

Working in Partnership



## **To all Members of the Planning Applications Committee**

A meeting of the **Planning Applications Committee** will be held in the **Council Chamber, County Hall, St Annes Crescent, Lewes BN7 1UE** on **Wednesday, 11 October 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.

03/10/2017

Catherine Knight  
Assistant Director of Legal and Democratic Services

## **Agenda**

- 1 Minutes**  
To approve the Minutes of the meeting held on 20 September 2016 (copy previously circulated).
- 2 Apologies for Absence/Declaration of Substitute Members**
- 3 Declarations of Interest**  
Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct.
- 4 Urgent Items**  
Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972. A Supplementary Report will be circulated at the meeting to update the main Reports with any late information.

**5 Petitions**

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

**Planning Applications OUTSIDE the South Downs National Park**

**6 LW/17/0083 - Rosemead, 53 Harbour View Road, Newhaven, East Sussex, BN9 9TT (page 5)**

**7 LW/17/0641 - 32 Telscombe Road, Peacehaven, East Sussex, BN10 8AG (page 10)**

**8 LW/17/0642 - Land Rear Of 32 Telscombe Road, Peacehaven, East Sussex, BN10 8AG (page 21)**

**Planning Applications WITHIN the South Downs National Park**

**9 SDNP/17/02146/HOUS - 43 High Street, Ditchling, East Sussex, BN6 8SY (page 32)**

**10 SDNP/17/03067/FUL - Street Record, Clayton Road, Ditchling, East Sussex (page 43)**

**11 SDNP/17/04366/HOUS - 4 Ferrers Road, Lewes, East Sussex, BN7 1PZ (page 52)**

**Non-Planning Application Related Items**

**12 Outcome of Appeal Decisions on 18th August 2017 and 19th September 2017 (page 59)**

To receive the Report of the Director of Service Delivery (Report No 143/17 herewith).

**13 Implementing Article 4 directions to withdraw the permitted development rights granted by Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in key areas identified in Newhaven (page 68)**

To consider the Report of the Director of Strategy, Regeneration and Planning (Report No 144/17 herewith).

**14 Written Questions from Councillors**

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

**15 Date of Next Meeting**

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 1 November 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 the Planning team at Southover House, Southover Road, Lewes, East Sussex, BN7 1AB (Tel: 01273 471600) or email [planning@lewes.gov.uk](mailto:planning@lewes.gov.uk)

**Distribution:** Councillor S Davy (Chair), G Amy, S Catlin, P Gardiner, V Ient, T Jones, D Neave, 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**

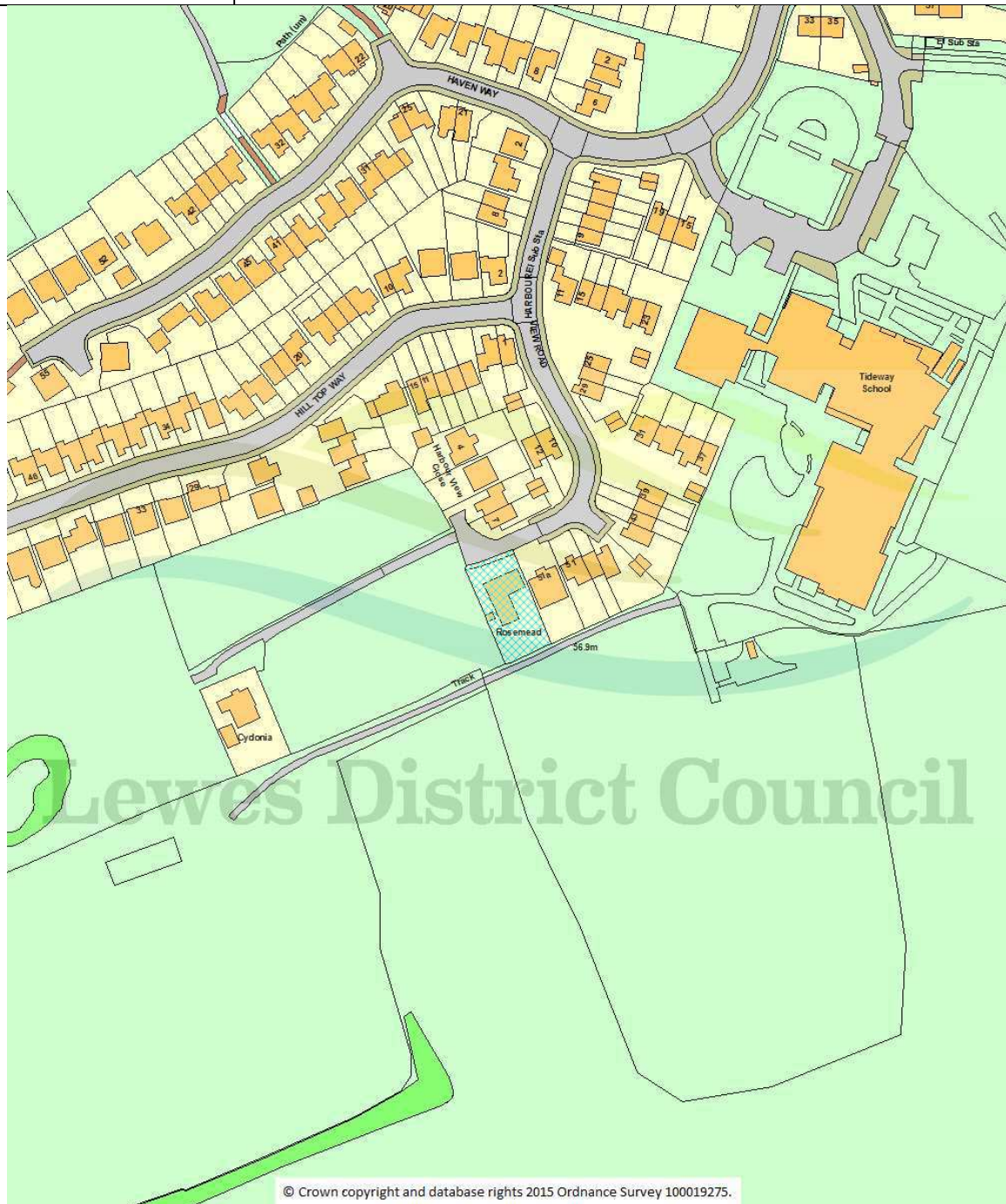
The two statutory purposes of the South Downs National Park designations are:

- 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/17/0083	<b>ITEM NUMBER:</b>	<b>6</b>
<b>APPLICANTS NAME(S):</b>	Mr M Langley	<b>PARISH / WARD:</b>	Newhaven / Newhaven Denton & Meeching
<b>PROPOSAL:</b>	Planning Application for Demolition of existing bungalow and replacement with 3 three-bedroomed townhouses		
<b>SITE ADDRESS:</b>	Rosemead 53 Harbour View Road Newhaven East Sussex BN9 9TT		
<b>GRID REF:</b>	TQ4300		



## 1. SITE DESCRIPTION / PROPOSAL

1.1 The site is a detached bungalow, located towards the end of the Harbour View Road cul-de-sac, at Harbour Heights. The bungalow is an older property, built before 1973, but is effectively part of the newer Harbour Heights residential estate, which was built in the early 2000's.

1.2 The proposal is to demolish the bungalow and to build a terrace of three 3-bed houses on the site, fronting onto Harbour View Road. The houses would have a rendered front to match adjacent dwellings, and a tiled roof. The end house of the terrace would feature a gabled front. On-site parking would be provided on the forecourt of each house. The houses would be built at the building line of the adjacent house 51A Harbour View Road.

## 2. RELEVANT POLICIES

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

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

## 3. PLANNING HISTORY

**P/52/0004** - Use of land for housing purposes. – **Approved**

**P/73/0197** - Extension and new garage. - **Approved**

**LW/87/1300** - Single storey extension. – **Approved**

**LW/97/0440** - Two storey side extension – **Approved**

**LW/00/0565** - Erection of a detached garage with storage above – **Approved**

**LW/02/1588** - Erection of a detached garage with storage above – **Refused**

**LW/02/2463** - Erection of a detached double garage with storage above – **Refused**

**LW/03/0769** - Erection of a detached double garage – **Approved**

**LW/10/1353** - Erection of a single garage - **Approved**

## 4. REPRESENTATIONS FROM STANDARD CONSULTEES

**Newhaven Town Council** – The committee raised concerns about:

- The effect on street parking in this Close, where it is already difficult to park.
- The adequacy of surface water drainage due to the geology of the area.

## 5. REPRESENTATIONS FROM LOCAL RESIDENTS



Objections have been received from four local households, with one letter being signed by 14 local households. The grounds of objection are:

- Conservation significance
- Effect on wildlife, including bird habitat in hedges.
- Inadequate access, which is limited to a single small road and is unlit and without pavements.
- Loss of trees
- Over-development, as the area is already well developed, and further properties would make the area cluttered.
- Parking issues, with increased pressure for parking.
- Harbour View Close is a private road and access will not be granted to any building vehicles, and this will be closely monitored.
- Contrary to para.7 of the NPPF (which requires good design), para. 35 (which promotes 'safe and secure' layouts) and para. 118 (which protects irreplaceable habitats and veteran trees (the site has a veteran tree)).
- The proposal goes against the development plan for Newhaven, as it is not included in the emerging site allocations document prepared as part of the Newhaven Neighbourhood Plan.
- Increased noise and disturbance from comings and goings of traffic.
- Increased traffic generation, especially as this is remote location.
- Flooding.
- Loss of light.
- Loss of open space.
- Overbearing building/structure.
- Overshadowing.
- Loss of sea view.

## 6. PLANNING CONSIDERATIONS

6.1 The site is within the Planning Boundary for Newhaven, as shown on the Proposals Map for Newhaven in the Joint Core Strategy. In principle, new residential development can be accepted at locations within the Planning Boundary, as a means of meeting housing need, ensuring that new housing is in more sustainable locations (generally close to shops and services) and taking pressure off development in the countryside.

6.2 The site is adjacent to the Harbour Heights residential area, which was approved in 2000 (LW/99/1721). The Harbour Heights area was developed in the early 2000's, and this bungalow is served by Harbour View Road and Haven Way (off Southdown Road), both of which were constructed as part of the 2000 permission. Had the site been part of the 2000 planning application (which was for some 127 dwellings), it seems likely that permission for its redevelopment would have been granted.

6.3 The style and appearance of the proposed houses would be in keeping with the prevailing style of housing at Harbour Heights, and would therefore be in keeping with the residential character of the locality. There are already small terraces of houses in the area, including on the approach to the site.

6.4 The approach roads already serve 7 houses in Harbour View Close and are considered to be acceptable. Although the site is on the edge of town and it is highly likely that future residents would rely on private car for travel needs, on-site parking is proposed at the front of the houses. There should not be significant overspill parking on-road.

6.5 It is not considered that noise and disturbance would be added in the locality in any significant sense. Existing houses in the area already generate traffic and noise and disturbance. Similarly, it is not considered that the proposed development would 'clutter' the locality, as the terrace would simply intensify the existing line of residential development along Harbour View Road.

6.6 It is not considered that the new houses would be overbearing, or cause significant loss of light or overshadowing to existing residents. The adjacent house 51A Harbour View Road has side windows, including a dormer serving a bedroom and bathroom, facing the site but it is considered that any loss of light or outlook to those windows would not affect living conditions in the house generally. The houses would not extend forward or behind the front or rear building lines of 51A Harbour View Road.

6.7 There is a large tree at the front corner of the site. At the time of writing the future of this tree is being discussed with the applicant.

6.8 A condition can require details of the drainage scheme to be agreed with the Council, before development commences.

6.9 In the circumstances summarised above, the application is considered to be acceptable.

## **7. RECOMMENDATION**

That planning permission be granted.

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

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

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

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

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

3. The land indicated on the approved plans for the parking and turning of vehicles for the development hereby permitted shall be laid out prior to the first occupation/use of the development and thereafter kept available for that purpose only.

Reason: In the interests of highway safety having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.



4. Development shall not begin until details of foul and surface water drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The approved drainage works shall be implemented prior to the first occupation of the development.

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

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.

### **INFORMATIVE(S)**

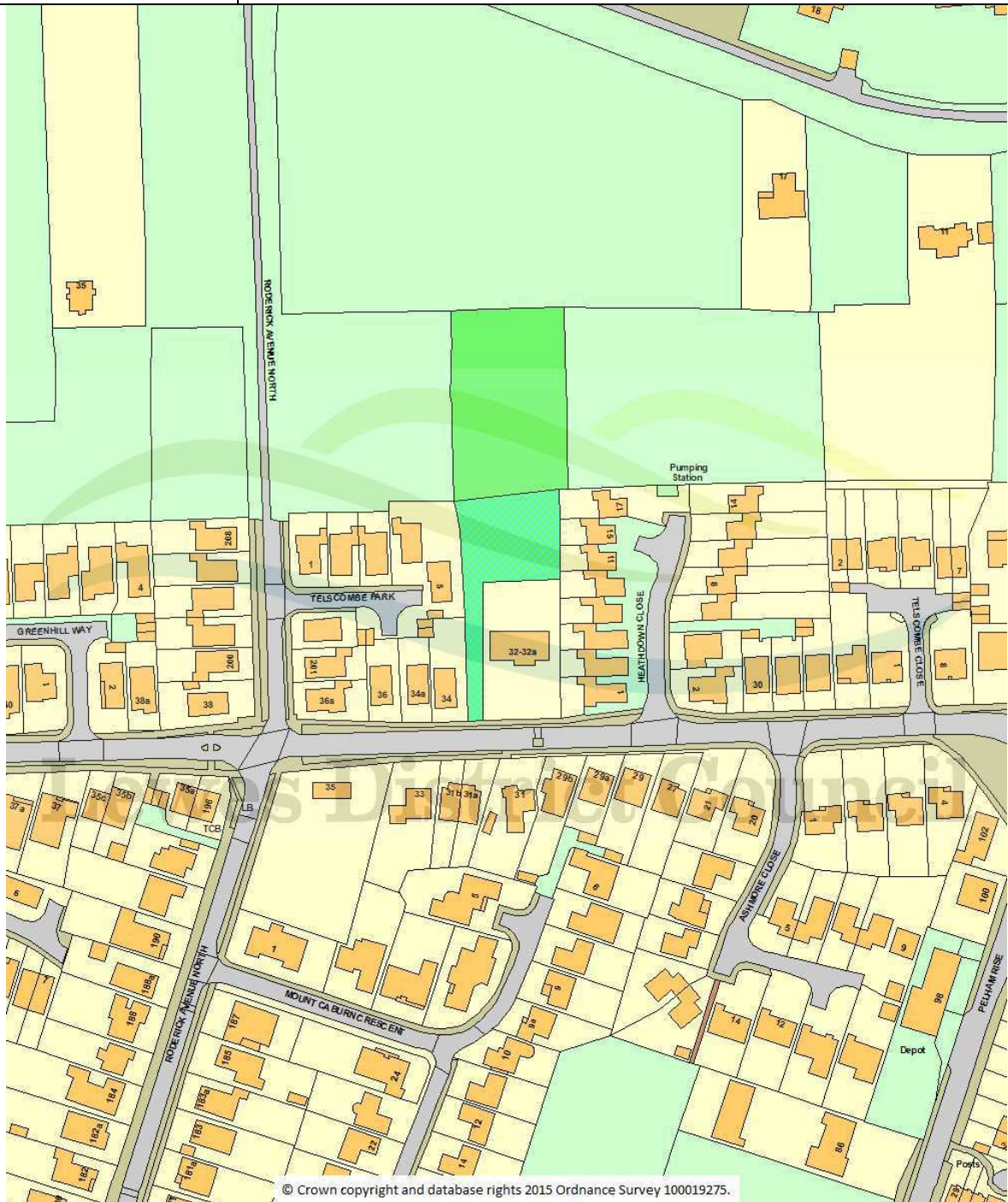
1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission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

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

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Design & Access Statement	30 January 2017	
Justification / Heritage Statement	25 July 2017	
Location Plan	30 January 2017	1:1250
Proposed Layout Plan	30 January 2017	GM/ML/1600
Proposed Elevation(s)	30 January 2017	GM/ML/1600
Proposed Floor Plan(s)	30 January 2017	GM/ML/1600
Street Scene	30 January 2017	GM/MRL/1610
Proposed Block Plan	30 January 2017	GM/MRL/1610

<b>APPLICATION NUMBER:</b>	LW/17/0641	<b>ITEM NUMBER:</b>	<b>7</b>
<b>APPLICANTS NAME(S):</b>	Benjamin Allen Bespoke Homes	<b>PARISH / WARD:</b>	Peacehaven / Peacehaven North
<b>PROPOSAL:</b>	Planning Application for Erection of 2 x three bedroom detached houses with attached single garages (resubmission of application LW/16/0686)		
<b>SITE ADDRESS:</b>	32 Telscombe Road Peacehaven East Sussex BN10 8AG		
<b>GRID REF:</b>	TQ 41 02		



## 1. SITE DESCRIPTION / PROPOSAL

### SITE DESCRIPTION

1.1 The application relates to a plot of land to the rear of 32 Telscombe Road, a detached bungalow that was built in the 1970s situated on the northern side of Telscombe Road. The plot lies within the defined Planning Boundary of Peacehaven and measures 29m deep and 33m across. The plot is bounded to the east by the back gardens of nos. 11, 15 and 17 Heathdown Close, which are two storey houses. To the west the site is bounded by 5 Telscombe Park and 34 Telscombe Road, both of which are detached bungalows. There is open countryside to the north side of the plot but this is not land within the South Downs National Park.

1.2 Access to the plot is via a strip of land between 32 and 34 Telscombe Road and 5 Telscombe Park.

1.3 The site has an overall area of 1330 square metres and has a Group Tree Preservation Order (TPO No. 17 of 1992) protecting predominantly Sycamore, Willow, Poplar, Pine and Hawthorn.

1.4 There is a long planning history of applications for development of this backland site, starting in the late 1980s.

1.5 Most recently, application LW/16/0686 for the erection of 2 three-bedroom detached houses with single garages was refused planning permission on 17 October 2016 for the following reason:-

1.6 The proposed development is backland development with an inadequate access off Telscombe Road. The use of the access by vehicles and pedestrians would be unacceptable in terms of noise and disturbance to occupiers of 32 and 34 Telscombe Road and 5 Telscombe Park and will have a detrimental impact on neighbour amenity. The proposal is thereby contrary to retained policies ST3 and ST4 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and National Planning Guidance contained in the National Planning Policy Framework 2012.

1.7 Prior to the above, on 1 June 2009 planning permission was refused for the erection of two x three bedroom detached houses (ref. LW/09/0316), the reason for refusal being as follows:

1.8 The proposal would constitute backland development with an inadequate access off Telscombe Road. The use of the access by vehicles and pedestrians would be unacceptable in terms of noise and disturbance to occupiers of 32a and 34 Telscombe Road and 5 Telscombe Park. The proposal would thereby be contrary to Policy ST4(a) and (c) of the Lewes District Local Plan.

1.9 And earlier still, an outline application for the erection of one dwelling was refused and dismissed at Appeal on 10 October 1989 (ref. LW/89/0031). In this decision the Planning Inspector stated as follows at paragraph 7:

1.10 I consider that the use of the access by vehicles and pedestrians passing to and from the new dwelling would materially affect conditions within the gardens of nos. 34 and 32a Telscombe Road and 5 Telscombe Park to the extent that residents of these properties would be unable to enjoy reasonable peace and quiet. Whilst the retention of the screen fences alongside the access and additional planting would afford some

measure of privacy, this would not effectively reduce the disturbance from noise and general activity close to the dwellings and alongside their gardens.

1.11 The recurring theme is therefore the impact of the access usage on the amenities of adjoining residents.

## PROPOSAL

1.12 The application seeks planning permission for the erection of two detached 3-bedroom houses which will have a traditional design with pitched roof, front porch and bay window and two half-dormer windows cutting through the eaves line on the front elevations. The new houses will have a floor area of approximately 126 square metres and will have back gardens just under 11m in length. The properties will have a mono-pitch garage attached to the side with surface car parking in front, along with a turning head. The plot is proposed to be accessed via a 46m long driveway which will be between 6.9m and 8.8m wide with a 3.7m wide tarmac roadway down the middle and 2.2m and 1.2m wide buffer strips for planting on either side.

1.13 The front, principal elevations of the dwellings will be 15m from the nearest part of 5 Telscombe Park, and the rear elevations will be some 20m from the rear neighbouring properties in Heathdown Close, which backs onto the application site.

1.14 A similar planning application for a single dwelling within the plot has been submitted in tandem with this planning application, ref. LW/17/0642.

