704 NORTH ELEV         |
| Other Plan(s)          | 0705 WEST AND EAST ELEV |
| Proposed Floor Plan(s) | 1200 GF                 |
| Proposed Floor Plan(s) | 1201 1F                 |
| Proposed Floor Plan(s) | 1202 2F                 |
| Proposed Floor Plan(s) | 1203 3F                 |
| Proposed Roof Plan     | 1203                    |
| Proposed Elevation(s)  | 2000 SOUTH              |
| Proposed Elevation(s)  | 20001 NORTH             |
| Proposed Elevation(s)  | 2002 EAST               |
| Proposed Elevation(s)  | 2003 WEST               |
| Proposed Section(s)    | 3000 A-A                |

|                            |  |                       |                                     |
|----------------------------|--|-----------------------|-------------------------------------|
| <b>APPLICATION NUMBER:</b> | LW/16/1002   | <b>ITEM NUMBER:</b>   | <b>9</b>                            |
| <b>APPLICANTS NAME(S):</b> | Mr J Twose   | <b>PARISH / WARD:</b> | Wivelsfield / Chailey & Wivelsfield |
| <b>PROPOSAL:</b>           | Prior Approval from AGR to Dwelling for Change of use of agricultural building (agricultural storage, tractors, farm implements and hay) to a residential dwelling house |                       |                                     |
| <b>SITE ADDRESS:</b>       | Hole Farm Nursery Lane Wivelsfield Green East Sussex RH17 7RB  |                       |                                     |
| <b>GRID REF:</b>           | TQ 35 20   |                       |                                     |



## 1. SITE DESCRIPTION / PROPOSAL

1.1 Hole Farm lies to the immediate north of Wivelsfield Green approximately 0.5km beyond the planning boundary defined by the Lewes District Local Plan. Access to the site is gained along Nursery Lane which terminates at its northern end near the residential properties of Strood Farm and Clearview. The access to the site is gated at this point and follows a rough track around the edges of the intervening fields.

1.2 The site itself extends to approximately 0.14 hectares. On site is a barn and a small outbuilding/shed. The barn has a footprint of some 15 metres by 8 metres giving it a footprint of some 120sqm.

1.3 The barn has recently been the subject of some refurbishments that have seen the walls and roof re-clad and a number of new windows inserted. The footprint of the barn has also been increased. The planning department has been seeking a retrospective application for these works but none has yet been forthcoming.

1.4 The larger section of the barn is currently used for the storage of old farm machinery e.g. tractors, trailers etc. A small section of the barn is used as a shelter/welfare area for the applicant for when he is working on the land and has a small sink with a few cupboards and a seating area. Two sheep are kept on the land.

1.5 Prior approval is being sought under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, to the change of use of the building to a dwelling.

## 2. RELEVANT POLICIES

2.1 On the basis that this is an application seeking prior approval under the General Permitted Development Order (GPDO) it is not relevant to consider the policies of the Development Plan. However Paragraph W(10)(b) of Part 3 of Schedule 2 of the GPDO does state that Local Planning Authorities, when considering these types of applications, must have regard to the National Planning Policy Framework, so far as relevant to the subject matter of the prior approval, as if the application were a planning application

## 3. PLANNING HISTORY

3.1 There is no recorded planning history for the application site. It is however understood that there has historically been a dwelling on this plot. This dwelling has long since been demolished and the only evidence of it on site now are the remnants of a basement.

## 4. REPRESENTATIONS FROM STANDARD CONSULTEES

**Wivelsfield Parish Council** – To be reported

**Environmental Health** – The proposal is for the change of use of an agricultural building (agricultural storage, tractors, farm implements and hay) to a residential dwelling house.

Agricultural buildings may have been subject to potentially contaminative uses over time such as storage of agricultural machinery, vehicles, fuels and agro-chemicals. Associated machinery and vehicle maintenance activities may have also been carried out on-site. The



structure may include asbestos containing materials which may have been damaged over time resulting in the presence of asbestos in soils.

Paragraph 121 of the National Planning Policy Framework requires that planning decisions ensure that:

- o the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- o after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- o adequate site investigation information, prepared by a competent person, is presented.

As such, without further information available at this stage we would recommend the following...

Conditions requested- see file for detail.

## **5. REPRESENTATIONS FROM LOCAL RESIDENTS**

5.1 None received.

## **6. PLANNING CONSIDERATIONS**

6.1 Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, allows (a) the change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, along with (b) building operations reasonably necessary to convert the building.

6.2 Permitted development under this Class is subject to a number of conditions which are set out at Q.1 of the GPDO. It is explicitly stated that development is not permitted by Class Q if the site was not used solely for an agricultural use as part of an established agricultural unit -

- (i) On 20th March 2013, or
- (ii) In the case of a building which was in use before that date but was not in use on that date, when it was last in use, or
- (iii) In the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins.

6.3 The applicant's application form states that the building was in use on 20th March 2013 as part of a much larger agricultural unit, farming beef cattle. It is suggested that the building was used for agricultural storage for tractors, farm implements and hay.

6.4 No details have been provided in relation to the agricultural unit that the barn previously belonged to and it is not evident when the site was removed from this larger unit. Photos on the Council's files from 2012 show the barn to be empty and in a poor condition. The barn is clearly currently being used, but it no longer appears to be in use as part of an established agricultural unit (Paragraph X of Part 3 of the GPDO explains that an "established agricultural unit" means agricultural land occupied as a unit for the purposes of agriculture and "agricultural use" means use for the purposes of a trade or business). The keeping of a couple of sheep on the land now could not be described as a trade of business and is more a hobby use of the land.

6.5 On the basis of the information that has been provided and that is available on the Council's own records it is not considered that it can be reasonably assumed that the building was solely in agricultural use on 20th March 2013. Whilst it is accepted that the building may well have been used for agricultural purposes historically the current use of the building is not considered to be an agricultural use for the purposes of this Class and it is unclear when this use commenced. For this reason it is not considered that the requirement of Class Q.1(a) is met.

6.6 Whilst looking at the interpretations given at paragraph X it is also clear that the proposed curtilage of the dwelling being sought by this application exceeds that permitted by Class Q. At paragraph X it is stated:

*"curtilage" means, for the purposes of Class Q, R or S only—*

*(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or*

*(b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building,*

*whichever is the lesser;*

6.7 The plan indicating the proposed extent of the curtilage indicates an area substantially larger than the area occupied by the building and therefore this change of use would not be permitted under Class Q.

6.8 The works that have already taken place at the site also complicate matters further. As noted above the building has recently been re-clad, re-roofed and the footprint extended. It is the officer's opinion that these works do not amount to permitted development and therefore should have been the subject of a planning application. Whilst a retrospective application for these works has been sought, no application has been received. The building as enlarged is not therefore lawful and to allow conversion of an unconsented structure would be perverse, especially as the provisions of Class Q do not allow the "external dimensions of the building extending beyond the external dimensions of the existing building at any given point."

6.9 Whilst arguably the works now sought by the applicant do not extend the external dimensions of the existing building i.e. as it stands today, had these works not been carried out already without consent, the proposals would fall foul of condition Q(1)(g) by virtue of the enlargement of the building.

6.10 Class Q(b) does allow building operations reasonably necessary to convert the building and Q.1(i) states:

*"the development under Class Q(b) would consist of building operations other than—*

*(i) the installation or replacement of—*

*(aa) windows, doors, roofs, or exterior walls, or*

*(bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and,*

*(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i)"*

6.11 Further guidance at paragraph 105 Reference ID: 13-105-20150305 of the National Planning Practice Guidance (NPPG) states:

*"It is not the intention of the permitted development right to include the construction of new structural elements for the building. Therefore it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right."*

6.12 The barn in question is a timber framed structure and appears to be fairly sound. Whilst no detailed plans of the proposed conversion works have been provided, it is noted that the applicants propose to remove that existing cladding, to add a waterproof membrane and insulation, along with double glazed windows, chimneys and a tiled roof. No structural survey has been provided to demonstrate that the existing building is structurally strong enough to take the loading that will come from these elements. Insufficient information has therefore been provided to demonstrate that the proposed works reasonably necessary.

6.13 For all of the above reasons it is not considered that the proposed change of use and building operations are permitted by Class Q of the GPDO.

6.14 Had it been accepted that the proposals amounted to permitted development, the authority would have been required to determine whether prior approval is required as to:

- (a) transport and highways impacts of the development,
- (b) noise impacts of the development,
- (c) contamination risks on the site,
- (d) flooding risks on the site, or
- (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order,
- (f) the design and external appearance of the building.

#### TRANSPORT AND HIGHWAYS IMPACTS

6.15 As set out above access to the site is via Nursery Lane and then along a track crossing a number of fields. Nursery Lane itself is a quiet, narrow lane serving a small number of dwellings. It is not considered that the additional traffic associated with a single dwelling would significantly add to the traffic using this lane to amount to a reason to object to this proposal. The associated transport and highway impacts are therefore considered acceptable.

#### NOISE IMPACTS

6.16 The residential use of the site is unlikely to cause any significant noise and in any case the site is distant from the closest residential properties. The surrounding land uses are agricultural fields and therefore future occupiers are unlikely to experience poor living environments.

