

Working in Partnership



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

A meeting of the **Planning Applications Committee** will be held in the **Council Chamber, County Hall, St Annes Crescent, Lewes BN7 1UE** on **Wednesday, 01 November 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.

19/10/2017

Catherine Knight  
Assistant Director of Legal and Democratic Services

## **Agenda**

- 1 Minutes**  
To approve the Minutes of the meeting held on 11 October 2017 (copy previously circulated).
- 2 Apologies for Absence/Declaration of Substitute Members**
- 3 Declarations of Interest**  
Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct.
- 4 Urgent Items**  
Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972. A Supplementary Report will be circulated at the meeting to update the main Reports with any late information.

**5 Petitions**

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

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

**6 LW/16/1034 - Unit 5, North Lane, Newhaven, East Sussex, BN9 9BF (page 5)**

**7 LW/17/0501 - 11 Blatchington Road, Seaford, East Sussex, BN25 2AB (page 19)**

**8 LW/17/0660 - 22 Bannings Vale, Saltdean, East Sussex, BN2 8DB (page 25)**

**9 LW/17/0767 - Tomkins Farm, Cinder Hill, Chailey, East Sussex BN8 4HP (page 35)**

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

**10 SDNP/17/03713/FUL - 111 High Street, Lewes, BN7 1XY (page 43)**

**11 SDNP/17/04119/LIS - 111 High Street, Lewes, BN7 1XY (page 59)**

**Non-Planning Application Related Items**

**12 Outcome of Appeal Decisions on 19th September and 17th October 2017 (page 69)**

To receive the Report of the Director of Service Delivery (Report No 157/17 herewith).

**13 Written Questions from Councillors**

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

**14 Date of Next Meeting**

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

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<b>APPLICATION NUMBER:</b>	LW/16/1034	<b>ITEM NUMBER:</b>	<b>6</b>
<b>APPLICANTS NAME(S):</b>	Miracles By Design Ltd	<b>PARISH / WARD:</b>	Newhaven / Newhaven Valley
<b>PROPOSAL:</b>	Planning Application for Redevelopment of the site to provide two blocks containing 11 x three bedroom, 4 x four bedroom and 2 x two bedroom apartments with 19 car parking spaces		
<b>SITE ADDRESS:</b>	Unit 5 North Lane Newhaven East Sussex BN9 9BF		
<b>GRID REF:</b>	TQ4401		



## 1. SITE DESCRIPTION / PROPOSAL

1.1 The application site is located at the far western end of North Lane in Newhaven, which lies to the southern side of the Newhaven Ring Road within the town centre. The site has an area totalling 0.13 ha and accommodates buildings/containers formerly used for commercial purposes, but now unused. The remainder of the site is hard-surfaced and can be used for parking.

1.2 The site is relatively flat. North Lane (to the east of the site) is at a lower level as is the property adjoining the site to the north (19 Folly Field).

1.3 The site is surrounded by a mix of uses with residential adjoining the site to the north and west, and commercial uses to the east and southern boundaries (Telephone Exchange and Post Office Parcel Delivery).

1.4 The site is accessed off North Lane which feeds off the one way gyratory ring road in Newhaven.

1.5 This is a full application proposing 17 eco flats to be contained within two blocks, comprising part three and part four storey buildings. It also proposes 19 car parking spaces and 16 cycle spaces and planting. The development is as set out below;

### Block 1

1.6 7 flats comprising 6 no. three bedrooms and 1 no. four bedroom flats

### Block 2

1.7 10 flats comprising, 2 no. two bedrooms, 5 no. three bedrooms, 3 no. four bedrooms and undercroft parking at ground floor level providing 3 spaces.

1.8 The Design and Access statement confirms that one of the flats will be designated for intermediate housing (shared ownership). However, no details have been given about this.

1.9 This application (LW/16/1034) is an amendment to LW/15/0543, which proposed 13 no. three bedroom residential flats, within two blocks of two and three storey buildings and 19 car parking spaces.

1.10 Although a refusal was recommended by the planning officer, there is a resolution to grant planning permission for LW/15/0543 following the Planning Applications Committee meeting on 26 April 2016. LW/15/0543 is still pending, with the decision subject to the completion of a S106 Legal Agreement which sought to secure a financial contribution from the developer of £50,821 towards the provision of off-site affordable housing. This conclusion was supported by the Valuation Office Agency. The S106 has not yet been completed.

1.11 Compared to the earlier scheme (LW/15/0543), the current application proposes an additional 4 no. flats (17 flats in total) and green planting (as stated on page 3 in the design and access statement). The changes are set out below;



## Block 1

- Block 1 would be sited along the northern boundary, and has increased in height by 0.9m on its northern side resulting in a three storey building, and 3.69m to the south and four storeys. The northern elevation has a dummy hipped roof.
- North facing windows (apart from those with obscured glass) have been moved to the east and west elevations.
- The footprint has changed with the building line along the southern elevation following the angle of the application site boundary.
- The building has shifted very slightly to the west.

## Block 2

- A significant increase in height. It would be three and four storey's in height (instead of two and three storeys), increasing in height by 1.39m at the western end and 3.69m across the eastern half of the building.
- A change from 2 staircases to 1 staircase on block 2.

1.12 The design and access statement comments that block 1 has been moved further away from the boundary (to be building control compliant) which is shared with residential properties to the north (Folly Field).

1.13 There will be “living green walls” proposed up to first floor height and “internal gardens” with vegetable and dwarf fruit trees planted in the south facing lounges. The approved inset balconies within the lounges are now proposed with bi fold windows that can be opened to use like a balcony (page 7 of the design and access statement).

1.14 The access is as per the existing arrangement and approved under the earlier application LW/15/0453.

1.15 A copy of the committee report under LW/15/0453 is attached to this report as an appendix for information.

## **2. RELEVANT POLICIES**

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

**LDLP: – E01 – Planning for Employment**

**LDLP: – CP4 – Economic Development and Regeneration**

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

**LDLP: – CP14 – Renewable and Low Carbon Energy**

**LDLP: – CP1 – Affordable Housing**

### 3. PLANNING HISTORY

**LW/87/1187** - Change of use from chapel of rest and garage to joinery manufacturer. - **Approved**

**LW/11/1511** - Use of yard as car wash facility - **Withdrawn**

**LW/15/0005** - West bank improvement -

**LW/15/0453** - Redevelopment of site to provide two blocks containing 13 no. three bedroom residential apartments, together with 19 car parking spaces -

**APPEAL/07/0006** - Appeal against unauthorised car breaking - **Appeal Withdrawn**

### 4. REPRESENTATIONS FROM STANDARD CONSULTEES

#### **Newhaven Town Council**

4.1 The committee raised concerns about the number of parking spaces, especially as the number of dwellings has been increased.

#### **British Telecom**

4.2 BT's site is adjacent to the proposed build and as such use of the adjoining road known as North Lane could affect day to day business.

#### **Environmental Health**

4.3 Recommends conditions in relation to contamination, air quality, road traffic noise, construction and demolition activity impacts including hours of construction.

#### **Southern Gas Networks**

4.4 Standard advice reminding the applicant about care during construction and the proximity to gas pipes.

#### **Sussex Police**

4.5 No further comments to make.

#### **ESCC SUDS**

4.6 Objection due to insufficient information. We note that no information on surface water drainage has been provided.

#### **ESCC Archaeologist**

4.7 No objection in principle.

#### **ESCC Highways**

4.8 No objection overall, subject to conditions. The parking requirement for 17 units is 18 spaces, therefore 19 spaces is adequate although 3 of the spaces are shown as undercroft parking with substandard widths. The parking spaces fall short of the allocation



if the widths do not measure 2.8m. The original submission did not include undercroft parking.

4.9 The revised drawings do not include dropped kerbs as per the original ESCC Highway comments.

4.10 Details would be required to show that the cycle storage is covered and secure.

4.11 There are no elevation details which includes the access. The bin store should be set back in line with the access.

### **LDC Regeneration & Investment**

4.12 Whilst we still object to this development being solely residential, we note the previous approval at Planning Committee and consider that this has set the precedent for a solely residential scheme on this site. As such we, reluctantly, raise no further objections.

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

5.1 Letters of representation has been received from three nearby households including two objections and one letter in support. The concerns have been summarised as follows;

- the increase in height, would result in an unacceptable loss of privacy, overlooking and an overbearing impact on 19 Folly Road. The occupiers of 19 Folly Road are especially concerned about the loss of privacy of the front and back garden given that their 3 year old grandson (who lives at the property) plays outside and is in the paddling pool during the summer months.
- reduced light and overshadowing due to the scale of the proposed building mass;
- noise and disturbance from the intensification of use and increased comings and goings of extra traffic;
- overdevelopment of the site in terms of size/appearance;
- insufficient information and failure to submit a bat survey;
- is there adequate disabled provision?

5.2 The letter in support states that more homes are needed.

## **6. PLANNING CONSIDERATIONS**

6.1 The issue for consideration is whether the current application proposal is materially different from LW/15/0453. The issues considered under LW/15/0453 were, whether the principle of residential development and loss of employment land on this site is acceptable; impact on the character and appearance of the locality in terms of design; impact on living conditions for the occupants of nearby dwellings; affordable housing, and highways.

### Policy Considerations

6.2 The Joint Core Strategy has been adopted and its policies carry full weight for decision making purposes. The Core Strategy will be the pivotal planning document until 2030, forming Part 1 of our Local Plan and will set out the over-arching strategies that all other planning documents will need to be in conformity with.

## Principle and Supply of Land for Housing

6.3 Within the planning boundaries, for the purpose of policy and as defined within the Local Plan, residential development is acceptable in principle, subject to compliance with other relevant policies and proposals set out in the adopted development plans. It is also recognised that residential development can play an important role in assisting the vitality of town centres and that the proposed scheme would re-use land that has been previously developed (brownfield), in accordance with the principles set out in the National Planning Policy Framework (NPPF).

6.4 However, the final report produced by the Secretary of State in response to the JCS Submission document has concluded that Lewes District Council can deliver a five year supply of land for housing. As such, the need for housing within the district on employment land such as this, is not an over-riding argument that can be used in favour of this scheme on the basis that it proposes 100% residential development.

## Loss of Employment Land

6.5 Regeneration and Investment has commented that *"whilst we still object to this development being solely residential, we note the previous approval at Planning Committee and consider that this has set the precedent for a solely residential scheme on this site. As such we, reluctantly, raise no further objections."*

6.6 However, their earlier comments under LW/15/0453 raised strong objections for residential development across the entirety of the site. The current application proposal would result in an even more intensive residential housing development. It should also not be forgotten that the conclusion from the DV was that if no affordable housing is provided on site (and irrespective of the off-site financial contribution for affordable housing) the development proposal would still prove viable if a mixed residential and business use came forward. This is not being proposed under the current application, which is deficient in affordable housing and provides no employment floorspace.

6.7 Furthermore, the policy comments under this application are as follows;

6.8 *"My conclusion on an earlier planning application for residential development on this site (LW/15/00453) was that it should be recommended for refusal. It was noted that the proposal failed to make provision for either affordable housing or for replacement employment premises as part of a mixed use scheme. The benefits of the development in terms of housing delivery and the re-use of a brownfield site were therefore not considered sufficient in themselves to outweigh the conflict with Core Policies 1 (Affordable Housing) and 4 (Encouraging Economic Development and Regeneration) of the Local Plan Part 1: Joint Core Strategy.*

6.9 *It is not considered that there has been any material change in circumstances since the earlier application that would warrant a change of my professional opinion on the principle of a wholly residential redevelopment of this site without any affordable housing provision. Indeed, the Local Plan Part 1: Joint Core Strategy has now been formally adopted by the Council and Core Policies 1 and 4 can therefore be afforded full weight as part of the approved development plan for the area. The Newhaven Enterprise Zone, within which the application site is located, has also achieved formal designated status."*

6.10 Despite the Regeneration and Investments' latest comments, it should be noted that the application proposal would result in the loss of 0.13ha of employment land and the proposal would be in direct conflict with the Council's long established policy to safeguard

existing employment sites from other competing uses (policy E1 of the LDLP). As previously commented, the Council's policies are supported by the conclusions of the Lewes District Employment and Economic Land Assessment (EELA) 2010 and its update in 2012.

6.11 Notwithstanding this, CP4 of the JPS does recognise the need for a flexible approach to the safeguarding of existing employment sites. Where a site has economic or environmental amenity problems associated with securing employment uses an alternative provision of a mixed use development can facilitate the retention or delivery of an appropriate element.

6.12 As previously considered under the earlier application, I am therefore not convinced that the benefits of a solely residential scheme would significantly and demonstrably outweigh the adverse effect on the availability and choice of employment sites in Newhaven, particularly as no affordable housing would be delivered as part of the development.

6.13 The applicants' have advised that four of the units are to be occupied by their family (self-build) and as such should not be included in the affordable housing obligation and this should be factored into the viability assessment by the DV. However, policy CP1 within the JCS makes no such exclusion when calculating affordable housing provision.

6.14 The Policy Team's officers have considered these points and, nevertheless, raised strong objections and recommended that the application be refused.

6.15 The comments provided by the regeneration team reflect the above views.

#### Character and Appearance

6.16 North Lane and the immediate locality comprise a mix of commercial and residential development. The application site adjoins The Telephone Exchange which bounds the site to the east and the Post Office Parcel Delivery premises adjoin the site to the south. There are residential properties adjoining the north and western boundaries and the south eastern boundary adjoins North Lane, which is a cul-de-sac abutting the rear of premises fronting onto The High Street in Newhaven.

6.17 The site consists of two pitched and two flat roofed commercial buildings one to one and a half storeys in height. They have a somewhat run down appearance. However, the site is largely surrounded by buildings.

6.18 The Telephone Exchange to the east is a part single and two storey flat roofed 1960/70s building. However, the levels on which its footprint stands fall away to the north and east so when viewed from the application site it appears single storey and relatively low key within the context of the application site. Residential properties to the north and west are two storeys. The properties to the west are situated on the same level as the application site and Folly Field adjoining the site to the north is on much lower ground. The southern boundary borders the car park of the Royal Mail building. The Royal Mail building is a flat roofed single storey building where it adjoins the application site.

6.19 The application site is a modest yard of 0.13ha approximately 40m in length (along its northern boundary) by 32m (western boundary). The plot has an 'L' shaped plan and its eastern and southern boundaries are around 18m and 25m respectively.

6.20 The proposed blocks 1 and 2 would sit on roughly the same footprints as the blocks proposed under the 2015 scheme (LW/15/0453). They have increased in height and are now part 3 and part 4 storeys in height. On approaching the site from North Lane to the east, as well as from other surrounding vantage points, the two buildings would read as one large mass due to the juxtaposition and proximity of their siting. This can be seen on the proposed elevations.

6.21 It is considered that the scale of the buildings by reason of their height and excessive building mass would result in a dominant and incongruous development. Compared to the existing buildings, which are relatively low key in terms of the building proportions with open space between them, it is considered that the proposed development would constitute a gross overdevelopment of the site which would be out of keeping with the character and appearance of the existing surrounding built form.