## 2. RELEVANT POLICIES

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

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

**LDLP: – ST04** – Design, Form and Setting of Development

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

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

**LDLP: – CP13** – Sustainable Travel

## 3. PLANNING HISTORY

**E/49/0257** - Planning and building Regulations Applications for proposed addition of kitchen and larder. Building Regulations Approved. Completed. Demolished. – **Approved**

**E/60/0831** - Retention of one caravan on existing site at Pax, 32, Telscombe Road. – **Approved**

**E/61/0988** - Outline application to erect one bungalow on part plot 255, Telscombe Road. – **Refused**

**E/69/0708** - Outline application for demolition of existing dwelling and erection of one detached dwelling on site of 'Pax'. - **Refused**

**E/70/0169** - Outline application for demolition and re-building of existing bungalow and erection of two bungalows and garages. - **Refused**

**E/71/0477** - Outline application for detached bungalow. – **Refused**

**E/72/1158** - Planning and Building Regulations Applications for demolition of sub-standard dwelling and erection of bungalow and garage. Building Regs. Approved. Completed. – **Approved**

**E/72/1534** - Detached bungalow on site of 32. To be Approved after expiration of statutory period for public representation 31/08/1972.. - **No Decision**

**LW/80/0263** - Planning Application for three stables and food storeroom. - **Approved**

**LW/87/0404** - Two detached bungalows with garage. – **Refused**

**LW/87/1790** - Outline Application for seven dwellings. – **Refused**

**LW/87/2050** - Outline Application for one detached bungalow with garage. – **Refused**

**LW/87/2051** - Two detached bungalows with garages. – **Refused**

**LW/89/0031** - Outline application for erection of one dwelling. - **Refused**

**LW/08/0378** - Erection of two detached houses - **Withdrawn**

**LW/09/0316** - Erection of two x three bedroom detached houses - **Refused**

**LW/16/0686** - Erection of 2 three bedroom detached houses with attached single garages - **Refused**

**APPEAL/87/2051** - Development Appeal - **Dismissed**

**APPEAL/87/2050** - Development Appeal - **Dismissed**

**APPEAL/89/0031** - Development Appeal - **Dismissed**

**APPEAL/71/0477** - Development Appeal - **Allowed**

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

**Peacehaven Town Council – Objection**

4.1 Refusal is recommended for the following reasons:-

- Inadequate access to accommodate emergency vehicles
- Access road is too close to neighbouring properties
- Development too dense for plot
- Back garden development
- Loss of privacy - over-looking neighbours, causing loss of privacy or light
- Over development



## **Environmental Health – No objection**

4.2 No objection subject to a condition in respect of unsuspected contamination.

## **District Services – Objection**

4.3 The concern with two properties being asked for the plot, the refuse would have to be presented at road side up the shared drive and this may cause access issues for the narrow access of the residents.

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

5.1 Letters of representation have been received from 1, 4 and 5 Telscombe Park; 29, 34 Telscombe Road; 15 Heathdown Close, objecting to the application for the following reasons:-

- Out of character
- Unsuitable area
- Unsuitable appearance
- Over-development
- Highway hazards
- Inadequate access
- Access safety
- Narrow access
- Unlit access
- Access next to bus stop
- Access alongside neighbouring property
- Security concerns
- Damage, vandalism and waste tipping
- Speed humps at access point
- Parking issues
- Traffic generation
- Traffic on A259
- Lack of infrastructure
- Loss of light
- Overlooking, loss of privacy
- Overshadowing
- Noise and disturbance
- Dust, dirt, pollution and site traffic
- Smell/fumes
- Overbearing building/structure
- Loss of open space
- Loss of trees
- Loss of habitats
- Not sustainable
- Conservation significance
- Waste collection
- Drainage
- Effect on town centre viability
- Effect on wildlife
- Allowing one property will open the site to a second property



- Insufficient information

## 6. PLANNING CONSIDERATIONS

6.1 The principal considerations in the determination of the application include the principle of development; design and the impact on protected trees; the impact on amenity; accessibility and sustainable transport.

6.2 The previous application, LW/16/0686, established that in principle the use of the land for housing is acceptable, and that the design and the impact on trees would also be acceptable. The main issue was the impact of the access to the site on the amenities of adjoining neighbours.

### Principle

6.3 The application site is within the Planning Boundary of Peacehaven and located in a predominantly residential area. The proposal to provide two additional dwelling units is acceptable in this location in principle, and compliant with Spatial Policy 2 of the Joint Core Strategy which states that new housing on sites which are neither allocated nor should part of a Neighbourhood Plan be sited at currently unidentified infill developments within the planning boundaries.

### Design

6.4 In terms of the design, detailing, scale and external materials and finishes the proposal is considered acceptable. The neighbouring properties are a mixture of bungalows and two-storey houses and the housing type proposed would not be out of character with the locality. No harm to visual amenity is foreseen as a result of the proposed development.

6.5 It is noted that the proposals will result in the loss of trees within the site. However, these considerations have previously been established and accepted under previous planning applications, for example LW/09/0316, and are not held to be significantly harmful to justify a reason for refusal of planning permission.

6.6 The Arboricultural Impact Assessment submitted with the application indicates that 8 trees will need to be removed for arboricultural/safety reasons (Category U) and that of the remaining trees they are either of poor quality or with a limited life expectancy of less than 10 years. In all, ten trees are proposed to be removed.

6.7 The more densely planted area behind the application site will remain and will still be covered by the Tree Preservation Order.

### Amenity

6.8 The main issue that has led to the refusal of the previous application LW/16/0686 and previous schemes submitted in 2009 and 1989, is the impact of the development on the amenity of neighbouring residents in respect of the new driveway between 32 Telscombe Road, 34 Telscombe Road and 5 Telscombe Park.

6.9 The proposed access will be close to 32 and 34 Telscombe Road and also 5 Telscombe Park, the latter two properties having back gardens alongside the access route and elevations in close proximity to it. The existing bungalow in front of the plot, 32 Telscombe Road, will adjoin the proposed access route, with no space between.

6.10 The applicant has submitted a Noise Assessment report with the application, which was carried out by Acoustic Associates Sussex Ltd., and this demonstrates that the levels of noise from the small number of vehicular movements that will be associated by two dwellings will not have a significant adverse impact on neighbouring residents' amenity. In addition to this the applicant is proposing to install acoustic fencing along both sides of the vehicular access, which will further reduce any sound or disturbance, as well as blocking the beam of headlights. It should be noted also that there will be significant buffer zones on both sides of the access driveway and these could be planted with trees and shrubs that will further reduce the impact on neighbour amenity and also help to maintain the "semi-rural" character of this strip of land. Both the landscaping and the provision of acoustic fencing can be secured by imposing appropriate planning conditions.

6.11 The concerns raised by neighbouring residents in respect of overlooking and loss of privacy have been taken into consideration as well. However, the proposed dwellings will be in a similar position within the plot as in previous planning applications, and overlooking and loss of privacy have not been cited as reasons for refusal historically. As such it would be unreasonable and inconsistent to introduce this as a reason for refusal now, because the applicant, in submitting the current application, has sought to address the single issue of the impact of the vehicular access on neighbour amenity.

#### Accessibility and Sustainable Transport

6.12 The application site is near to Telscombe Road, which is a bus route providing services to the south coast. The proposed development will also provide a minimum of 2 car parking spaces per dwelling which is considered acceptable and will address neighbour concerns in respect of parking issues.

6.13 In addition, notwithstanding the objections received from neighbouring residents, the access point onto the public highway will provide pedestrian visibility splays and the pole sign for the nearby bus stop is actually positioned in front of the driveway to the neighbouring property, 34 Telscombe Road, and will not align with the access to the proposed development.

## **7. RECOMMENDATION**

7.1 In view of the above, approval is recommended.

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

1. No development shall take place details and samples of all external materials and finishes 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 and samples and retained as such thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policy ST3 of the Lewes District Local Plan, policy CP11 of the Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

2. The overall maximum height of the ridges to the main roofs of the dwellings hereby permitted shall not exceed the annotated dimensions shown on the approved drawing no. 3 Revision A, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and neighbour amenity, 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.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a drawing/plan indicating the design, materials and height above ground level of the wall enclosures, fences and other boundary treatments within and around the perimeter of the application site. The boundary treatments shall be completed in accordance with the approved details prior to the first residential occupation of the development 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. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include the details of the shrub/tree species, height and planting density of the landscaping to the buffer zones on either side of the vehicular access route between the public highway and the new dwelling. The hard and soft landscape works shall be retained as approved unless otherwise agreed in writing by the local planning authority.

Reason: To enhance the general appearance of the development and safeguard the amenities of adjoining residents, 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.

5. 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 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.

6. 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 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.

7. No development, including clearance of the site, shall be carried out until a Construction Environment Management Plan has been submitted to and approved by the Local Planning Authority. This shall include the arrangements and mitigation measures for all environmental effects of the development during the construction period including traffic (deliveries, contractor's vehicles and parking clear of the public highway); temporary site security fencing; the timing of deliveries for plant, materials and removal of waste; storage areas for plant and materials; artificial illumination; noise; vibration; dust; air pollution; and odour, including those effects from the decontamination of the land.

Reason: In the interests of highway safety and the amenity of neighbouring residents, having regard to retained policy ST3 and Core Policies 11 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.

8. 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.

9. 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 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.

10. Prior to the first residential occupation of either of the new dwellings hereby permitted the acoustic fences detailed in the Noise Assessment by Acoustic Associates Sussex Ltd (ref. J2011 Issue 3) shall be provided in accordance with the Noise Assessment, including the details set out in Appendix 1, and the approved drawings, and retained as such thereafter unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of safeguarding the residential amenities of the residents of properties adjoining the application site from noise, disturbance and nuisance from vehicular traffic entering and leaving the development hereby permitted, 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.

11. Prior to the first residential occupation of the new dwellings hereby permitted the car parking and turning facilities shall be provided in accordance with the approved drawings and retained as such thereafter only for the parking of vehicles associated with the residents and visitors to the approved development.

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.

12. All hard surfaces incorporated into the development hereby approved shall be constructed from porous or permeable materials or designed to direct surface run-off to soakaways within the application site.

Reason: In order to drain surface run-off water naturally in the interests of sustainability and reducing the risk of flooding, in accordance with Core Policies 11 and 12 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

3. The applicant is hereby encouraged to minimise waste arising from the development by way of re-use and/or recycling. All waste materials arising from any clearance and construction activity at the site should be stored, removed from the site and disposed of in an appropriate manner. It is an offence to burn trade waste, so there should be no bonfires on site.

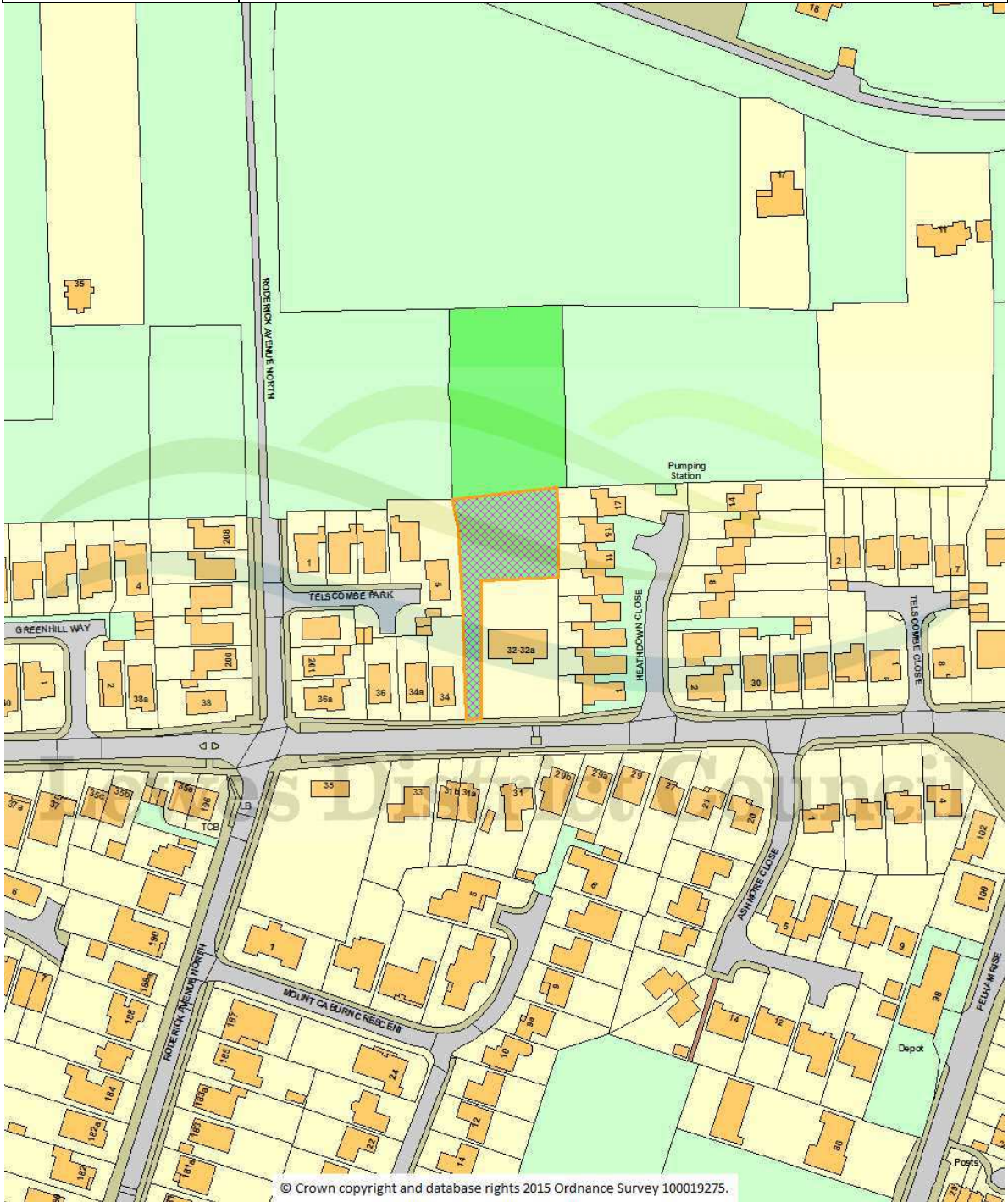
**This decision is based on the following submitted plans/documents:**

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Design & Access Statement	19 July 2017	
Proposed Section(s)	19 July 2017	2 C PROPOSED SITE DETAILS
Proposed Layout Plan	19 July 2017	2 C PROPOSED SITE DETAILS
Proposed Elevation(s)	19 July 2017	3 A PROPOSED ELEVATIONS & SEC
Proposed Section(s)	19 July 2017	3 A PROPOSED ELEVATIONS & SEC
Proposed Floor Plan(s)	19 July 2017	4 B PROPOSED FLOOR PLANS
Proposed Elevation(s)	19 July 2017	4 B PROPOSED FLOOR PLANS
Tree Statement/Survey	19 July 2017	ABORI IMPACT
Technical Report	19 July 2017	BAT PLAN
Technical Report	19 July 2017	BAT SURVEY
Tree Statement/Survey	19 July 2017	CONSTRAINTS

Other Plan(s)	19 July 2017	OS MAP
Tree Statement/Survey	19 July 2017	REMOVAL
Technical Report	19 July 2017	REPTILE PLAN
Technical Report	19 July 2017	REPTILE SURVEY
Location Plan	19 July 2017	OS1 B
Proposed Block Plan	19 July 2017	OS1 B



<b>APPLICATION NUMBER:</b>	LW/17/0642	<b>ITEM NUMBER:</b>	<b>8</b>
<b>APPLICANTS NAME(S):</b>	Benjamin Allen Bespoke Homes	<b>PARISH / WARD:</b>	Peacehaven / Peacehaven North
<b>PROPOSAL:</b>	Planning Application for Erection of 1 x three bedroom detached house with attached single garage		
<b>SITE ADDRESS:</b>	Land Rear Of 32 Telscombe Road Peacehaven East Sussex BN10 8AG		
<b>GRID REF:</b>	TQ 41 02		



## 1. SITE DESCRIPTION / PROPOSAL

### SITE DESCRIPTION

1.1 The application relates to a plot of land to the rear of 32 Telscombe Road, a detached bungalow that was built in the 1970s situated on the northern side of Telscombe Road. The plot lies within the defined Planning Boundary of Peacehaven and measures 29m deep and 33m across. The plot is bounded to the east by the back gardens of nos. 11, 15 and 17 Heathdown Close, which are two storey houses. To the west the site is bounded by 5 Telscombe Park and 34 Telscombe Road, both of which are detached bungalows. There is open countryside to the north side of the plot but this is not land within the South Downs National Park.

1.2 Access to the plot is via a strip of land between 32 and 34 Telscombe Road and 5 Telscombe Park.

1.3 The site has an overall area of 1330 square metres and has a Group Tree Preservation Order (TPO No. 17 of 1992) protecting predominantly Sycamore, Willow, Poplar, Pine and Hawthorn.

1.4 There is a long planning history of applications for development of this backland site, starting in the late 1980s.

1.5 Most recently, application LW/16/0686 for the erection of 2 three-bedroom detached houses with single garages was refused planning permission on 17 October 2016 for the following reason:-

1.6 The proposed development is backland development with an inadequate access off Telscombe Road. The use of the access by vehicles and pedestrians would be unacceptable in terms of noise and disturbance to occupiers of 32 and 34 Telscombe Road and 5 Telscombe Park and will have a detrimental impact on neighbour amenity. The proposal is thereby contrary to retained policies ST3 and ST4 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and National Planning Guidance contained in the National Planning Policy Framework 2012.

1.7 Prior to the above, on 1 June 2009 planning permission was refused for the erection of two x three bedroom detached houses (ref. LW/09/0316), the reason for refusal being as follows:

1.8 The proposal would constitute backland development with an inadequate access off Telscombe Road. The use of the access by vehicles and pedestrians would be unacceptable in terms of noise and disturbance to occupiers of 32a and 34 Telscombe Road and 5 Telscombe Park. The proposal would thereby be contrary to Policy ST4(a) and (c) of the Lewes District Local Plan.

1.9 And earlier still, an outline application for the erection of one dwelling was refused and dismissed at Appeal on 10 October 1989 (ref. LW/89/0031). In this decision the Planning Inspector stated as follows at paragraph 7:

1.10 I consider that the use of the access by vehicles and pedestrians passing to and from the new dwelling would materially affect conditions within the gardens of nos. 34 and 32a Telscombe Road and 5 Telscombe Park to the extent that residents of these properties would be unable to enjoy reasonable peace and quiet. Whilst the retention of the screen fences alongside the access and additional planting would afford some

measure of privacy, this would not effectively reduce the disturbance from noise and general activity close to the dwellings and alongside their gardens.

1.11 The recurring theme is therefore the impact of the access usage on the amenities of adjoining residents.

## PROPOSAL

1.12 The application seeks planning permission for the erection of a detached 3-bedroom house which will have a traditional design with pitched roof, front porch and bay window and two half-dormer windows cutting through the eaves line on the front elevations. The new house will have a floor area of approximately 126 square metres and will have an back garden just under 11m in length. The property will have a mono-pitch garage attached to the side with surface car parking in front, along with a turning head. The plot is proposed to be accessed via a 46m long driveway which will be between 6.9m and 8.8m wide with a 3.7m wide tarmac roadway down the middle and 2.2m and 1.2m wide buffer strips for planting on either side.

1.13 The front, principal elevation of the dwelling will be 15m from the nearest part of 5 Telscombe Park, and the rear elevation will be some 20m from the rear wall of 11 Heathdown Close, which backs onto the application site.

1.14 A similar planning application for two dwellings within the plot has been submitted in tandem with this planning application, ref. LW/17/0641.

## 2. RELEVANT POLICIES

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

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

**LDLP: – ST04** – Design, Form and Setting of Development

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

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

**LDLP: – CP13** – Sustainable Travel

## 3. PLANNING HISTORY

**E/49/0257** - Planning and building Regulations Applications for proposed addition of kitchen and larder. Building Regulations Approved. Completed. Demolished. – **Approved**

**E/60/0831** - Retention of one caravan on existing site at Pax, 32, Telscombe Road. – **Approved**

**E/61/0988** - Outline application to erect one bungalow on part plot 255, Telscombe Road. – **Refused**

**E/69/0708** - Outline application for demolition of existing dwelling and erection of one detached dwelling on site of 'Pax'. - **Refused**

**E/70/0169** - Outline application for demolition and re-building of existing bungalow and erection of two bungalows and garages. - **Refused**

**E/71/0477** - Outline application for detached bungalow. – **Refused**

**E/72/1158** - Planning and Building Regulations Applications for demolition of sub-standard dwelling and erection of bungalow and garage. Building Regs. Approved. Completed. – **Approved**

**E/72/1534** - Detached bungalow on site of 32. To be Approved after expiration of statutory period for public representation 31/08/1972.. - **No Decision**

**LW/80/0263** - Planning Application for three stables and food storeroom. - **Approved**

**LW/87/0404** - Two detached bungalows with garage. – **Refused**

**LW/87/1790** - Outline Application for seven dwellings. – **Refused**

**LW/87/2050** - Outline Application for one detached bungalow with garage. – **Refused**

**LW/87/2051** - Two detached bungalows with garages. – **Refused**

**LW/89/0031** - Outline application for erection of one dwelling. - **Refused**

**LW/08/0378** - Erection of two detached houses - **Withdrawn**

**LW/09/0316** - Erection of two x three bedroom detached houses - **Refused**

**LW/16/0686** - Erection of 2 three bedroom detached houses with attached single garages - **Refused**

**APPEAL/87/2051** - Development Appeal - **Dismissed**

**APPEAL/87/2050** - Development Appeal - **Dismissed**

**APPEAL/89/0031** - Development Appeal - **Dismissed**

**APPEAL/71/0477** - Development Appeal - **Allowed**

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

**Peacehaven Town Council – Objection**

4.1 Refusal is recommended for the following reasons:-

- If approved this would set a precedent for an additional property to be built at a later stage being as the plan is identical to LW/17/0641 in design and layout
- Inadequate access to accommodate emergency vehicles
- Access road is too close to neighbouring properties
- Development too dense for plot
- Back garden development
- Loss of privacy - over-looking neighbours, causing loss of privacy or light
- Over development

**Environmental Health – No objection**

4.2 No objection subject to a condition in respect of unsuspected contamination.

**District Services – No objection**

**5. REPRESENTATIONS FROM LOCAL RESIDENTS**

5.1 A letter has been received from 32a Telscombe Road, in support of the application for the following reasons:-

5.2 Suitable use for a plot of land that has been overgrown and under-used  
Clearance of the access road will benefit property as overgrown trees continually cause problems

- Appropriate use of land
- Compliment and improve the current landscape

5.3 Letters of representation have been received from 1 and 4 Telscombe Park; 29, 34 Telscombe Road; 15 Heathdown Close, objecting to the application for the following reasons:-

- Out of character
- Unsuitable area
- Unsuitable appearance
- Over-development
- Highway hazards
- Inadequate access
- Access safety
- Narrow access
- Unlit access
- Access next to bus stop
- Access alongside neighbouring property
- Security concerns
- Damage, vandalism and waste tipping
- Speed humps at access point
- Parking issues
- Traffic generation
- Traffic on A259
- Lack of infrastructure
- Loss of light
- Overlooking, loss of privacy
- Overshadowing
- Noise and disturbance
- Dust, dirt, pollution and site traffic
- Smell/fumes
- Overbearing building/structure
- Loss of open space
- Loss of trees



- Loss of habitats
- Not sustainable
- Conservation significance
- Waste collection
- Drainage
- Effect on town centre viability
- Effect on wildlife
- Allowing one property will open the site to a second property
- Insufficient information

## 6. PLANNING CONSIDERATIONS

6.1 The principal considerations in the determination of the application include the principle of development; design and the impact on protected trees; the impact on amenity; accessibility and sustainable transport.