#### CONTAMINATION RISKS ON THE SITE

6.17 No information has been provided in relation to any potential contamination risks on site.

6.18 The Council's Contaminated Land Officer has considered the submitted proposal and states:

*"Agricultural buildings may have been subject to potentially contaminative uses over time such as storage of agricultural machinery, vehicles, fuels and agrochemicals. Associated machinery and vehicle maintenance activities may have also been carried out on-site. The structure may include asbestos containing materials which may have been damaged over time resulting in the presence of asbestos in soils.*

*Paragraph 121 of the National Planning Policy Framework requires that planning decisions ensure that:*

*o the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;*

*o after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and*

*o adequate site investigation information, prepared by a competent person, is presented.*

*As such, without further information available at this stage we would recommend the following..."*

6.19 A condition requiring the submission of a scheme to deal with the risks associated with contamination of the site has been recommended.

6.20 In relation to the contamination risks on the site, Part W (10)(c) of Part 3 of the GPDO states that the Local Planning Authority must:

*"(i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990(b), and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012(c), and*

*(ii) if they determine that the site will be contaminated land, refuse to give prior approval."*

6.21 Whilst a condition could be attached requiring appropriate survey work and potential mitigation to be carried out prior to the commencement of development, it appears to be the apparent intent of the Order to establish the risk of contamination (and mitigation measures required) prior to determining the acceptability of the proposal and approving permission rather than after. Furthermore, it is not entirely certain that a condition could ensure that the harm would be overcome, as the level of harm is presently unidentified.

6.22 Therefore in the absence of an appropriate assessment as to whether the land is contaminated or not, and whether any risks exist for future human occupants, prior approval should be refused in accordance with W(3)(b).

## FLOODING RISKS

6.23 The application site falls within Flood Zone 1 where the risk of flooding is at its lowest. On this basis there are not deemed to be any flooding risks as a result of this proposal.

## LOCATION AND SITING

6.24 When considering the location and siting of the building National Planning Practice Guidance produced in March 2015 confirms that:

*"The permitted development right does not apply a test in relation to sustainability of location. This is deliberate as the right recognises that many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs. Instead, the local planning authority can consider whether the location and siting of the building would make it impractical or undesirable to change use to a house."*

6.25 The guidance goes on to explain:

*"Impractical or undesirable are not defined in the regulations, and the local planning authority should apply a reasonable ordinary dictionary meaning in making any judgment. Impractical reflects that the location and siting would "not be sensible or realistic", and undesirable reflects that it would be "harmful or objectionable".*

*When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.*

*There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical. Additionally the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.*

*When a local authority considers location and siting it should not therefore be applying tests from the National Planning Policy Framework except to the extent these are relevant to the subject matter of the prior approval. So, for example, factors such as whether the property is for a rural worker, or whether the design is of exceptional quality or innovative, are unlikely to be relevant."*

6.26 Taking the above into consideration is it not considered that the location or siting of the building makes the change of use impractical or undesirable. Whilst the building is in a particularly isolated position and is prominent from views from nearby public footpaths, access is available as are essential services (water and electricity). For these reasons the location and siting is considered acceptable.

## DESIGN AND EXTERNAL APPEARANCE

6.27 As noted above, very little information has been provided in relation to the proposed design and external appearance of the dwelling. No floor plans are provided to illustrate how the building is to be converted and no elevation drawings are provided to

illustrate how the external appearance of the building will change. It is not therefore considered possible to come to any conclusion on this matter.

## **CONCLUSION**

6.28 It is not considered that the proposed change of use of the existing building to residential and associated building operations comply with the terms of Class Q of the GPDO.

6.29 The proposed curtilage to serve the dwelling is larger than is permitted by Class Q, and insufficient evidence has been provided to confirm that the building was solely in an agricultural use as part of an established agricultural unit on 20th March 2013. In addition, it is unclear whether the existing building is structurally strong enough to take the loading that will come from the proposed building works and that therefore the required works would be reasonably necessary. Without details of how the building is to be converted it is not possible to form any conclusion on whether the design and external appearance of the resultant dwelling would be acceptable.

6.30 Finally, in the absence of an appropriate assessment as to whether the land is contaminated or not, and whether any risks exist for future human occupants, prior approval should be refused in accordance with W(3)(b).

## **7. RECOMMENDATION**

7.1 Recommend that prior approval is refused for the following reasons:

### **Reason(s) for Refusal:**

1. The proposal to convert the existing building to a use falling within Class C3 (dwellinghouse) does not comply with Class Q, of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the following reasons:

- o The proposed curtilage is larger than the land area occupied by the agricultural building.
- o It has not been satisfactorily demonstrated that the building was solely in agricultural use on 20th March 2013, when the building was last in use, or for a period of 10 years before the date development under Class Q would begin.
- o Insufficient information has been provided to demonstrate that the extent of works proposed is reasonably necessary.
- o The conversion would encompass unlawful additions to the barn, effectively extending the building beyond the external dimensions of the existing (lawful) building. Planning permission is therefore required for the change of use of the building to Class C3 (dwellinghouse).

2. Insufficient information has been submitted to demonstrate that there will be no potential risks from contamination that may impact the occupiers of the proposed dwellings as required Class W (10)(c) of the GPDO.

3. Insufficient information has been submitted to demonstrate that the design and external appearance of the proposed dwelling is acceptable

### **INFORMATIVE(S)**

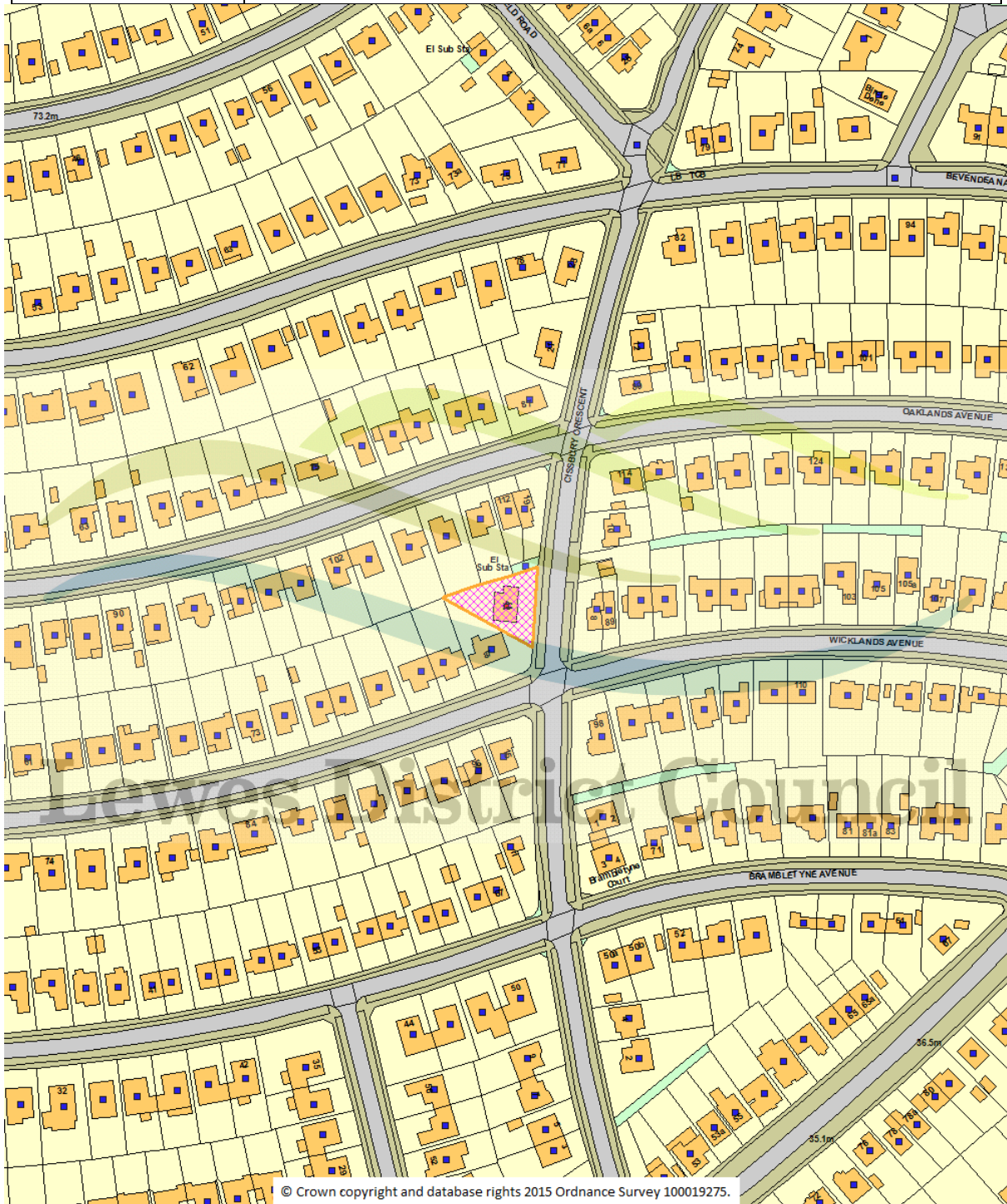
1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application

within a timely manner, clearly setting out the reason(s) for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme. The Local Planning Authority is willing to provide pre-application advice and advise on the best course of action in respect of any future application for a revised development.