6.22 It should also be noted that LDC Policy comments in terms of design are that *"the re-submitted scheme makes inadequate provision for private outdoor space (either balconies or gardens) or a communal amenity area in clear conflict with Core Policy 11 (criterion vii) of the Local Plan Part 1: Joint Core Strategy. As such, it would fail to achieve the objectives of sustainable development as set out in the National Planning Policy Framework, in particular the need to secure a good standard of amenity for the future occupants of new buildings (NPPF, para.17)."* The applicants have stated that future residents will have access to public amenity space such as *"Eastgate Park, Fort Hill and riverside walking"*. The provision of amenity space proposed is considered to be substandard and not a satisfactory environment for such large flats.

6.23 Newhaven is in greatest need for, first and foremost, 1 bedroom units followed by 2, and then 3 bedroom units. This development is proposing 2 no. two bedroom flats, 11 no. three bedroom flats and 4 no. four bedroom flats, therefore larger units. The applicants have stated that the flats have been designed as lifetime homes, with the master bedrooms large enough to be multi-functional so they can be occupied as a granny annex, a space for a grown up son or daughter, a work-live unit, or be rented out to a student, for example.

6.24 The applicants' believe this scheme to be of a highly sustainable design because the proposal will be built to Active House Plus Standard, which is contemporary version of Passive House. Its design will incorporate renewable and carbon emission free energy methods, in order to aim to achieve, according to the applicant, a code level 6 standard of construction.

6.25 The Design and Access Statement stipulates that the homes will be highly insulated and triple glazed, requiring almost no heating, and will generate approximately four times the energy they consume (meaning they will have no fuel bills). They will generate an income from the sale of green energy (also through south facing solar panel installation).

6.26 Notwithstanding the comments made in the design and access statement, the level of detail illustrated on the drawings and information provided with the application is considered to be basic and vague, with no explanation of how the proposals will be delivered to achieve such high levels of sustainability. Code 6 essentially constitutes a zero carbon development and requires great thought and commitment to achieve. The application does not provide convincing evidence to demonstrate that code 6 would be attainable.

6.27 Irrespective of the Town Council's concerns over lack of parking, the provision of 19 parking spaces within this town centre location cannot be reflective of a highly

sustainable development, which should be 'car free' if code 6 is an aspiration. It is considered that the provision of the proposed car charging points for electric vehicles (as mentioned in the Design and Access Statement, but not shown on the drawings) is an inadequate response to code 6. The solar panels would be from an overseas supplier and the timber frame and passive house standard windows are also supplied from overseas, which is also not considered compliant with code 6, where materials should be sourced as locally as possible. Only a handful of developments across the UK have successfully achieved code level 6.

6.28 North Lane is within the Newhaven Air Quality Management Area and as such, consideration needs to be given to any increase in pollution to air caused by either the redevelopment of land or by planned future use of existing development. The harm can be mitigated through improvements to the design and layout. The Environmental Health Officer in the 2015 scheme (proposing 13 units), requested fewer parking spaces. Under this application the EHO has recommended that any permission should include a number of conditions of which a few should ensure that all parking spaces have electric charging facilities and that the S106 should assist in the development of a Newhaven car club. As referred to above, there are no electric charging points illustrated on the drawings.

6.29 Like the earlier 2015 application it is considered that the applicant has not thoroughly investigated these design concepts and it should therefore be questioned as to whether this scheme is capable of achieving a code level 6 type of development.

#### Neighbouring properties

6.30 The topography of the site is such that the land rises across the site from North Lane, (southern boundary), up to 19 Folly Field, which adjoins the site along its northern boundary. Existing two storey houses adjoining the site to the west are on similar levels to the application site.

6.31 Under the current application, the applicant has confirmed that the siting of block 1 has moved slightly (by 1m) to reduce the impact on 19 Folly Field making the first floor side (south) elevation of No.19, 4m away rather than 3m from the northern elevation rear of block 1. Although, the Proposed Site Plan 1506-P-002C shows the same distance as the approved proposed site plan under the 13 flat scheme LW/15/0453. The context elevation 01 and 02 (1506-P-120 and 121) illustrates that the north facing elevation of block 1 would only be around 0.8m away from the boundary shared with 19 Folly Field. When scaling from the drawings there would be a separation distance between these buildings of approximately 1.5m.

6.32 The site plans illustrate that block 1 has shifted in a westerly direction, with a larger gap between the eastern elevation of block 1 and eastern boundary adjoining the Telephone Exchange (approximately 1.7m instead of 0.6m distance between LW/16/1034 and LW/15/0453).

6.33 It should also be noted that the proposed northern elevation of block 1 has increased in height with a dummy hipped roof which steps up and incorporates an extra (fourth) floor of accommodation.

6.34 The applicant has confirmed that windows have been removed from the northern elevation of block 1, save for the high level shower room windows, to mitigate the impact of overlooking and a loss of privacy. However, this is a three and four storey development on a modest site. The proposed elevations clearly illustrate windows in the northern elevations of both blocks 1 and 2 which would result in overlooking and a loss of privacy. The existing buildings are one and a half storeys in height and of a commercial nature with very few



windows. The applicant claims that the current application is a big improvement compared to the approved 13 flatted development, but officers are not convinced. The application does not provide details of the boundary treatment to demonstrate how this could further mitigate the issue of loss of privacy on the living conditions for the occupants of adjoining properties.

6.35 Compared to the approved 13 flatted scheme under LW/15/0453, the heights of blocks 1 and 2 have increased to provide an extra fourth floor. Block 1 increases in height on its northern rear elevation by 0.9m and by 3.69 m to the southern (front) elevation. Block 2 has increased in height by 1.39m. The applicant claims that this is acceptable because the elevations of blocks 1 and 2, which are the nearest to residential properties to the north and west, have been pulled away from these boundaries of the application site.

6.36 Block 2 would continue to be sited on roughly the same footprint, albeit it would now be between 1.7m and 2.2m from the western boundary (instead of 0.4-0.8m approximately under LW/15/0453). However, where it is closest to the western boundary, it is now proposed as a three storey building instead of the approved two storey building. The flat roofed element of the third floor would be at ridge height to existing adjoining properties in Lewes Road (1506-P-120). It should also be noted that the western elevation of the four storey element of block 2 is closer to the western boundary than the three storey element approved under LW/15/0453.

6.37 The applicant has stated that with the revisions made to this scheme, everything has been done to ensure that there is no increased overshadowing or loss of light compared to that approved under LW/15/0453. However, the shadow study submitted with this application suggests a different story. The proposed development would clearly result in more overshadowing and loss of daylight as shown, for example, at 9am during the months of March and June (Shadow Study 1506-P-004 Sheet 1) and 9am in September (Shadow Study 1506-P-005 Sheet 2), than the approved scheme (LW/15/0453).

6.38 In terms of noise and associated disturbance from vehicle movements of the proposed development, the applicants have claimed that the impact will be neutral given the existing commercial use and associated noise from the loud woodworking machinery which was previously operated at the site. The applicant has also stated that the site is prone to vandalism and was being occupied by rough sleepers and that the development would make it more secure for the occupants of adjoining properties.

6.39 It is clear from the above comments that the development would result in a materially harmful impact on the living conditions for the occupants of adjoining properties.

#### Affordable Housing

6.40 Policy CP1 of Joint Core Strategy stipulates that development proposals of 11 or more units will require 40% affordable housing provision. 40% of 17 flats amount to 7 affordable units. Like the earlier scheme for 13 units under LW/15/0453, this development proposal has no affordable housing provision.

6.41 The application has been submitted with a development viability report which argues that it will not be viable to develop the site as proposed with affordable housing. The conclusions of the applicants Financial Viability Assessment (FVA) is that the scheme will make a significant loss for the developer if 40% AH provision is provided.

6.42 The FVA also drew another conclusion that if the scheme provides no AH but includes 4 self-build units (for the applicants' family), it would make a profit. However, the

provision of self-build units is not relevant in terms of the policy requirements under policy CP1.

6.43 The DV has summarised, that the Benchmark for the new scheme should be based on the scheme with planning permission LW/15/0453. With more units the expectation would be that the scheme would be more profitable as there is extra value driven by the additional units. One variable is CIL, which will be higher with the increased units. Based on the work to date, officers do not consider 'policy compliant' AH provision will be achievable but an element of affordable housing should reasonably be provided.

6.44 The development viability assessment carried out under the earlier scheme for 13 units under LW/15/0453 demonstrate that excluding the affordable housing element would provide an adequate return for the landowner and should enable a mixed residential/business space scheme to come forward. This is a larger scheme without any business space proposed.

6.45 This wholly residential scheme does not provide any affordable housing and is contrary to employment and affordable housing related policies.

### Highways

6.46 The Highway Authority has raised no objection to the proposed development and recommended conditions should planning permission be granted.

6.47 The applicant has submitted an additional drawing including a proposed elevation detail (1506-P-130) illustrating a dropped kerb for pedestrian's at the entrance and ramped vehicle access to the car park. They have also confirmed that they can create wider spaces by losing a space in the undercroft parking area (18 spaces for 17 flats).

6.48 However, the HA has commented that the proposed 19 car parking spaces are acceptable in principle. The East Sussex Residential Parking Demand Calculator has been designed to calculate the number of parking spaces required at a new residential development on a site specific basis. With this site in mind 17 spaces are required. As such, the 19 spaces proposed are considered to be sufficient. The parking spaces proposed are compliant with ESCC adopted parking standards.

### Conclusion

6.49 In policy and development management terms, the proposed development should be refused planning permission. The proposed development is materially different from the approved under LW/15/0453. The revised proposal for 100% residential development would result in the loss of employment land and would provide housing which there is not a demand for within the district given that the Council can provide land to achieve a 5 year housing supply. The proposal would also not provide any affordable housing on the basis that it would not be viable for the developer to do so, as concluded by the District Valuer. In addition, it is considered that it would constitute a gross overdevelopment of the site by reason of the site coverage and disposition of buildings about the site, together with their excessive scale which would be materially harmful to the living conditions for the occupants of adjoining properties to the north and western boundaries.

6.50 As such, the proposal is considered to be unacceptable and contrary to relevant, 'saved' policies in the adopted LDLP and emerging Joint Core Strategy and contained within the National Planning Policy Framework.

## 7. RECOMMENDATION

That permission is REFUSED.

### Reason(s) for Refusal:

1. The proposed development would result in a lack of affordable housing, contrary to policy CP1 of the Joint Core Strategy and the National Planning Policy Framework.
2. The development proposal (which is solely for residential development) would result in a loss of employment land with no provision made for a mixed use residential/commercial scheme. The viability report under LW/15/0453 concluded that to compensate for the lack of affordable housing, a scheme for mixed residential/business space could come forward, and as such this proposal is contrary to policy CP4 of the Joint Core Strategy and E1 of the Lewes District Local Plan and National Planning Policy Framework.
3. The proposed development, by reason of the site coverage, number of units, height and building mass, would result in a loss of privacy and overlooking, overshadowing and a loss of daylight/sunlight and block 1 would appear oppressive in the outlook when viewed from 19 Folly Field and Lewes Road, all contrary to the criteria in policy ST3 and of the Lewes District Local Plan and policy guidance contained within the National Planning Policy Framework.
4. The proposed development constitutes a gross overdevelopment and makes inadequate provision for private outdoor space (either balconies or gardens) or a communal amenity area in clear conflict with Core Policy 11 (criterion vii) of the Local Plan Part 1: Joint Core Strategy. As such, it would fail to achieve the objectives of sustainable development as set out in the National Planning Policy Framework, in particular the need to secure a good standard of amenity for the future occupants of new buildings (NPPF, para.17).
5. The proposed development by reason of its excessive scale, massing and site coverage would constitute a gross overdevelopment of this modest yard and would appear dominant and incongruous having regard to the grain and form of existing development within the immediate locality, contrary to policies ST3 of the Lewes District Local Plan, CP11 of the Joint Core Strategy and the design paragraphs within the National Planning Policy Framework.

### INFORMATIVE(S)

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.
2. The applicant is advised that it is an offence both to intentionally or recklessly destroy a bat roost, regardless of whether the bat is in the roost at the time of inspection. All trees should therefore be thoroughly checked for the existence of bat roosts prior to any works taking place. If in doubt, the applicant is advised to contact the Bat Conservation Trust at Quadrant House, 250 Kennington Lane, London, SE11 5RD, Tel: 0345 1300 228, email: [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk), <http://www.bats.org.uk/>

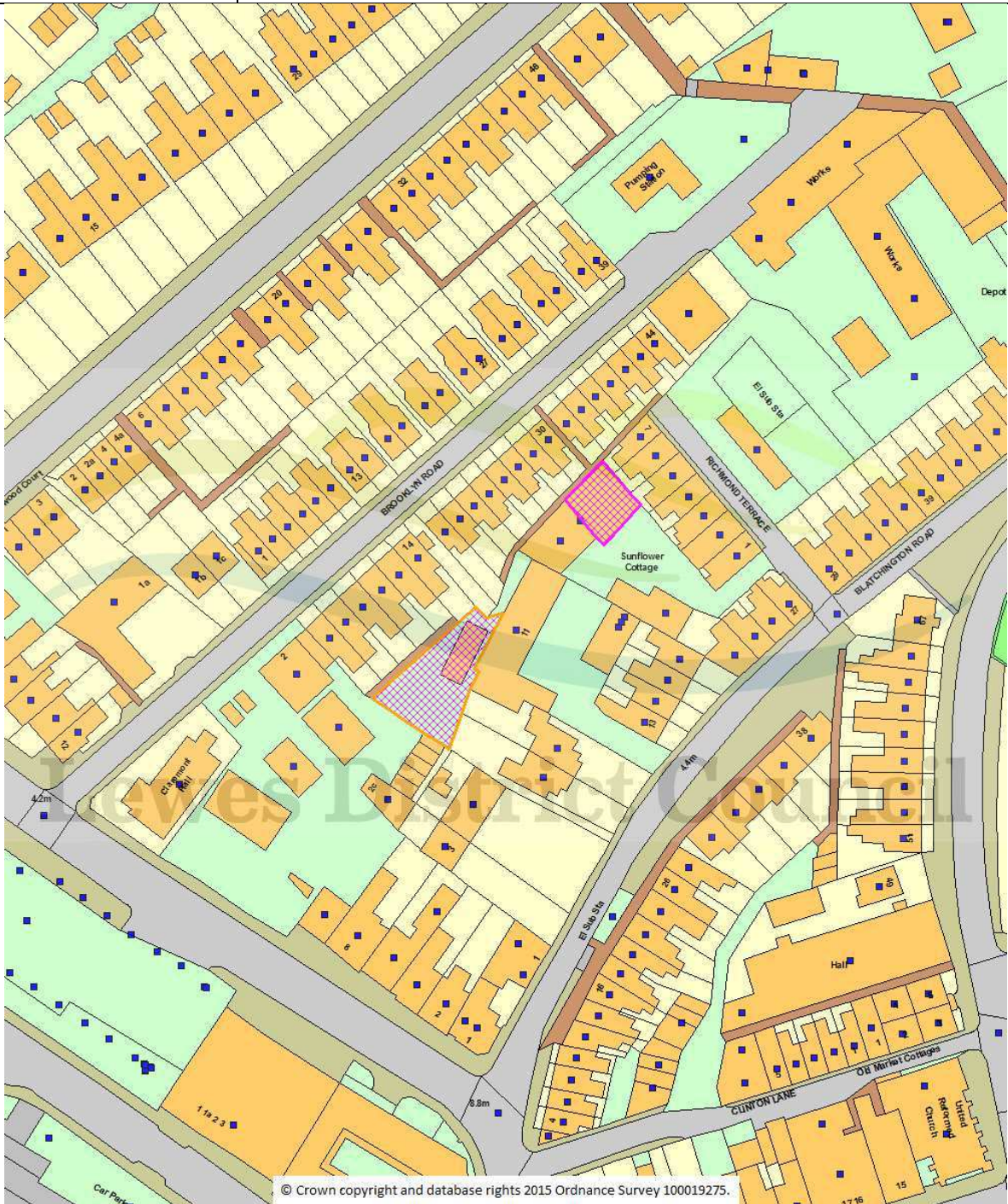
**This decision is based on the following submitted plans/documents:**