6.2 The previous application, LW/16/0686, established that in principle the use of the land for housing is acceptable, and that the design and the impact on trees would also be acceptable. The main issue was the impact of the access to the site on the amenities of adjoining neighbours.

### Principle

6.3 The application site is within the Planning Boundary of Peacehaven and located in a predominantly residential area. The proposal to provide an additional dwelling unit is acceptable in this location in principle, and compliant with Spatial Policy 2 of the Joint Core Strategy which states that new housing on sites which are neither allocated nor part of a Neighbourhood Plan should be sited at currently unidentified infill developments within the planning boundaries.

### Design

6.4 In terms of the design, detailing, scale and external materials and finishes the proposal is considered acceptable. The neighbouring properties are a mixture of bungalows and two-storey houses and the housing type proposed would not be out of character with the locality. No harm to visual amenity is foreseen as a result of the proposed development.

6.5 It is noted that the proposals will result in the loss of trees within the site. However, these considerations have previously been established and accepted under previous planning applications, for example LW/09/0316, and are not held to be significantly harmful to justify a reason for refusal of planning permission.

6.6 The Arboricultural Impact Assessment submitted with the application indicates that 8 trees will need to be removed for arboricultural/safety reasons (Category U) and that of the remaining trees they are either of poor quality or with a limited life expectancy of less than 10 years. In all, ten trees are proposed to be removed.

6.7 The more densely planted area behind the application site will remain and will still be covered by the Tree Preservation Order.

### Amenity



6.8 The main issue that has led to the refusal of the previous application LW/16/0686 and previous schemes submitted in 2009 and 1989, is the impact of the development on the amenity of neighbouring residents in respect of the new driveway between 32 Telscombe Road, 34 Telscombe Road and 5 Telscombe Park.

6.9 The proposed access will be close to 32 and 34 Telscombe Road and also 5 Telscombe Park, the latter two properties having back gardens alongside the access route and elevations in close proximity to it. The existing bungalow in front of the plot, 32 Telscombe Road, will adjoin the proposed access route, with no space between.

6.10 The applicant has submitted a Noise Assessment report with the application, which was carried out by Acoustic Associates Sussex Ltd., and this demonstrates that the levels of noise from the small number of vehicular movements that will be associated by a single dwelling will not have a significant adverse impact on neighbouring residents' amenity. In addition to this the applicant is proposing to install acoustic fencing along both sides of the vehicular access, which will further reduce any sound or disturbance, as well as blocking the beam of headlights. It should be noted also that there will be significant buffer zones on both sides of the access driveway and these could be planted with trees and shrubs that will further reduce the impact on neighbour amenity and also help to maintain the "semi-rural" character of this strip of land. Both the landscaping and the provision of acoustic fencing can be secured by imposing appropriate planning conditions.

6.11 The concerns raised by neighbouring residents in respect of overlooking and loss of privacy have been taken into consideration as well. However, the proposed dwelling will be in a similar position within the plot as in previous planning applications, and overlooking and loss of privacy have not been cited as reasons for refusal historically. As such it would be unreasonable and inconsistent to introduce this as a reason for refusal now, because the applicant, in submitting the current application, has sought to address the single issue of the impact of the vehicular access on neighbour amenity.

#### Accessibility and Sustainable Transport

6.12 The application site is near to Telscombe Road, which is a bus route providing services to the south coast. The proposed development will also provide a minimum of 2 car parking spaces which is considered acceptable and will address neighbour concerns in respect of parking issues.

6.13 In addition, notwithstanding the objections received from neighbouring residents, the access point onto the public highway will provide pedestrian visibility splays and the pole sign for the nearby bus stop is actually positioned in front of the driveway to the neighbouring property, 34 Telscombe Road, and will not align with the access to the proposed development.

## **7. RECOMMENDATION**

In view of the above, approval is recommended.

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

1. No development shall take place details and samples of all external materials and finishes 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 and samples and retained as such thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policy ST3 of the Lewes District Local Plan, policy CP11 of the Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

2. The overall maximum height of the ridge to the main roof of the dwelling hereby permitted shall not exceed the annotated dimensions shown on the approved drawing no. 3 Revision C, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual and neighbour amenity, 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.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a drawing/plan indicating the design, materials and height above ground level of the wall enclosures, fences and other boundary treatments within and around the perimeter of the application site. The boundary treatments shall be completed in accordance with the approved details prior to the first residential occupation of the development 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. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include the details of the shrub/tree species, height and planting density of the landscaping to the buffer zones on either side of the vehicular access route between the public highway and the new dwelling. The hard and soft landscape works shall be retained as approved unless otherwise agreed in writing by the local planning authority.

Reason: To enhance the general appearance of the development and safeguard the amenities of adjoining residents, 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.

5. 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 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.

6. 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 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.

7. No development, including clearance of the site, shall be carried out until a Construction Environment Management Plan has been submitted to and approved by the Local Planning Authority. This shall include the arrangements and mitigation measures for all environmental effects of the development during the construction period including traffic (deliveries, contractor's vehicles and parking clear of the public highway); temporary site security fencing; the timing of deliveries for plant, materials and removal of waste; storage areas for plant and materials; artificial illumination; noise; vibration; dust; air pollution; and odour, including those effects from the decontamination of the land.

Reason: In the interests of highway safety and the amenity of neighbouring residents, having regard to retained policy ST3 and Core Policies 11 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.

8. 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.

9. 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 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.

10. Prior to the first residential occupation of the new dwelling hereby permitted the acoustic fences detailed in the Noise Assessment by Acoustic Associates Sussex Ltd (ref. J2011 Issue 2) shall be provided in accordance with the Noise Assessment, including the details set out in Appendix 1, and the approved drawings, and retained as such thereafter unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of safeguarding the residential amenities of the residents of properties adjoining the application site from noise, disturbance and nuisance from vehicular traffic entering and leaving the development hereby permitted, 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.

11. Prior to the first residential occupation of the new dwelling hereby permitted the car parking and turning facilities shall be provided in accordance with the approved drawings and

retained as such thereafter only for the parking of vehicles associated with the residents and visitors to the approved development.

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.

12. All hard surfaces incorporated into the development hereby approved shall be constructed from porous or permeable materials or designed to direct surface run-off to soakaways within the application site.

Reason: In order to drain surface run-off water naturally in the interests of sustainability and reducing the risk of flooding, in accordance with Core Policies 11 and 12 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

3. The applicant is hereby encouraged to minimise waste arising from the development by way of re-use and/or recycling. All waste materials arising from any clearance and construction activity at the site should be stored, removed from the site and disposed of in an appropriate manner. It is an offence to burn trade waste, so there should be no bonfires on site.

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

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Proposed Block Plan	19 July 2017	2A E
Proposed Elevation(s)	19 July 2017	3 C
Proposed Section(s)	19 July 2017	3 C

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Tree Statement/Survey	19 July 2017	ABORI IMPACT
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Tree Statement/Survey	19 July 2017	REMOVAL
Technical Report	19 July 2017	REPTILE PLAN
Technical Report	19 July 2017	REPTILE SURVEY

Report to **Planning Committee**  
Date **11 October 2017**  
By **Director of Planning**  
Local Authority **Lewes District Council**  
Application Number **SDNP/17/02146/HOUS**  
Applicant **Mr M Pearce**  
Application **Demolition of existing outbuilding and erection of a new garage with storage**  
Address **43 High Street  
Ditchling  
Hassocks  
East Sussex  
BN6 8SY**

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**Recommendation:** That the application be **Approved for the reasons and subject to the conditions set out in paragraph 10 of this report.**

**IMPORTANT NOTE: This application is liable for Community Infrastructure Levy.**

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## **Executive Summary**

### **1 Site Description**

- 1.1 No. 43 High Street, is a Grade II listed, semi-detached property located within the Ditchling Conservation Area and South Downs National Park. It occupies a large plot of approximately two-thirds of an acre, and is bordered to the south by St Margarets's Church graveyard, and to the south-west by Ditchling Museum. The northern boundary is demarcated by No. 47 High Street, and Borers Platt, Boddington's Lane (which also forms footpath 47A), with the western boundary abutting the large pond adjacent to Ditchling Museum.
- 1.2 The proposed garage will replace a timber shed and a small shipping container which are currently used for storage, and do not have planning consent.

### **2 Proposal**

- 2.1 Planning permission is sought for the erection of a four-bay timber framed garage, with storage space above, to house the applicant's car collection. The proposed garage will sit on a brick plinth, with timber weatherboard elevations under a clay tile roof. An external staircase on the eastern elevation will provide access to the storage area within the roof space, and three rooflights, one each to the north and south roof slopes and one to the western roof slope, will provide natural light. The building will have an eaves height of 2.5m on the front (north) elevation, rear catslide with an eaves height of 1.8m, and a ridge height of 5.8m. It will be 11.3m wide x 6.7m deep resulting in a footprint of 75.71sqm.



- 2.2 As stated earlier, the building will replace a shed and small shipping container, and will be partially sited on an existing area of hardstanding.

### **3 Relevant Planning History**

SDNP/12/00067/HOUS - Alterations to roof at rear - Approved 7th June 2012

LW/12/0218/NP - Alterations to roof at rear and internal and external alterations - Approved 2nd May 2012

### **4 Consultations**

#### **LE - Tree & Landscape Officer**

#### **4.1 General Comments:**

If the Construction Exclusion Zones and Tree Protection Measures, which include the Method Statement, are properly implemented there is no reason why the trees shown for retention would not survive post construction operations.

#### **4.2 Landscape Impact:**

I am of the view that the scheme should not have a significant detrimental impact on the first part of the first of the twin purposes of the South Downs National Park, or specifically the scheme should not adversely impact on the wider natural beauty and wildlife of the Park.

- 4.3 Suggested Planning Conditions: In the event planning permission is granted for the development the following condition should be considered.

#### **4.4 Protection of Trees:**

The approved method statements submitted in support of the application shall be adhered to in full in accordance with the approved plans and may only be modified subject to written agreement from the Council.

- 4.5 This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction.

- 4.6 No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development process and up until completion and full occupation of the buildings for their permitted use within 1-5 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

#### **Ditchling Parish Council**

- 4.7 Objection- the proposed garage by virtue of its height would adversely affect the character of the conservation area

#### **ESCC - County Archaeologist**

- 4.8 Recommends a programme of archaeological works.

#### **LE - Design and Conservation Officer**

- 4.9 No objection is raised to the principle of the proposed garage subject to the following considerations.

Page 33 of 98

- 4.10 The scale of the proposed garage, it being four bays, is comparable in its footprint to the existing dwelling. While the garden is generous and the garage is some distance away from the listed

building, comparison between the two can still be made. It should also be noted, while partially obscured by the existing trees, the roof of the garage will be seen from St. Margret's Church. Concern is therefore raised over the scale of the garage. It is important the scale of the garage is reduced to lessen its impact. It is advised the east elevation of the garage be amended from the proposed gable end to a hipped end to mitigate some of this impact.

- 4.11 However, four rooflights on the south elevation facing onto the churchyard is considered excessive and would clutter the roofslope, to the detriment of setting of the St. Margret's Church and the Ditchling Conservation Area. It is advised these be reduced to one on the south elevation and one on the north elevation. A rooflight would also be acceptable within the hipped roof on an amended east elevation. It is important the rooflights are not increased in size. An element of glazing would also be acceptable within the first floor door.
- 4.12 It is recommended the application be approved with the following conditions:
- 4.13 Prior to commencement of works details of materials, to include but not be limited to samples, finishes, product information, etc shall be submitted to and approved in writing by the local planning authority and the works carried out in accordance with these details unless otherwise agreed in writing.
- 4.14 Prior to commencement of works details of the doors, garage doors windows, door and rooflights (which shall be a conservation style) to include elevations to a scale of 1:10 or similar and cross sectional details to a scale of 1:2 or similar shall be submitted to and approved in writing by the local planning authority and the works carried out in accordance with these details unless otherwise agreed in writing.
- 4.15 Prior to commencement of works details of hard and soft landscaping shall be submitted to, approved in writing by the local planning authority and the works carried out in accordance with these details unless otherwise agreed in writing.

## 5 Representations

- 5.1 Objections have been received from two neighbouring dwellings concerning the possibility of overlooking, loss of privacy, noise from revving engines, visual impact, visible from public viewpoints, out of character, loss of view. The Turner-Dumbrell Foundation (as owners of Boddington's Lane) have requested that, should permission be granted, that any works vehicles use the existing right of way over the curtilage of No. 45, and do not access Boddington's Lane from the west.

## 6 Planning Policy Context

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **Lewes District Local Plan (2003)** and the following additional plan(s):

- Lewes District Council - The Core Strategy (Local Plan Part 1) 2014
- SDNPA Partnership Management Plan 2014
- National Planning Policy Framework

Other plans considered:

-

The relevant policies to this application are set out in section 7, below.

#### National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- 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.

## **7 Planning Policy**

#### Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

#### National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF07 - Requiring good design

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **Lewes District Local Plan (2003)** are relevant to this application:

- H2 - Listed Buildings
- H5 - Within / Affecting Conservation Area

The following policies of the **Lewes District Council - The Core Strategy (Local Plan Part I) 2014** are relevant to this application:

- CPI1 - Built and Historic Environment and Design

The following policies of the **SDNPA Partnership Management Plan 2014** are relevant to this application:

- General Policy 50

The following policies of the **National Planning Policy Framework** are relevant to this application:

- NPPF07 - Requiring good design

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

- General Policy 50

The South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16<sup>th</sup> July 2015 to go out for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period ran from 2<sup>nd</sup> September to 28<sup>th</sup> October 2015. The responses received are being considered by the Authority. The next stage in the plan preparation will be the publication and then submission of the Local Plan for independent examination. Until this time, the Preferred Options Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the National Planning Policy Framework, which confirms that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation the policies within the Preferred Options Local Plan are currently afforded limited weight and are not relied upon in the consideration of this application.

## **8 Planning Assessment**

- 8.1 The proposed building will be tucked into an area which abuts the rear (western) boundary of the adjacent dwelling, No. 41 High Street. The rear elevation will be 3m away from the boundary with the churchyard at the south-eastern corner, and 1m away at the south-west corner. A change in levels in this location means the ground level of the building will be approximately 1m below the ground level of the churchyard, and 2.5m below the top of the close board boundary fencing to the east.
- 8.2 As originally submitted, the design incorporated gables at both ends, and the inclusion of four rooflights to the rear. Although the Design and Conservation Officer has raised no objections to the principle of the proposed garage, concerns were raised over the scale and visual impact, with a recommendation that a hipped end be introduced, as well as the reduction in the number of rooflights. These amendments have been agreed and amended plans received.
- 8.3 An objection has been received from the Parish Council on the grounds that the height of the garage would adversely affect the character of the Conservation Area. It is acknowledged that the garage will be visible from the graveyard, with glimpsed views possible from Ditchling Museum. However, as stated earlier, the garage will be set lower than the surrounding ground level, with the rear cat-slide roofslope facing away from the boundary wall, and the visual bulk reduced by the inclusion of the hipped profile. During summer months the boundary trees will provide screening, and a condition is recommended to ensure they are not adversely affected by the proposal. As a result, it is considered there will be no adverse impact on the character and quality of the Conservation Area in accordance with Policy H5 (Development within or affecting Conservation Areas) of the Lewes District Local Plan (LDLP).
- 8.4 No objections have been received from the occupiers of the dwelling immediately to the east of the proposal (No. 41). The occupiers of No. 47 have raised concerns regarding overlooking, but these relate to the previously approved scheme which had no rooflights on the front (north) elevation, so it is difficult to see how overlooking and loss of privacy would be an issue over and above the everyday use of the garden. The revised scheme incorporates a single rooflight to the front elevation and, at approximately 2m above floor level in the roof storage space, will not cause any loss of privacy issues. Regarding sound from engines, this could occur in any case as the off-road parking for the dwelling is situated in the rear garden on the site of the proposed garage and is something the planning authority has no control over. Regarding the design and materials of the proposed building, it is considered to be a simple utilitarian design, with the

extensive use of timber and clay tiles totally appropriate in this semi-rural, village location, within the curtilage of a listed building. Finally, the ancillary use of the building can be controlled by an appropriate planning condition, which is recommended.

- 8.5 The comments made by the Turner-Dumbrell Foundation are noted, however issues regarding rights of access are not planning issues and are a private matter between the applicant and the Foundation.
- 8.6 It is considered the revised design of the proposal, with a hipped roof to the western elevation, barn hip to the east, and the reduction in the number of rooflights, as well as the lower ground level of the site, adequately addresses issues of visual dominance and impact on the Conservation Area. In addition, the simple design with the use of timber weatherboarding and clay roof tiles will not have an adverse impact on the character and special qualities of the listed building and wider Conservation Area. As a result, the proposal is in accordance with Policies H2 (Listed Buildings), H5 (Development within or affecting Conservation Areas) and ST3 (Design, Form and Setting of Development) of the LDLP.
- 8.7 The development has also been considered against the relevant policies in the Joint Core Strategy which has been adopted by the South Downs National Park. The Core Strategy is the pivotal planning document until 2030, forming Part I of our Local Plan and sets out the over-arching strategies that all other planning documents will need to be in conformity with. This proposal is considered to accord with Core Policy 11 (Built and Historic Environment and High Quality Design).
- 8.8 The South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16th July 2015 to go out for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period will run from 2nd September to 28th October 2015 after which the responses received will be considered by the Authority. The next stage in the plan preparation will be the publication and then submission of the Local Plan for independent examination. Until this time, the Preferred Options Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the National Planning Policy Framework, which confirm that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation the policies within the Preferred Options Local Plan are currently afforded limited weight.
- 8.9 The development is not considered to be contrary to the South Downs National Park Partnership Management Plan, which is the over-arching strategy document for the management of the South Downs National Park, and accords with Policy 50 which deals with housing, design, and supporting balanced communities.

## **9 Conclusion**

That planning permission be granted.

## **10 Reason for Recommendation and Conditions**

It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)./ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

## 2. **Approved Plans**

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

3. Prior to commencement of works details of materials, to include but not be limited to samples, finishes, product information, etc shall be submitted to and approved in writing by the local planning authority and the works carried out in accordance with these details unless otherwise agreed in writing.

**Reason:** To protect the character and setting of the listed building and wider Conservation Area having regard to policies H2 and H5 of the Lewes District Plan.

4. Prior to commencement of works details of the doors, garage doors windows, door and rooflights (which shall be a conservation style) to include elevations to a scale of 1:10 or similar and cross sectional details to a scale of 1:2 or similar shall be submitted to and approved in writing by the local planning authority and the works carried out in accordance with these details unless otherwise agreed in writing.

**Reason:** To protect the character and setting of the listed building and wider Conservation Area having regard to policies H2 and H5 of the Lewes District Plan.

5. Prior to commencement of works details of hard and soft landscaping shall be submitted to, approved in writing by the local planning authority and the works carried out in accordance with these details unless otherwise agreed in writing.

**Reason:** To protect the character and setting of the listed building and wider Conservation Area having regard to policies H2 and H5 of the Lewes District Plan.

6. The approved method statements submitted in support of the application shall be adhered to in full in accordance with the approved plans and may only be modified subject to written agreement from the Council.

This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction.

No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development process and up until completion and full occupation of the buildings for their permitted use within 1-5 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

**Reason:** To protect the existing trees on the site and in the interest of local amenity having regard to Policies H5 and ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

7. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

**Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework



8. The garage hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 43 High Street, Ditchling.

Reason: To prevent the use of the building for any trade or business in the interests of the residential amenities of adjoining 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.

9. The glazed window in the entrance door set into the eastern elevation shown on drawing No. S004/CS/205 shall be in obscured glass and be permanently fixed shut and shall be maintained as such.

Reason: To protect the privacy and residential amenity of neighbours 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.