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

| <u>PLAN TYPE</u>       | <u>DATE RECEIVED</u> | <u>REFERENCE</u>   |
|------------------------|----------------------|--------------------|
| Existing Floor Plan(s) | 19 December 2016     | GROUND LEVEL       |
| Existing Floor Plan(s) | 19 December 2016     | FIRST FLOOR        |
| Proposed Floor Plan(s) | 19 December 2016     | FIRST FLOOR        |
| Location Plan          | 28 November 2016     | 1:2500             |
| Proposed Layout Plan   | 28 November 2016     | BARN AND CURTILAGE |
| Proposed Floor Plan(s) | 28 November 2016     | NOT TO SCALE       |
| Photographs            | 28 November 2016     | 2 X INTERIOR       |
| Photographs            | 28 November 2016     | 4 X ELEVATIONS     |

|                            |   |                       |  |
|----------------------------|---|-----------------------|--|
| <b>APPLICATION NUMBER:</b> | LW/16/0842  | <b>ITEM NUMBER:</b>   | <b>10</b>                                    |
| <b>APPLICANTS NAME(S):</b> | Mr J Edwards  | <b>PARISH / WARD:</b> | Telscombe / East Saltdean & Telscombe Cliffs |
| <b>PROPOSAL:</b>           | Planning Application for Conversion of existing bungalow to four studio flats to include side extension, demolition of garage, and addition of second floor |                       |  |
| <b>SITE ADDRESS:</b>       | 17 Cissbury Crescent Saltdean East Sussex BN2 8EN   |                       |  |
| <b>GRID REF:</b>           | TQ3802  |                       |  |





## 1. SITE DESCRIPTION / PROPOSAL

### SITE DESCRIPTION

1.1 The application site is occupied by a detached bungalow dwelling with a pitched roof and gable ends and a flat roof garage to one side and a conservatory extension that aligns with the site boundary on the other. The property is finished in white painted render over a brick plinth and a traditional tiled roof. The property is located on the western side of Cissbury Crescent within a triangular plot of land in between Oaklands Avenue and Wicklands Avenue. The dwelling is located on a hillside with the level of the land rising northwards.

1.2 The application site is within the Planning Boundary of Saltdean and it is not Listed or located in a Conservation Area.

### PROPOSAL

1.3 The application seeks planning permission for a first floor extension over the garage forming a continuation of the existing roofline, and for the sub-division of the resulting building into four self-contained studio flats. Dormer roof extensions are proposed to the front and rear elevations. The height of the building will be increased by 1.5m from 5.2m to 6.7m to the ridgeline. The existing conservatory extension will be demolished.

1.4 The existing bungalow has two bedrooms and a floor area of 61.2 square metres, excluding the garage and the conservatory extension. With the new extensions the building will have a floor area of 152 square metres.

1.5 Each of the studio dwellings will have off-street parking for 1 car per dwelling so there will be four hard-surfaced parking spaces in front of the property.

1.6 Four pitched roof dormers are proposed on the front elevation and these will be positioned between first floor and roof level, thereby cutting through the eaves of the pitched roof. On the rear elevation two pitched roof dormers are proposed towards the middle of the roof, and two rooflights proposed on the outer edges of the roof. The dormers will serve the bedrooms and the rooflights will be onto the bathrooms.

1.7 The extensions to the building are the same as previously approved under application LW/16/0196, the key difference in the current application is that as opposed to two dwelling units the proposals are to double the number and provide 4 x studio flats.

## 2. RELEVANT POLICIES

**LDLP: – CT01 – Planning Boundary and Countryside Policy**

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

**LDLP: – RES13 – All extensions**

**LDLP: – SP1 – Provision of Housing and Employment Land**

**LDLP: – SP2 – Distribution of Housing**

**LDLP: – CP11 – Built and Historic Environment & Design**

### 3. PLANNING HISTORY

**LW/16/0196** - Conversion of existing bungalow to two residential units including the addition of a first floor - **Approved**

**E/57/0271** - Planning and Building Regulations Application for two proposed detached bungalows and garages on Plots 052 - part 054, Block 16. Building Regulations Approved. Completed. - **Approved**

### 4. REPRESENTATIONS FROM STANDARD CONSULTEES

**4.1 Main Town Or Parish Council** – The Planning & Highways Committee considered the application and SUPPORT the proposal subject to conditions ensuring matching materials are used, hours of work are limited to protect neighbouring amenities and all construction deliveries are undertaken after 9.30am due to local congestion on the A259 and to reduce air pollution.

**4.2 Environmental Health** – The proposal is for the conversion of existing bungalow to four studio flats to include side extension, demolition of garage, and addition of second floor.

**4.3** The proposed conversion and associated works are being constructed on the site of an existing residential property. As such there is limited potential for materials that may be harmful to human health, such as fuel used for heating or asbestos containing materials, to be present in the soils. We therefore recommend that an “Unsuspected Contamination” condition is attached to any planning permission:

**4.4 Southern Gas Networks** – No objection

### 5. REPRESENTATIONS FROM LOCAL RESIDENTS

**5.1** No representations have been received from neighbouring residents or the wider public.

### 6. PLANNING CONSIDERATIONS

**6.1** The main considerations in the determination of the application include the principle of development, the design and visual impact, the effect on residential amenity, and accessibility and sustainable transport.

#### Principle of development

**6.2** Within the defined Planning Boundaries opportunities do arise for residential development by infilling, redevelopment or conversion of buildings.

**6.3** Provided such arrangements respect the need to safeguard the character of the town or village and the amenities of the local residents, they can make a contribution to the

share of the District's housing requirements and an allowance for such "unidentified sites" is made in the calculation of Housing Land Supply in the District.

6.4 The application site is located within the Planning Boundary of Saltdean where there is a presumption in favour of sustainable development. The proposed development would create a net increase of three additional dwellings on the application site, which will help, in a small way, to meet the housing need identified in the Lewes District.

#### Design and visual impact

6.5 The proposed increase in height of the property is acceptable. The site is on a hillside and even with the increased height the property will continue to follow the natural topography of the land and appear as an intermediary between 87 Wicklands Avenue on lower ground level and the properties to the north in Oaklands Avenue, which are on higher ground level. The form and scale of the extension over the garage is acceptable and will form a simple continuation of the existing roof shape which is a traditional pitch with gable ends. The development will retain the existing spaces on both sides to the site boundaries and will not occupy any larger footprint than the existing bungalow and garage. The immediate area is characterised by residential development both as single storey bungalows, chalet style properties and two-storey dwellinghouses, such as 8 Cissbury Crescent opposite the application site, and 19 Cissbury Crescent just up the hillside. Furthermore there are many examples of properties with pitched roof dormers in the local area. In view of this, and in consideration of the design detailing and scale of the proposed dormer roof extensions in relation to the character of the recipient property, the additions and extension to the existing bungalow are considered acceptable and will not be detrimental to visual amenity of the incongruous with the character of the immediate area.

#### Residential amenity

6.6 Previously approval has been granted for the extension of the building and its conversion into a pair of semi-detached houses. The current application seeks to double the number of residential units to 4no. studio flats. This means that the use of the land will be intensified and there will be more comings and goings with potentially 8 people living at the property. In addition, there will be living areas on each floor, front and rear, and the levels of domestic activity will be increased two fold. Such an intensification of the use is considered to be out of character in view of the immediate locality and the scale of the building and plot. The proposed use is considered likely to have a significant adverse impact on neighbour amenity for the above reasons, in particular the occupiers of 87 Wicklands Avenue.

6.7 The neighbouring properties to the north, along Oaklands Avenue, are not likely to be adversely affected because they are on much higher ground level than the application site. Their residents should not experience undue overlooking or overshadowing as a result of the development.

#### Accessibility and sustainable transport

6.8 The application relates to an existing dwelling within a residential area within the Planning Boundary of Saltdean. The site is within walking distance of the shops and services along Londridge Avenue to the west, and the frequent coastal bus routes along the A259 coast road to the south. The site is therefore reasonably sustainable and future residents should not have to rely upon private car use for all of their journeys.

6.9 The applicant is also proposing one car parking space for each studio dwelling. This is considered acceptable but in comparison with the previously approved scheme for

two residential units, the proposal to create 4 studios will result in more vehicular movements to and from this relatively small site.

6.10 The parking spaces can be provided whilst retaining a sufficient gap with the lamppost which is on the grass verge in front of the application site. The applicant will need the consent of East Sussex County Council and the highway authority, to provide the vehicular crossovers to Cissbury Crescent and to cut through the grass verge alongside the public footway.

## 7. RECOMMENDATION

In view of the above and notwithstanding the comments received from the Telscombe Town Council, it is recommended that planning permission is refused.

### Reason(s) for Refusal:

1. The proposed use of the property as extended to accommodate 4 self-contained households in the form of studio flats will result in an intensification in the use of the land, increased comings and goings and higher levels of domestic activity that will be out of character with neighbouring uses in the immediate vicinity of the application site and an over-development of the site, which will be detrimental to neighbour amenity by way of noise and disturbance. Therefore the proposals are contrary to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to National Planning Guidance contained in the National Planning Policy Framework 2012.