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Biodiversity Checklist	12 December 2016	
Proposed Elevation(s)		1506- P-130
Proposed Layout Plan	5 October 2017	1506-P-002 REV C
Proposed Roof Plan	4 July 2017	1506-P-003 REV C
Other Plan(s)	4 July 2017	1506-P-004 SITE SHADOW SHEET 1
Other Plan(s)	19 July 2017	1506-P-005 SITE SHADOW SHEET 2
Existing Layout Plan	4 July 2017	1506-P-100 REV C
Proposed Floor Plan(s)	4 July 2017	1506-P-110 REV B
Proposed Floor Plan(s)	4 July 2017	1506-P-111 REV B
Proposed Floor Plan(s)	4 July 2017	1506-P-112 REV B
Proposed Floor Plan(s)	4 July 2017	1506-P-113 REV B
Proposed Floor Plan(s)	4 July 2017	1506-P-114 REV B
Proposed Floor Plan(s)	4 July 2017	1506-P-115 REV B
Proposed Elevation(s)	4 July 2017	1506-P-116 REV D
Proposed Elevation(s)	4 July 2017	1506-P-120 REV B
Proposed Section(s)	4 July 2017	1506-P-120 REV B
Proposed Elevation(s)	4 July 2017	1506-P-121 REV B
Location Plan	12 December 2016	1:1250
Technical Report	12 December 2016	AIR QUALITY
Technical Report	12 December 2016	ARHAEOLOGICAL ASSESSMENT
Technical Report	12 December 2016	ASBESTOS SURVEY
Additional Documents	12 December 2016	BREXIT COST GRAPH

Technical Report	12 December 2016	CONTAMINATED LAND
Planning Statement/Brief	4 July 2017	DESIGN AND ACCESS AND PLANNING
Other Plan(s)	12 December 2016	EA FLOOD MAP
Technical Report	12 December 2016	GROUNDSURE SCREENING
Additional Documents	12 December 2016	INTERMEDIATE HOUSING REPORT
Noise Detail	12 December 2016	NOISE ASSESSMENT
Technical Report	12 December 2016	UXO REPORT



<b>APPLICATION NUMBER:</b>	LW/17/0501	<b>ITEM NUMBER:</b>	<b>7</b>
<b>APPLICANTS NAME(S):</b>	Medlock Dry Construction Ltd	<b>PARISH / WARD:</b>	Seaford / Seaford Central
<b>PROPOSAL:</b>	Planning Application for Remove single storey kitchen building, erection of replacement two storey building accommodating three self-contained flats with associated parking, alterations to the fenestration on the west elevation of main clubhouse building, change of use of the first floor of the Old Wagon Factory building from B1 to Sui Generis		
<b>SITE ADDRESS:</b>	11 Blatchington Road Seaford East Sussex BN25 2AB		
<b>GRID REF:</b>	TQ4899		



## 1. SITE DESCRIPTION / PROPOSAL

1.1 The site is 11 Blatchington Road, which comprises a range of buildings in a back land position, accessed between 9 and 13 Blatchington Road. The buildings include the clubhouse premises of St. James Trust, residential accommodation and office premises of a building company (the applicant).

1.2 Terraced houses fronting Brooklyn Road back onto the site to the north-west, houses fronting Richmond Terrace back onto the site to the north-east, houses fronting Blatchington Road back onto the site to the south-east, and 9 Blatchington Road is 'side-on' to the access to the south-west, together with motor repair and car sales uses (the motor repair and car sales uses are accessed from Brooklyn Road).

1.3 The proposal involves redeveloping the part of the St James clubhouse premises which is immediately behind 4-14 Brooklyn Road, with a part single, part two-storey building comprising three flats. Associated parking space would be in an open area next to the building, accessed from Brooklyn Road. The access from Brooklyn Road would be under an arch between 2 and 4 Brooklyn Road.

1.4 The proposal also involves the change of use of the first floor of the separate 'Old Wagon Factory', which is in the north corner of the site, behind 5-7 Richmond Terrace and 29-30 Brooklyn Road. The change of use would be from B1 (offices for the building company) to 'sui generis' (being a meeting room for the St James Trust).

## 2. RELEVANT POLICIES

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

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

**LDLP: – CP14 – Renewable and Low Carbon Energy**

## 3. PLANNING HISTORY

**LW/78/1256** - Use as motor repair garage. Restrictive Planning Conditions No 1,2 & 3. - **Approved**

**LW/83/1944** - Change of use from vacant room to office use. - **Approved**

**LW/87/2091** - Section 32 Retrospective Application for continued use of building and part of yard for the storage of fencing material and gardening equipment. Temp. exp. 31/03/1989 - **Approved**

**LW/89/0270** - Renewal of temporary permission for continued use of building and part of back yard for the storage of fencing material and gardening equipment. Permission expires 30/04/1990. - **Approved**

**LW/90/0427** - Renewal of temporary permission LW/89/0270 for continued use of building and part of yard for the storage of fencing material and equipment. Expires 30/11/1990 - **Approved**

**LW/90/1504** - Renewal of temporary permission LW/90/0427 for continued use of land and buildings for the storage of fencing materials and equipment. Site plan inadequate. Plotted from sheet. - **Refused**

**LW/95/0566** - Outline application for the erection of seven houses (demolition of existing buildings) - **Refused**

**LW/95/1247** - Outline application for the demolition of buildings and erection of five houses and one bungalow - **Approved**

**LW/96/0042** - Erection of a five bedroom detached bungalow as a shared home for five persons with physical disabilities - **Withdrawn**

**LW/96/0157** - Outline application for the demolition of part and conversion of existing buildings to form seven self-contained residential units with parking - **Refused**

**LW/96/1223** - Change of use from motor repair to clubhouse for disabled - **Approved**

**LW/99/0469** - Installation of a lift - **Application not Required**

**LW/99/1412** - Proposed kitchen to rear - **Approved**

**LW/02/0674** - Extension to kitchen approved under LW/99/1412 - **Approved**

**LW/07/1200** - Change of use to gym from disused upper floor of building - **Approved**

**LW/13/0306** - Outline application for demolition of a vacant commercial unit and garage and erection of a terrace of three 3 bedroom houses - **Approved**

**LW/15/0418** - Erection of two flats - **Approved**

**LW/15/0905/CD** - Discharge of conditions 1, 4, 8 and 9 relating to planning approval  
LW/15/0418 - **Split**

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

##### **Environmental Health**

4.1 If LPA is minded to grant a planning permission, then considering the historic use and radon affected area of the site, it is recommended that land contamination conditions be imposed.

##### **ESCC Archaeologist**

4.2 Recommends archaeological investigations are secured by planning condition.

##### **Seaford Town Council**

4.3 "It was RESOLVED to SUPPORT the application but given its sensitive location it was requested that a full Archaeological survey should be required as a pre-condition.

4.4 It was also NOTED that as the application covered two separate schemes with different access arrangements, albeit on the same site, two separate applications should have been requested in order to avoid confusion".



## 5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 Objections raised by residents from four local households received, on grounds of parking issues, overlooking/loss of privacy, overshadowing and drainage (flooding), overdevelopment, 'historical significance', inadequate access, noise and disturbance. The objections to the flats arose from the proximity of the flats building to the Brooklyn Road houses.

5.2 Conflict with business operator who uses the arch (which is the access), including with the customer parking area. It is said that the business (motor repairs) would be constrained if access to the flats is allowed through the arch.

## 6. PLANNING CONSIDERATIONS

6.1 The change of use of the first floor of the 'Old Wagon Factory' to a meeting room for the St James Trust is considered to be acceptable.

6.2 The proposed flats would be behind 4-14 Brooklyn Road. The design of the flats has been amended since the original submission, by changing part of the roof (from a gable to a hip) and setting the first floor in from the boundary, both changes being intended to reduce the impact on, particularly, 8-12 Brooklyn Road. Those houses back onto the site, with rear gardens of only 5-9m. The lower part of the proposed flats would be behind the boundary fence as seen from the Brooklyn Road houses (and would anyway replace a single storey club building), so would have little impact. The first floor would be above the boundary wall as seen from the houses, at a distance of between 7-11m.

6.3 It is clear that the first floor of the flats would be readily visible above the wall. On balance, however, the impact on the houses would be acceptable. Setting the first floor in from the boundary reduces the effect of loss of sunlight and overshadowing, and there would be no overlooking (only a high level obscure glazed bathroom window would face the houses). The distance between the houses and the flats would be similar to the distance between houses further along Brooklyn Road and the Old Wagon Factory, which is part of this application.

6.4 All access to the flats (both pedestrian and vehicular) would be from Brooklyn Road, from the access way which goes under the arch between 4 and 6 Brooklyn Road. The applicant has pointed out that this is a legal access to garages for 4-12 Brooklyn Road, and that the trust has historical rights through the arch and commercial area. This access way through the arch is only 2.5m wide and skirts the edge of the commercial car repair yard. This access appears to be often obstructed by vehicles associated with the commercial area. It seems most likely that the nature of the access (narrow and often obstructed) would discourage its use by flat occupants driving to and from the parking spaces, leading instead to pressure to park on road, either in Brooklyn Road or Claremont Road. As both of these roads are heavily parked, the provision of easily accessible on-site parking spaces for the flats is considered to be important, but is not delivered with this proposal. Furthermore, pedestrian access under the arch and skirting the yard would not, it is considered, be entirely safe, given traffic movements associated with the yard area. It is considered that the lack of easily accessible parking spaces and safe pedestrian access is ground for refusal of the application.

6.5 It is noted that Seaford Town Council support the application. It is also noted that the Design and Access Statement, submitted with the application, explains that the proposal is to:

*"Consolidate the aims of St James Trust (Seaford) and Medlock Dry Construction Limited by:*

- Securing the permanent use of the first floor of the Old Wagon Factory to provide additional meeting rooms to expand their facilities and further support the charity financially.*
- Replacing the outdated and dilapidated kitchen building used by the Trust and re-site this in the permanent main clubhouse facility on Blatchington Road, which is to be fitted out to their requirements with proper facilities and heating for their volunteer workers.*
- The erection of a two storey building to provide 2 x one-bedroom flats and 1 x two-bed flat and creating further parking spaces in the vicinity of the site of the existing kitchen, accessed from Brooklyn Road at the rear."*

6.6 However, notwithstanding the benefits which would apparently accrue to the Trust, the proposal is considered to be unacceptable for the reasons explained above and summarised in the recommended 'reason for refusal'.

## 7. RECOMMENDATION

That planning permission be refused.

### Reason(s) for Refusal:

1. The access to the flats, off Brooklyn Road, would be unsafe for pedestrians and (by its narrow width and potential conflict with commercial uses) would not be easily traversed by vehicles. The access would thereby be unsatisfactory, would give rise to hazards for pedestrians and conflict with commercial uses, and would lead to pressure for parking in Brooklyn and other nearby roads, which are already heavily parked. The proposal would thereby be contrary to Policy ST3 (d) of the Lewes District Local Plan, as saved in the Joint Core Strategy.

### INFORMATIVE(S)

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

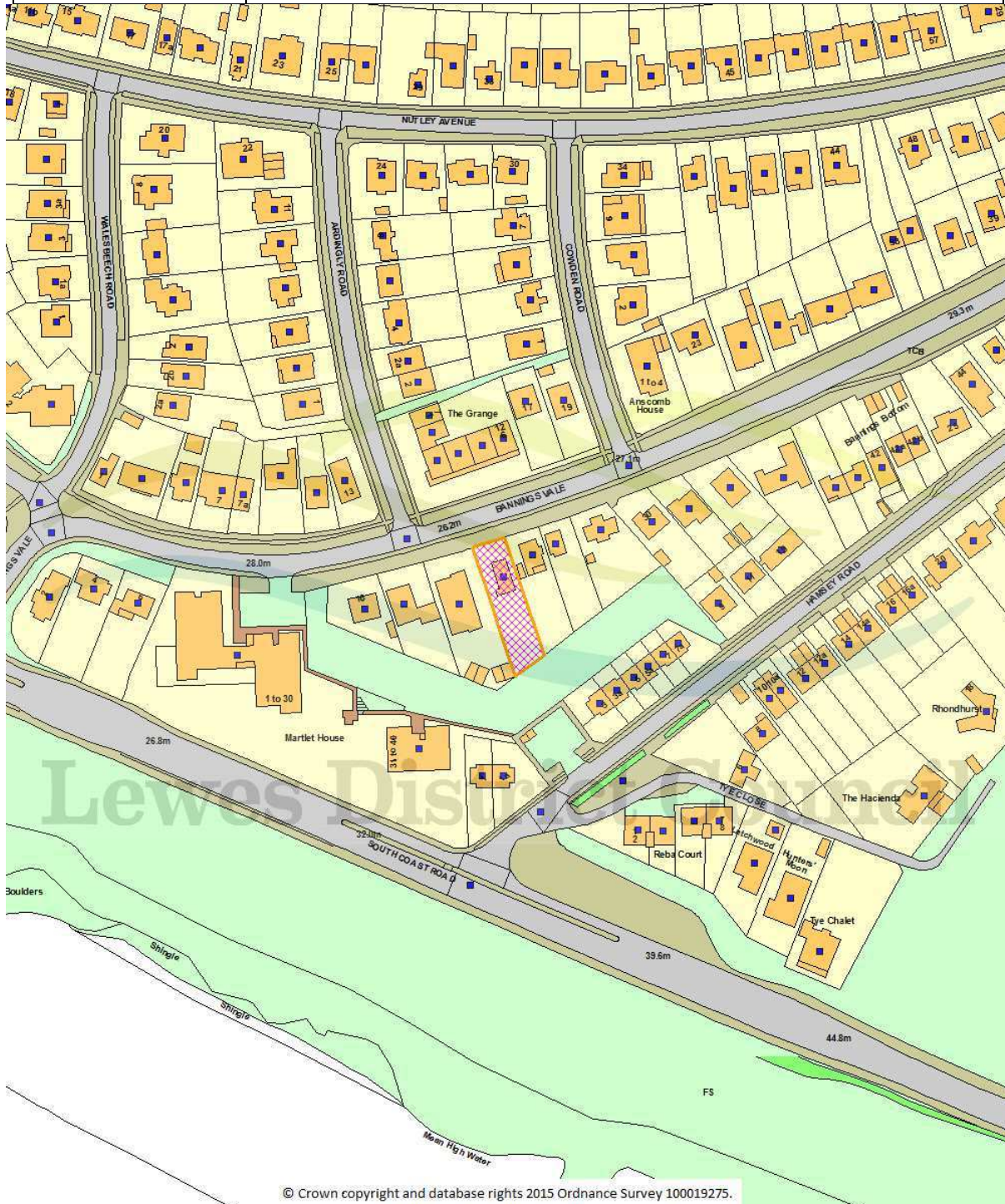
### This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	11 October 2017	0489-01 REV B
Existing Block Plan	11 October 2017	0489-01 REV B
Proposed Block Plan	11 October 2017	0489-02 REV B
Existing Elevation(s)	13 June 2017	0489-03