## **11. Crime and Disorder Implications**

11.1 It is considered that the proposal does not raise any crime and disorder implications.

## **12. Human Rights Implications**

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

## **13. Equality Act 2010**

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

## **14. Proactive Working**

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

**Tim Slaney**  
**Director of Planning**  
**South Downs National Park Authority**

Contact Officer: Mrs Alyson Smith  
Tel: 01273 471600  
email: [alyson.smith@lewes.gov.uk](mailto:alyson.smith@lewes.gov.uk)

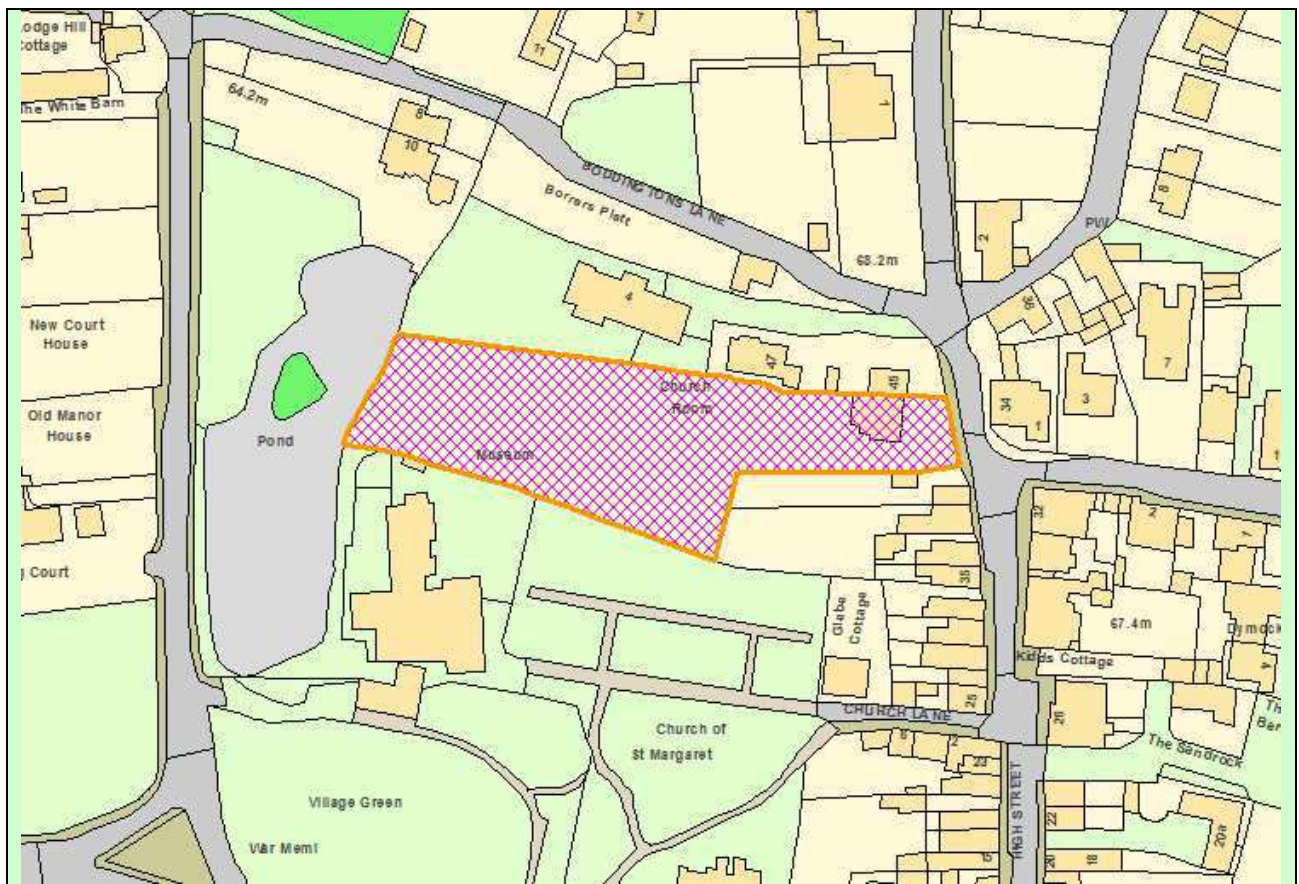
Appendices Appendix 1 - Site Location Map  
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees



## Appendix I

### Site Location Map



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## Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Application Documents -	ARBORICULTURAL ASSESSMENT		25.04.2017	Approved
Application Documents -	Architectural Report		25.05.2017	Approved
Application Documents -	D&A STATEMENT		25.04.2017	Approved
Application Documents -	HER Consultation Report		25.05.2017	Approved
Application Documents -	HERITAGE STATEMENT		25.04.2017	Approved
Application Documents -	Heritage Statement		25.05.2017	Approved
Plans - Tree Layout Plan	NJCL 052 A		25.04.2017	Approved
Plans - Tree Constraints Plan	NJCL 052 B		25.04.2017	Approved
Application Documents -	Photos of Existing		25.05.2017	Approved
Plans - Site Plan	S004/CS/200 A		25.04.2017	Approved
Plans -	S004/CS/202 A		25.04.2017	Superseded
Plans - Proposed Floor Plans	S004/CS/202 B		21.09.2017	Approved
Plans -	S004/CS/203 A		25.04.2017	Superseded
Plans - Site sections	S004/CS/204 A		11.09.2017	Superseded
Plans - Site Sections	S004/CS/204 B		20.09.2017	Approved
Plans - Proposed elevations	S004/CS/205		20.09.2017	Approved
Application Documents -	Site Notes		25.05.2017	Approved
Plans -	Site Plan		25.05.2017	Approved
Plans -	Topographical survey		16.08.2017	Approved

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

Report to **Planning Committee**  
Date **11 October 2017**  
By **Director of Planning**  
Local Authority **Lewes District Council**  
Application Number **SDNP/17/03067/FUL**  
Applicant **Mr & Mrs R Whettem**  
Application **Erection of a barn**  
Address **Street Record  
Clayton Road  
Ditchling  
East Sussex**

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**Recommendation: That the application be Approved for the reasons and subject to the conditions set out in paragraph 10 of this report.**

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## **Executive Summary**

### **1 Site Description**

- 1.1 The application site falls roughly centrally on the western boundary of a trio of fields located on the northern side of Clayton Road, to the west of Ditching, south east of Hassocks. The western boundary of the field forms the District boundary between Lewes and Mid Sussex.
- 1.2 Field hedging marks the western and southern edges of this particular field with the field rising to the north and east.
- 1.3 Whilst close to the built up edge of Hassocks to the North West, this is a predominantly rural area, the north face of the South Downs escapement forming a prominent feature to the south of the site. In between are agricultural fields and a handful of residential dwellings and farm complexes. To the east agricultural fields extend to the edge of the village of Ditchling. To the north and west are agricultural fields to the edge of Hassocks.
- 1.4 In terms of planning policy the site falls outside any planning boundary defined by the Lewes District Local Plan.

### **2 Proposal**

- 2.1 Earlier this year retrospective consent was sought for the retention of a storage building that had been erected in the south western corner of the north-eastern of the three fields owned by the applicant. The building had been constructed from a mixture of scaffold poles, wooden pallets, plywood and corrugated panels. Its purpose was to house the applicant's microlight along with equipment used to maintain the pasture.

- 2.2 A similar structure had previously been erected to the east of the current application site. However this building was in a more prominent location, visible from Clayton Road and attracted a number of complaints. The applicant therefore constructed the existing building as a replacement and the original structure has now been removed.
- 2.3 Whilst the new location for the storage building was considered preferable, being well screened and largely hidden from public vantage points, the quality of the construction and design of the building was considered inadequate. The applicant therefore withdrew the application and following discussions with officers has submitted the current proposal for consideration.
- 2.4 The building now submitted for consideration is located in a similar position, in the south western corner of the north eastern field. It measures 12 metres by 7.5 metres with a shallow pitched roof with eaves at 3 metres and an overall ridge height of 4.7 metres.
- 2.5 It would be clad with vertical timber boarding set under a metal steel sheet roof.

### 3 Relevant Planning History

SDNP/17/00600/FUL - Section 73A retrospective application for the erection of storage structure - Withdrawn

SDNP/17/02528/FUL - Insertion of access opening/gate in the hedgerow - Refused

### 4 Consultations

#### LE - Environmental Health

- 4.1 Comments awaited.

#### South Downs Society

- 4.2 Comments awaited.

#### Parish Council Consultee

- 4.3 Comments awaited.

#### LE - Environmental Health

- 4.4 If LPA is minded to grant a planning permission, then this should be subject to the following condition:

#### Unsuspected contamination

- 4.5 Condition: If, during development, contamination not previously known 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 detailing how this unsuspected contamination shall be dealt with.
- 4.6 Reason : To ensure that risks from any land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 120 and 121].



## **South Downs Society**

- 4.7 I write on behalf of The Ditching Society to object to this application. The applicant has applied before for a structure to house his microlite on these fields, having created two separate structures from palettes, poles and tarpaulin.
- 4.8 This application is for a far more sophisticated building. It is described in the application as an agricultural barn, but we would question its purpose as the applicant is not a farmer, and all previous intention was to house his microlite.
- 4.9 Our original objections also still stand:
- a) that it is entirely inappropriate to have such a building in these pasture fields which serves any other purpose other than agriculture, and this applicant has yet to prove that he is now intending to farm the land and to what purpose this building is designed.
- b) It is also an incursion into the greenfield settlement gap separating Keymer from Ditching, particularly as the siting is close to the built area of Keymer. This land is within the SDNPA and should be granted the highest level of protection particularly with the potential pressures of development in Hassocks and Keymer.
- 4.10 We urge the Planning Committee to scrutinise this application in detail.

## **Ditchling Parish Council**

- 4.11 Objection. The storage structure is unsuitable in this location. The design is poor. This structure represents an incursion into the strategic gap between Ditchling and Clayton. There is also a need to know what this is for, and what it is expected to be used for.

## **5 Representations**

5.1 None received.

## **6 Planning Policy Context**

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **Lewes District Council - The Core Strategy (Local Plan Part 1) 2014** and the following additional plan(s):

- Lewes District Local Plan (2003)
- SDNPA Partnership Management Plan 2014

Other plans considered:

- Ditchling, Westmeston & Streat Neighbourhood Plan

The relevant policies to this application are set out in section 7, below.

### National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- 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.

## 7 Planning Policy

### Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

### National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF 11 - Conserving and enhancing the natural environment

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **Lewes District Council - The Core Strategy (Local Plan Part 1) 2014** are relevant to this application:

- CP10 - Natural Environment and Landscape
- CP11 - Built and Historic Environment and Design

The following policies of the **Lewes District Local Plan (2003)** are relevant to this application:

- ST3 - Design, Form and Setting of Development
- CT1 - Planning Boundary and Key Countryside

The following policies of the **SDNPA Partnership Management Plan 2014** are relevant to this application:

- General Policy 1

### Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

- General Policy 1

The South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16<sup>th</sup> July 2015 to go out for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period ran from 2<sup>nd</sup> September to 28<sup>th</sup> October 2015. The responses received are being considered by the Authority. The next stage in the plan preparation will be the publication and then submission of the Local Plan for independent examination. Until this time, the Preferred Options Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the National Planning Policy Framework, which confirms that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation the policies within the Preferred Options Local Plan are currently afforded limited weight and are not relied upon in the consideration of this application.

## **8 Planning Assessment**

- 8.1 As set out above there are two main purposes for this building - storage of the applicant's microlight and storage of equipment needed in relation to the maintenance of the land.
- 8.2 At this point it is important to note that the use of the microlight and the use of the adjacent field for take off and landing purposes does not form part of this application. Provided the applicant only uses the adjacent field for take-off and landing purposes for no more than 28 days in any calendar year, planning permission is not required as this is considered to be permitted development under Class B of Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.
- 8.3 On this basis the main issue for consideration is the visual impact of this building on the character of the area.
- 8.4 As noted above the previous retrospective application was considered unacceptable as the quality of the construction and the design of the building was considered poor. With the site falling within the South Downs National Park, great weight is given to conserving landscape and scenic beauty. The building now proposed is a much higher quality building, of the type and style one would expect to see in rural location such as this.
- 8.5 The siting of the building is also very discreet, being in a sheltered position and hardly visible from any low level public vantage points (it is likely the building will be visible from long distance views from the top of the downs to the south, albeit views will be filtered by the trees edging the field).
- 8.6 The comments of the South Downs Society in relation to the applicant not farming the land and the protection of the 'strategic gap' are noted. However with the applicant, not living close to the site and there being no other buildings on site, it is not considered unreasonable to allow some storage facilities on site in order to maintain the land. With the style of the building now being of traditional agricultural, the rural character of the gap between Hassocks and Ditchling is considered to be maintained.
- 8.7 Whilst the scale of the building could arguably be said to be overly generous, considering the limited extent of land in the applicant's ownership, the discreet location of the building along with its superior design and construction are considered to outweigh this as a negative aspect of the proposals. On balance it is considered that the proposal is acceptable and will conserve the natural and scenic beauty of the wider national park. The incursion into the gap between Ditchling and Hassocks is considered insignificant and unobjectionable.

## 9 Conclusion

9.1 For the above reasons the application is considered to be acceptable and complies with Policy ST3 of the Lewes District Local Plan and Policies CPI0 and CPI1 of the Joint Core Strategy.

## 10 Reason for Recommendation and Conditions

It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)./ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

### 2. Approved Plans

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

3. 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

4. The building hereby approved shall be used for storage purposes in relation to the use of the surrounding land (including for the storage of a microlight and associated equipment) and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interest of residential amenity having regard to CT1 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

## 11. Crime and Disorder Implications

11.1 It is considered that the proposal does not raise any crime and disorder implications.

## 12. Human Rights Implications

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

### **13. Equality Act 2010**

- 13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

### **14. Proactive Working**

- 14.1 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.

**Tim Slaney**  
**Director of Planning**  
**South Downs National Park Authority**

Contact Officer: Sarah Sheath  
Tel: 01273 471600  
email: sarah.sheath@lewes.gov.uk

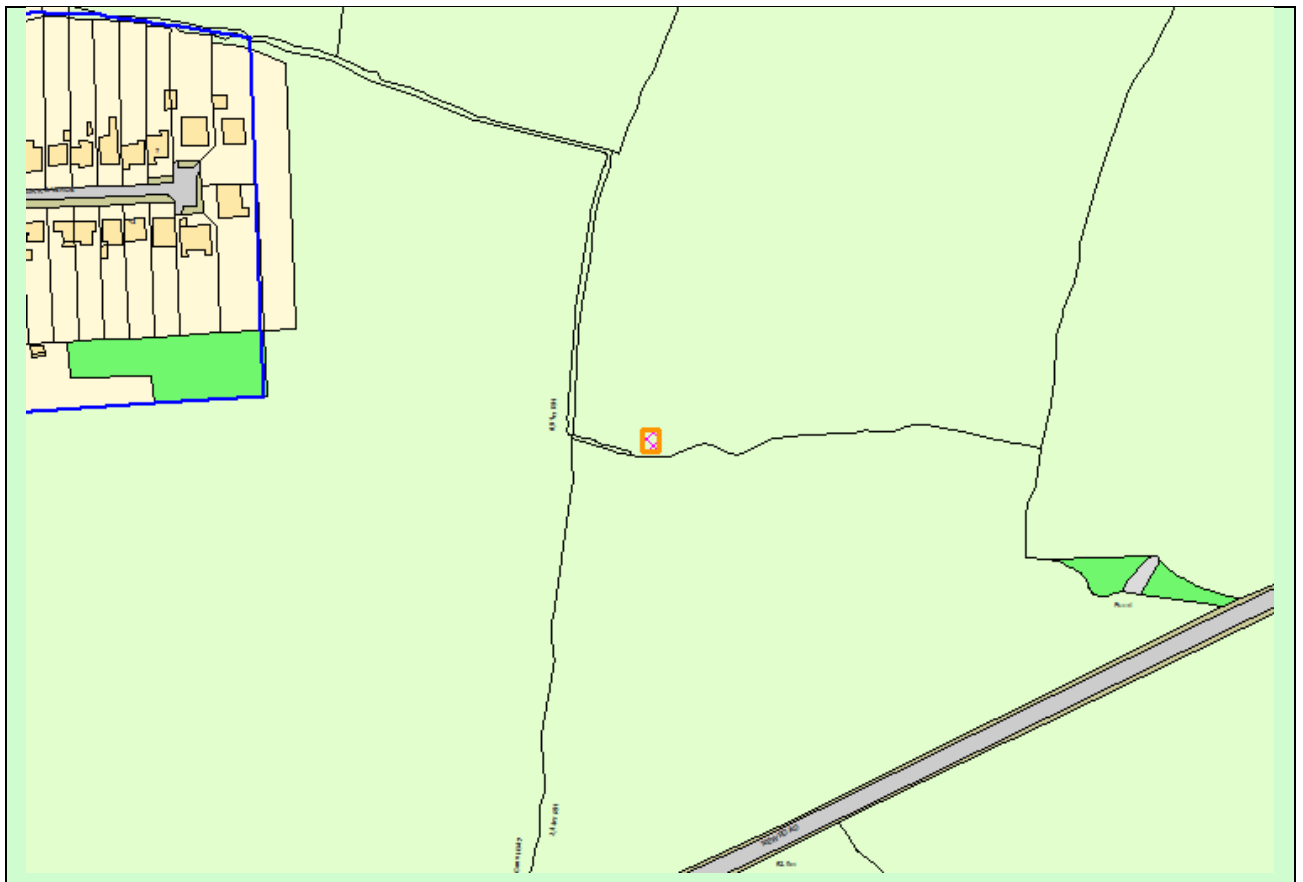
Appendices Appendix 1 - Site Location Map  
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

## Appendix I

### Site Location Map



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## Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Application Documents -	Landscape and Visual Impact Assessment		06.07.2017	Approved
Plans - Proposed - Barn on fields north of Clayton Road near Keymer	Site Plan		30.06.2017	Approved
Plans - Proposed Elevations and Layout Plan	Whettem		15.06.2017	Approved
Plans - Plan for doors to agricultural building	Plan for doors to agricultural building		15.06.2017	Approved

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

Report to **Planning Committee**  
Date **11 October 2017**  
By **Director of Planning**  
Local Authority **Lewes District Council**  
Application Number **SDNP/17/04366/HOUS**  
Applicant **Mr & Mrs Reynard**  
Application **Conversion of garage to habitable room, two storey rear extension incorporating a dormer window**  
Address **4 Ferrers Road  
Lewes  
BN7 1PZ**

---

**Recommendation: That the application be Approved for the reasons and subject to the conditions set out in paragraph 10 of this report.**

---

## **Executive Summary**

### **1 Site Description**

1.1 The application property is a semi-detached dwelling located on the south-west side of Ferrers Road.

### **2 Proposal**

2.1 The proposal is for the conversion of garage to habitable room and erection of a two storey rear extension incorporating a dormer window.

### **3 Relevant Planning History**

3.1 None.

### **4 Consultations**

#### **Lewes Town Council**

4.1 Comments awaited.

#### **Southern Gas Networks**

4.2 Comments awaited.

## 5 Representations

- 5.1 One letter received from No. 6 Feerrers Road objecting due to concerns regarding over-looking and over-shadowing.

## 6 Planning Policy Context

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **Lewes District Council - The Core Strategy (Local Plan Part I) 2014** and the following additional plan(s):

- Lewes District Local Plan (2003)

Other plans considered:

- Lewes Neighbourhood Plan

The relevant policies to this application are set out in section 7, below.

### National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- 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.

## 7 Planning Policy

### Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

### National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

NPPF - Requiring good design.

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **Lewes District Council - The Core Strategy (Local Plan Part I) 2014** are relevant to this application:

- CPII - Built and Historic Environment and Design

The following policies of the **Lewes District Local Plan (2003)** are relevant to this application:

- ST3 - Design, Form and Setting of Development
- RS13 - All Extensions

#### Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

The South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16<sup>th</sup> July 2015 to go out for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period ran from 2<sup>nd</sup> September to 28<sup>th</sup> October 2015. The responses received are being considered by the Authority. The next stage in the plan preparation will be the publication and then submission of the Local Plan for independent examination. Until this time, the Preferred Options Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the National Planning Policy Framework, which confirms that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation the policies within the Preferred Options Local Plan are currently afforded limited weight and are not relied upon in the consideration of this application.

## **8 Planning Assessment**

- 8.1 The application property is a semi-detached dwelling located on the south-west side of Ferrers Road. The proposal is for the conversion of garage to habitable room, single storey rear extension with dormer window over.
- 8.2 The proposed rear extension projects 2.68m from the rear wall of the dwelling, is 4.2m wide and has an eaves height of 2.6m. The roof of the extension is of a mono-pitch design to join onto the existing roof of the dwelling and create a catslide roof. It is proposed to insert a dormer window above the ground floor extension to create a first floor over the top. The dormer window measures 1.6m deep, 3.0m high with a dual pitched roof with a hip end over. The ground floor of the extension has a high level obscure glazed window in the north facing flank wall. The extension is set back approximately 1.0m from the northern boundary of the property with No. 6 Ferrers Road.
- 8.3 One letter has been received from the neighbour at No. 6 objecting to the application due to loss of light and over shadowing as well as disturbance caused by the building works. It is considered that due to the design of the extension with a catslide roof and a first floor incorporated within this roof that the impact on the neighbouring property to the north will be minimal. The extension itself only projects 2.6m from the rear wall of the host dwelling and is set back 1.0m from the boundary of the property. No. 6 is also set back from the boundary by approximately 1.0m. The extension is considered to comply with policy ST3 which requires that extensions should generally be restricted to within a line drawn from the mid-point of the nearest ground floor window opening to a habitable room of a neighbouring property. The line should be projected at 45 degrees for two storey extensions. Two storey extensions should also be set back one metre from the boundary and this proposal complies with this guideline.