### INFORMATIVE(S)

1. 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>

2. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, it has not been possible to resolve them. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

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

| <u>PLAN TYPE</u>             | <u>DATE RECEIVED</u> | <u>REFERENCE</u> |
|------------------------------|----------------------|------------------|
| Location Plan                | 30 September<br>2016 | 1:1250           |
| Existing Block Plan          | 30 September<br>2016 |                  |
| Planning Statement/Brief     | 30 September<br>2016 |                  |
| Design & Access<br>Statement | 30 September<br>2016 |                  |

|                              |                   |          |
|------------------------------|-------------------|----------|
| Waste Minimisation Statement | 30 September 2016 |          |
| Biodiversity Checklist       | 30 September 2016 |          |
| Existing Elevation(s)        | 30 September 2016 | 10790-10 |
| Existing Section(s)          | 30 September 2016 | 10790-10 |
| Proposed Elevation(s)        | 30 September 2016 | 10790-10 |
| Proposed Section(s)          | 30 September 2016 | 10790-10 |
| Existing Floor Plan(s)       | 30 September 2016 | 10790-10 |
| Proposed Floor Plan(s)       | 30 September 2016 | 10790-10 |

**Agenda Item No:** 11 **Report No:** 17/17  
**Report Title:** Tree Preservation Order (No.6) 2016, Beggars Wood, Beggars Wood Road, Chailey.  
**Report To:** Planning Applications Committee **Date:** 1 February 2017  
**Lead Councillor:** Councillor Tom Jones  
**Ward(s) Affected:** Newick Ward  
**Contact Officer(s):** Daniel Wynn, Trees & Landscape Officer

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**Purpose of Report:** To consider whether to confirm the Order.

### **1. Officers Recommendation(s):**

- 1.1 To confirm the Order as modified.
- 1.2 The modification seeks to only include the revised ancient woodland area within the TPO (see para's 2.1 and 2.2 of main report below).

### **2. Information**

- 2.1 This a woodland site located on the south side of Beggars Wood Road, Chailey, which is owned by the occupier of the adjacent 'Birchdale'. It is opposite the Chailey Common Site of Special Scientific Interest (SSSI). The woodland in question is known as 'Beggars Wood' and was designated Ancient Woodland in Natural England's Ancient Woodland Inventory. Since the designation was made, however, Natural England has since reduced the extent of the Ancient Woodland designation.
- 2.2 This Tree Preservation Order at Beggars Wood was raised in response to an erosion or loss of woodland in the longer term, arising from the use of parts of the woodland area as domestic garden. This has resulted in loss of designated ancient semi-natural woodland. The boundary of the Order which it is recommended to be confirmed is smaller than that identified in the Order actually served, so that it is consistent with the amended extent of the Ancient Woodland designation by Natural England referred to above, and covers two separate areas of Ancient Woodland.
- 2.3 **A plan of the recommended modification to the Order is attached as Appendix 'A'.**

### **3 Representations**

- 3.1 Newick Parish Council supports the imposition of the Order.
- 3.2 The landowner objects to the imposition of the Order on the following grounds:
  - a. That there were procedural and administrative errors made in imposing the TPO.
  - b. That the woodland Order includes an area of 'long established garden' which has been 'garden' since at least 2004, if not longer.

- c. That there was insufficient time to commission the services of an arboricultural expert to draft a suitable objection to the imposition of the Order.
- d. That most of the land and trees included within the Order, particularly the land in the central garden area, are not visible to the public from the surrounding roads.
- e. That contrary to a statement by the Council's Trees & Landscape Officer, the making of a TPO is a discretionary power and the Council is not compelled to impose an Order.
- f. That there has been no 'progressive felling' apart from the removal of dead or dangerous or fallen trees.
- g. That the plans shown in past planning applications were out of date and do not accurately reflect the situation we see today.
- h. That the Ancient Woodland Inventory may not accurately reflect the situation we see today.
- i. Five separate letters, supporting the landowners position, were included with the bundle of documents accompanying the landowner's written representations. None of these letters were sent directly to the planning department, but each describe or outline personal recollections from people who have visited the site about the extent of the garden area during their visit.

## 4 Material considerations

### Policy on Ancient Woodland

- 4.1 Generally, 'ancient woodland' is any wooded area that has been wooded continuously since at least 1600 AD. 'Wooded continuously' does not mean there has been a continuous tree cover across the entirety of the whole site. Open space, both temporary and permanent, can also be an important component of woodlands.
- 4.2 Some ancient woods, however, may link back to the original woodland that covered the UK around 10,000 years ago, after the last Ice Age. Because they have developed over such long timescales, ancient woods can have unique features such as relatively undisturbed soils and communities of plants and animals that depend on the stable conditions ancient woodland provides, some of which are rare and vulnerable.
- 4.3 The Forestry Commission and Natural England's standing advice is:
 

*"Ancient woodland is an irreplaceable resource of great importance for its wildlife, soils, recreation, cultural value, history and the contribution it makes to our diverse landscapes. It is a scarce resource, covering only 3% of England's land area."*
- 4.4 For these reasons, where development is proposed, national and local policy exists for the protection of Ancient Woodlands. The National Planning Policy Framework, at para 118, states:

*"planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the*

*loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;”*

- 4.5 The Council is under a duty to protect trees and impose Tree Preservation Orders and section 197 of the Town & Country Planning Act 1990 states:

*‘it shall be the duty of the local planning authority to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made by the imposition of conditions, for the preservation or planting of trees’*

- 4.6 Section 197 of the Act also states that:

*‘..it shall be the duty of the local planning authority to make such Orders [Tree Preservation Orders] under section 198 of the Act as appears to the Authority to be necessary...’*

Part of the woodland, excepting the original residential domestic garden and now an area just outside, is designated by Natural England as ‘Ancient Woodland’.

- 4.7 The Council is under a ‘duty’ to protect important trees and woodland under the Town & Country Planning Act 1990 (as amended).

## **5 Response to landowners representations**

- 5.1 No known procedural or administrative errors were made in raising the Order.
- 5.2 Whether the Order includes ‘garden’ areas is irrelevant; it is the value of the trees within the Order area which is important.
- 5.3 The landowner had the statutory 28 days in which to submit written representations about the imposition of the Order. Subsequently, a further 14 days for the landowner to respond was given. It is considered that the landowner has had adequate opportunity to submit their written representations in this case.
- 5.4 The woodland is widely visible from the surrounding area, including Chailey Common, and from Beggars Wood Road.
- 5.5 The power to impose a Tree Preservation Order is discretionary; in this case it is considered that the TPO is justified.
- 5.6 The term ‘*progressive felling*’ refers to trees being lost over a protracted period of time. It does not apportion blame on any party. The most recent episode of tree loss relates to the removal of self-set saplings and seedlings in areas where there were likely to have been trees at some point in the past. The erosive nature of tree loss, no matter how small, accrues over time resulting in the permanent loss of ancient woodland.
- 5.7 Past planning applications for development relating to ‘Birchdale’ contain plans which can be used to help try to determine the extent of the residential garden curtilage.
- 5.8 The Trees & Landscape Officer has been in close contact with Natural England’s Woodland, Trees & Forestry Specialist, to determine whether the ancient woodland designation should be modified. In an e-mail received 16 December 2016, Natural England concluded that:



*“There is enough evidence to suggest that part of Birchdale [Beggars Wood]..... is not ancient woodland and it will be removed from the ancient woodland inventory”*

5.9 For this reason, it is recommended to modify the Order to only include the area of the revised ancient woodland.

## **6 Reasons for Confirmation of Order**

6.1 The two separate woodland components are considered to be important amenity assets for their wildlife, soils, cultural value, historic and contribution to the landscape.

6.2 The woodland provides significant visual amenity and its continued erosion will expose the residential dwelling to views from the surrounding countryside, and this in turn will have a detrimental visual impact on the open countryside.

6.3 The Order will elevate the woodland to a ‘material consideration’ for any future planning applications for development which propose the loss of part or of the whole woodland components.

6.4 The reasons given in objection to the imposition to the Order are considered to fall short of overcoming the importance of the woodland to the area.

6.5 In the event the Council decides to confirm the Order, it will be the officer’s intention to support pruning proposals where it is reasonable and practicable and where the works do not significantly conflict with the long-term health of the trees or the woodland and its public amenity and wildlife habitat value.

## **7 Summary**

7.1 It is considered that under the circumstances the Order, as modified, is justified and should be made permanent (or ‘confirmed’).

7.2 It is considered that the reasons given in opposition to the Order do not outweigh the public amenity benefit that the ancient woodland provides.

## **8 Financial Implications**

8.1 There are no financial implications for the Council at this time.

## **9 Environmental Implications**

9.1 None.

## **10 Background Papers**

- [provisional] Tree Preservation Order (No.6) 2016.
- Planning Applications LW/84/1099; LW/88/0793; and LW/96/0848
- Natural England’s Ancient Woodland Inventory
- Email and report: Dr Marion Bryant, Woodland & Trees Officer, Natural England, Polwhele, Newquay Road, Truro. TR4 9AD

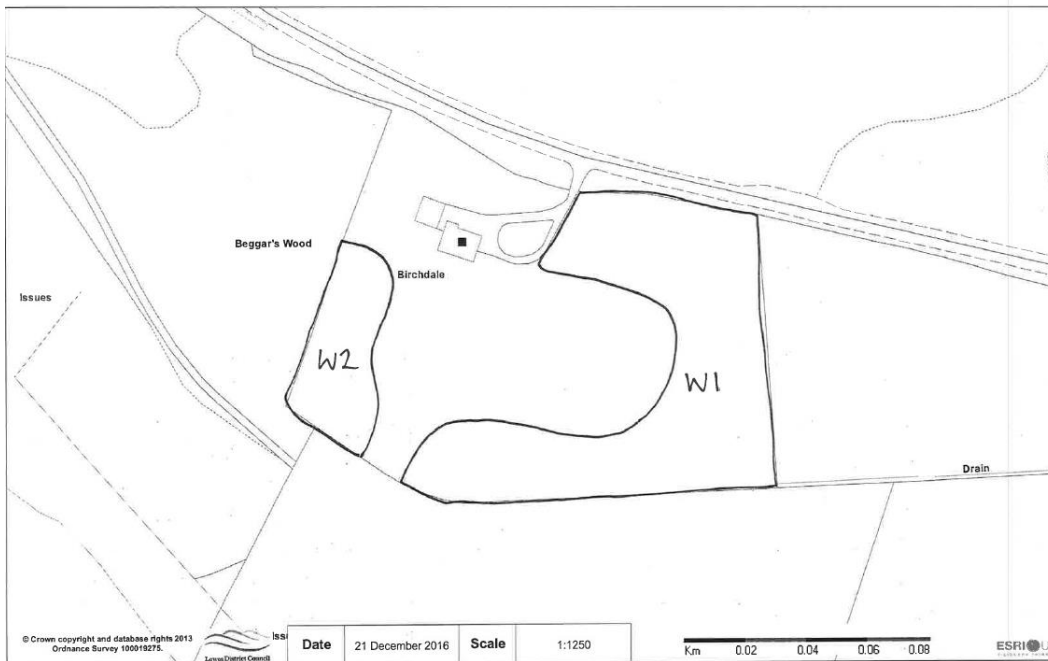
Note: Any documents that disclose exempt information are excluded from the above list of background papers.