Existing Floor Plan(s)	13 June 2017	0489-03
Existing Block Plan	13 June 2017	0489-04
Photographs	13 June 2017	0489-04
Existing Floor Plan(s)	13 June 2017	0489-04
Existing Floor Plan(s)	13 June 2017	0489-05
Existing Elevation(s)	13 June 2017	0489-05
Proposed Roof Plan	13 June 2017	0489-06
Proposed Elevation(s)	11 October 2017	0489-06 REV B
Proposed Floor Plan(s)	11 October 2017	0489-06 REV B
Proposed Roof Plan	11 October 2017	0489-06 REV B
Proposed Section(s)	11 October 2017	0489-08 REV B
Additional Documents	20 June 2017	HER CONSULTATION

<b>APPLICATION NUMBER:</b>	LW/17/0660	<b>ITEM NUMBER:</b>	<b>8</b>
<b>APPLICANTS NAME(S):</b>	Mr N Humphries	<b>PARISH / WARD:</b>	Telscombe / East Saltdean & Telscombe Cliffs
<b>PROPOSAL:</b>	Planning Application for Demolition of existing dwelling to be replaced with a block of 6 x 1 Bed flats with associated car parking		
<b>SITE ADDRESS:</b>	22 Bannings Vale Saltdean East Sussex BN2 8DB		
<b>GRID REF:</b>	TQ3801		



## 1. SITE DESCRIPTION / PROPOSAL

### Site Description

- 1.1 The application site is occupied by a detached two storey dwelling house with a pitched roof. The property is one of a group of three properties of similar scale and form, notable because of their narrow width and clad first floor which is also slightly pitched, similar to a mansard roof. The property adjoins 20 Bannings Vale, a large two storey pitched roof building containing 4 self-contained flats.
- 1.2 The property has a detached garage to one side and is set back from the street behind a front garden laid to lawn. The back garden to the property is some 25m in length.
- 1.3 The application site lies at the foot of a hillside, with ground level sloping downward from front to rear, reaching a dip before rising again in the direction of Hamsey Road, Tye Close and the A259 coast road.
- 1.4 The property is sited within the Planning Boundary of Saltdean and the building is not Listed or located in a Conservation Area.

### Proposal

- 1.5 The application seeks planning permission for the demolition of the existing detached dwelling house and for re-development of the site with a three storey building contained 6 x 1-bedroom flats.
- 1.6 The new building will have three storeys, although the top storey will be set back from the edges of the floors below and will feature a split pitched roof set at a shallow angle. The footprint will increase to 16m x 7.3m in relation to the current house which is 10.9m x 5m, but still smaller than the neighbouring flats which have a footprint of 19.8m x 10.3m (20 Bannings Vale).
- 1.7 In terms of height, the proposed building will be 9.3m overall and 6.1m at the notional eaves level at the point where the second floor level is set back from the two storeys beneath.
- 1.8 External materials and finishes are proposed to be facing brickwork at ground floor level with painted render walls above.
- 1.9 The ground and first floor plans will be the same, with a 1-bed flat at the front and at the rear and a communal hallway and staircase in between. The top floor will have a slightly different configuration but with the bedroom and living areas swapped around and there being 5.6 square metre outdoor balconies to the front and to the rear.
- 1.10 A new driveway from Bannings Vale along the side of the building would provide access to a communal parking area for six cars and a cycle storage area.

## 2. RELEVANT POLICIES

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

**LDLP: – ST03 – 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**

**LW/99/0387 - Single storey side extension - Approved**

**LW/06/0007 - Room in roof with rear dormer and side gable - Refused**

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

#### **Telscombe Town Council**

4.1 The Planning & Highways Committee considered the application and OBJECT to the proposal on the grounds that the access to the site is sub-standard, at approx. 3m in width two cars could not pass meaning that cars could be forced to reverse on to a busy road causing obstruction. That the two top floor flats measure less than the minimum size set out in the DCLG document Technical Housing Standards nationally described space standards which shows that the minimum gross internal area should be 37sqm not 32sqm as proposed. That the massing, height and design would be out of keeping with the predominantly two storey street scene, and would therefore be contrary to ST3 of the Saved Local Plan.

4.2 That the proposal would cause loss of privacy to the neighbouring property by virtue that the proposed windows on the south west facing façade would look directly onto windows of the neighbouring property. The proposal would be unneighbourly by virtue of continuing traffic movement and noise that would detrimentally affect the enjoyment of the neighbouring properties.

#### **ESCC Highways**

4.3 No objection

4.4 The width is acceptable at 4.5m however this would need to be extended for the first 5m from the highway, the plan indicates approximately 4m. If the plan is amended this would overcome my concerns.

#### **Environmental Health**

4.5 No objection subject to conditions relating to unsuspected contamination, asbestos and a Construction Environment Management Plan.



## 5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 A representation has been received from Flat 1, 20 Bannings Vale, in support of the application for the following reasons:-

- The current state of the property needs urgent works
- A new fence/wall should be built on the boundary
- The site should be kept clean whilst works commence
- Something drastic needs to be done to combat the current gridlock on the A259
- Bus lanes and public transport schemes do not help self-employed van users

5.2 A representation has been received from 18 Bannings Vale objecting to the application for the following reasons:-

- Out of character
- Over development
- No 3 storey buildings in the vicinity
- Overbearing building/structure
- Highway hazards
- Traffic generation
- Parking issues
- Lack of infrastructure

## 6. PLANNING CONSIDERATIONS

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

### Principle

6.2 The application site lies within the Planning Boundary of Saltdean within a predominantly residential area. The proposals will result in a net increase of 5 dwelling units on the site, which will make more efficient and effective use of the land, providing much needed additional housing within the Lewes District. The proposals are thereby acceptable in principle and meet the requirements of policy SP2 of the adopted Joint Core Strategy.

6.3 There is no objection to the loss of the existing dwelling, which is neither Listed or of any special historic or architectural importance.

### Design

6.4 The proposed building will be three storeys in height and it is noted that adjoining properties are two storeys in height with pitched roofs. The comments received from the near neighbour in this respect are acknowledged.

6.5 The applicant has sought to keep the overall height of the building to a minimum by setting the top floor back from the edges of the floors below and by designing a shallow split-pitched roof that overall will not be significantly taller than the neighbouring properties, particularly 20 Bannings Vale. It should be noted that 20 Bannings Vale is two storeys with a pitched roof, the ridge being slightly lower than the top floor of the proposed development.



6.6 In addition there are three-storey flats nearby including 1-8 Reba Court off Tye Close and 12 flats within 15 Bannings Vale ("The Grange") opposite the application site. These buildings also have pitched roofs and as such will be taller than the proposed development.

6.7 As above there are many flats in the local area, including nearby Martlet House (10 Bannings Vale) which comprises 40 flats.

6.8 In summary, the height, scale and proposed use of the development will not be out of keeping with existing development in this locality.

6.9 The proposed building has also been carefully designed to avoid being sited too close to the common boundaries with the neighbouring buildings, 20 and 24 Bannings Vale, which insures that the rhythm and spacing between buildings is maintained and a "terracing effect" is avoided.

6.10 There are a variety of different dwelling types in this location, including 1, 2 and 3 storey development comprising dwelling houses and flats, and these use a wide ranging palette of external materials and finishes including render, facing brick, timber cladding. The proposed building makes reference to these building materials and the split-pitched roof form also is derived from the traditional pitched roof and in design terms is preferable to a flat roof in this location.

### **Amenity**

6.11 The spaces between the proposed building and the neighbouring properties will be at least 6m and are sufficient to prevent the development from leading to undue overshadowing or having an overbearing impact. In terms of privacy and overlooking it is noted that the north-easterly flank windows will be to bathrooms and, on the top floor open plan kitchens. These windows will be obscure glazed and non-opening up to at least 1.7m above finished internal floor level. The top floor kitchens will be open-plan at the back of the living areas, which will benefit from a good outlook and plenty of natural light, thereby the obscure glazing of the kitchen windows will not be unduly harmful to future occupiers' living conditions.

6.12 The kitchen and bathroom windows at first and second floor level on the south-westerly flank elevation will be obscure glazed and non-opening below 1.7m, the only clear glazed windows will be to the communal hallways/landings and to the internal cupboard rooms to the two first floor flats. These cupboard rooms will be neither living areas nor bedrooms and will be used for storage. As such the neighbouring occupiers of 20 Bannings Vale should not feel overlooked.

6.13 In terms of increased comings and goings and intensified levels of domestic activity that will be brought about by the increase of dwelling units, it is considered that this should not have a harmful impact on neighbour amenity by way of nuisance and disturbance in view of the site context in which many buildings comprise flats, including 10 and 15 Bannings Vale.

6.14 In respect to the size of each of the flats proposed the objection from the Town Council is acknowledged. The Government's Technical Housing Standards - nationally described space standard (published in March 2015) advises that 1-bedroom flats capable of habitation by two people should have an area of at least 51.5 square metres.

6.15 This particular standard is not adopted in the current Joint Core Strategy for Lewes District, but even so, the sizes of the flats proposed in this instance are not

significantly less than the national standard. The ground and first floor level flats will have floor areas of 46 square metres and the top floor flats will have a floor area of 31 square metres and a 5.6 square metre balcony, making a total of 36.6 square metres. The proposed floor plans which have been submitted are to scale and indicate that a double bed and other furnishing could be accommodated in each flat and that there will be sufficient circulation space for future residents.

### **Accessibility and Sustainable Transport**

6.16 The application site is 220m from the nearest bus stop along the A259 and 400m from the shopping parade in Longridge Avenue, Saltdean. As such future residents of the development will not need to be solely reliant on the use of a private car for their day to day travel needs. The application proposes 6 car parking spaces to the rear of the new building, a similar arrangement to neighbouring 20 Bannings Vale, which has car parking and garaging to the rear. This is considered to be acceptable.

6.17 The applicant has also responded to the initial objection from ESCC highway authority by widening and elongating the point of vehicular access so that two vehicles may pass clear of the public highway.

6.18 The applicant also proposes to build a secure and sheltered cycle storage facility behind the building. This should include a minimum of 12 spaces (for example 6 x Sheffield stands) in order to encourage future residents to be less dependent of the private car for all of their journeys.

## **7. RECOMMENDATION**

In view of the above approval is recommended.

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

1. No development shall take place until details and samples of all external materials including the fenestration; hard surfaces; roof materials and external finishes to the walls, 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.

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. No development, including demolition of the existing dwelling, 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.

3. No development shall take place until details of the refuse and recycling storage area, to include a 1:50 scale layout plan and 1:100 scale elevations, as indicated on the approved plans, 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 the refuse and recycling facilities shall be provided prior to the first residential occupation of the approved development 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 and in order to safeguard both neighbour and visual amenity, 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.

4. No development shall take place until details of the cycle parking facility, to include a 1:50 scale layout plan and 1:100 scale elevations, as indicated on the approved plans, 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 the cycle parking facility shall be provided prior to the first residential occupation of the development and retained as such thereafter for the use of residents and visitors to the development hereby permitted, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of amenity and to encourage and provide for means of travel other than 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.

5. Notwithstanding the drawings hereby permitted, no development shall be carried out until a plan for both hard and soft landscaping (to include details of species, planting density and planting heights), has been submitted to and approved in writing by the local planning authority.

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.

6. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the first occupation of either 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.

7. 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.

8. Notwithstanding the drawings hereby permitted, no development shall be carried out until a plan indicating the positions, design, materials and type of boundary treatment to be erected, to include the heights, materials and design of any fences and/or walls, has been submitted to and approved in writing by the local planning authority. The boundary treatment shall be completed in accordance with the approved details prior to the first residential occupation of the new dwelling hereby permitted and retained as such thereafter, 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 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.

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

Reason: In the interests of amenity and to provide for the travel demand generated 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.

10. The overall maximum height of the development hereby permitted, to the highest part of the split-pitched roof, shall not be more than 2.61m above the main ridge height of 24 Bannings Vale or 0.83m above the main ridge height of 20 Bannings Vale, in accordance with approved drawing no. 710.BVS.111, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and the appearance of the street scene, 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. 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.

12. Unless otherwise agreed in writing by the local planning authority, and with the exception of the internal cupboard room and communal hallway/landing windows, all windows at ground and first floor level on the north-east and south-west flank elevations of the development hereby permitted shall be obscure glazed (to a minimum of Level 3 privacy) and non-opening, unless the parts of the windows which can be opened are at least 1.7m in height above the internal finished floor level. The windows shall be retained as such thereafter.

Reason: To protect the privacy and residential amenity of 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.

13. Unless otherwise agreed in writing by the local planning authority, the windows at second floor level on the north-east and south-west flank elevations of the development hereby permitted shall be obscure glazed (to a minimum of Level 3 privacy). The windows shall be retained as such thereafter.

Reason: To protect the privacy and residential amenity of 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.

14. 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.

#### **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 reminded of the Control of Asbestos Regulations 2012 when carrying out demolition and other works associated with the development hereby permitted. For more information please visit <http://www.hse.gov.uk/Asbestos/regulations.htm>.

4. 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.