- 8.4 The conversion of the garage to habitable room does not require planning permission.
- 8.5 Materials proposed will match those of the existing dwelling.

It is considered the proposal will not have a detrimental impact on the character of the property, and will not unduly impact on the residential amenities of local residents, in accordance with Policies RES13 (Extensions) and ST3 (Design, Form and Setting of Development) of the Lewes District Local Plan.

- 8.6 The development has also been considered against the relevant policies in the Joint Core Strategy Proposed Submission Document May 2014. The document was submitted to the Secretary of State on 16 September 2014 for Examination. Whilst the Core Strategy has no development plan status at this stage, its policies can be regarded as a material consideration due to its relatively advanced stage. The Core Strategy will be the pivotal planning document until 2030, forming Part I of our Local Plan and will set out the over-arching strategies that all other planning documents will need to be in conformity with. At this stage limited weight may be attributed to the policies. However it is considered to accord with Core Policy 11 Built and Historic Environment and Design.
- 8.7 The South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16th July 2015 to go out for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period will run from 2nd September to 28th October 2015 after which the responses received will be considered by the Authority. The next stage in the plan preparation will be the publication and then submission of the Local Plan for independent examination. Until this time, the Preferred Options Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the National Planning Policy Framework, which confirm that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation the policies within the Preferred Options Local Plan are currently afforded limited weight.
- 8.8 The development is not considered to be contrary to the South Downs National Park Partnership Management Plan, which is the over-arching strategy document for the management of the South Downs National Park, and accords with Policy 50 which deals with housing, design, and supporting balanced communities.

## **9 Conclusion**

- 9.1 It is recommended that planning permission be granted.

## **10 Reason for Recommendation and Conditions**

It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

### **1. Approved Plans**

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. [Page 55 of 98](#)

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)/ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

**11. Crime and Disorder Implications**

11.1 It is considered that the proposal does not raise any crime and disorder implications.

**12. Human Rights Implications**

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

**13. Equality Act 2010**

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

**14. Proactive Working**

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.

**Tim Slaney**  
**Director of Planning**  
**South Downs National Park Authority**

Contact Officer: Matthew Kitchener (Lewes DC)  
Tel: 01273 471600  
email: matthew.kitchener@lewes.gov.uk

Appendices Appendix 1 - Site Location Map  
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents



## Appendix I

### Site Location Map



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## Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans - Plans As Existing and Proposed	R17:LS:01		24.08.2017	Approved
Plans - Proposed Block Plan	R17:LS:02		24.08.2017	Approved
Plans - Location Plan	R17:LS:03		24.08.2017	Approved

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

**Agenda Item No:** 12 **Report No:** 143/17  
**Report Title:** Outcome of Appeal Decisions on 18<sup>th</sup> August 2017 and 19<sup>th</sup> September 2017  
**Report To:** Planning Applications Committee **Date:** 11<sup>th</sup> October 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>20 The Esplanade, Telscombe Cliffs, East Sussex, BN10 7EY</p> <p><b>Description:</b></p> <p><i>Demolition of garage and erection of a single storey one bedroom dwelling</i></p>	<p><b>Application No:</b> LW/16/0773</p> <p><b>Delegated Refusal</b></p> <p><b>Written Representations</b></p> <p><b>Appeal is allowed</b></p> <p><b>Decision:</b> 11<sup>th</sup> September 2017</p>
<p>Highbury Farm, Markstakes Lane, South Chailey, East Sussex BN8 4BS</p> <p><b>Description:</b></p> <p><i>Erection of a steel framed building</i></p>	<p><b>Application No:</b> LW/16/0644</p> <p><b>Delegated Refusal</b></p> <p><b>Hearing</b></p> <p><b>Appeal is allowed</b></p> <p><b>Decision:</b> 19<sup>th</sup> September 2017</p>

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



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## Appeal Decision

Site visit made on 15 August 2017

by **J Ayres BA Hons, Solicitor**

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

**Decision date: 11<sup>th</sup> September 2017**

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**Appeal Ref: APP/P1425/W/17/3175679**

**20 The Esplanade, Telscombe Cliffs, East Sussex BN10 7EY**

- 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 Mark Saxby against the decision of Lewes District Council.
  - The application Ref LW/16/0773, dated 20 August 2016, was refused by notice dated 12 December 2016.
  - The development proposed is the demolition of a garage and erection of single storey one bedroom dwelling.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the demolition of a garage and erection of single storey one bedroom dwelling at 20 The Esplanade, Telscombe Cliffs, East Sussex BN10 7EY in accordance with the terms of the application, Ref LW/16/0773, dated 20 August 2016, subject to the conditions set out in the attached schedule.

### Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area and with specific regard to the design of the proposal, the effect on parking, and the size of the proposed living space.

### Reasons

3. The appeal site is an end of terrace house which currently has an attached single storey, flat roof garage. The physical gap between the built form at this point is substantial due to the generous grass verge adjacent to the boundary, the width of Sussex Way, the grass verge opposite, and a further gap before residential development recommences. This gap provides a welcome break in the built form, allowing views towards the sea.
4. The proposal would have a slightly larger footprint than the existing garage. Due to the proposal being single storey with a flat roof the main physical change on the site would be the slight increase in width. In my view this would have a minimal impact on the visual gap that is provided between the built form at this point and the open nature of the vista would not be materially harmed by the proposal.
5. I have been referred to an appeal decision relating to the appeal site. The Inspector found that a two storey development would harm the character and appearance of the area and in this regard I agree with the Inspector. However

that appeal was materially different to the proposal before me with regards to its scale and mass. The proposal that I am considering would not increase the height of the development currently on the site, and as required by law I have determined this appeal on its own merits.

6. A significant proportion of the appeal site has been laid out as hardstanding and appears to accommodate a number of vehicles. A photograph provided as part of the evidence shows four vehicles parked on the site. The proposal would utilise the current space on the site for parking, and there is also on street parking available. It appeared to me at my site visit that the appeal site is in a relatively sustainable location with a range of services and facilities and there are opportunities to travel other than by car. The use of sustainable transport should therefore be encouraged.
7. I appreciate that concerns have been raised regarding parking in the area and accessibility for residents. However, there is little evidence provided by the Council to address this and I do not consider that the additional parking associated with a one bedroom flat would have a harmful effect on highway safety. Accordingly the impact of the proposal on the current parking situation would be unlikely to cause a level of harm that would justify dismissing the appeal on that ground.
8. The proposal would provide a bedroom, bathroom, and open kitchen and living area. The dwelling types in this area are varied, and I have not been provided with comparable properties to demonstrate that the space would be significantly smaller than other, modest properties in the area. I have not been provided with any evidence to confirm that larger dwellings remain as single units, or if they have been subdivided to provide smaller units. Accordingly, on the evidence provided and on the basis of my site visit, I consider that although the space provided is limited, the plans demonstrate that the normal domestic activities of the occupier are separated.
9. Accordingly, I find that the proposal would not have a detrimental effect on the character and appearance of the area and would comply with Policy CP11 of the Lewes District Local Plan Part One Joint Core Strategy 2016 with regards to preserving the character and appearance of the area. The proposal would comply with the design aims of saved Policy ST3 of the Lewes District Plan 2003.

### **Other Matters**

10. A number of concerns have been raised through-out the application and appeal process by local residents. Whilst I can understand the concerns raised, they do not lead me to form a different conclusion with regards to the scheme overall.

### **Conditions**

11. I have had regard to the conditions that have been suggested by the Council in accordance with the advice in the Framework and Planning Practice Guidance. The Appellant has had the opportunity to comment on the suggested conditions as part of the appeal process.
12. A condition specifying the approved plans is necessary as this provides certainty. I have imposed a condition requiring the materials to match the existing dwelling to safeguard the character and appearance of the area.

13. Due to the historical use of the garage I have included the suggested condition relating to contamination in the interests of ensuring a safe environment.
14. I have had regard to the Council's suggested condition restricting permitted development rights. The PPG advises that conditions restricting the future use of permitted development rights should only be used in exceptional circumstances. The site is of a limited size and additional development to that allowed by this appeal may have a detrimental impact on the character and appearance of the area. Accordingly I consider a condition restricting permitted development rights is justified in this instance.

### **Conclusion**

15. For the reasons given above, and having considered all other matters, I conclude that the appeal is allowed.

*J Ayres*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1210/16 Issue B Existing Floor Plans and Elevations; 0207/16 Issue C Proposed Floor Plans and Elevations; Proposed Block Plan and Site Location Plan.
- 3) The external surfaces of the development hereby permitted shall be constructed in materials which are similar in colour and style to No 20 The Esplanade.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development shall take place under Schedule 2 Part 1 Class A of the Order.
- 5) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

### **END OF CONDITIONS**





## Appeal Decision

Hearing Held on 17 August 2017

Site visit made on 17 August 2017

**by David Reed BSc DipTP DMS MRTPI**

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

**Decision date: 19 September 2017**

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**Appeal Ref: APP/P1425/W/17/3168691**

**Highbury Farm, Markstakes Lane, South Chailey, East Sussex BN8 4BS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.
  - The appeal is made by Michelle Durnford against the decision of Lewes District Council.
  - The application Ref LW/16/0644, dated 28 July 2016, was refused by notice dated 19 August 2016.
  - The development proposed is a steel framed building similar to the existing barn located within the farm.
- 

### Decision

1. The appeal is allowed and approval is granted under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 for a steel framed building similar to the existing barn located within the farm at Highbury Farm, Markstakes Lane, South Chailey, East Sussex BN8 4BS, in accordance with the terms of the application, Ref LW/16/0644, dated 28 July 2016, subject to the following condition:
  - 1) The building hereby permitted shall be constructed with the same external materials and be the same colour as the existing barn on the site, and shall have a ridge height no higher than that building.

### Main Issues

2. The dispute concerns one of the requirements of the 2015 Order for permitted development rights under Class A. In addition, prior approval has been refused under paragraph A.2(2)(i) of the Order.
3. Consequently, the main issues in this case are:
  - whether the building would be reasonably necessary for the purposes of agriculture within the agricultural unit;
  - and, if so, whether prior approval should be given for the siting, design and external appearance of the building.



## Reasons

### *Whether necessary for the purposes of agriculture within the unit*

4. Highbury Farm comprises nine fields totalling about 9.6 hectares to the south of Markstakes Lane which are used for grazing and making hay<sup>1</sup>. The farm is essentially a livestock enterprise with on average about 100 sheep together with a small number of pigs and chickens. Some incidental firewood is also produced from the trees and woodlands on site. The farm provides full time employment for both Mr and Mrs Durnford with Mrs Durnford working just one day per week elsewhere.
5. The land was purchased in late 2012 to establish a new farming enterprise following the break-up of the previous farm. Initially a modest 40 sq m livestock shelter was erected towards the centre of the holding followed by an application for prior approval for a large 465 sq m barn, the maximum under permitted development rights. This was refused on the grounds that it was not demonstrably required by the farm and would be unduly prominent<sup>2</sup>. Approval was subsequently given for a smaller barn 160 sq m in size near the Markstakes Lane frontage and this was built in early 2016<sup>3</sup>.
6. This barn was rapidly filled up with machinery, hay and firewood leading to the current application for prior approval for a second 160 sq m barn, identical to the first and to be sited immediately alongside. Like the current barn it would be 3 m to the eaves and 4.5 m to the ridge, with green cladding and grey roof, and would be used for similar storage purposes.
7. There is no dispute that Highbury Farm is an established agricultural unit over 5 hectares in size and thus benefits from Class A permitted development rights. In addition, the proposed barn, together with the existing barn, would not exceed the cumulative size limit of 465 sq m. However, at 9.6 hectares, the farm is relatively small, and the Council argue that the second barn is needed to support off-site contracts rather than agriculture on the farm itself, and thus does not qualify as permitted development.
8. The evidence for this is an email dated 17 August 2016 which stated that the business had seven contracts to cut hay and maintain hedges in Plumpton, East Chilton and Cuckfield. In a few cases the hay may be brought back to Highbury Farm for onward sale. However, at the hearing the appellants clarified that these contracts were only casual agreements and was essentially grass cutting or haymaking for small landowners without their own equipment, not work for other farms. During 2017 the requests for such services had been limited, and to date only two half days had been spent on outside work. The reality was that the workload on the main farm meant there was little spare capacity for external contracting to be a significant part of the business.
9. The farm accounts were not made available at the hearing but it is clear the main farm income is derived from the sale of sheep and a small number of pigs, maximised by dealing directly with the abattoir, together with the sale of hay, some timber, and the Government basic payment scheme. In total, the income from the farm is only modest for even one person but it is acceptable to

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<sup>1</sup> The farm also currently has use of about 10 acres of grazing land near Newick but has no rights of tenure.

<sup>2</sup> Ref LW/15/0629

<sup>3</sup> Ref LW/15/0762

the appellants and there is no evidence that external contracting income is a fundamental and necessary part of the overall enterprise.

10. A full itemised list of the equipment purchased for use by the business was supplied and the various items were identified during the site visit, some stored in the existing barn and some left outside. The amount of machinery on the farm is certainly impressive, including primary and secondary tractors, two compact tractors, a Land Rover, several trailers, and a wide range of specialist equipment for occasional use including various mowers, baler, digger, hedge cutter and log splitter. The Council's agricultural adviser accepts that all these items would be used on the farm at some point during the year, but considers that most farms of the size of Highbury Farm would operate with much less equipment, relying on hired-in machinery or the use of contractors for specialist tasks. This would avoid the need for a second barn.
11. Whilst this may be the case, the appellants' strategy is to be as self-sufficient as possible, both producing their own winter feed from the holding and having the full range of machinery to avoid reliance on others. This is a legitimate if perhaps less common approach and involves the need for more space to store feed and equipment. The machinery list demonstrates that the floorspace required to store all the items would be 142 sq m, more than the size of the existing barn, and this excludes manoeuvring space, space to store winter feed, excess hay for sale and drying logs. The site visit confirmed that the existing barn was basically full, with further machinery having to be left outside or kept under a makeshift shelter.
12. It is important for valuable farm machinery to be kept indoors to maximise its useful life and for security reasons. The appellant also requires more space to store hay for winter feed and/or sale as the lack of storage space currently constrains haymaking on the farm leading to a loss of income. The appellants estimate that about 565 bales were spoilt by rain or went unharvested for lack of storage in 2016, and the problem was apparent again on the date of the site visit - the hay crop in some fields was ready for harvesting but there was little storage space left in the barn<sup>4</sup>.
13. There is consequently little doubt that the second barn would be fully utilised to store farm machinery and hay. However, the need for more space arises primarily from farming activities on Highbury Farm not as a result of off-site contracting work. There is no evidence that machinery has been bought specifically for contracting; there is no dispute it is all used at Highbury Farm albeit in some cases infrequently. There is also no evidence that off-site contracting is, or is planned to be, an important part of the business.
14. The residual argument is that the amount of machinery within the business is excessive and well above that usually owned by a farm of this size. However, within reason, the way the farm is operated is a matter for the appellants. Permitted development rights for agriculture are generous, a holding of five hectares being entitled in principle to a building of 465 sq m. In this case, with the second barn, the 9.6 hectare farm would have buildings totalling 360 sq m. The 'reasonably necessary' criterion should therefore be interpreted flexibly to allow for the efficient working of Highbury Farm as actually operated by the appellants rather than how it might be operated.

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<sup>4</sup> The livestock shelter is not available for overflow storage as it is needed during bad weather for animal welfare reasons and simultaneous use for feed or bedding storage would conflict with health regulations.

15. For these reasons the proposal should be regarded as reasonably necessary for the purposes of agriculture within the agricultural unit and is thus permitted development under Class A of the 2015 Order.

*Siting, design and external appearance*

16. The Council accepted at the hearing that the purpose of prior approval for the siting, design and external appearance of the building is to ensure that the details of the proposal are acceptable once the principle of the development has been agreed.
17. In relation to siting, the second barn would be located parallel to the existing with a gap of about 3 m between the two buildings<sup>5</sup>. This would add to the visual impact of the existing barn which can be seen from Markstakes Lane and the two residential properties opposite despite the substantial roadside hedge. However, it would be located on the far side, away from the lane, thus limiting most of the additional impact to the view when approaching along the lane from east or west. The position of the barn near the farm entrance allows for ease of access during the winter months when the land becomes waterlogged and avoids the need for a new access track which would itself be intrusive. A site elsewhere on the holding would also fragment the buildings.
18. There is no dispute that to minimise the impact of the two barns on the landscape the second should have a similar appearance to the first. This should be secured by condition, together with a requirement that the ridge height of the new building should be no higher than the existing barn as the land concerned rises gently.
19. For these reasons, and subject to this condition, prior approval should be given for the siting, design and external appearance of the building. The proposal is acceptable having regard to Core Policy 11 of the Lewes Joint Core Strategy 2016 and saved Policy ST3 of the Lewes District Local Plan 2003 which seek to ensure proposals conserve the character of the rural environment and respect the local area generally.

**Conclusion**

20. Having regard to the above the appeal should be allowed.

*David Reed*

INSPECTOR

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<sup>5</sup> Reduced distance confirmed at the hearing.

**APPEARANCES**

FOR THE APPELLANT:

Michelle Durnford                      Appellant

Nicholas Durnford                      Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Sarah Sheath BSc DipTP MRTPI      Senior Planning Officer, Lewes District Council

David Hall MRICS                      Agricultural Consultant

INTERESTED PERSONS:

Brian Royston                          Local Resident

**Agenda Item No:** 13

**Report No:** 144/17

**Report Title:** Implementing Article 4 directions to withdraw the permitted development rights granted by Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in key areas identified in Newhaven

**Report To:** Planning Committee

**Date:** 11 October 2017

**Cabinet Member:** Cllr Tom Jones

**Ward(s) Affected:** Newhaven Valley and Newhaven Denton & Meeching Wards

**Report By:** Nazeya Hussain, Director of Strategy, Regeneration & Planning

**Contact Officer(s)-**

**Name(s):** Alec Fuggle  
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**Tel No(s):** 01273 085459

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### **Purpose of Report:**

To seek approval to implement Article 4 directions to withdraw Permitted Development rights in the areas identified in Appendices A and B. This will mean that for changes of use from office to residential and light industrial to residential, a full planning application is required as opposed to a, more streamlined, prior approval application.

The affected sites are identified in a table and maps in Appendices A and B of this report.

### **Cabinet Recommendations**

On 28 April 2016, Cabinet approved the Newhaven Enterprise Zone report and agreed to the recommendations set out. The Enterprise Zone is a regeneration-led project for Newhaven and the report focused on the necessary steps to achieve success. Within the report, Article 4 directions were identified as a tool that could be used in order for the Enterprise Zone to meet the Council's ambition for Newhaven.

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

To note the Cabinet's ambition to regenerate Newhaven as set out in the Newhaven Enterprise Zone cabinet report (28/04/2016) which set out the ways in which this could be achieved. With this in mind it is suggested that the Committee agree to the following recommendations.

- 1** That the Planning Committee authorises the withdrawal of permitted development rights for the change of use of a building and any land within its curtilage from a use class falling within Class B1(c) (light industrial) of the Town and Country Planning (Use Classes) (Amendment) (England) Order to a use class falling within C3 (dwellinghouses) of that Schedule being development comprised within class PA of part 3 of schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This will only be applicable to the sites identified in Appendices A and B.
  
  - 2** That the Planning Committee authorises the withdrawal of permitted development rights for the change of use of a building and any land within its curtilage from a use class falling within Class B1(a) (office) of the Town and Country Planning (Use Classes) (Amendment) (England) Order to a use class falling within C3 (dwellinghouses) of that Schedule being development comprised within class PA of part 3 of schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This will only be applicable to the sites identified in Appendices A and B.
  
  - 3** That the Planning Committee notes that notice given for the Article 4 directions will be on 31 October 2017 and the Article 4 direction will come into force from 1 November 2018, subject to consultation and confirmation.
-

## Reasons for Recommendations

- 1 The Council's Constitution requires Planning Committee to consider the implementation of Article 4 directions. This is because it is the policy of Cabinet to devolve matters of planning control to Planning Committee to decide upon. This decision will be a key aspect of LDC's options for the ongoing regeneration of Newhaven and will help to retain vital employment land for the future.
- 2 The withdrawal of permitted development rights will help to protect existing and future employment space from being converted into residential development through the prior approval process, and will help us to retain greater control over the planning process. Any applicants seeking to convert light industrial or office space into residential would still be able to apply for a change of use through the regular planning application process.
  - o This is especially important for those sites located within the Newhaven Enterprise Zone, as losing those areas to residential use through the prior approval process would undermine the principles of the Enterprise Zone, which is strongly focused on job creation and the provision of new commercial floorspace to support growth of the sub-regional economy.
- 3 It is considered vital that Newhaven has a strong portfolio of employment sites to attract investment into the area in order to maintain and grow resilience in our economy. The implementing of an Article 4 direction is a crucial part of ensuring Newhaven – and in the wider context, Lewes District – is able to retain and attract businesses and create and sustain employment opportunities.
- 4 No compensation is payable where the Council gives notice of the withdrawal between 12 months and 24 months in advance, hence the proposed commencement date of 1 November 2018.