## **10 Appendices**

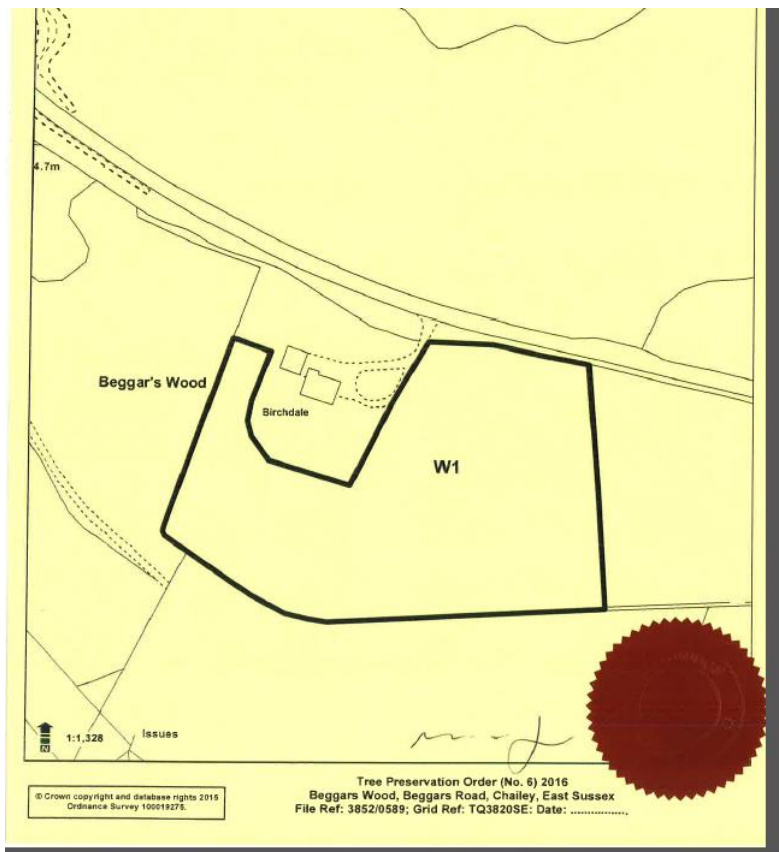
- Appendix 'A' - A plan showing the recommended modification to the Order
- Appendix 'B'- Extracts from plans submitted in association with planning applications for development
- Appendix 'C'- Combined plan showing extent of the ancient woodland according to the original ancient woodland inventory together with an aerial photograph of the area at the same scale.
- Appendix 'D'- Plan showing the wider context of the local ancient woodland network together with an aerial photograph of the same.
- Appendix 'E' - Photographs of views of the woodland from two selected areas.
- Appendix 'F' Timeline of Ordnance Survey maps from circa 1874 to 1978

## APPENDIX 'A'

Proposed 'Modified' Order which takes into consideration Natural England's proposed amended Ancient Woodland designation.



This is the Order as it was originally proposed which followed the original outline of Natural England's ancient woodland boundary.

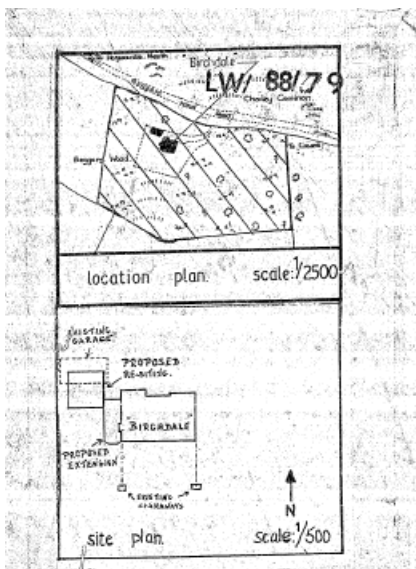


## Appendix 'B'

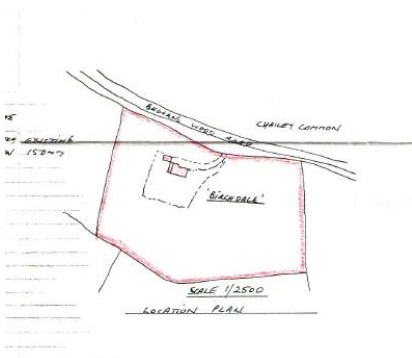
Plan associated with Planning Application LW/84/1099.



Plan Associated with Planning Application LW/88/0793

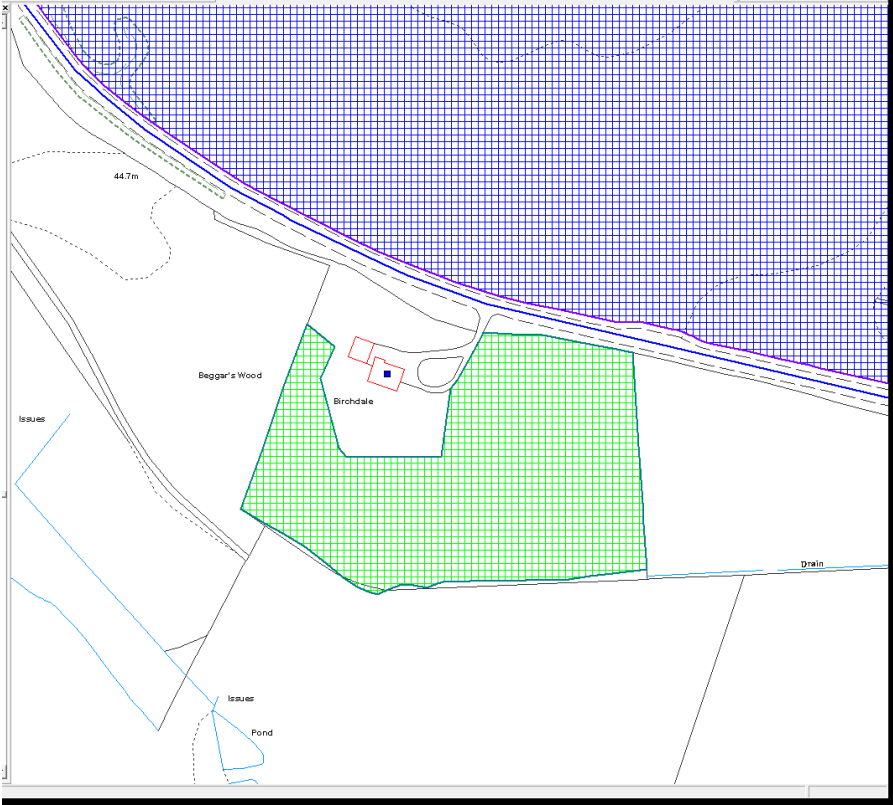


Plan associated with Planning Application LW/96/0848



**APPENDIX 'C'**

Plan showing extent of the original ancient woodland according to Natural England's 'Ancient Woodland Inventory' (shaded green). The blue shaded area is Chailey Common SSSI (Site of Special Scientific Interest). Beggars Wood Road divides the two.