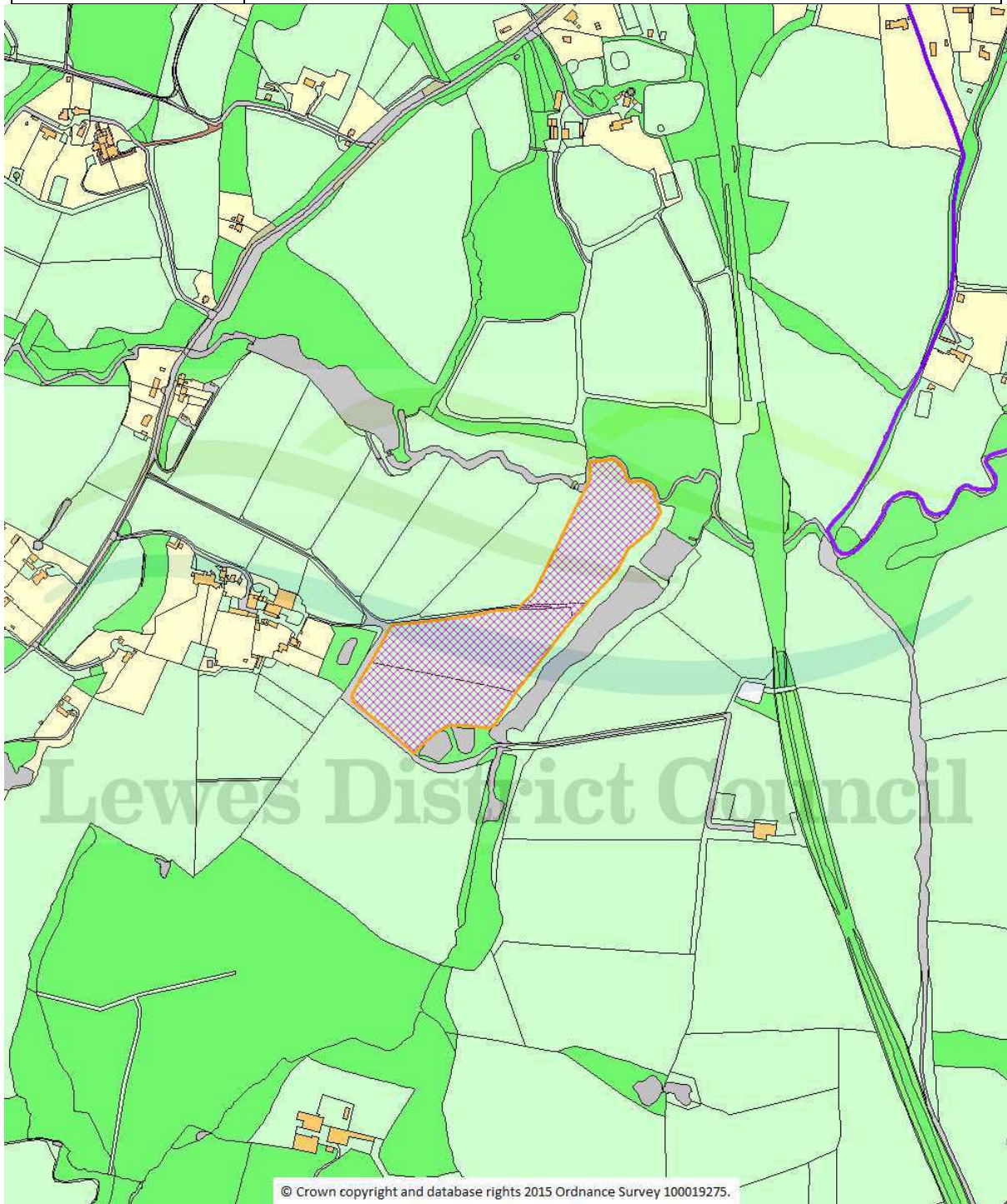
#### **This decision is based on the following submitted plans/documents:**

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Design & Access Statement	24 July 2017	
Location Plan	24 July 2017	710.BVS.100



Existing Block Plan	24 July 2017	710.BVS.100
Proposed Block Plan	30 August 2017	710.BVS.101 REV A
Proposed Floor Plan(s)	30 August 2017	710.BVS.110 REV A
Proposed Elevation(s)	30 August 2017	710.BVS.110 REV A
Street Scene	24 July 2017	710.BVS.111

<b>APPLICATION NUMBER:</b>	LW/17/0767	<b>ITEM NUMBER:</b>	<b>9</b>
<b>APPLICANTS NAME(S):</b>	Mr P O'Conor	<b>PARISH / WARD:</b>	Chailey / Chailey & Wivelsfield
<b>PROPOSAL:</b>	Variation of Planning Condition for Variation of conditions 12 (time limit) and 15 (cycle storage) relating to planning approval LW/17/0353		
<b>SITE ADDRESS:</b>	Tomkins Farm Cinder Hill Chailey East Sussex BN8 4HP		
<b>GRID REF:</b>	TQ4019		



## 1. SITE DESCRIPTION / PROPOSAL

1.1 Earlier this year planning permission was granted for the change of use from agricultural land to a campsite for the summer seasons and the erection of barn style toilet and shower facilities at Tomkins Farm, Cinder Hill, Chailey (application LW/17/0353 refers). Permission was granted subject to a number of conditions and this application now seeks consent for the removal of conditions 12 and 15 of that consent.

1.2 Condition 12 of application LW/17/0353 currently states:

*"The use of the land as a campsite for 40 pitches shall be for a limited period until 31 August 2020 after which date the land shall be restored to its former condition.*

*Reason: To enable the Local Planning Authority to review the situation in the light of the circumstances then pertaining 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."*

1.3 Condition 15 of application LW/17/0353 currently states:

*"Before the camping facility is brought into use details of secure storage for cycles shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out in accordance with the approved details.*

*Reason: In the interests of encouraging more sustainable means of travel 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."*

1.4 The application has been submitted with a supporting statement setting out the applicants reasons for seeking the removal of these conditions, in brief these are:

- The conditions were added at the last minute at the committee meeting without discussion or the ability to comment, and represent a significant variation for what was actually sought in the first instance.
- The temporary condition is too restrictive and does not allow the applicant to build the business or any infrastructure or recoup any capital cost over a sensible time frame.
- Addition of a cycle store will increase the overall investment required.
- The temporary nature of the consent does not give the farming enterprise the financial security the campsite was intended to provide.
- Experience shows that campers who cycle to the site, who take bicycles to site prefer to keep them locked to their tents or close to where they have pitched. It is likely therefore that a dedicated cycle store will be unused and is an unnecessary addition.

## 2. RELEVANT POLICIES

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

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

**LDLP: – E17 – New Camping/Touring Caravan Sites**

**LDLP: – CP5 – The Visitor Economy**

**LDLP: – CP10 – Natural Environment and Landscape**

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

### **3. PLANNING HISTORY**

**LW/10/0442** - Installation of a wind pump for water extraction - **Approved**

**LW/11/0139** - Erection of extensions to existing barn - **Approved**

**LW/13/0516** - Solar farm -

**LW/14/0027** - Discharge of conditions 1, 2, 3, 4, 5, & 6 attached to planning approval  
**LW/10/1441** - **Split**

**LW/15/0292** - Temporary change of use from agriculture to a solar farm with continued agriculture and associated infrastructure - **Refused**

**LW/17/0353** - Change of use from agricultural land to campsite summer seasons and erection of barn style toilet and shower facilities - **Approved**

**LW/17/0767** - Variation of conditions 12 (time limit) and 15 (cycle storage) relating to planning approval LW/17/0353 -

**APPEAL/15/0019** - Temporary change of use from agriculture to a solar farm with continued agriculture and associated infrastructure - **Dismissed**

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

#### **Chailey Parish Council**

4.1 Chailey Parish Council has the following comments on the application to vary conditions 12 and 15 of planning approval LW/17/0353:

4.2 Application to vary condition 12 (time limit): the Parish Council objects to the removal of this condition. However, it considers that a date of 31 August 2022 should be substituted for the date of 31 August 2020 currently included in the condition.

4.3 Application to vary condition 15 (cycle storage): the Parish Council supports the removal of this condition.

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

5.1 Five letters of support:

- Conditions are illogical.
- To require the applicant to invest in the provision of the associated infrastructure for such a short period of time would be financially unsustainable.
- Planning is meant to support rural businesses such as this.

- Will put the viability of the project at risk.
- Cycle shed is unnecessary and unlikely to be used

## 6. PLANNING CONSIDERATIONS

6.1 Members will recall that the recommendation to approve the original application was a balanced one, the concluding paragraph of the officer's report noting: *"The principle of the creation of new campsites is clearly permitted by both local and national policy. The creation of a campsite at Tomkins Farm will allow for diversification of the farm, boosting the rural economy, not only for the applicant but for local businesses as well. There are therefore clear economic benefits to this proposal. Against this the negative visual impact of the introduction of the campsite and its associated facilities has to be balanced, along with the (limited) impact on the living conditions of nearby residents. With appropriately worded conditions ensuring that these impacts are mitigated it is not considered that significant harm will result that would outweigh the benefits of the proposals. For these reasons, it is considered that on balance, the application can be supported, and is therefore recommended for approval."*

6.2 Whilst the applicant's concerns in relation to the restrictive nature of the temporary consent are noted, the purpose of the temporary condition (as set out in the stated reason) is to allow the Local Planning Authority "to review the situation in the light of the circumstances then pertaining" i.e. it allows a trial run. Once the three year period has expired it is open to the applicant to seek permanent consent. Government guidance in respect of the use of temporary conditions is that it is rarely justifiable to grant a second temporary permission. Therefore further permissions should normally be granted permanently or refused if there is clear justification for doing so. If the campsite is proven to run successfully without significant harm to highway safety, neighbour amenity, and visual amenity then it is quite possible that permanent consent would be forthcoming.

6.3 The applicant's arguments in respect of financial viability have been noted, however no actual evidence has been produced to demonstrate that the expenditure required to comply with the other conditions i.e. the implementation of a landscaping scheme and the implementation of the associated drainage works cannot be recouped over the three year temporary period granted.

6.4 In his discussions with officers, the applicant has pointed out that if he decides not to implement his planning approval, he would still be entitled to use his land for up to 28 days per calendar year for the purposes of camping under his permitted development rights (Class B, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015). Use of the land in this manner would be unrestricted and could potentially allow significantly higher numbers of pitches/campers than would be permitted by the consent granted. However this has to be balanced against the introduction of the permanent structures and more frequent and potentially continuous use of the land that the application permits.

6.5 The Parish Council has suggested that the temporary condition could be extended to 2022 to allow a five year trial period instead of the current three. This could clearly allow more time for landscaping to mature, give the business longer to establish and would also allow the applicant additional time to recoup his initial financial outlay. This application has however indicated that this would still not be acceptable to him and that his preference is for permanent consent.

6.6 With regard to the condition in relation to the provision of cycle storage it is considered that the applicant's comments are reasonable. This potentially requires the



addition of further structures at the site, which the applicants experience suggests would be little used. Provision of the barn will allow for some storage therefore those campers who prefer to lock their bikes away will have this as an option, therefore removal of this condition is not considered a significant issue.

### Conclusion

6.7 The applicant's concerns in relation to the temporary nature of the consent that has been granted have been noted, however this was a balanced recommendation in the first instance and it is considered that a temporary approval is an appropriate way of allowing a better understanding and assessment of the impacts of the intended use of the land. Planning legislation allows for the use of such conditions which in this instance is considered reasonable and necessary and there are not considered to be any overriding reasons to remove a condition that has only recently been applied to an approval. The removal of the cycle storage condition on the other hand is considered acceptable on the basis that it removes the need for further structures at the site.

## **7. RECOMMENDATION**

7.1 Recommend that, condition 15 of application LW/17/353 be removed but all other conditions originally attached to the consent be retained as below.

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

1. Hours of operation at the site for the purposes of constructing or maintaining site infrastructure shall be restricted to 08:00 to 18:00 hours Monday to Friday and 09.00 to 13:00 hours on Saturdays. No working is permitted at any time on Sundays or Bank Holidays. No machinery shall be operated, no process shall be carried out and no deliveries or collections shall be made at the site outside of these specified times.

Reason: To protect the amenity of the locality in accordance with policy ST3 of the Lewes District Local Plan.

2. The development hereby permitted shall be limited to a maximum of 40 separate campsite pitches, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To limit the amount of development on site with regards to neighbouring amenities and the character and appearance of the countryside, in accordance with Policies ST3 & CT1 of the Lewes District Local Plan.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or as amended in the future, no areas of hardstanding or additional structures (including any form of children's play equipment) or means of enclosure shall be formed or erected at the site unless planning permission is specifically granted by the Local Planning Authority.

Reason: To limit the amount of development on site with regards to neighbouring amenities and the character and appearance of the countryside, in accordance with Policies ST3 & CT1 of the Lewes District Local Plan

4. The campsite hereby approved shall only be operational between Easter Bank Holiday and 1st October. Outside of these dates all the temporary structures associated with the use of the land as a campsite shall be removed from the site.

Reason: To limit the amount of development on site with regards to neighbouring amenities and the character and appearance of the countryside, in accordance with Policies ST3 and CT1 of the Lewes District Local Plan.

5. Details of any lighting to be provided to illuminate the premises should be submitted to and approved in writing by the Local Planning Authority prior to its installation and shall thereafter be installed in accordance with the approved details. Such details shall ensure any lighting is directed so as to avoid causing a nuisance to the public or to private residents and no additional lighting shall be erected at the site without prior approval of the Local planning Authority.

Reason: To protect the amenity of the locality in accordance with policy ST3 of the Lewes District Local Plan.

6. No amplified sound shall be permitted at any time.

Reason: To protect the amenity of the locality in accordance with policy ST3 of the Lewes District Local Plan.

7. No fireworks shall be permitted at any time.

Reason: To protect the amenity of the locality in accordance with policy ST3 of the Lewes District Local Plan.

8. Commercial waste collections from the site should be restricted to 07.00 hours until 17.30 hours Monday to Saturday only. No collections should be made on Sundays or Bank and Public Holidays.

Reason: To protect the amenity of the locality in accordance with policy ST3 of the Lewes District Local Plan.

9. Within three months of the date of this decision a Waste Management Plan should be submitted to and approved in writing by the Planning Authority. The plan should identify all waste streams and confirm how wastes shall be collected, stored and disposed of. All waste collected at the site shall thereafter be collected and disposed of in accordance with the approved plan.

Reason: To protect the amenity of the locality in accordance with policy ST3 of the Lewes District Local Plan.

10. Within three months of the date of this decision details of soft landscape works to the southern boundary of the application site shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved in accordance with a programme to be agreed with the Local Planning Authority.

Reason: To mitigate the visual impact of the proposed use on the wider locality having regard to ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

11. The use of the land as a campsite for 40 pitches shall be for a limited period until 31 August 2020 after which date the land shall be restored to its former condition.

Reason: To enable the Local Planning Authority to review the situation in the light of the circumstances then pertaining 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.

12. Development shall not begin until details of providing drainage/sewerage disposal to the toilets; shower and washing up facilities have been submitted to and approved in writing by the Local Planning Authority. The approved drainage works shall be implemented prior to the commencement of the use on site.