## Information

### 5 Permitted Development Rights

- 5.1 Under the Town and Country Planning Act 1990 (TCPA), planning permission is required for the carrying out of any development on land. The TCPA (General Permitted Development) Order 2015 allows certain development without the need for planning permission.
- 5.2 In May 2013, the Government introduced a new temporary permitted development right to allow the change of use from office (B1a) to residential (C3). These rights were made permanent in April 2016. This means that applicants must seek approval from the Council, but only for specified elements to ensure that the development is acceptable. In determining a prior approval application, the Council only considers impacts of the proposed development on:
  - Transport and highways
  - Contamination
  - Flood risk
  - Noise
- 5.3 Permitted development rights can only be withdrawn if significant adverse impact has been identified. Typically, obtaining planning permission requires additional key planning matters to be considered such as affordable housing and design standards.



- 5.4** In April 2016, the Government also introduced a new permitted development right to allow the change of use from light industrial (B1c) to residential (C3) will come into force for a temporary period of 3 years starting from 1 October 2017. This will be restricted to buildings with an existing gross floorspace of less than 500m<sup>2</sup>.

## **6 Article 4 Directions**

### What is an Article 4 Direction and when can you use one?

- 6.1** The Council can, in exceptional circumstances, make an Article 4 direction that will remove permitted development rights within a designated area. The direction can cover a single building, street or neighbourhood.
- 6.2** As noted above, permitted development rights can only be withdrawn if there is reliable evidence that such rights would cause significant adverse impact to the local amenity, well-being or character of an area.
- 6.3** Article 4 directions must be made in accordance with the National Planning Policy Framework (NPPF). Paragraph 200 of the NPPF notes:
- “The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities).”*
- 6.4** An Article 4 direction does not prohibit development, but enables the Council to retain greater control over the planning process.

### How long does an Article 4 direction last for?

- 6.5** Once an Article 4 direction comes into force, it remains in force indefinitely unless the direction is cancelled. An Article 4 direction cannot prevent development which has commenced or has already been carried out.
- 6.6** There is a requirement for the Council to monitor any Article 4 directions, to make sure that the original reasons under which the direction was made remain valid.

### Compensation and Planning Fees

- 6.7** Compensation is only payable if an application for planning permission for certain development formerly permitted by the GPDO is made within 12 months of the Article 4 direction taking effect.
- 6.8** However, no compensation for the withdrawal of certain permitted development rights is payable if the Council gives notice of the withdrawal between 12 and 24 months in advance.
- 6.9** A full planning application, that is only required because an Article 4 direction is present, is completed in the usual way except no planning fee is payable.
- 6.10** The process for making and confirming a non-immediate Article 4 direction is summarised within Appendix D of this report.

## 7 Evidence Base & Strategic Context

### Evidence Base

- 7.1** The latest data<sup>1</sup> indicates that the town of Newhaven accommodated approximately 5,450 jobs in 2016, representing 14.6% of all jobs recorded in Lewes District.
- 7.2** From 2009 to 2015 the number of jobs in Newhaven increased by 270, although the town's proportion of district-wide jobs decreased slightly from 15.5% to 14.6%. This highlights that other areas of the district have experienced greater job growth between 2009 and 2015.
- 7.3** Newhaven, however, plays a particularly significant role in accommodating the District's factory (68.7%) and warehousing (55.9%) space, and is the location for approximately 40% of all B use class space in Lewes District.
- 7.4** Newhaven is heavily dependent on manufacturing development<sup>2</sup>, which employs over 1,000 people locally. The town is also dependent on retail (850 jobs), health (550 jobs) and transport & storage (500 jobs), which includes Port-related activities. Conversely, employment in professional and business services is relatively limited and these sectors are thus under-represented in Newhaven.

### Strategic Context

- 7.5** Newhaven is identified in the Lewes District Local Plan 2010-2030 as a focus for enterprise and training within the district. Both the South East Local Enterprise Partnership (SELEP) and Coast to Capital (C2C) Local Enterprise Partnership identify Newhaven as a strategic growth location.
- 7.6** In particular, SELEP's Strategic Economic Plan notes that Newhaven has substantial capacity for growth, with a 'Clean Tech and Maritime Growth Corridor' estimated to deliver 5,225 jobs and 1,890 homes. Equally, the C2C Strategic Economic Plan identifies Newhaven as a 'Key Opportunity Area' linked to the establishment of the Enterprise Zone.

### Newhaven Enterprise Zone

- 7.7** Newhaven Enterprise Zone is a collaboration between C2C and the Council, which formally commenced in April 2017. The Enterprise Zone comprises eight key sites and covers around 79 hectares of land.
- 7.8** Over the next 25 years, it is anticipated that the Enterprise Zone will create around 55,000m<sup>2</sup> of new commercial floorspace. It will refurbish a further 15,000m<sup>2</sup> of existing commercial floorspace, whilst creating and sustaining approximately 2,000 jobs.
- 7.9** Enterprise Zone status offers a range of benefits including:
- Business rates discount worth up to £275,000 per business over a maximum of five years
  - No pre-application charges for planning enquiries on employment-led schemes on the EZ sites

<sup>1</sup> Lichfield Employment Land Review 2017

<sup>2</sup> Cushman & Wakefield Newhaven EZ Implementation and Investment Plan 2017

- Dedicated support and advice from C2C, as well as the Council's Regeneration team.

### Employment Land Review Update

- 7.10** In April 2017, the Council commissioned Lichfields to undertake an update to the existing Employment Land Review. This update was focused on Newhaven, with a view to providing an evidence base to assess the need for the implementation of Article 4 directions.
- 7.11** Having reviewed the Lichfields report, Officers consider that there is clear evidence to support the implementation of Article 4 directions in Newhaven to protect office and light industrial use.
- 7.12** Appendix D contains an excerpt from the Lichfields report, outlining the loss of office floorspace to residential in recent years with a particular focus on Newhaven. The full Employment Land Review update undertaken by Lichfields is available for Committee Members on request.

## **8 Change of Use Implications**

In summary, losing office and light industrial space to residential could:

- Create problems for businesses forced to vacate premises, with no guarantee that they will be able to find alternative premises in Newhaven.
- Mean residential units may be created in potentially unsustainable locations.
- Mean residents may suffer unsatisfactory living conditions, which would result in residents then looking to the Council to remedy the harm. This may create added costs and bureaucracy for the Council, as well as an adverse impact on existing business activity.
- Reinforce adverse commuting patterns, with a consequential impact on the local transport infrastructure.
- Reduce the potential rateable income to the Council, albeit this would be offset through an increase in Council Tax.

## **9 Proposed Article 4 Directions**

- 9.1** For the reasons evidenced above, Officers are recommending the withdrawal of permitted development rights for both light industrial and office to residential across the eight sites in Newhaven (as shown in Appendices A and B).
- 9.2** The proposal is to provide notice of a non-immediate Article 4 direction on 31 October 2017, subject to approval from the Council's Planning Committee.
- 9.3** The Article 4 direction will be implemented from 1 November 2018 subject to public consultation, which is expected to run for 8 weeks after the making of the direction.
- 9.4** By making a non-immediate [Article 4 direction](#) at least 12 months between giving notice and making the direction, no compensation will be payable.

- 9.5** However, non-immediate Article 4 directions run the risk of a longer period where permitted development rights remain active. This could result in an increased number of prior approval applications for conversions from office and light industrial to residential in the 12 months prior to the Article 4 direction coming into force – and subsequently an increased loss of employment land uses in Newhaven.
- 9.6** Five of the proposed ‘designated areas’ are fully or partially within the Newhaven Enterprise Zone, whilst all eight sites proposed are considered to be of significant employment importance, both in Newhaven and across the wider Lewes District. The presence of the Enterprise Zone emphasises Newhaven’s role as a key strategic area for business growth and investment.
- 9.7** By withdrawing permitted development rights, the Council can ensure that applications for change of use are assessed against the full development management policies as opposed to the limited prior approval criteria.
- 9.8** Additionally, the implementation of Article 4 directions will work in conjunction with the relevant development plans to provide a strong basis to protect and promote employment land in Newhaven.

## **10 Financial Appraisal**

- 10.1** At this stage, it is very difficult to estimate the potential implications arising from the recommendations in this report. The cost of making the Article 4 direction will be met from the existing Regeneration budget; the cost is not expected to be more than £5,000.
- 10.2** Applications for planning permission which would have previously been permitted, prior to an Article 4 direction coming into force, are entitled to apply for planning permission without paying the prior approval planning application fee.
- 10.3** From 1 August 2016 to 1 August 2017, the Council charged a total of £80 for prior notification fees from office to residential and storage to residential. A table of all of the prior approval applications the Council has received since the change in permitted development rights came into force is included as an Appendix to this report.
- 10.4** The Article 4 direction could lead to an increase in the number of prior approval notices submitted by landowners seeking to beat the period within which the Direction will be in effect.
- 10.5** On balance, however, it is considered that the benefits outweigh the loss of this income.
- 10.6** Furthermore, in 2020 business rates will be devolved to local government. This is intended to act as an incentive to attract businesses and bring forward business premises. If business premises are lost through change of use to residential, the Council’s income from business rates will fall.
- 10.7** There are also costs associated with the implementation and publication of the Article 4 direction including:
- Advertising in the local press
  - Displaying site notices

- Consultation with the public for a minimum of 21 days (although Officers are proposing a longer consultation period of 8 weeks to ensure that all views are captured).
- 10.8** There could also be financial implications for the Council as a landowner with an interest in several of the sites proposed, as the making of Article 4 directions could have implications on the value of the Council's property assets.
- 10.9** These implications have been assessed by Officers, and it has been agreed that the implementation of Article 4 directions will provide long-term benefits for Newhaven and its economy, which outweigh the Council's role as a local landowner.
- 10.10** Fundamentally, removing permitted development rights will not affect the ability to develop alternative uses. The Article 4 directions will help the Council to retain greater planning control as the Local Planning Authority. This will help the Council to plan new development more effectively. As such, it is considered that the cost to retain this greater control is justifiable.

## **11 Legal Implications**

- 11.1** The making of an Article 4 Direction is required to be made under the terms of the Town & Country Planning Act 1990 (as amended). This includes consultation, advertising and a period for representations to be made.
- 11.2** If there are objections to the making of the Order, it will be necessary to hear those objections at an Inquiry. Once the Direction is confirmed, it will not come into force until after such date as prescribed in the Direction.
- 11.3** Legal Services can confirm it has had input into the contents of this report.

## **12 Risk Management Implications**

- 12.1** A Risk Management Assessment has been carried out in accordance with the Checklist for Decision Makers. This assessment can be found in Appendix E.

## **13 Equality Screening**

- 13.1** On 28 April 2016, an Equality Screening was conducted as part of the proposal for the Newhaven Enterprise Zone, which was subsequently approved by Cabinet. This screening noted that:

*“Between 20 January and 2 February 2016, an Equality Analysis was undertaken on this proposal. Due regard was given to the general equalities duties and the likely impact of the decision on people with protected characteristics, as set out in the Equality Act 2010.*

*The assessment identified that no major changes are required. The EA demonstrates the project is robust, there is little potential for discrimination or adverse outcomes, and opportunities to promote equality have been taken.”*

**13.2** The proposed Article 4 directions are primarily focused on sites within the Enterprise Zone. A separate screening for this proposal has therefore not been undertaken. A copy of the original Equality Analysis for the Enterprise Zone is attached as an Appendix.

## **14 Background Papers**

**14.1** Lichfields, Employment Land Review Update 2017

**14.2** Cushman & Wakefield, EZ Implementation and Investment Plan 2017

**14.3** National Planning Policy Framework

**14.4** National Planning Policy Guidance

**14.5** Town and Country Planning (Compensation) (England) Regulations 2016

**14.6** Town and Country Planning (General Permitted Development) (England) 2015

## **15 Appendices**

**15.1** The following documents are attached as an Appendix to this report:

**15.2** Appendix A - Article 4 direction table of sites

**15.3** Appendix B - Article 4 direction maps

**15.4** Appendix C - Table of prior approval applications for office to residential in Newhaven

**15.5** Appendix D - Extract from Lichfields Report showing loss of office floorspace through permitted development rights

**15.6** Appendix E - Equality analysis report

**15.7** Appendix F - Procedure for making a non-immediate Article 4 direction

**15.8** Appendix G - Risk management implications assessment

Appendix A - Article 4 direction table of sites

Article 4 Site	Enterprise Zone	Permitted Development Rights to be removed
Avis Way (Excluding Playing fields, but including Estate Road)	Partially included	Light Industrial
Beach Road Trading Estate	No	Light Industrial
Bevan Funnell (South Factory site only)	Partially included	Light Industrial
Denton Island	No	Office
Eastside North	Yes	Light Industrial + Office
Eastside South	Yes	Light Industrial
Railway Road Industrial Estate (Excluding the Parker Pen site)	No	Light Industrial + Office
Town Centre	Yes	Office