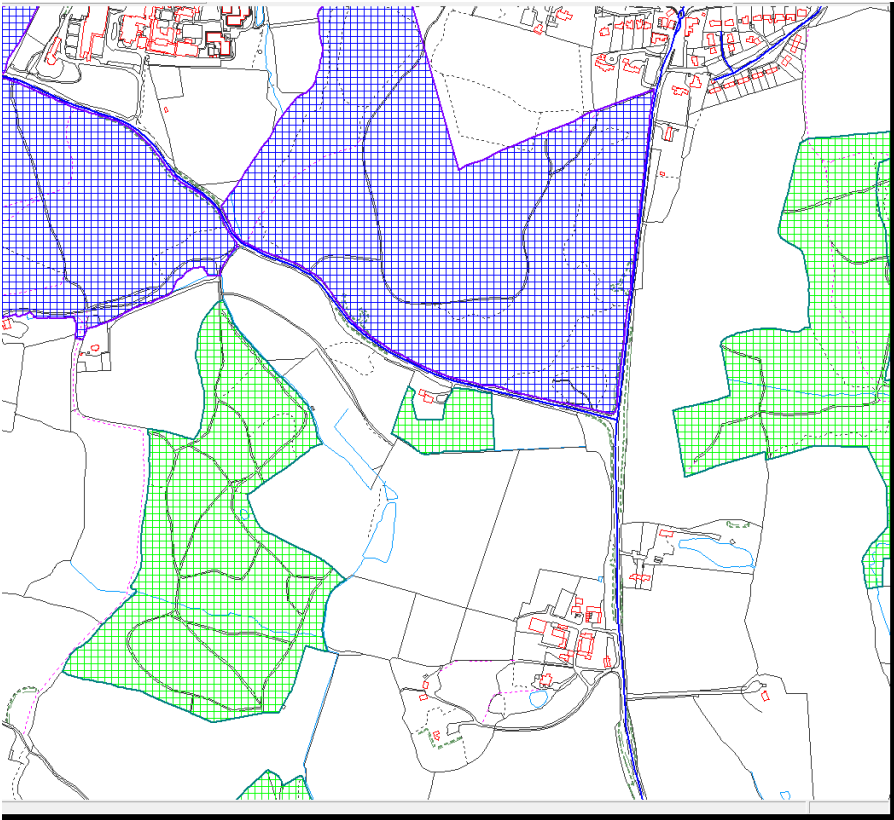


Aerial photograph dated circa 2012



**APPENDIX 'D'**

Plan showing wider context of the site within the surrounding countryside – The green shaded areas are ancient woodlands and the blue are SSSIs



Aerial photograph circa 2012



**APPENDIX 'E'**



**Photo # 1** – view looking north west up Beggars Wood Road.



**Photo# 2** – View from East Grinstead Road (A275) just south of the junction of Beggars Wood Road

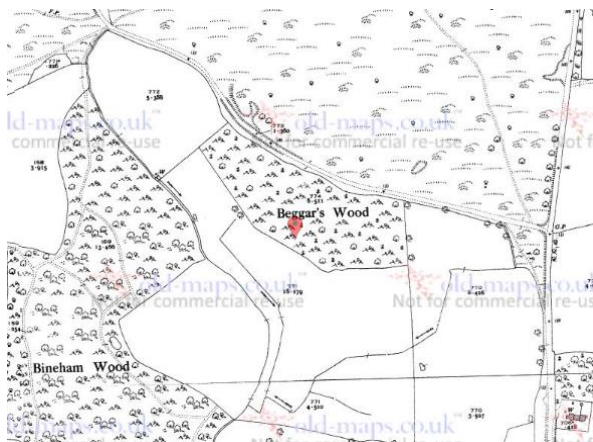
## APPENDIX 'F'

Series of OS plans dating from 1874 through to 1978

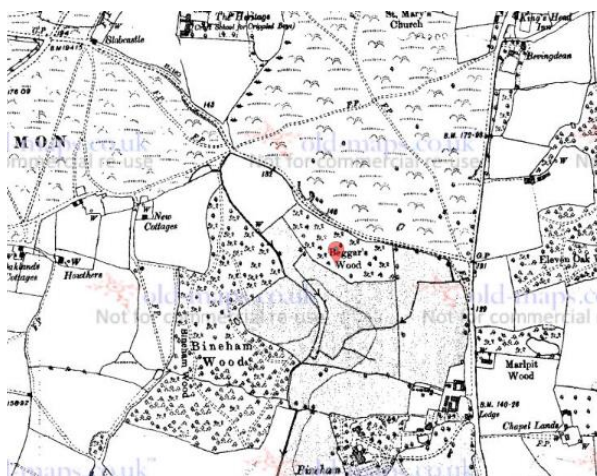
Map Circa 1874



Map circa 1931-1937

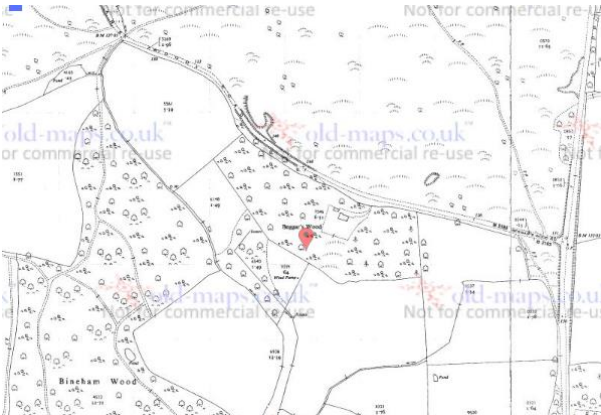


1932-1952

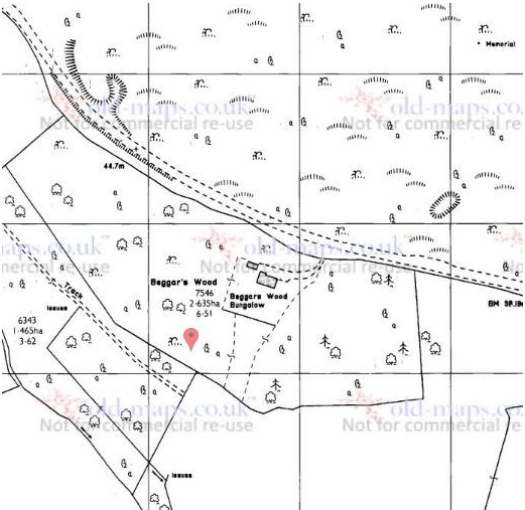




Map Circa 1955



1978



**Agenda Item No:** 12 **Report No:** 18/17  
**Committee:** Planning Applications Committee  
**Date:** 1 February 2017  
**Department:** Planning & Environmental Services  
**Subject:** Enforcement Monitoring (Part A)

**Purpose of Report** This report provides an overview of enforcement matters throughout the Lewes District during the period 1 October 2016 – 31 December 2016. A separate report follows giving a detailed progress report for all cases where enforcement action has been commenced.

**1 Complaints Received**

1.1 A total of 35 complaints (11 of which are National Park (NP) cases) were received in the period, as follows:-

|   |    |               |
|---|----|---------------|
| Alleged breaches of planning control  | 23 | (10 NP cases) |
| Other complaints – Untidy sites, adverts etc.   | 1  | (1 NP cases)  |
| During this period the total number of cases disposed of was:-<br>(24 of which were National Park (NP)) | 56 | (20 NP cases) |
| No breach found   | 11 | (6 NP cases)  |
| Compliance achieved   | 17 | (9 NP cases)  |
| No action to be taken   | 8  | (5 NP cases)  |

**2 Enforcement Action Authorised**

|   |   |              |
|---|---|--------------|
| 2.1 Section 215 Notices                   | 0 | (0 NP cases) |
| 2.2 Breach of Condition Notices           | 0 | (0 NP cases) |
| 2.3 Enforcement Notices                   | 1 | (0 NP cases) |
| 2.4 Prosecution Proceedings               | 0 | (0 NP cases) |
| 2.5 Stop Notices & Temporary Stop Notices | 0 | (0 NP cases) |
| 2.6 Planning Contravention Notices        | 0 | (0 NP cases) |

**3 Enforcement Notices Served etc.**

|                                |   |             |
|--------------------------------|---|-------------|
| 3.1 Section 215 Notices        | 0 | (0 NP case) |
| 3.2 Breach of Condition Notice | 0 | (0 NP case) |
| 3.3 Enforcement Notices        | 0 | (0 NP case) |

|     |                                       |   |              |
|-----|---------------------------------------|---|--------------|
| 3.4 | Prosecution Proceedings               | 0 | (0 NP case)  |
| 3.5 | Stop Notices & Temporary Stop Notices | 0 | (0 NP cases) |
| 3.6 | Planning Contravention Notices        | 0 | (0 NP cases) |

#### 4 Retrospective Applications Submitted

4.1 Retrospective planning and Certificate of Lawful Use applications have been submitted in response to enforcement enquiries in respect of the following 14 sites:-

|    |   | Submitted following enforcement officer investigation |
|----|---|---|
| 1  | 96 The Promenade, Peacehaven – LW/16/0835 – Section 73A Retrospective application for a rear dormer on approved newly built loft conversion, and fitting one small non-opening north gale side                    | ✓   |
| 2  | Little Norlington Barn, Norlington Lane, Ringmer – LW/16/0581 – Section 73A Retrospective application for the change of use of the existing annexe to holiday let and the addition of 6 roof lights to the annexe | ✓   |
| 3  | 35 Neville Road, Peacehaven – LW/16/0735 – Section 73A Retrospective application for the erection of a shed   | ✓   |
| 4  | The Forge, Lewes Road, Ringmer – LW/16/0921 – Section 73A Retrospective application for the retention of a non-illuminated sign measuring 2440mm x 1220mm   | ✓   |
| 5  | 11 Rugby Close, Seaford – LW/16/0899 – Section 73A Retrospective application for the erection of a fence  |   |
| 6  | The Ranch, North Common Road, North Chailey – LW/16/1006 – Part Section 73A Retrospective application for the erection of a 2 metre high close boarded fence painted moss green                                   | ✓   |
| 7  | Land rear of 23 Outlook Avenue, Peacehaven – LW/16/1029 – Section 73A Retrospective application for the siting of a mobile home on land at rear of property   | ✓   |
| 8  | 40 De Montfort Road, Lewes – SDNP/16/04465/HOUS – Section 73A Retrospective application for the replacement of two bay windows  | ✓   |
| 9  | 36 North End, Ditchling – SDNP/16/04533/HOUS – Section 73A Retrospective application for the erection of single storey rear extension   |   |
| 10 | Springfield, Kingston Road, Lewes – SDNP/16/04948/HOUS – Section 73A Retrospective application for the erection of a shed   | ✓   |
| 11 | 5 Barnfield Gardens, Ditchling – SDNP/16/04862/FUL – Section 73A Retrospective application for the replacement of garden shed   |   |

- 12 21 North End, Ditchling – SDNP/16/05077/LIS – Section 73A Retrospective application for alterations to box sleepers forming planters to reduce height and remove from the rear of the old pedestrian gate ✓
- 13 Wootton Farm, Novington Lane, East Chitlington – SDNP/16/05184/FUL – Section 73A Retrospective application for siting of mobile home for residential use by the livery manager ✓
- 14 2 Littledown Cottages, Old Brighton Road, Lewes – SDNP/16/05699/FUL – Section 73A Retrospective application for the change of use from agricultural land to residential curtilage and the retention of greenhouse ✓

**5 Contact Officer**

The contact officer in connection with this report is Jennifer Baxter, Senior Enforcement Officer.