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.

13. No part of the development shall be first occupied until visibility splays of 2.4 metres by 85 metres to the North and 2.4 metres by 102 metres to the South have been provided at the proposed site vehicular access onto Cinder Hill in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

Reason: In the interests of road 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.

## **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. Mixed use of the land for livestock grazing and camping could expose campers to public health hazards such as E. coli O157. Published guidance currently recommends that livestock should be removed from the land three weeks prior to use of the land for recreational purposes. Further information can be found on the Health and Safety Executive website:  
<http://www.hse.gov.uk/event-safety/venue-site-design.htm>.

3. The applicant is encouraged to contact the Environmental Health Department if they intend to produce a noise management plan for the campsite.

4. The applicant is advised that it is their responsibility to apply for a separate campsite licence. Further details are available here:  
<http://www.lewes.gov.uk/environment/1638.asp>

5. Local information should be provided to all visitors of the campsite on arrival to make it clear what local facilities are available and to highlight the local footpaths within the vicinity.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	19 July 2017	

Photographs	20 April 2017	AERIAL PHOTO
Proposed Elevation(s)	20 April 2017	AMENDED DRAWING
Proposed Floor Plan(s)	20 April 2017	AMENDED DRAWING
Other Plan(s)	3 August 2017	VISIBILITY SPLAY NORTH
Other Plan(s)	3 August 2017	VISIBILITY SPLAY SOUTH

Report to **Planning Committee**  
Date **1 November 2017**  
By **Director of Planning**  
Local Authority **Lewes District Council**  
Application Number **SDNP/17/03713/FUL**  
Applicant **Mr M Bell**  
Application **New single family dwelling**  
Address **111 High Street**  
**Lewes**  
**BN7 1XY**

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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 The site is located between the High street and Rotten Row. It is occupied by a grade II \* listed property, St Anne's House, which fronts onto the High Street. This is a rather elegant Georgian house, with a large walled garden to the rear with access off Rotten Row. The building is now used as a gallery and offices for several businesses. The site covers an area of approximately 1320sq.m of which St Anne's House covers half. The remainder of the land is located to the rear and is part of what would have been a walled garden and which is now used largely for parking, with a smaller area of amenity space associated with the building.
- 1.2 The rear parking and garden area slopes down from the house to Rotten Row, where a high brick wall encloses the site and is punctuated with a vertical timber set of double gates. The levels within the site are higher than those of the adjacent highway so an existing hedge on the northern side of the boundary wall almost doubles the height of the boundary treatment. There are two mature trees (a yew and a sycamore) located in the south west corner of the site.

### **2 Proposal**

- 2.1 Planning permission is being sought to construct a 2 storey dwelling in the south west corner of the plot adjacent to Rotten Row. The house would be an upside down dwelling, with three bedrooms on the ground floor and the main living/kitchen/dining area on the upper floor, with a south facing balcony. The roof would be mono pitch roof with a shallow slope from south to north. An additional gated pedestrian access would be created in the boundary wall to the west of the existing main gates to provide access to the dwelling. Two dedicated parking spaces would be provided for the occupiers of the dwelling.



### **3 Relevant Planning History**

3.1 There is no relevant planning history.

### **4 Consultations**

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

4.1 The tree report is comprehensive and details trees to be removed and retained, which I am in broad agreement with. T2 is a protected Yew (T8 of the Order). The Sycamore appears to have replaced the Ash (T7 of the Order) but the Order was not updated. The Holly (T9 of the Order) appears to be absent. I have not undertaken a file sweep to determine whether these trees were removed with consent in the past.

4.2 The report also details trees protection measures and a method statement so as to protect the vulnerable parts of trees to be retained. Again, there is broad agreement with the report but we will need to ensure that construction operations adhere to these measures.

#### Suggested condition

4.3 The approved method statements (1718-02 Rev A - Owen Allpress) 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 LPA.

4.4 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.

4.5 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 2 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.

#### **Lewes Town Council**

4.6 No comment

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

4.7 No objection subject to the following condition:

4.8 *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.*

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

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

4.10 111 High Street is a grade II\* listed building within the Lewes Conservation Area. Notably, extensive pre-application discussions took place, with Historic England included, to establish an appropriate scheme for the site.

- 4.11 The proposed dwelling sits to the rear of 111 High Street where it would face on to Rotten Row. As existing this part of the garden is used as a car park, associated with the office use of 111 High Street. Concerning the context of the site, there is an established pattern of development where there are later infill houses along the rear the High Street, facing on to Rotten Row. All of these modern dwellings would have been built within the curtilage of listed buildings.
- 4.12 The proposed dwelling is considered to be a well-designed modern piece of architecture that sits well within the street scene. In terms of the impact on the setting of 111 High Street, the proposed dwelling will clearly be visible from the building within the existing parking area. However, because of the topography, the site slopes toward Rotten Row, it sits lower than the listed building. The result of this slope is the proposed dwelling will have a conspicuously subservient appearance within the curtilage of the listed building. The wider views from 111 High Street of the South Downs area are still maintained at first floor, allowing the listed building to maintain its attractive outlook.
- 4.13 The proposed dwelling is not objected to as it is considered to preserve the existing listed building, its setting and the wider Lewes Conservation Area. It is recommended the application be approved with the following conditions:
- 4.14 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.
- 4.15 Prior to commencement of works details of the windows and doors 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.
- 4.16 Prior to commencement of works details of minor enabling works such as vents, flues, meter boxes, external lighting, rainwater goods and any other associated works 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.
- 4.17 Prior to commencement of works details of: The method for creating a new opening for the new entrance door within the existing south boundary wall and of structural support for the existing boundary walls during works; The appearance of the new entrance gate, door and piers within the existing south boundary wall 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.
- 4.18 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.

#### **LE - Environmental Health**

- 4.19 Proposed development is a New single family dwelling at 111 High Street Lewes BN7 1XY.
- 4.20 If LPA is minded to grant planning permission, then considering the part of car park to be used as residential and historic closed landfill buffer, I recommend the following land contamination condition:
- 4.21 *If, during development, contamination 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.*

- 4.22 *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].*

### **Southern Gas Networks**

- 4.23 No comment.

## **5 Representations**

- 5.1 8 objections have been received, raising concerns over - scale is disproportionate to its setting, too high, out of keeping with the character of the area, fails to respect building line, loss of privacy, impact on trees, misleading information on the application, contrary to adopted policy, fails to respect and contribute to the conservation area, increased noise and disturbance, parking closer to adjacent dwellings, dominant and out of character, overlooking, loss of parking, too tall, detrimental impact on tranquillity of area, overdevelopment of the site.
- 5.2 Friends of Lewes - commend the elegant design.

## **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**

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:

- NPPF06 - Delivering a wide choice of high quality homes
- 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:

- ST3 - Design, Form and Setting of Development
- H5 - Within / Affecting Conservation Area
- H2 - Listed Buildings

The following policies of the **Lewes District Council - The Core Strategy (Local Plan Part 1) 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 9
- General Policy 50

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

- NPPF06 - Delivering a wide choice of high quality homes
- NPPF07 - Requiring good design

#### 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 9

- General Policy 50

### The Draft South Downs National Park Local Plan

The South Downs Local Plan: Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 26<sup>th</sup> September to 21<sup>st</sup> November 2017. After this period, the next stage in the plan preparation will be the submission of the Local Plan for independent examination and thereafter adoption. Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication unless other material considerations indicate otherwise. Based on the current stage of preparation, along with the fact that the policies are compliant with the NPPF, the policies within the Pre-Submission Local Plan referenced are currently afforded some weight.

## **8 Planning Assessment**

### Policy

- 8.1 A broad summary of the main policies relevant to the determination of the application are set out below.
- 8.2 The site is located within the planning boundary and therefore there is a presumption in favour of development unless material considerations suggest otherwise.
- 8.4 Policy H5 of the LDLP seeks to conserve or enhance the special architectural or historic character or appearance of such areas, whilst H2 seeks to resist any proposal which would adversely affect the architectural or historic character of a listed building.
- 8.5 Policy ST3 relates to the design form and setting of developments, requiring developments to respect the overall scale, height massing, alignment, site coverage, density landscaping, character rhythm and layout of neighbouring buildings.
- 8.6 Core Policy 11 of the LDLP JCS seeks to secure high quality design in all new developments.
- 8.7 The site is also located within the SDNP where one of its purposes is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area. Policy 9 of the Management Plan seeks to protect the historic environment from harm, whilst Policy 50 seeks to ensure that new development is closely matched to social and economic needs, as well as being of high design and energy efficiency standards.
- 8.8 The NPPF recognise the importance and high status of National Parks. However it also states that local planning authorities should not impose architectural styles or particular tastes and should not stifle innovation originality or initiative, but can seek to promote or reinforce local distinctiveness (Para. 60). It goes on to state that planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (para 61).

### Design

- 8.9 The building will be located in the south west corner of the site. The land within the site is raised in relation to Rotten Row. The building will not sit parallel to the southern boundary wall, being located between 3m at its eastern end and 7m at its western end back from the boundary, and 5m away from the western boundary.



- 8.10 The building will have a footprint measuring 9.5m deep and between 9.5m (north) and 13m (south) wide, giving a footprint of approximately 110sq.m. These measurements include the overhanging balcony to the south elevation. The shallow sloping roof, which slopes south to north, will be a green roof and will accommodate photovoltaic panels. The walls will be a mix of render, horizontal timber boarding and timber shingles. The windows will be timber framed, and the first floor balcony which runs across the south elevation at first floor level will be in timber (post and beams) with a black metal balustrade to the front edge. An amended plan has been submitted which shows a screen added to the western end of the balcony to prevent overlooking to Falmer House. (This would be made the subject of a condition). This is shown on the amended plan which also shows the building being set 600mm into the ground thus reducing the buildings height in relation to its surroundings.
- 8.11 A new pedestrian access will be constructed in the front boundary wall, to the west of the existing vehicle access gates, and which will accommodate a new timber gate. The development will also accommodate 2 off street parking spaces, cycle and refuse storage.
- 8.12 The two principle and prominent trees located in the south west corner of the site and the existing boundary hedge will be retained (see later section within the report) and further planting will be carried out to the front garden are behind the boundary wall.
- 8.13 The design represents a highly sustainable design, in a contemporary and functional architectural style.

#### Impact on trees and hedge

- 8.14 There are two trees located in the south west corner of the site - a Yew tree and a Sycamore. An TPO exists on the site. Both trees are categorised as B1, that is being of moderate quality with an estimated life expectancy of at least 20 years and have material conservation or other value.
- 8.15 An arboricultural report has been submitted with the application. This has been assessed and considered as part of the assessment by the Council's Tree & Landscape officer who considers that the tree report is comprehensive and details the trees to be removed and retained, which he is in broad agreement with. T2 is a protected Yew (T8 of the Order), whilst the Sycamore appears to have replaced the Ash (T7 of the Order) but the Order was not updated. The report also details trees protection measures and a method statement so as to protect the vulnerable parts of trees to be retained. Again, there is broad agreement with the report but we will need to ensure that construction operations adhere to these measures. It is considered that suitably worded conditions would ensure compliance with the proposed construction operations.
- 8.16 The existing hedge which is located behind the front boundary wall is shown to be retained. This is an important feature locally and adds to the verdant quality of the road, Its retention would assist in reducing the impact that the development would have on the street scene. It is therefore considered that a condition should be imposed to ensure its retention and replacement should it die.
- 8.17 It is not considered that the proposed development should have a detrimental impact on the protected trees or the existing hedge. Therefore the verdant nature of this part of the site, when viewed from Rotten Row would not be compromised.

#### Impact on listed building and conservation area

- 8.18 The site is located in the curtilage of a grade II\* listed building. Originally a prestigious dwelling house the application site is located in what would have been the dwelling's walled garden.
- 8.19 English Heritage has been involved in the pre-application discussion. They have acknowledged the current use of the building as a gallery and offices, and also that Rotten Row has over time developed to allow unobtrusive modern infill development, which has largely taken place in the large gardens which front onto Rotten Row and which at one time belonged to the listed

dwelling which face onto the High Street. Therefore they have accepted the principle of developing a dwelling within the plot as it would in their opinion correspond to the more recently established street pattern. They also considered that the contemporary design and the use of natural materials, which occur elsewhere in the conservation area would also appropriate.

- 8.20 The main issue is therefore whether the siting of the new dwelling would impact on the setting of the listed building or prejudice the extensive views south from the listed building. English Heritage considered that the proposed siting would still allow views of the rear elevation of the building when viewed from the south and would allow views out to the south and towards the Downs.
- 8.21 The Council's Design & Conservation officer considers that the proposed dwelling will clearly be visible from the listed building. However, because of the topography with the slope away from the listed building toward Rotten Row, the new dwelling would sit lower than the listed building. The result of this is that the proposed dwelling will have a conspicuously subservient appearance within the curtilage of the listed building, and that wider views from 111 High Street of the South Downs beyond will still be maintained at first floor, allowing the listed building to maintain its attractive outlook.
- 8.22 Overall it is not considered that the proposal would have a detrimental impact on the character or setting of the listed building.
- 8.23 In terms of the conservation area, the Lewes Conservation Area Appraisal (LCAA) states that Rotten Row is notable for its tall flint walls especially along the north side, for the detached or paired brown brick houses with Italianate details which lie in spacious gardens to the south of the road. It goes on to acknowledge that a certain amount of infill development has taken place since the 1930's some of it highly visible but generally of little visual impact because of the high boundary walls, generous plot sizes and mature planting. Most of this infill development has taken place in the rear gardens of the listed buildings which front onto the High Street, and which have their own access onto Rotten Row.
- 8.24 Whilst it is acknowledge that the proposed dwelling will be visible when walking down Rotten Row from east to west - this would be the most visible perspective, with the retention of the boundary wall, hedging and trees together with the set back into the site, it is not considered that the proposed dwelling would be so dominant that it would be detrimental to the street scene. The new pedestrian opening within the boundary wall is not dissimilar to others on the northern side of the road. It is modest in scale and would not alter the inherent character of the road. The choice of 'soft' cladding materials would also serve to give the appearance of a building which is subservient to the listed building.
- 8.25 There is no defined building line along the north side of Rotten Row. The newer infill dwellings are of a mixed size and style, and are set varying distances back from the road itself. Therefore it is not considered that the location of the building would prejudice the character of the area due to its location.
- 8.26 It is considered that the proposal would not have a detrimental impact on the character or setting of the listed building and would, due to its form and choice of materials and detailing, be neutral in terms of its impact on the character and appearance of the conservation area and the wider public realm.

Impact on amenity - overshadowing, noise, loss of privacy

- 8.27 The proposal sits comfortably within the corner of the plot and a sufficient distance away from buildings to the north which are in an elevated position due to the topography of the site. Therefore there would be no direct impact on the amenity of the occupiers.
- 8.28 The nearest residential properties are Falmer House, a bungalow located immediately to the west of the site, and Holbrook, Sunnymead and Camoys which are located to the south and on the southern side of Rotten Row.