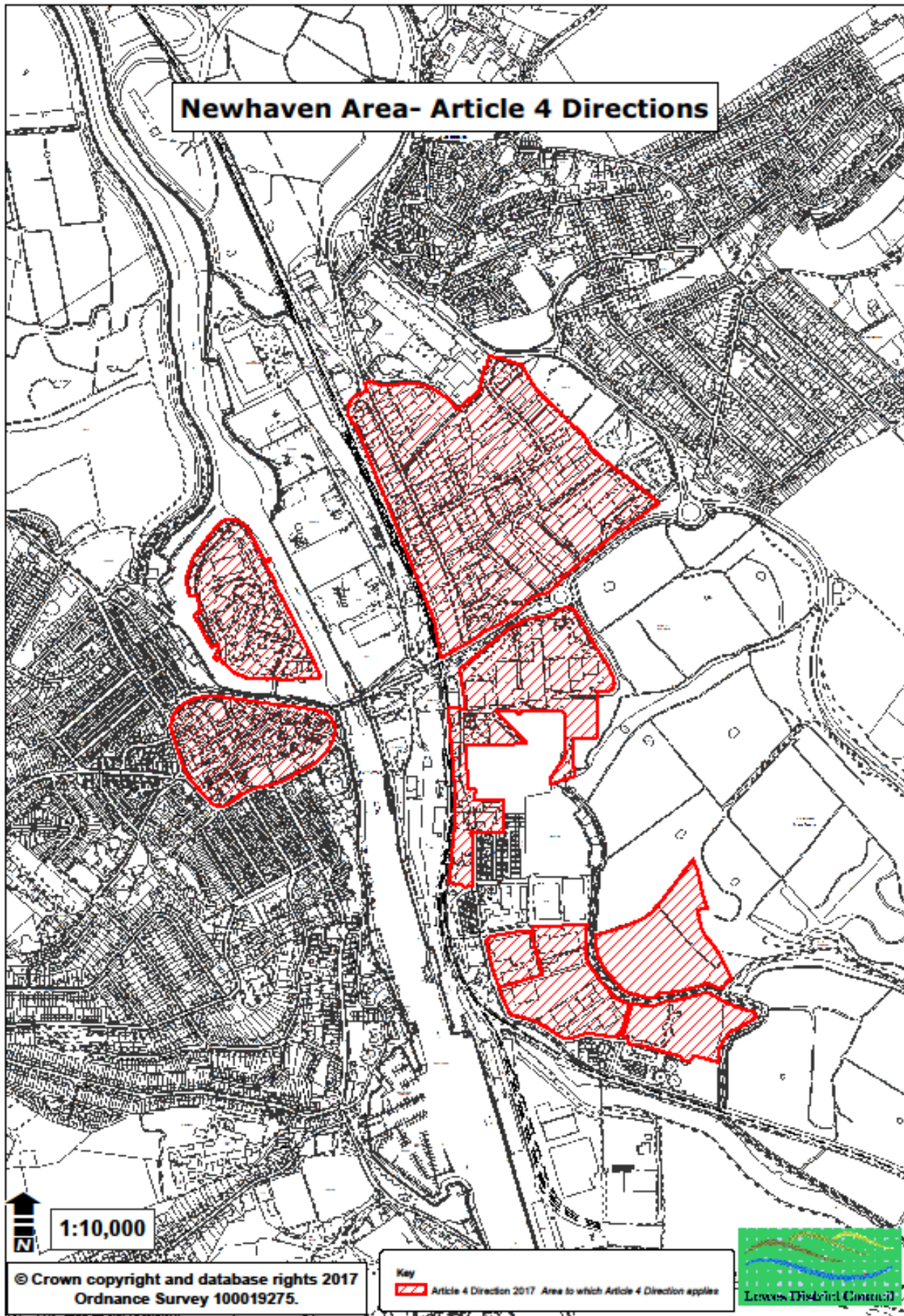


Figure 1 – Newhaven Article 4 directions



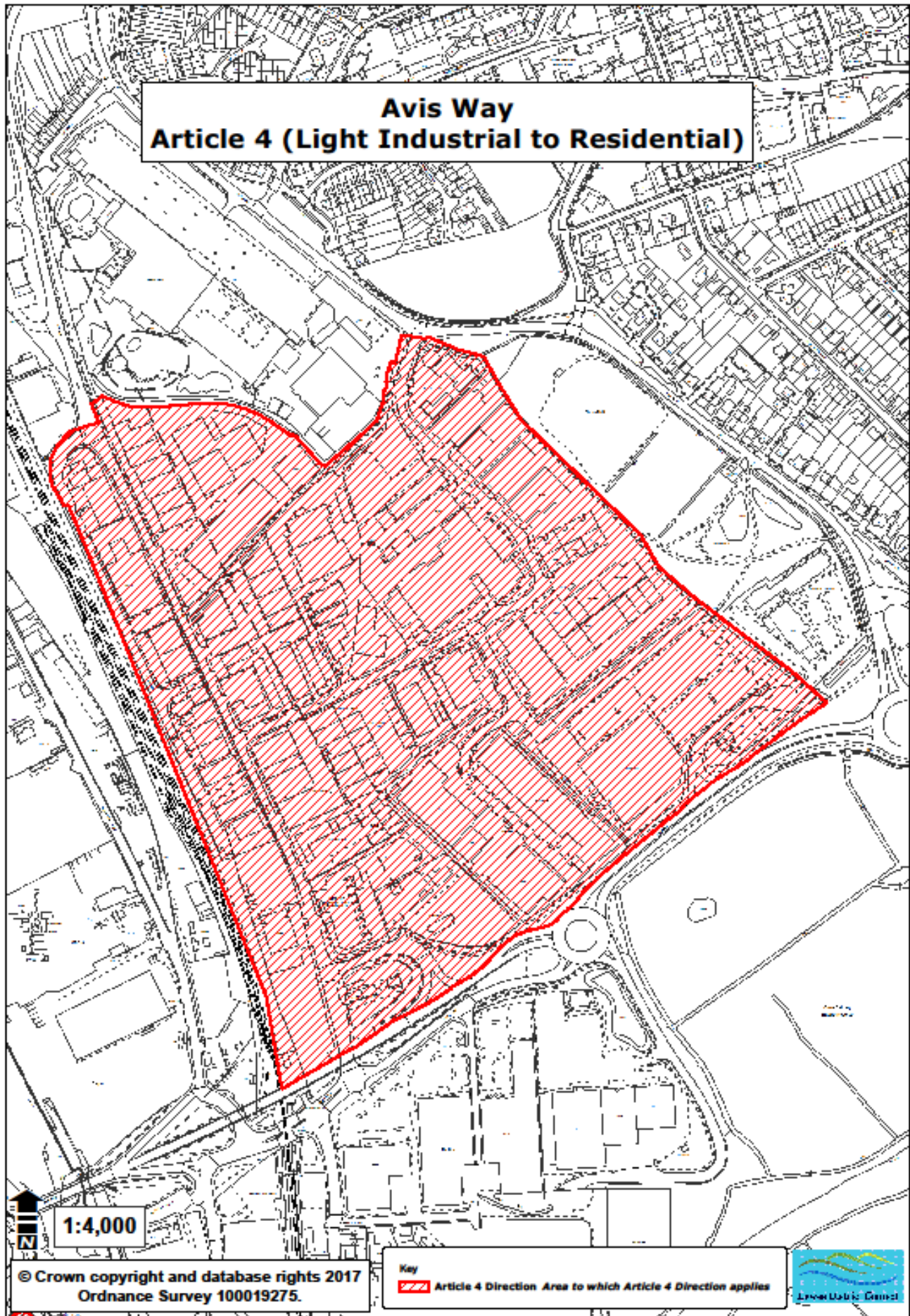


Figure 2 - Avis Way

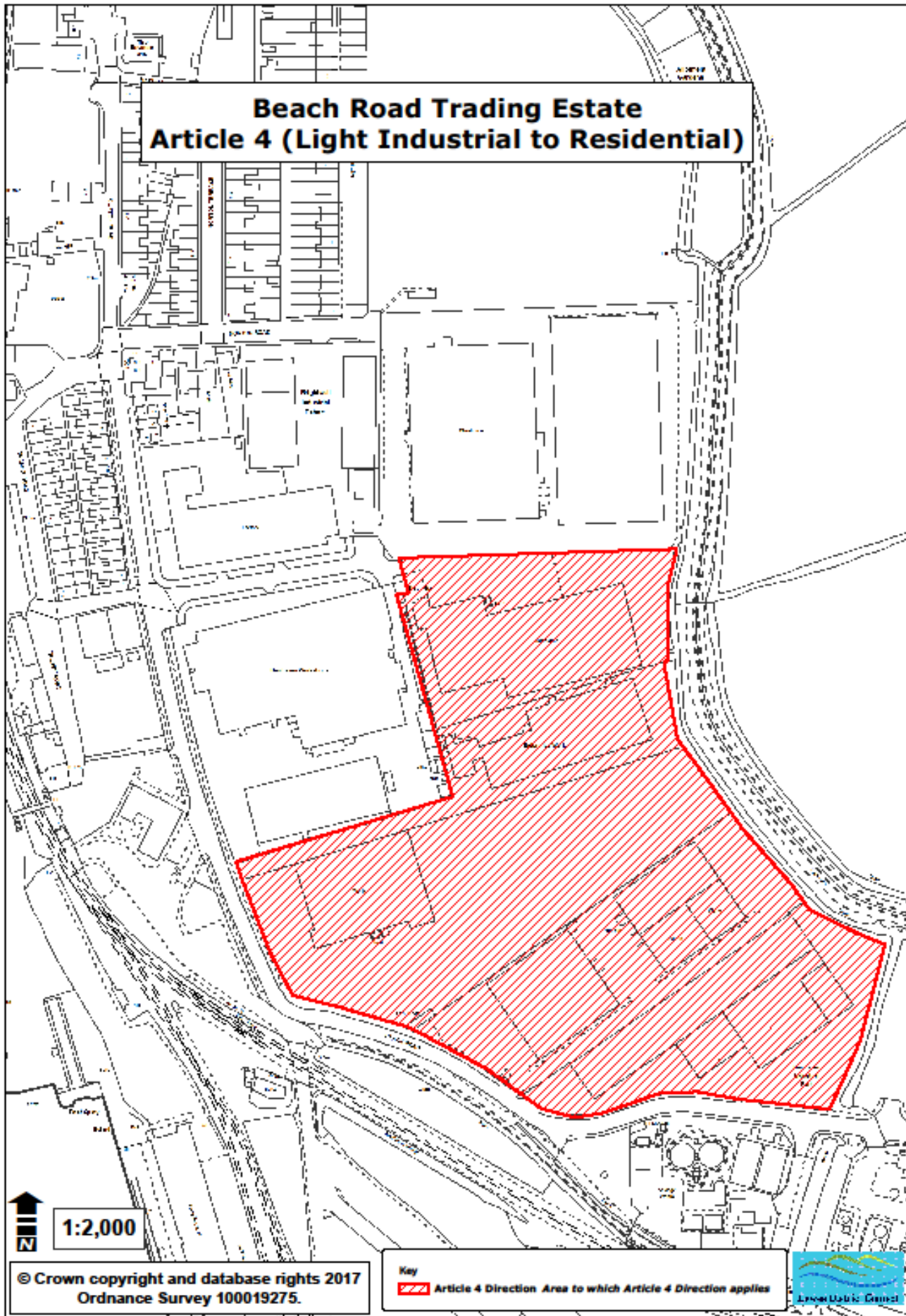


Figure 3 - Beach Road Trading Estate



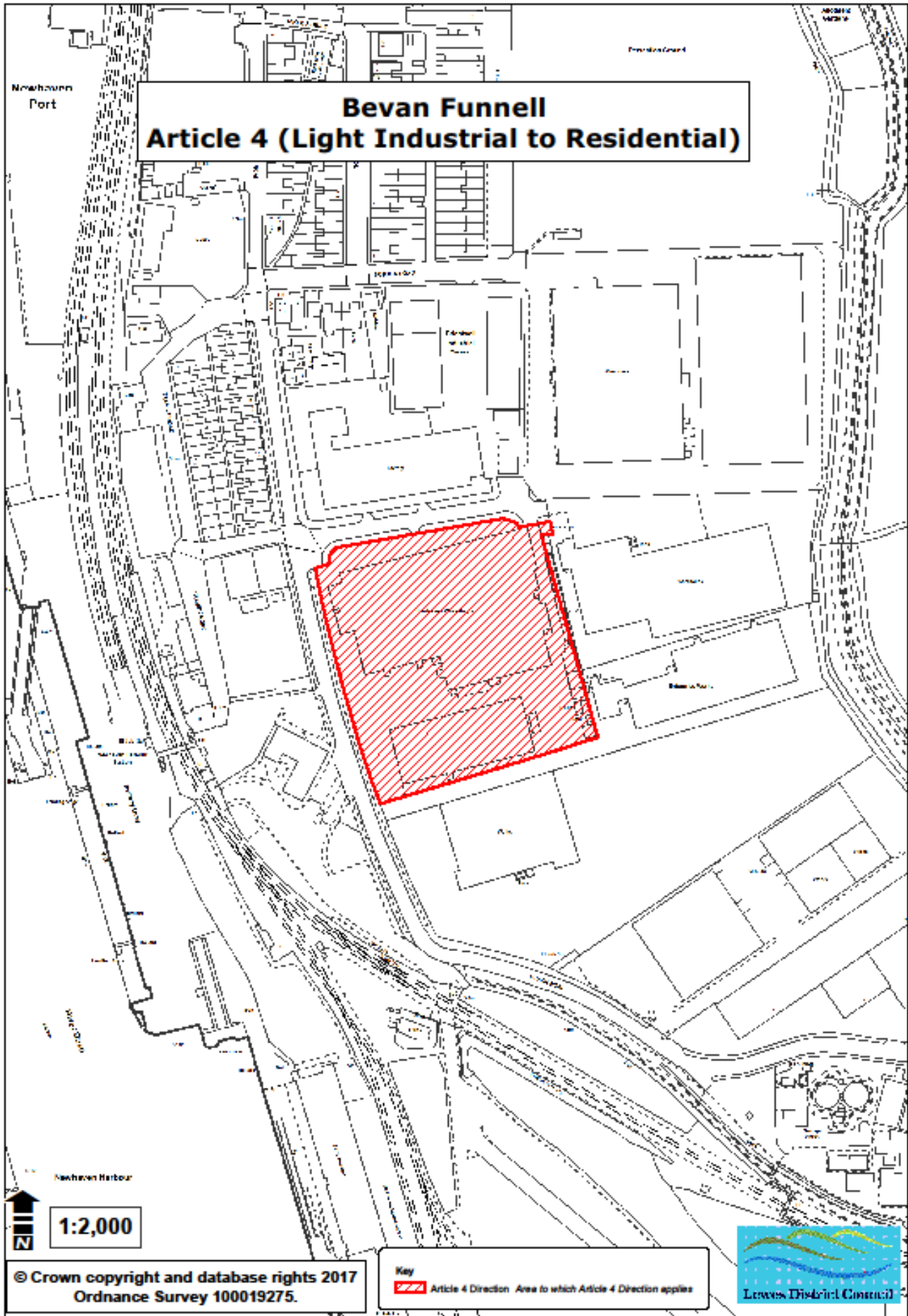


Figure 4 - Bevan Funnell

**Denton Island  
Article 4 (Office to Residential)**

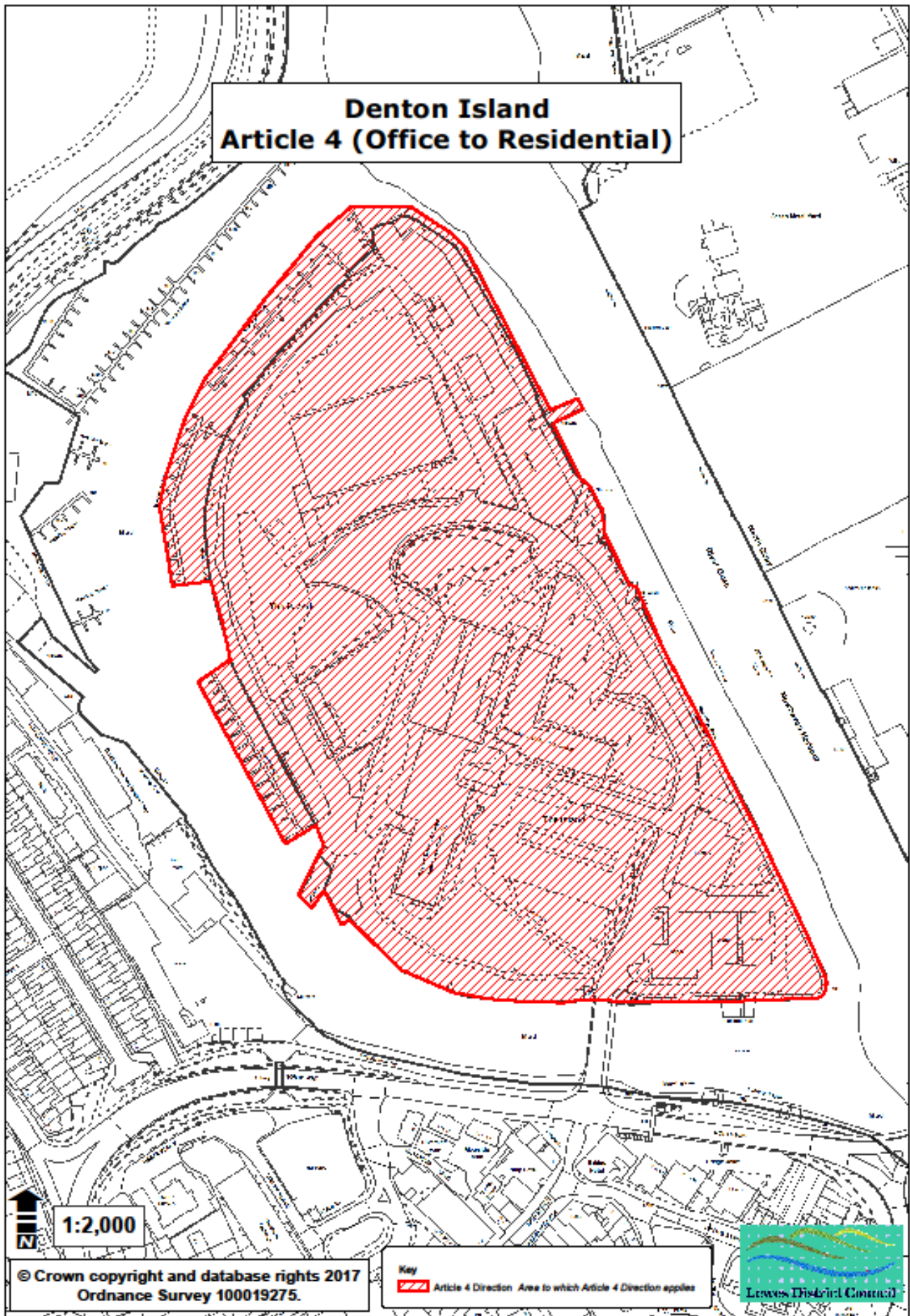


Figure 5 - Denton Island

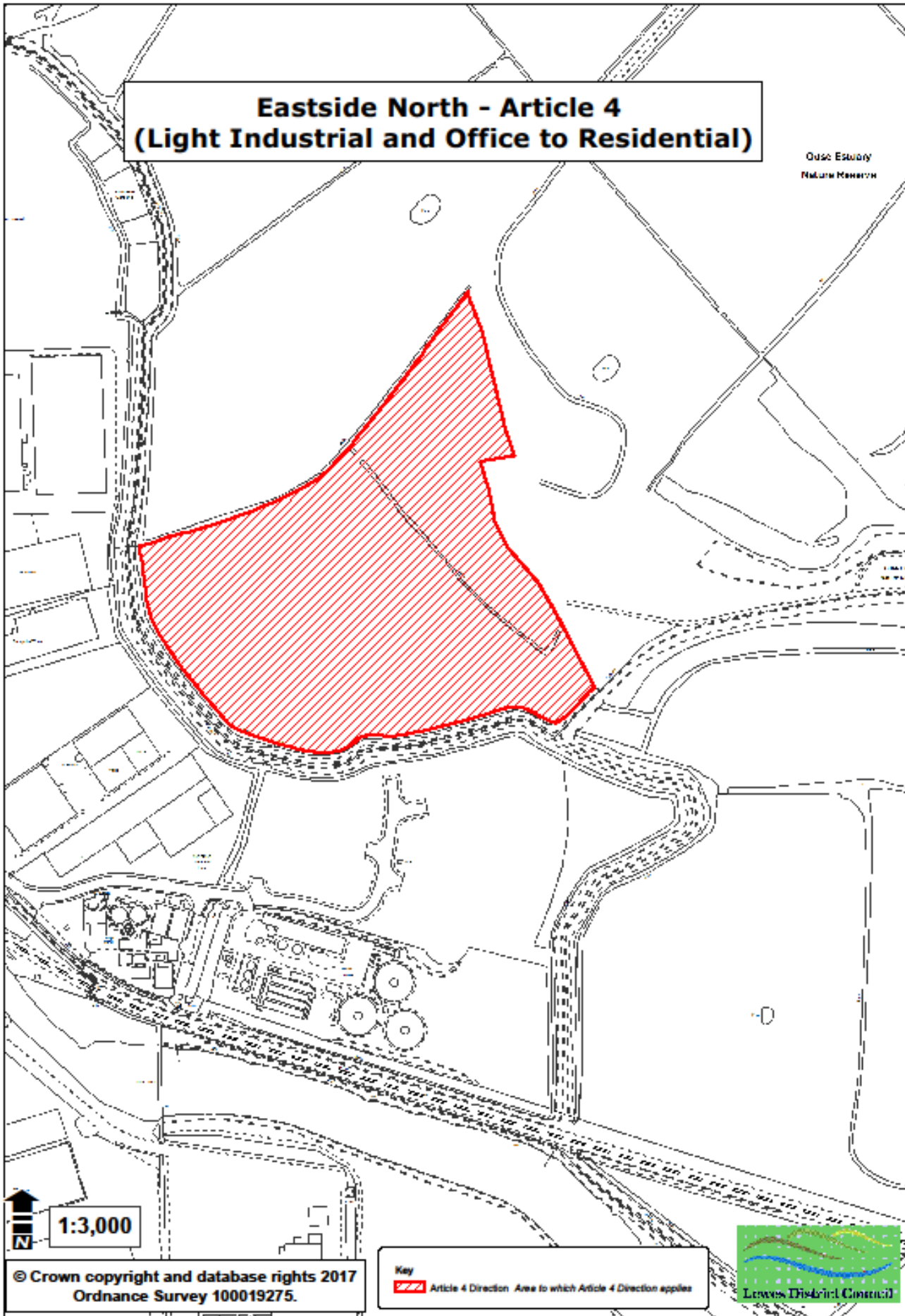


Figure 6 - Eastside North



**Eastside South- Article 4  
(Light Industrial to Residential)**

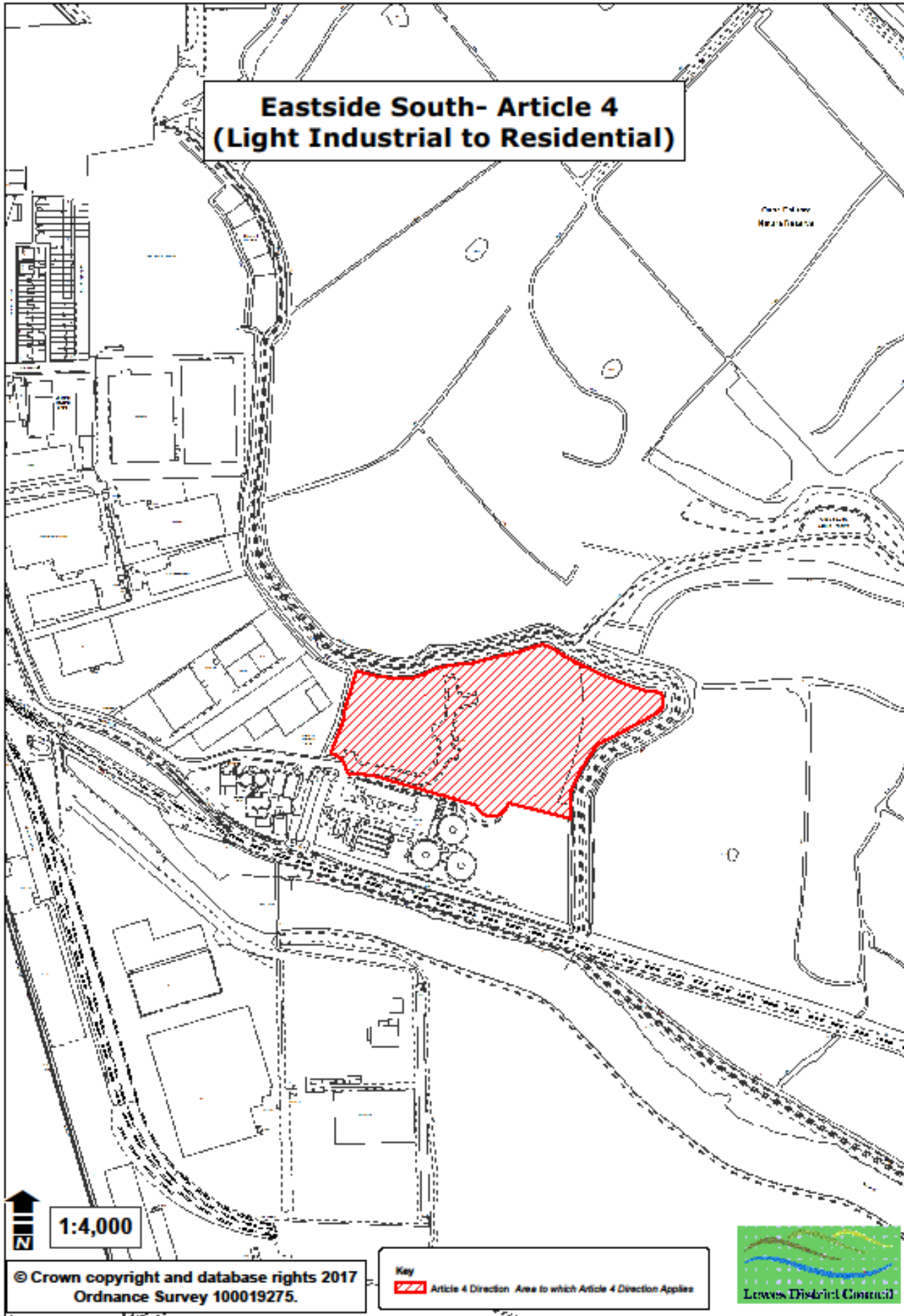


Figure 7 - Eastside South



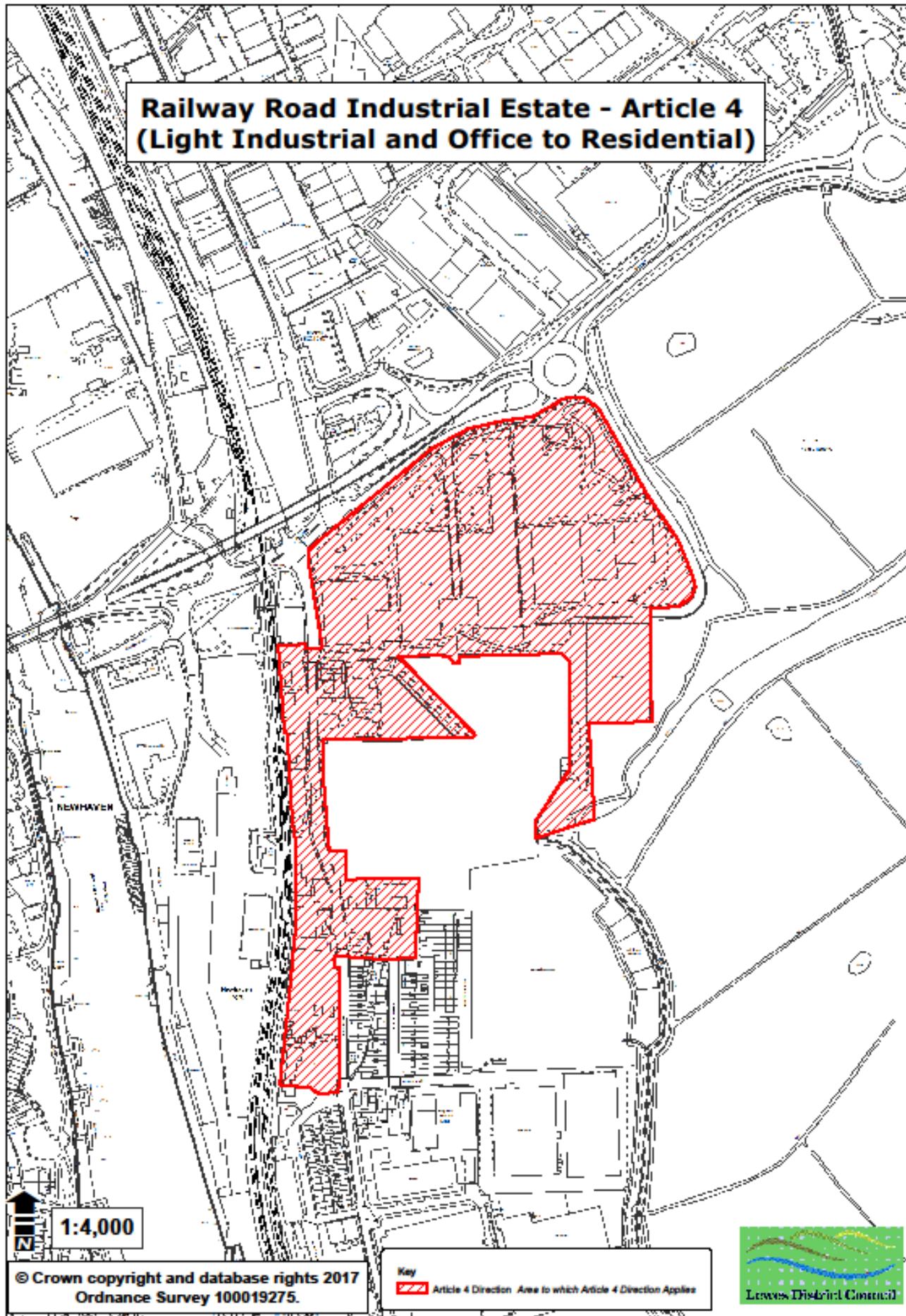


Figure 8 - Railway Road Industrial Estate

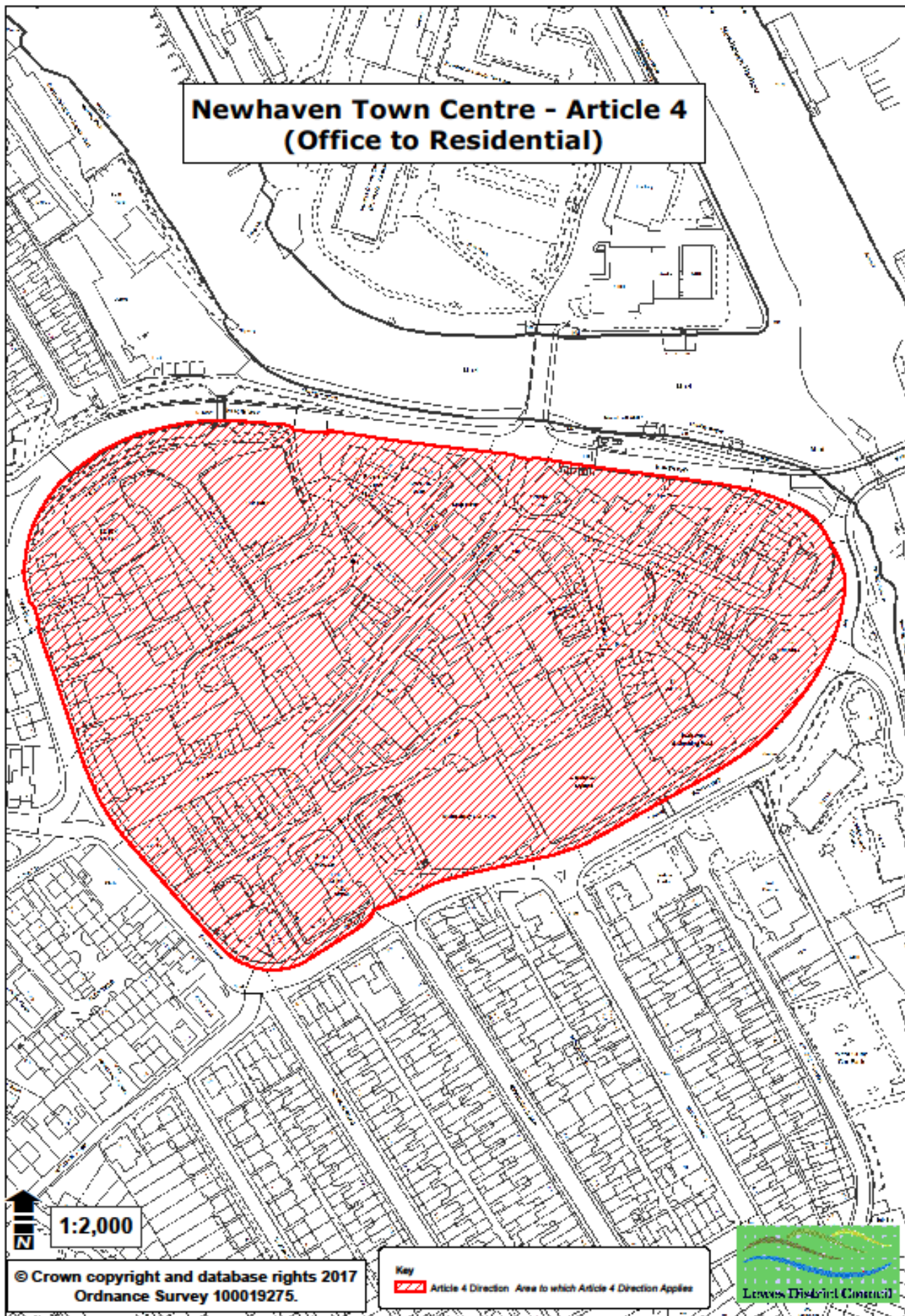


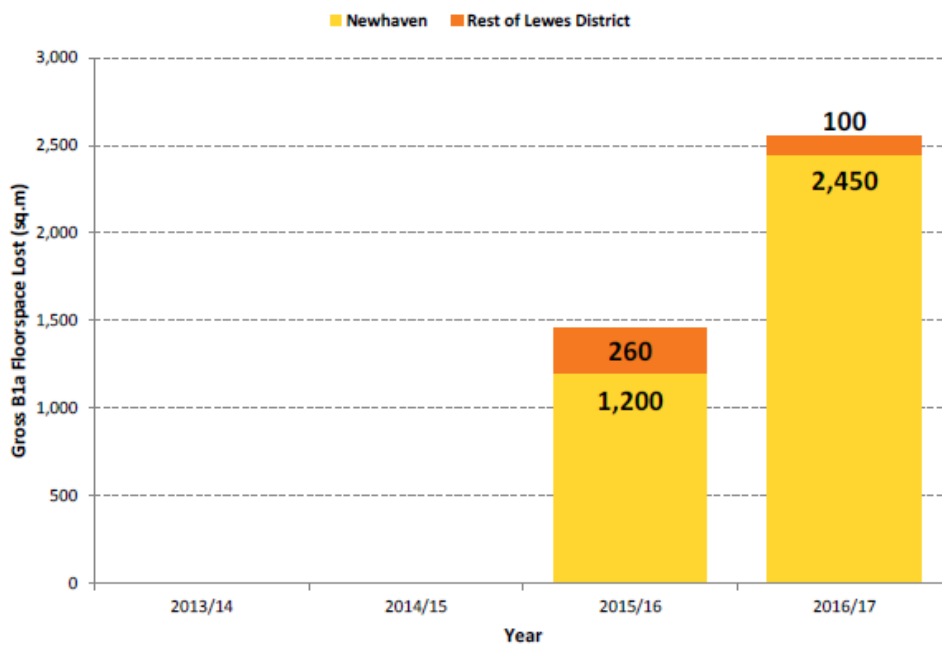
Figure 9 - Town Centre

Appendix C – Table of prior approval applications for office to residential in Newhaven

<b>Application Number</b>	<b>Address</b>	<b>Date Received</b>	<b>Status</b>
LW/16/0878	Unit 6, Kendall Court, Railway Road	05/10/2016	Prior Approval Approved
LW/16/0655	Unit 6, Kendall Court, Railway Road	01/08/2016	Application Withdrawn
LW/16/0438	Reprodux House, Norton Road	25/05/2016	Prior Approval Approved
LW/16/0397	23 Clifton Road	16/05/2016	Prior Approval Refused
LW/16/0268	Unit 4, Kendall Court, Railway Road	05/04/2016	Prior Approval Approved
LW/16/0025	Units 1 to 3, Kendall Court, Railway Road	04/01/2016	Prior Approval Approved
LW/15/0784	Units 1 to 3, Kendall Court, Railway Road	16/09/2015	Prior Approval Refused
LW/15/0511	5 Kendall Court, Railway Road	17/06/2015	Prior Approval Approved
LW/15/0417	Bevan Funnell House, Norton Road	19/05/2015	Prior Approval Approved
LW/13/0714	Units 1 to 3, Kendall Court, Railway Road	30/10/2013	Prior Approval Approved
LW/13/0586	1-3 Kendall Court, Railway Road	04/09/2013	Prior Approval Refused



Appendix D – Extract from Lichfields Report showing loss of office floorspace through permitted development rights



Source: Lewes District Council Monitoring Data / Lichfields analysis

2.41 Figure 2.17 shows that over the two most recent monitoring years, an average of just over 2,000 sq.m of office space has been converted under PDRs each year. The vast majority of converted floorspace (91.0%) has been within Newhaven. This indicates that, when considered against the overall office market in Newhaven, the town has been disproportionately affected by the PDR and associated loss of office space. The data also underlines a two year time lag between the PDR coming into force and conversions of office space actually taking place in the District.

2.42 The majority of this office space that has been lost to residential through PDR has been concentrated within a small number of large premises. For example, the vast majority of converted office premises in 2015/16 relates to Bevan Funnell House on Norton Road in Newhaven (accounting for a loss of 1,200sq.m) while 1,800sq.m of the 2,450sq.m total lost in 2016/17 in Newhaven related to Reprodex House on Norton Road. Beyond these premises, other conversions have been very small in scale and number.

## Appendix E – Equality analysis report

<b>Title:</b>	<b>EZ Newhaven</b>
<b>EA Lead :</b>	<b>Peter Sharp</b>
<b>EA Team:</b>	<b>Regeneration &amp; Investment</b>
<b>Date Commenced:</b>	<b>20 January 2016</b>
<b>Target Completion Date:</b>	<b>2 February 2016</b>
<b>Reason for assessment:</b>	<b>Successful bid to establish an Enterprise Zone on eight specific sites across Newhaven</b>

### Context and Scope

#### 1. What are the main purposes and aims of the service/project/decision?

The designation of eight strategic sites across Newhaven as an Enterprise Zone will facilitate the development and growth of the local economy, creating new employment opportunities and an increased level of business investment in the town. Enterprise Zone status also fits well with the wider business support activities undertaken by LDC's Regeneration and Investment team (see Equality Analysis on Business Support).

#### 2. What effect does it have on how other organisations operate and what commitments of resources are involved?

The impact on other organisations will vary considerably. Different sites within the Enterprise Zone will come forward for development at different times over the 25-year lifespan of the Enterprise Zone. In addition, the majority of the sites included are not in LDC's ownership. This will limit the level of involvement that LDC can play in the development of such sites – at least above ensuring that the sites are allocated for intensification of employment uses.

#### 3. How does it relate to the demographics and needs of the local community?

Newhaven has suffered from years of stagnation and decline, but retains substantial physical capacity for growth. Enterprise Zone designation has the potential to achieve high levels of additionality through accelerated development – bringing about a catalytic effect that supports increased high value business specialism and significant employment growth, as well as addressing the need for greater economic diversification.

Supported by Enterprise Zone designation, the development of the eight specific sites offers a tangible opportunity to upskill local residents. Newhaven is characterised by a lower than average skills profile, whilst Census 2011 data showed that local people are 40% more likely to have an unskilled or elementary occupation than the average resident of East Sussex.

Qualification Level	Newhaven	East Sussex	Greater Brighton
NVQ4+	18.4%	26.2%	32.1%
NVQ3	12.5%	12.0%	13.8%
Apprenticeship	3.6%	3.5%	3.0%
NVQ2	16.7%	16.8%	15.1%
NVQ1	18.3%	14.1%	12.9%
No Qualifications	25.8%	22.6%	18.3%
Other	4.6%	4.7%	4.8%

Source: Census 2011

Enterprise Zone designation will create new employment opportunities for local people, offering training and apprenticeships in high-growth sectors, as well as addressing the structural weaknesses in the town's employment and labour markets that have been identified by recent consultant's studies. The new UTC@harbourside further maximises the potential to upskill the local workforce and create new opportunities for local people.

#### 4. How does it relate to the local and national political context?

The Enterprise Zone fits well with the wider context. Newhaven has long been recognised as a key 'Opportunity Area' in strategic documents prepared by key regional bodies including both Coast to Capital and South East Local Enterprise Partnerships. Furthermore, the Greater Brighton City Deal clearly identified Newhaven as an emerging hub for the Low Carbon and Environmental Goods (LCEGS) sector – focused on renewable technologies – noting that *“investment in Newhaven has started to pay dividends, with investor interest supporting the development of the renewable energy and clean-tech sector.”* Enterprise Zone designation offers the potential to capitalise on this emerging hub to deliver real growth and positive change for the town and its hinterland, through creating and sustaining a variety of employment opportunities for all local residents of working age.

#### 5. Is there any obvious impact on particular equality groups?

Impact	Race (includes ethnic or national origins, colour, & nationality)			Disability (includes mental & physical)			Gender (includes gender reassignment)			Pregnancy (includes maternity & paternity)			Sexual Orientation (includes heterosexual, homosexual & bisexual)			Religion & Belief (includes all faiths, beliefs & agnostic)			Age (includes all age groups)		
	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None
Tick if relevant			X			X			X			X			X			X			X

#### 6. How does it help us to meet our general duties under the Equality Act 2010?

The designation of an Enterprise Zone in Newhaven will create a higher level of inward investment, leading to an increased level of employment and training opportunities for local residents. However as noted in Q7, below, it would not be prudent to make assumptions at this stage.

## 7. What is the scope of this analysis?

The scope of this analysis is very difficult to accurately identify, as the Enterprise Zone does not officially start until April 2017. We cannot make assumptions on the type of businesses that may be attracted to the Enterprise Zone, nor the type and number of employment and training opportunities that these businesses may create.

## Information gathering and research

### 8. What existing information and data was obtained and considered in the assessment?

See Q3, above

### 9. What gaps in information were identified and what action was undertaken/is planned to address them?

There are no gaps. The information available on employment and skills in Newhaven is comprehensive and so no actions are required to address.

### 10. What communities and groups have been involved and what consultation has taken place as part of this assessment?

Informal consultations have been held with key business networks and major local landowners. This includes Basepoint (managing agents for Newhaven Enterprise Centre), Newhaven Port & Properties, Avalon Properties and RBS. A detailed marketing / engagement plan will be produced over the coming months to ensure that all local businesses and residents are fully aware of the new Enterprise Zone and the opportunities that exist to develop the local economy to create new employment, business growth and training opportunities.

## Analysis and assessment

### 11. What were the main findings, trends and themes from the research and consultation undertaken?

The key theme was that the Enterprise Zone bid was widely supported, with consultees recognising the potential economic opportunities afforded by designation.

### 12. What positive outcomes were identified?

No outcomes were identified.

### 13. What negative outcomes were identified?



No outcomes were identified.

## Action planning

14. The following specific actions have been identified: *(see paragraph 25 of the guidance)*