Nazeya Hussain,  
Director of Regeneration and Planning  
04/01/2017

Agenda Item No: 13 Report No: 19/17

Committee: Planning Applications Committee

Date: 1 February 2017

Department: Planning & Environmental Services

Subject: Enforcement Monitoring (Part B)

This report details the cases which have had notices authorised and/or served within the quarter 1 October 2016 – 31 December 2016

| Address/Breach  | Current Position  | SDNP area |
|---|---|-----------|
| <p><b>PLUMPTON</b></p> <p><b>21 Chapel Road, Plumpton – EN/15/0035</b></p> <p><u>Breach</u></p> <p>Breach of condition 1 attached to LW/14/0332</p> | <p><u>Current Position</u></p> <ul style="list-style-type: none"><li>• <b>Replacement tile has now been approved and the existing tiles are due to be replaced shortly.</b></li></ul>   |           |
| <p><b>WIVELSFIELD</b></p> <p><b>More House Farm, Wivelsfield – EN/14/0214</b></p> <p><u>Breach</u></p> <p>Unauthorised summer house</p>             | <p><u>Current Position</u></p> <ul style="list-style-type: none"><li>• <b>Retrospective application refused for the retention of the summer house so enforcement notice has been authorised and is currently being prepared</b></li></ul> |           |

**Contact Officer**

The contact officer in connection with this report is Jennifer Baxter, Senior Enforcement Officer.

Nazeya Hussain  
Director of Regeneration and Planning  
04/01/2017

**Agenda Item No:** 14 **Report No:** 20/17  
**Report Title:** Outcome of Appeal Decisions from 16 December - 17 January 2017  
**Report To:** Planning Applications Committee **Date:** 01 February 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](mailto:Steve.howe@lewes.gov.uk) and [Andrew.hill@lewes.gov.uk](mailto:Andrew.hill@lewes.gov.uk)  
**Tel No(s):** (01273) 471600

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

|  |  |
|--|--|
| <p>13 Gladys Avenue, Peacehaven, BN10 8PG</p> <p><b>Description:</b></p> <p><i>Single storey rear extension with a complete new roof and front balcony</i></p>   | <p><b>Application No:</b> LW/16/0540</p> <p><b>Delegated Refusal</b></p> <p><b>Appeal is Dismissed</b></p> <p><b>Appeal Type:</b> Householder</p> <p><b>Decision:</b> 30<sup>th</sup> December 2016</p>            |
| <p>7 Heighton Crescent, South Heighton, BN9 0QT</p> <p><b>Description:</b></p> <p><i>Conversion of existing property into two one bedroom flats and the formation of a two bedroom dwelling adjoining the site</i></p> | <p><b>Application No:</b> LW/16/0113</p> <p><b>Delegated Refusal</b></p> <p><b>Appeal is Dismissed</b></p> <p><b>Appeal Type:</b> Written Representations</p> <p><b>Decision:</b> 10<sup>th</sup> January 2017</p> |

|   |  |
|---|--|
| Bineham Park Farm, East Grinstead Road,<br>North Chailey, BN8 4DD | <b><i>Application No: LW/15/0957</i></b>             |
| <b>Description:</b>   | <b>Not Proceeded With</b>                            |
| <i>Raising of ground to help with drainage</i>                    | <b>Appeal is for Non-Determination</b>               |
|   | <b>Appeal is Dismissed</b>                           |
|   | <b><i>Appeal Type: Written Representations</i></b>   |
|   | <b><i>Decision: 17<sup>th</sup> January 2017</i></b> |

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





## Appeal Decision

Site visit made on 15 December 2016

by **D Cramond** BSc MRTPI

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

Decision date: 30 December 2016

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**Appeal Ref: APP/P1425/D/16/3160858**  
**13 Gladys Avenue, Peacehaven, BN10 8PG**

- 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 P Davis against the decision of Lewes District Council.
  - The application Ref LW/16/0540, dated 28 June 2016, was refused by notice dated 25 August 2016.
  - The development proposed is a single storey rear extension with a complete new roof and front balcony.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and the locality.

### Reasons

#### *Character and appearance*

3. The appeal property is a visually low key bungalow with hipped roofing in an area with some range in scale and design of homes but one which sees similar modest dwellings in the great majority. These dwellings with their understated form combine to give an unremarkable and pleasant appearance to the area which is of established 'quiet' residential character. The proposal is as described above. It incorporates replacement of the existing hipped roof with a narrow flat roof with pitched sides and gables to front and rear with the former being primarily glazed and having its roof projecting foreword over the planned balcony area and the ground floor elevation.
4. The proposal would be a bold solution to meet a wish to increase residential accommodation and regrettably it would lead to an ungainly and uncharacteristic building being overly dominant in the streetscene. The approach to the roof treatment would simply appear too excessive and top heavy for what would lie below and around the area. The varied building line found locally would allow some give and take on siting but the upper level sizeable projection would still look out of place even in this context. The gable end would be larger than those few found nearby and locally distinctive design does not embody extensive glazing at upper front facing levels. Other than on

a few dormers the use of flat roofs is also not a local characteristic and while I appreciate the pitched sides would help mask this from some angles it would certainly be apparent within a section of the streetscene and the sides themselves would have a steep degree of pitch not generally seen locally. The appeal proposal would simply look very awkwardly out of place and would unsatisfactorily overwhelm the original property and its subtle qualities.

5. The Lewes District Local Plan includes Policies ST3 and RES13 and the Lewes District Local Plan Joint Core Strategy embodies Policy CP 11. These policies, taken together and amongst other matters, seek schemes which are of high design quality, respect the overall scale, character and rhythm of neighbouring buildings and the local area, and demonstrate suitable subsidiary characteristics to the original dwelling. I conclude that the appeal proposal would run contrary to these policies.

*Other matters*

6. I sympathise with the wish of the Appellant to increase internal space and undertake refurbishment. I would agree that the case would not raise overriding concerns relating to residential amenity. I have considered the information provided in respect of 4 The Esplanade Telscombe Cliffs. However this case varies from the appeal proposal in terms of locational context, relationship to neighbouring homes and the style of those dwellings, and the precise details of the scheme itself and I would certainly not see that development as a precedent. I shall determine this proposal on its own merits. I would agree that buildings of relatively bold modern idiom have a place in the improvement of dwelling stock but siting for such structures needs to be carefully selected and the design itself ought to be of high quality when such change is being contemplated. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issue identified above.
7. I confirm that policies in the National Planning Policy Framework have been considered; the Council's policies which I cite mirror relevant objectives within that document.

*Overall conclusion*

8. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on the character and appearance of the host property and the locality. Accordingly the appeal is dismissed.

*D Cramond*

INSPECTOR

## Appeal Decision

Site visit made on 21 November 2016

by **Grahame Gould BA MPhil MRTPI**

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

Decision date: 10<sup>th</sup> January 2017

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**Appeal Ref: APP/P1425/W/16/3153694**

**7 Heighton Crescent, South Heighton, East Sussex BN9 0QT**

- 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 C Cole against the decision of Lewes District Council.
  - The application Ref LW/16/0113, dated 12 February 2016, was refused by notice dated 9 May 2016.
  - The development proposed is subdivision of the existing property into two separate one bedroom flats, together with the formation of a new two bedroom property adjoining the side.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the development on: the character and appearance of the area; and the living conditions of the occupiers of 5 Heighton Crescent (No 5), with particular regard to privacy and overshadowing.

### Reasons

3. The development would comprise two elements, firstly the conversion of the appeal property (No 7) into two flats and secondly the construction of a two storey side extension. The side extension would replace No 7's garage and would accommodate a two bedroom house, as opposed to a flat as referred in some of the reasons for refusal.

### *Character and Appearance*

4. The extension would have an irregular floorplan given its siting relative to No 7 and the fact it would wrap around No 5's retained garage. The irregular shape of the extension would mean that part of its roof would have a splayed hip, which would be in marked contrast to the simple gable ended roofs of No 7 and the other properties in Heighton Crescent. I find that the roof of the extension would have an awkward relationship with the host property's roof and that this element of the dwelling's design would have an incongruous appearance that would not integrate well into the streetscene. The extension's incongruity would in part be due to the resulting building extending across the full width of No 7's plot and its wrapping around No 5's garage.