- 8.29 In terms of overshadowing, the only property that would be affected is Falmer House. Falmer House is a bungalow which is located immediately to the west of the proposed dwelling and has a separation distance of 10m between the two dwellings. Falmer House has two small windows on the east elevation. It is considered that, due to the separation distance and the spatial relationship of the two dwelling, and the presence of the Yew, Sycamore and Ash trees close to or on the boundary, the new dwelling would not result in an increase in overshadowing that would justify refusal. The new dwelling would be visible from the two side windows but with a separation distance of 10m, whilst the presence of the building would be noticeable, it is not considered that it would be overbearing.
- 8.30 In terms of noise, the property is a dwelling house. It is being constructed in a predominantly residential area. Therefore a new residential property would not be out of place in the area. The use and activities that would take place on the site would sit comfortably within its surroundings. In terms of vehicle movements whilst the car parking facilities for the new dwelling are located on the western side of the dwelling close to Falmer House, the existing car park on the site extends right up to the boundary. Therefore it is not considered that vehicle movements associated with the new dwelling would further prejudice residential amenity.
- 8.31 In terms of privacy and overlooking, the new dwelling has its main habitable space on the first floor. This space opens up onto a balcony which extends across the full width of the dwelling. Amended plans have been received which show a screen added to the western end of the balcony. This is shown as a timber slatted screen. Further details are required to ensure that privacy is maintained (which would be the subject of a condition) but provided the screen is fit for purpose it is considered that there would be no loss of privacy or overlooking to the neighbouring Falmer House.
- 8.32 The amended plan also shows the dwelling set further into the ground which serves to reduce the maximum height of the building by 600mm, and thus the height of the balcony. There are three properties located to the south of the application property. Holbrook is a large detached dwelling which is located approximately 26m from the balcony to the front elevation, and 12m from the front boundary (a flint wall with brick dressing and which is topped by shrubs growing within the front amenity space). The front amenity area consists of a soft landscaped amenity area together with a hard surfaced parking area. The main garden amenity area is located to the south of the dwelling.
- 8.33 Sunnymead appears as a single storey dwelling when viewed from Rotten Row. It is located 42m to the south of the balcony and its front boundary is approximately 14m from the balcony. Its front garden is a mix of soft landscaping and hard surfaced drive leading to a garage. The front boundary consists of flint wall capped with brick. Shrubs and mature trees project above the wall.
- 8.34 Camoys is a single storey dwelling located approximately 22m from the balcony. Its front garden is laid to hard surfacing and used for the parking of vehicles. Its main amenity area is located to the rear.
- 8.35 The reason for locating the main habitable area at first floor level is to maximise views south towards the countryside and South Downs. The dwelling does not overlook the main amenity areas for the three dwelling located immediately to the south. There would be the possibility of overlooking parts of the front gardens for two of the dwellings, however as these are not the main amenity areas and provide access and parking it is not considered that this would prejudice the amenity or the enjoyment of those spaces by the occupiers of these properties. Similarly the dwellings themselves are all located over 20m away to the south. Such a separation distance is considered extremely generous within an urban setting, and is sufficient to ensure that privacy is maintained and not compromised.
- 8.36 Whilst the balcony and the first floor accommodation will be a noticeable feature of the development from both the public realm and properties to the south, it is considered that whilst the development would be noticeable from neighbouring properties, the separation distances involved together with boundary treatments and existing planting would safeguard privacy and amenity.

### Impact on the street scene

- 8.37 At street level a new pedestrian opening will be created within the front boundary wall. Similar openings have been inserted into the boundary wall along Rotten Row as infill development in the rear gardens has proliferated along the road. This opening will be gated and modest in scale and sufficient to allow pedestrian access to the new dwelling. A suitable worded condition will ensure that the details of the opening are acceptable.
- 8.38 With regards to the new dwelling, this will be the most noticeable when approached from the north east, where the south and east elevations of the dwelling will be visible above the double gates and the boundary wall. However, the high boundary wall, retention of the existing hedge, and the additional planting (which will be required by condition) will help to break up the view.
- 8.39 Rotten Row is relatively narrow and flanked by quite high brick or flint walls at its northern end and in proximity to the site. It is also quite verdant, with an abundance of trees and vegetation growing either over or above the walls. It is not considered that the proposed development would undermine that quality. Despite these features, existing dwellings can be glimpsed either in close proximity to the road or some distance away (those fronting onto the High Street).
- 8.40 It is therefore considered that whilst the new dwelling would be visible from the road and from nearby dwellings and would have some visual impact, that impact is not considered to result in harm to the street scene or its inherent character.

## **9 Conclusion**

- 9.1 It is considered that the development would provide a contemporary dwelling, of an appropriate design, form and scale that would sit comfortably within the space available, without detriment to the character and setting of the listed building, or the wider conservation area. There is significant separation distance between the proposed dwelling and neighbouring dwellings to ensure that amenity of the occupiers is not prejudiced. Overall the proposal is considered to constitute an acceptable development.

## **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. No development shall take place, including any works of demolition, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.
- address noise impacts arising out of the construction;
- Include details of the use of protective fences, exclusion barriers and warning signs;
- Provide details of the location and appearance of the site offices and storage area for materials,
- Details of any external lighting.

Reason: In order to safeguard residential amenity and in the interests of highway safety and the wider amenities of the area having regard to Policy ST3 of the Lewes District Local Plan and having regard to National Policy Guidance contained in the National Planning Policy Framework 2012.

4. Before the development hereby approved is commenced on site, details and samples of all external facing materials including all facing and roofing materials, windows and balcony railings 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.

5. Before the development hereby approved is commenced on site, details of the new opening into the boundary wall including elevations at a scale of at least 1:10 together with details of the gate shall be submitted to, and approved in writing by, the Local Planning Authority and carried out in accordance with that consent.

Reason: To protect the character of the conservation area having regard to Policy H5 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

6. Before the development hereby approved is occupied, details of the screen to the western end of the balcony to a scale of at least 1:10 shall be submitted to, and approved in writing by, the Local Planning Authority and carried out in accordance with that consent and retained in perpetuity.

Reason: To protect the amenity of adjacent 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.

7. The land indicated on the approved plans for the parking of vehicles and for cycle storage for the development hereby permitted shall be laid out prior to the first occupation/use of the development and thereafter kept available for those purposes only.

Reason: To ensure that the development complies with adopted standards in the interests of highway safety and functionality 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.



8. Construction work shall be restricted to the hours of 0800 to 1800 Monday to Fridays and 0830 to 1300 on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

Reason: In the interest of residential amenities of the neighbours having regard to Policy ST3 of the Lewes District Local Plan.

9. Development shall not begin until details of finished floor levels in relation to the existing ground levels, boundary wall and neighbouring dwellings 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.

10. No development shall take place until full details of both hard and soft landscape works, including detailed planting schedule have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before the building is occupied.

Reason; To enhance the general appearance of the development having regard to Policy H5 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

11. The approved method statements (1718-02 Rev A - Owen Allpress) 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 LPA.

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.

Reason; To enhance the general appearance of the development having regard to Policy H5 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

12. 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 2 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 enhance the general appearance of the development having regard to Policy H5 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

13. All trees, shrubs and hedges within the site, to be retained, shall be protected by 1m high fences for the duration of the building works at a distance equivalent to the outer most limit of the branches or half the height of the tree or whichever is the greatest or such other distance as may be agreed in writing by the Local Planning Authority. No materials or plant shall be stored, rubbish dumped, fires lit or buildings erected within the fenced area and no changes in ground level or excavations may be made within the exclusion zone of the tree, shrub or hedge without the prior consent in writing of the Local Planning Authority, in accordance with BS.5837 - Trees in Relation to Construction.

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

14. In the event of the death or destruction of any tree, shrub, hedge to which Condition 13 relates on the site within two years of occupation due to felling, cutting down, uprooting, ill health or any other manner, then there shall be replanted in its place another tree, shrub or hedge within 6 months and of a size and species approved in writing by the Local Planning Authority, and carried out in accordance with that approval.

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

15. The hedge to the southern boundary of the site shall be retained at a height of at least 1m above the height of the boundary wall and in the event of the death or destruction of any part of the front hedge then there shall be replanted in its place another hedge within 6 months.

Reason: To maintain the general character and appearance of the wider public realm and conservation area having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

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

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

17. No external lighting shall be installed on the site or building without the prior written approval of the Local Planning Authority and this condition shall apply notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order, 2015, or any Order revoking or re-enacting that Order.

Reason: To protect the character of the area and amenity of local residential 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.

18. 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

19. If, during development, contamination 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 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].

20. Prior to commencement of works details of minor enabling works such as vents, flues, meter boxes, external lighting, rainwater goods and any other associated works 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 of the conservation area having regard to Policy H5 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: Mr Andrew Hill (Lewes DC)

Tel: 01273 471600

email: Andrew.Hill@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 - SITE & LOCATION PLANS	I3860/PA/001		20.07.2017	Approved
Plans - SITE PLANS	I3860/PA/002		20.07.2017	Approved
Plans - EXISTING SURVEY PLAN	I3860/PA/003		20.07.2017	Approved
Plans - EXISTING SECTIONS	I3860/PA/004		20.07.2017	Approved
Plans - SITE PLAN	I3860/PA/005		20.07.2017	Approved
Plans - VISUAL AMENITY	I3860/PA/006		20.07.2017	Approved
Plans - VISUAL AMENITY	I3860/PA/007		20.07.2017	Approved
Plans - GROUND FLOOR PLAN	I3860/PA/010 Rev A		02.10.2017	Approved
Plans - FIRST FLOOR & ROOF PLANS	I3860/PA/011 Rev A		02.10.2017	Approved
Plans - ELEVATIONS	I3860/PA/012 Rev A		02.10.2017	Approved
Plans - ELEVATIONS	I3860/PA/013 Rev A		02.10.2017	Approved
Plans - ELEVATIONS	I3860/PA/014 Rev A		02.10.2017	Approved
Plans - ELEVATION BAY STUDY	I3860/PA/015		20.07.2017	Approved
Application Documents -	arboricultural impact		20.07.2017	Approved
Application Documents -	archaeological evaluation		20.07.2017	Approved
Application Documents -	design and access		20.07.2017	Approved
Application Documents -	initial arboricultural report		20.07.2017	Approved

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



Report to **Planning Committee**  
Date **1 November 2017**  
By **Director of Planning**  
Local Authority **Lewes District Council**  
Application Number **SDNP/17/04119/LIS**  
Applicant **Mr M Bell**  
Application **New single family dwelling**  
Address **111 High Street**  
**Lewes**  
**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 site is located between the High street and Rotten Row. It is occupied by a grade II \* listed property, St Anne's House, which fronts onto the High Street. This is a rather elegant Georgian house, with a large walled garden to the rear with access off Rotten Row. The building is now used as a gallery and offices for several businesses. The site covers an area of approximately 1320sq.m of which St Anne's House covers half. The remainder of the land is located to the rear and is part of what would have been a walled garden and which is now used largely for parking, with a smaller area of amenity space associated with the building.
- 1.2 The rear parking and garden area slopes down from the house to Rotten Row, where a high brick wall encloses the site and is punctuated with a vertical timber set of double gates. The levels within the site are higher than those of the adjacent highway so an existing hedge on the northern side of the boundary wall almost doubles the height of the boundary treatment. There are two mature trees (a yew and a sycamore) located in the south west corner of the site.

### **2 Proposal**

- 2.1 Listed building consent are being sought to construct a 2 storey dwelling in the south west corner of the plot adjacent to Rotten Row. The house would be an upside down dwelling, with three bedrooms on the ground floor and the main living/kitchen/dining area on the upper floor, with a south facing balcony. The roof would be mono pitch roof with a shallow slope from south to north. An additional gated pedestrian access would be created in the boundary wall to the west of the existing main gates to provide access to the dwelling. Two dedicated parking spaces would be provided for the occupiers of the dwelling.

### **3 Relevant Planning History**

3.1 There is no relevant planning history.

### **4 Consultations**

#### **East Hampshire Association of Parish and Town Councils**

4.1 Comments awaited.

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

4.2 No objection subject to the following condition:

4.3 *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.*

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

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

4.5 111 High Street is a grade II\* listed building within the Lewes Conservation Area. Notably, extensive pre-application discussions took place, with Historic England included, to establish an appropriate scheme for the site.

4.6 The proposed dwelling sits to the rear of 111 High Street where it would face on to Rotten Row. As existing this part of the garden is used as a car park, associated with the office use of 111 High Street. Concerning the context of the site, there is an established pattern of development where there are later infill houses along the rear the High Street, facing on to Rotten Row. All of these modern dwellings would have been built within the curtilage of listed buildings.

4.7 The proposed dwelling is considered to be a well-designed modern piece of architecture that sits well within the street scene. In terms of the impact on the setting of 111 High Street, the proposed dwelling will clearly be visible from the building within the existing parking area. However, because of the topography, the site slopes toward Rotten Row, it sits lower than the listed building. The result of this slope is the proposed dwelling will have a conspicuously subservient appearance within the curtilage of the listed building. The wider views from 111 High Street of the South Downs area are still maintained at first floor, allowing the listed building to maintain its attractive outlook.

4.8 The proposed dwelling is not objected to as it is considered to preserve the existing listed building, its setting and the wider Lewes Conservation Area. It is recommended the application be approved with the following conditions:

4.9 *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.*

4.10 *Prior to commencement of works details of the windows and doors 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.*

- 4.11 *Prior to commencement of works details of minor enabling works such as vents, flues, meter boxes, external lighting, rainwater goods and any other associated works 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.*
- 4.12 *Prior to commencement of works details of: The method for creating a new opening for the new entrance door within the existing south boundary wall and of structural support for the existing boundary walls during works; The appearance of the new entrance gate, door and piers within the existing south boundary wall 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.*
- 4.13 *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.*

### **Southern Gas Networks**

- 4.14 Comments awaited.

### **Historic England - South East Region**

- 4.15 Thank you for your letter of 16 August 2017 regarding the above application for listed building consent. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.
- 4.16 It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

### **Lewes Town Council**

- 4.17 No comment

## **5 Representations**

- 5.1` 5 neighbour objections - too near the boundary, mass and height would damage views from Rotten Row, mass and height would obscure views of St Anne's House, overlook and dominate neighbours, overdevelopment, negative visual effect on St Anne's House, loss of parking, amenity space too small, intrusive balcony, detrimental impact on views down Rotten Row, unsightly new opening, design not in keeping and out of character with surroundings, should consider an alternative design, too tall
- 5.2 I representation raising comments - should ensure sufficient parking space for existing business, all building works within the site, hedge and trees should remain.
- 5.3 LCAAG - The Group spent considerable time examining this detailed proposal, which clearly showed the Applicants thought process.
- 5.4 With such an Application it is worth reminding everyone that the CAAG limits its recommendations based on the potential impact, positive or negative, on the Conservation Area. Other planning parameters should not concern the Group.
- 5.5 The Group believes that the preferred option would be the most effective way to use the site and that the proposed design will fit into the existing pattern of additional properties developed in the gardens of houses on the North side of Rotten Row. Some degree of concern is shared with Historic England over the possible detriment of the view South from the existing Property (St Anne's House), but assumes that this will be scrutinised by the Planning Department. Hence decision is approve.