Issue Identified	Action Required	Lead Officer	Required Resources	Target Date	Measure of Success
Lack of information concerning scale of opportunities created	Monitoring once EZ is in place	Peter Sharp	N/A	April 2020	Whether employment & training opportunities are available for all groups within the EZ.

**Summary Statement**


Between 20/01/16 and 02/02/16 Equality Analysis was undertaken by Peter Sharp on the successful bid to create an Enterprise Zone in Newhaven.

Due regard was given to the general equalities duties and to the likely impact of the project on people with protected characteristics, as set out in the Equality Act 2010.

The assessment identified:

\*No major changes are required. The EA demonstrates the project is robust, there is little potential for discrimination or adverse outcomes, and opportunities to promote equality have been taken.

**Approval**

Director/Head of Service	Max Woodford – Head of Regeneration & Investment
Signed	
Dated	02/02/2016

## Appendix F – Procedure for making a Non-Immediate Article 4 direction

### Notice

1. Notice must be given as soon as possible after a direction has been made:
  - a. By local advertisement (e.g. local newspaper);
  - b. By site display for at least six weeks;
    - i. If the direction relates to an area, the notice must be displayed at no fewer than two locations within that area; or
    - ii. If the direction relates to a particular site, the notice must be displayed at that site.
  - c. By serving the notice on the owner and occupier of every part of the land within the area or site to which the direction relates.
    - i. A LPA does not need to serve notice on owners and occupiers should it be considered impracticable owing to difficulties identifying and locating owners and occupiers within the area. This sub-paragraph does not apply if the owner or occupier is a statutory undertaker or the Crown.

Although it is not a statutory obligation to publish a notice of the Article 4 direction on the LPA's website it is considered good practice.

2. The notice must:
  - a. Include a description of the development, area or site to which the direction relates and a statement of the effect of the direction;
  - b. Specify that the direction is made under Article 4(1) of *The Town and Country Planning (General Permitted Development) (England) Order 2015*;
  - c. Name a place where a copy of the direction and a copy of the map defining the area or site to which the direction relates may be seen at all reasonable hours;
  - d. Specify a period of at least 21 days, stating the date on which the period begins, within which any representations concerning the direction may be made to the LPA;
  - e. Specify the date on which it is proposed that the direction will come into force, which must be at least 28 days and no longer than two years after the start date from which representations to a local authority can be made.
3. A LPA must send a copy of the direction and the notice, including a copy of the map defining the area or site to which it relates, to the Secretary of State on the same day that notice of the direction is first published or displayed. This should be sent to the National Planning Casework Unit:

[ncpu@communities.gsi.gov.uk](mailto:ncpu@communities.gsi.gov.uk)

Colmore Row  
Birmingham  
B3 2PW

Because it may not be possible to send a copy of the publicity notices on the same day as those affected by the direction are notified, it is acceptable to send a copy of the notices as will be published. It should be noted, however, that 'the Secretary of State does not have to approve Article 4 directions and will only intervene when there are clear reasons for doing so'.

4. On making a direction, a district planning authority must also give notice of it to the county planning authority, where this applies.
5. LPA must take 'reasonable steps' to protect notice on display. Where a notice given by site display is, without any fault or intention of the LPA, removed, obscured or defaced before the period [specified in 2(iv) above] has elapsed, the authority is treated as having complied with the requirements of [2(iv)] if it has taken reasonable steps to protect the notice, including, if required, its replacement.
6. The direction comes into force in the date specified in 2(v), but only if it is confirmed by the LPA in accordance to below.

### **Confirmation**

7. To confirm a direction, a local authority must take into account any representations received during the period specified in 2(iv).
8. A local authority must not confirm a direction until after the expiration of:
  - a. A period of at least 28 days following the latest date on which any notice relating to the direction was served or published; or
  - b. Such longer period as may be specified by the Secretary of State following the notification by the LPA to the Secretary of State of the direction.
9. After confirming a direction, a local authority must, as soon as possible:
  - a. Give notice of the confirmation and the date on which the direction will come into force; and
  - b. Send a copy of the confirmed direction to the Secretary of State.

### **Cancelling a Direction**

*National Planning Practice Guidance* states that an Article 4 direction 'can remain in place permanently once it has been confirmed'. However, as noted above, it stresses that planning authorities should regularly monitor directions to ensure that the reasons for their implementation remain valid and that directions should be cancelled if they are no longer necessary.

### ***Modifying a Direction***

To modify an Article 4 direction, a local authority must cancel the current direction and prepare a replacement. A LPA cannot modify or cancel a direction made by the Secretary of State<sup>3</sup>.



### ***Role of the Secretary of State***

Subject to certain exceptions, the Secretary of State has the power to make a direction modifying or cancelling a direction made by a LPA at any time before or after its confirmation. The Secretary of State must notify a LPA as soon as is practicable after making a direction, and the local authority is responsible for notifying those affected by the direction.

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<sup>3</sup> Department for Communities and Local Government (2012) *Replacement Appendix D to Department of the Environment Circular 9/95: General Development Consent* Order 1995, 5.

# Appendix G – Risk management implications assessment

	<h2 style="margin: 0;">Lewes District Council Online Forms</h2>											
<p>Risk Management Checklist Reference: LDC77866</p> <p>Fields marked * are mandatory</p> <h3 style="margin: 0;">Risk Management Checklist</h3>												
<p><b>Your Details</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Name*</td> <td>Alec Fuggle</td> </tr> <tr> <td>Department*</td> <td>Planning Services</td> </tr> <tr> <td>Telephone Number</td> <td>01273 085459</td> </tr> <tr> <td>Contact Email</td> <td>Alec.Fuggle@lewes.gov.uk</td> </tr> <tr> <td>Address*</td> <td></td> </tr> </table>			Name*	Alec Fuggle	Department*	Planning Services	Telephone Number	01273 085459	Contact Email	Alec.Fuggle@lewes.gov.uk	Address*	
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Report Author*	Alec Fuggle											
Meeting*	Planning Committee											
Date of Meeting*	20 Sep 2017											
<p><b>Questions Before Writing Your Report</b></p> <p>Questions to ask yourself before writing your report to Council, Cabinet, a Review Board or Committee:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; padding: 5px;">                 Am I preparing a report to the Planning Applications Committee that deals with an individual planning application?*             </td> <td style="width: 80%; height: 80px; vertical-align: top; padding: 5px;">No</td> </tr> <tr> <td style="padding: 5px;">                 Am I recommending the provision of a new service for the Council, the start of a new project or the set up of a partnership agreement with one or more organisations outside the Council?*             </td> <td style="height: 120px; vertical-align: top; padding: 5px;">No</td> </tr> <tr> <td style="padding: 5px;">                 Am I recommending changes to the way an existing service or project is managed, operated or funded?*             </td> <td style="height: 80px; vertical-align: top; padding: 5px;">No</td> </tr> <tr> <td style="padding: 5px;">                 Am I recommending a change of Council policy?*             </td> <td style="height: 40px; vertical-align: top; padding: 5px;">No</td> </tr> <tr> <td style="padding: 5px;">                 Am I             </td> <td style="height: 40px; vertical-align: top; padding: 5px;"></td> </tr> </table>			Am I preparing a report to the Planning Applications Committee that deals with an individual planning application?*	No	Am I recommending the provision of a new service for the Council, the start of a new project or the set up of a partnership agreement with one or more organisations outside the Council?*	No	Am I recommending changes to the way an existing service or project is managed, operated or funded?*	No	Am I recommending a change of Council policy?*	No	Am I	
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Am I recommending a change of Council policy?*	No											
Am I												

recommending a significant change to a Council core strategy or key service strategy?*	No
Am I reporting that a service is not meeting its service standards or objectives?*	No
Am I reporting that the Council may not be meeting its service standards or objectives?*	No

There is no need to undertake a risk assessment. You should complete your report in the standard way without any mention of risk management.

Am I preparing a progress/update report that deals with targets not being met?*	No
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Am I reporting that the Council may not be meeting its corporate objectives or responsibilities?*	No
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