5. The development would result in No 7's plot being occupied on a much more intensive basis, with the plots sizes for both the flats and the houses being comparatively small for the area. The limited external areas that would be available to both elements of the development and the extension's incongruous appearance, are both indicative of this development amounting to an unduly intense and thus cramped form of development.
6. While the side extension would result in the infilling of the space to the side of No 7, I did not find this space to be making a particularly significant contribution to the streetscene, given that Heighton Crescent has a quite tight knit layout. Accordingly I am not persuaded that the reduction in the space to the side of No 7 would of itself be harmful to the streetscene.
7. The development would involve the majority of the area in front of the existing house becoming hard surfaced to enable parking to be provided for the flats. However, while those works would result in the hardening of No 7's frontage this element of the development would be in keeping with Heighton Crescent's streetscene, with the majority of the properties to the north of No 7 having comparatively extensive hard surfaced frontages.
8. For the reasons given above I conclude that the extension would be of a poor design and that the development would be unduly intense resulting in harm to the character and appearance of the area. The development would therefore conflict with Policy ST3 of the Lewes District Local Plan of 2003 (the Local Plan), Policy 11 of the Lewes District Local Plan Part 1 Joint Core Strategy 2010-2030 of 2016 (the Core Strategy) and paragraph 58 of National Planning Policy Framework (the Framework) because it would neither be of a high standard of design or add to the overall quality of the area and would be of an unacceptable density.

#### *Living Conditions*

9. Some overlooking of No 5's rear garden is possible from the No 7's bedroom windows, however, that overlooking is quite oblique. However, the rear bedroom window of the new house would be closer to No 5 and the views of the neighbouring garden from that window would be much more direct than is currently possible, allowing for the public footpath separating Nos 5 and 7 from one another. I therefore consider that the presence of the new bedroom window has the potential to result in overlooking of the neighbouring garden at a level that would cause an unacceptable loss of privacy for the occupiers of No 5.
10. The side extension's presence because of its siting relative to No 5's rear garden has some potential to cause overshadowing of the neighbouring property. However, I consider that any increase in overshadowing that might arise from the development would be quite modest, compared to that already arising from no 7's presence, and that it would not give rise to harm to the living conditions for the occupiers of No 5.
11. For the reasons given above I conclude that an unacceptable loss of privacy would arise and that this would be harmful to the living conditions of the occupiers of No 5. The loss of privacy would therefore give rise to conflict with Policy ST3 of the Local Plan.

## **Other Matters**

12. I recognise that the development would make a contribution to boosting the supply of smaller sized housing units in the area, however, that contribution would be very modest. The appellant contends that the Council cannot demonstrate the availability of a five year supply of deliverable housing sites (HLS), albeit he has not provided any evidence in support of that claim. The Council has not submitted an appeal statement and consequently there is no evidence relating to its assessment of the current HLS position. However, the application was determined in the same month that the Core Strategy was adopted, which suggests that the Council considered it had an HLS at that time.
13. In any event the reasons for refusal refer to conflict with saved Policy ST3 of the Local Plan and Policy 11 of the Core Strategy. Both of those policies address matters of detailed design rather than the quantity or location of new housing and I therefore consider that they are not relevant policies for the supply of housing for the purposes of paragraph 49 of the Framework. I also consider Policy ST3 and Policy 11 are consistent with the Framework's policies relating to matters of detailed design.
14. I recognise that the Council does not have an in principle objection to No 7 being converted into flats and I see no reason to adopt a contrary view. I also acknowledge that the dwellings would be energy efficient and that there would be no adverse effect upon natural beauty, wildlife or heritage assets in the area. While all of those matters weigh to some degree in favour of the development I find them to be outweighed by the harm to the character and appearance of the area and the living conditions of the occupiers of No 5 that I have identified.
15. Even if the appellant is correct on the matter of the HLS, I consider that the adverse impact of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. I therefore find this scheme would not be a sustainable form of development.

## **Conclusion**

16. For the reasons given above the appeal is dismissed.

*Grahame Gould*

INSPECTOR



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## Appeal Decision

Site visit made on 10 January 2017

by **Cullum J A Parker BA(Hons) MA MRTPI IHBC**

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

Decision date: 17<sup>th</sup> January 2017

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**Appeal Ref: APP/P1425/W/16/3154832**

**Bineham Park Farm, Lewes, North Chailey, East Sussex BN8 4DD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under the *Town and Country Planning (General Permitted Development)(England) Order 2015, as amended (the GPDO)*.
  - The appeal is made by Mr Stuart Vaughan against the decision of Lewes District Council.
  - The application Ref LW/15/0957, dated 27 November 2015, was refused by notice dated 15 January 2016.
  - The development proposed is described on the appeal form as '*agricultural improvement under Part 6 of the GPDO comprising the excavation of soil and importation of clean subsoil to slightly raise ground levels and reprofile to improve drainage*'.
- 

### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr Stuart Vaughan against Lewes District Council. This application is the subject of a separate Decision.

### Reasons

3. The GPDO grants planning permission for certain classes of development, subject to meeting specific conditions and circumstances set out within the Order. If a proposal meets these requirements, then the proposal can be considered to be 'permitted development' as it would benefit from planning permission by reason of Article 3(1) of the Order. In this case, the main parties agree that *Schedule 2, Part 6 Class A- agricultural development on units of 5 hectares or more* of the GPDO is relevant and that which the proposal should be considered against. Given the size of the total landholding exceeds this; being about 77 hectares in size (see appellant's *Supporting Statement*) I see no reason not to concur.
4. The appeal site comprises an open grassed agricultural field, which the appellant indicates is mainly used for sheep pasture and haylage. The proposal in this case seeks the temporary removal of the topsoil in parts of the field and then the removal of subsoil from another, unspecified, site in order to raise lower parts of the site to reduce the impact of historic localised flooding within the field.
5. On 15 January 2016, the local planning authority (LPA) issued a letter which, amongst other things, stated that '*If by the 29 December 2015, you have not*

*been told that your application is invalid, or you have not been told that your cheque has been dishonoured, or you have not been given a decision in writing, you can carry out the work without further notice.'* In the appellant's view, this means that the proposal can be implemented without the need for any further notification. Indeed, the appellant maintains that the proposal seeks the use of clean subsoil to re-contour the ground. In such circumstances, they consider that this imported subsoil will be non-waste material registered under the CL:AIRE protocol which is recognised by the Environment Agency and Lewes District Council.

6. I have also been directed to another decision of the Council by the appellant at Bonner dated 'November 2015', which involved a similar form of development on another site where prior approval was given. I do not have the full details of that case before me and cannot be sure that the circumstances are of direct relevance to those before me. In any case, it is for me to determine the merits of the evidence before me on the basis of the appeal scheme.
7. On 19 January the LPA wrote to the appellant informing them that the proposal was essentially a county matter, which East Sussex County Council (ESCC) should consider. This was partly on the basis that the LPA considered that the imported subsoil of around 6750 cubic metres would constitute 'waste'. In March 2016, the LPA's solicitor provided further reasons as to why the proposal could not be considered under Part 6 of the GPDO, which were sent to the appellant's solicitor. The application for prior approval was considered to be invalid by the LPA, and the fee returned to the appellant on 22 April 2016.
8. Be that as it may, there is an appeal before me in which the appellant considers the proposal does meet the criteria set out in Part 6, Class A (b) of the GPDO, whereas the LPA considers it does not. It is on this matter that the appeal proposal turns.
9. The LPA points to the fact that they consider that the proposal does not necessarily constitute an excavation or engineering operation. However, the works in this case would appear to involve some excavation on the appeal site (of the top soil) and works which require an element of pre-planning which would normally be supervised by a person with some engineering operation. For example, work involved in working out how much subsoil is required and how the land would be re-contoured.
10. The LPA also point to the use of the field for horse grazing and it being advertised with some local agents for equestrian uses. However, there is no cogent evidence before me that demonstrates that the land is not used for sheep grazing or the growing of haylage<sup>1</sup> as the appellant suggests. What is more, the works appear to be necessary for the welfare of livestock in order to reduce the risk to the sheep from deadly fluke-worm carrying snails and general adverse health impacts of water logged fields to farm animals. In such circumstances, the proposal would fulfil the initial requirement set out in the GPDO.
11. However, my attention has been drawn to Condition A2 (1) (c) which indicates that *'Development is permitted by Class A subject to the following conditions - ... waste materials are not brought on to the land from elsewhere for deposit...'* In this case, beyond the appellant's confirmation that the proposal would use

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<sup>1</sup> See letter from T.Moon Contracts –Paddock Maintenance & Agricultural dated 23 August 2015

clean subsoil registered with the CL:AIRE protocol, there is no indication where the subsoil to be used in this development will come from.

12. The lack of knowing where the clean subsoil would be imported from means that as the decision-maker I am not able to be entirely confident that the imported soil would not be waste. I am reinforced in this view by the fact that the Waste Framework Directive (WFD) defines waste as '*any substance or object which the holder discards or intends or is required to discard*' (Article 3(1), WFD). I understand this to include not only the typical dictionary definition of 'to get rid of something useless or undesirable' but also to include the recovery of a substance or object, for example recycling, whether by the person producing the substance or someone else. This definition needs to be calibrated by the fact that the substance, in the form of the imported subsoil, would be from another unidentified site.
13. On the basis of the evidence before me, there is insufficient evidence to demonstrate that it would not involve waste materials being brought in from elsewhere. Therefore I can come to no other conclusion than the proposal would fail to satisfy Condition A2 (1) (c) of Schedule 2, Part 6 Class A of the GPDO. Accordingly, it would not constitute permitted development. I note the Council's observations on other matters, such as the SSSI and land drainage concerns. However, as the proposal would not constitute permitted development in this case, there is no need for me to consider these matters further.
14. For the reasons given above, and having taken into account all matters raised, I conclude that the appeal should be dismissed.

*Cullum J A Parker*

INSPECTOR