## 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.

The Planning (Listed Buildings and Conservation Areas) Act 1990 refers to the general duty as respects Listed buildings and Conservation Areas. Section 66 of the Act sets the general duty as respects listed buildings in exercise of planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires that "special attention shall be paid to the desirability of preserving or enhancing the character of that area".

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

- NPPF12 - Conserving and enhancing the historic 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 Local Plan (2003)** are relevant to this application:

- ST3 - Design, Form and Setting of Development

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

- H2 - Listed Buildings
- CPI1 - Built and Historic Environment and Design

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

- General Policy 9

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

- NPPF12 - Conserving and enhancing the historic environment

#### 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 9

#### The Draft South Downs National Park Local Plan

The South Downs Local Plan: Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 26<sup>th</sup> September to 21<sup>st</sup> November 2017. After this period, the next stage in the plan preparation will be the submission of the Local Plan for independent examination and thereafter adoption. Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication unless other material considerations indicate otherwise. Based on the current stage of preparation, along with the fact that the policies are compliant with the NPPF, the policies within the Pre-Submission Local Plan referenced are currently afforded some weight.



## 8 Planning Assessment

### Policy

- 8.1 A broad summary of the main policies relevant to the determination of the application are set out below.
- 8.2 The site is located within the planning boundary and therefore there is a presumption in favour of development unless material considerations suggest otherwise.
- 8.3 Policy H5 of the LDLP seeks to conserve or enhance the special architectural or historic character or appearance of such areas.
- 8.4 Core Policy 11 of the LDLP JCS seeks to secure high quality design in all new developments.
- 8.5 The site is also located within the SDNP where one of its purposes is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area. Policy 9 of the Management Plan seeks to protect the historic environment from harm.

### Design

- 8.6 The building will be located in the south west corner of the site. The land within the site is raised in relation to Rotten Row. The building will not sit parallel to the southern boundary wall, being located between 3m at its eastern end and 7m at its western end back from the boundary, and 5m away from the western boundary.
- 8.7 The building will have a footprint measuring 9.5m deep and between 9.5m (north) and 13m (south) wide, giving a footprint of approximately 110sq.m. These measurements include the overhanging balcony to the south elevation. The shallow sloping roof, which slopes south to north, will be a green roof and will accommodate photovoltaic panels. The walls will be a mix of render, horizontal timber boarding and timber shingles. The windows will be timber framed, and the first floor balcony which runs across the south elevation at first floor level will be in timber (post and beams) with a black metal balustrade to the front edge. An amended plan has been submitted which the building being set 600mm into the ground thus reducing its overall height in relation to its surroundings.

### Impact on listed building

- 8.8 The site is located in the curtilage of a grade II\* listed building. Originally a prestigious dwelling house the application site is located in what would have been the dwelling's walled garden.
- 8.9 English Heritage has been involved in the pre-application discussion. They have acknowledged the current use of the building as a gallery and offices, and also that Rotten Row has over time developed to allow unobtrusive modern infill development, which has largely taken place in the large gardens which front onto Rotten Row and which at one time belonged to the listed dwellings which face onto the High Street. Therefore they have accepted the principle of developing a dwelling within the plot as it would in their opinion correspond to the more recently established street pattern. They also considered that the contemporary design and the use of natural materials, which occur elsewhere in the conservation area would also appropriate.
- 8.10 The main issue is therefore whether the siting of the new dwelling would impact on the setting of the listed building or prejudice the extensive views south from the listed building. English Heritage considered that the proposed siting would still allow views of the rear elevation of the building when viewed from the south and would allow views out to the south and towards the Downs.
- 8.11 The Council's Design & Conservation officer considers that the proposed dwelling will clearly be visible from the listed building. However, because of the topography with the slope away from the listed building toward Rotten Row, the new dwelling would sit lower than the listed building. The result of this is that the proposed dwelling will have a conspicuously subservient appearance

within the curtilage of the listed building, and that wider views from 111 High Street of the South Downs beyond will still be maintained at first floor, allowing the listed building to maintain its attractive outlook.

- 8.12 Overall it is not considered that the proposal would have a detrimental impact on the character or setting of the listed building. It is not considered that specific conditions relating to the design are required as these matters would be covered by conditions attached to any planning permission that would be forthcoming.

## **9 Conclusion**

- 9.1 It is considered that the development would provide a contemporary dwelling, of an appropriate design, form and scale that would sit comfortably within the space available, without detriment to the character and setting of the listed building.

## **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. 3 year time expiry listed building**

The works hereby consented shall be begun before the expiration of three years from the date of this consent.

**Reason:** To comply with the provision of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

### **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.

## **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: Mr Andrew Hill (Lewes DC)

Tel: 01273 471600

email: [Andrew.Hill@lewes.gov.uk](mailto:Andrew.Hill@lewes.gov.uk)

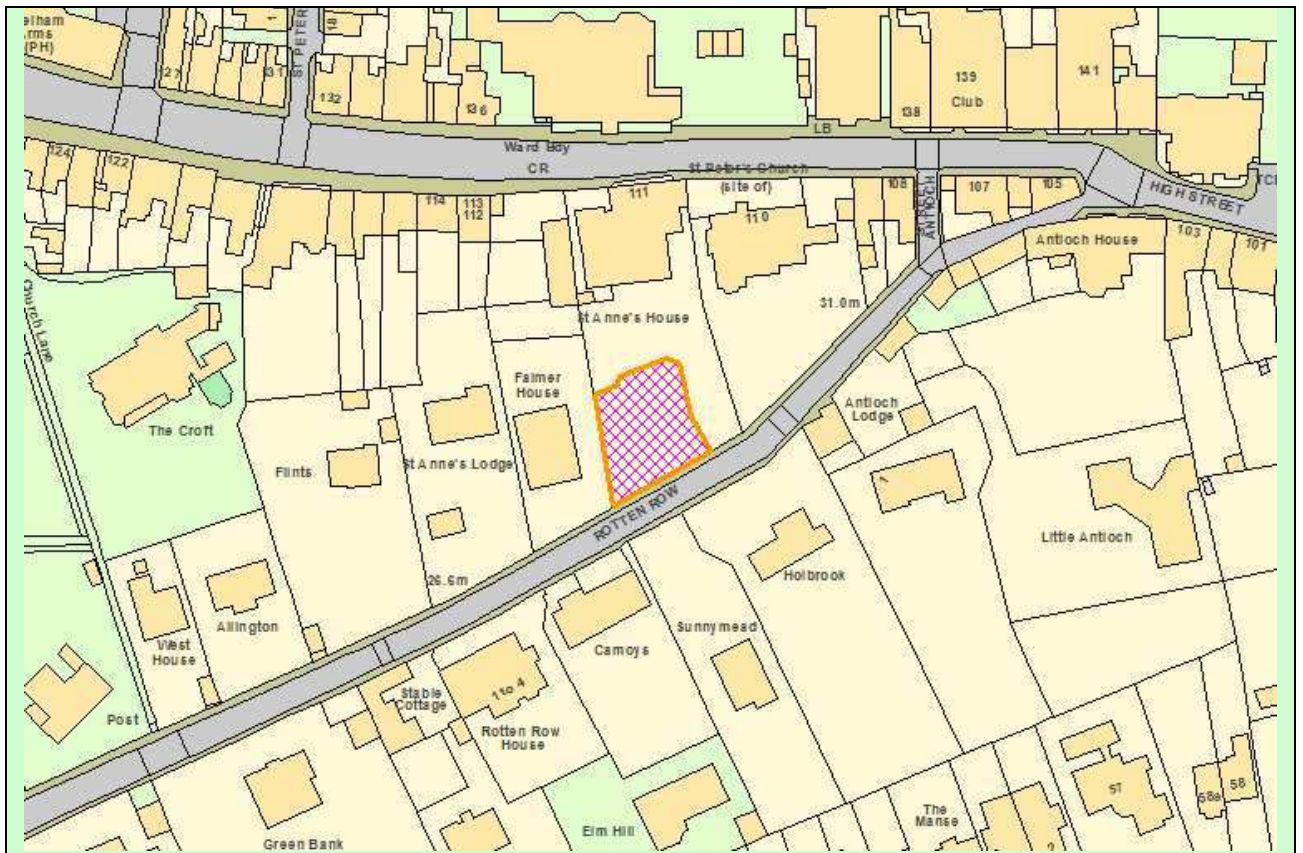
Appendices Appendix 1 - Site Location Map  
Appendix 2 – Plans Referred to in Consideration of this Application

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 -	I3860/PA/001		20.07.2017	Approved
Plans -	I3860/PA/002		20.07.2017	Approved
Plans -	I3860/PA/003		20.07.2017	Approved
Plans -	I3860/PA/004		20.07.2017	Approved
Plans -	I3860/PA/005		20.07.2017	Approved
Plans -	I3860/PA/006		20.07.2017	Approved
Plans -	I3860/PA/007		20.07.2017	Approved
Plans -	I3860/PA/010 Rev A		02.10.2017	Approved
Plans -	I3860/PA/011 Rev A		02.10.2017	Approved
Plans -	I3860/PA/012 Rev A		02.10.2017	Approved
Plans -	I3860/PA/013 Rev A		02.10.2017	Approved
Plans -	I3860/PA/014 Rev A		02.10.2017	Approved
Plans -	I3860/PA/015		20.07.2017	Approved
Application Documents -	Arboricultural Impact		20.07.2017	Approved
Application Documents -	archaeological evaluation		20.07.2017	Approved
Application Documents -	design and access		20.07.2017	Approved
Application Documents -	initial arboricultural report		20.07.2017	Approved

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



**Agenda Item No:** 12 **Report No:** 157/17  
**Report Title:** Outcome of Appeal Decisions on 19<sup>th</sup> September and 17<sup>th</sup> October 2017  
**Report To:** Planning Applications Committee **Date:** 1<sup>st</sup> November 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>3 Carey Down, Telscombe Cliffs, BN10 7LF</p> <p><b>Description:</b></p> <p><i>1 x Sycamore (T6 of Order) - Removal</i></p>	<p><b>Application No:</b> TW/16/0130/TPO</p> <p><b>Delegated Refusal</b></p> <p><b>Fast Track Procedure</b></p> <p><b>Appeal is allowed</b></p> <p><b>Decision:</b> 13<sup>th</sup> September 2017</p>
<p>Kiln Cottage, Lewes Road, Piddinghoe, BN9 9AH</p> <p><b>Description:</b></p> <p><i>Conversion of barn to open plan house</i></p>	<p><b>Application No:</b> SDNP/16/05118/FUL</p> <p><b>Delegated Refusal</b></p> <p><b>Written Representation</b></p> <p><b>Appeal is dismissed</b></p> <p><b>Decision:</b> 19<sup>th</sup> September 2017</p>

113 Western Road, Lewes BN7 1RS	<b><i>Application No: SDNP/17/00510/HOUS</i></b>
<b>Description:</b>	<b>Delegated Refusal</b>
<i>Replace existing single glazed timber sash windows with new double glazed timber sash windows</i>	<b>Fast Track Appeal</b>
	<b>Appeal is dismissed</b>
	<b><i>Decision: 17<sup>th</sup> October 2017</i></b>

Robert Cottrill

Chief Executive of Lewes District Council and Eastbourne Borough Council



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## Appeal Decision

Site visit made on 11 July 2017

**by G Rollings BA(Hons) MA(UD) MRTPI**

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

**Decision date: 13 September 2017**

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### **Appeal Ref: APP/TPO/P1425/6061**

### **3 Carey Down, Telscombe Cliffs, BN10 7LF**

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to a tree protected by a Tree Preservation Order.
  - The appeal is made by Mr Lee Smith against the decision of Lewes District Council.
  - The application Ref: TW/16/0130/TPO, dated 28 October 2016, was refused by notice dated 12 January 2017.
  - The work proposed is to fell one sycamore tree.
  - The relevant Tree Preservation Order (TPO) is Tree Preservation Order (No 60) 1998 (Ambleside Avenue, Carey Down and Woodlands Close, Telscombe Cliffs/Peacehaven), which was confirmed on 7 October 1998.
- 

### **Decision**

1. The appeal is allowed and consent is granted to undertake work to a tree protected by Tree Preservation Order (No 60) 1998 in accordance with the terms of the application, Ref TW/16/0130/TPO, dated 28 October 2016, subject to the following conditions:
  - 1) The work for which consent is hereby granted shall be implemented within two years from the date of this decision.
  - 2) All work shall be carried out in accordance with British Standard BS 3998: Tree work: Recommendations (or an equivalent British Standard if replaced).
  - 3) Five days' notice shall be given to the local planning authority prior to the commencement of the operations authorised by this consent.

### **Procedural Matter**

2. The Council issued a split decision, which refused consent to fell the tree but granted permission to lift its crown. The appeal was made against the refusal, and I have determined it on this basis.

### **Main Issues**

3. The main issues are:
  - The effect of the removal of the sycamore tree on the character and appearance of the area; and
  - Whether sufficient justification has been demonstrated for the proposed felling.

---

## Reasons

### *Character and appearance*

4. The appeal tree is located at the front of the dwelling at the appeal site, close to the side boundary adjoining 2 Carey Down. Its stem divides close to the base so it has the appearance of a twin-stemmed tree for most of its height. It has been subject to pollarding works which have lifted its crown to the approximate height of the eaves of the dwelling on the appeal site. As such, the tree has an unnatural shape with a compact crown.
5. The tree is one within a dispersed group of several in properties around Carey Down. The road is in a small valley and as such, visibility of the tree away from the street – particularly from surrounding streets – is extremely limited by this geography given the presence of buildings and other trees, some of which are within the TPO. There are other retained, protected trees within the immediate surroundings on the street, which include the front gardens of 4 and 10 Carey Down. Were the appeal tree to be removed, tall trees in close proximity would still be visible in a group from other parts of Carey Down.
6. As such, the amenity value of the tree deriving from its character and appearance is restricted to Carey Down and the properties immediately surrounding the tree. However, given the unnatural appearance and shape of the tree, I consider this value to be limited. Given the proximity of the tree to the dwelling at No. 3, it is highly likely that the tree will be the subject of additional crown lifting in the future. I am not convinced that this would improve the attractiveness or amenity value of the tree.
7. I therefore conclude on the first main issue that the removal of the tree would have a detrimental effect on the character and appearance of the area, but given the characteristics of the tree and its surroundings, the effect would be moderate.

### *Justification for the felling*

8. The appellant has provided several reasons in support of the tree's removal. These include the litter dropped by the tree, and an adjacent neighbour who supports the tree's removal has also raised the issue of damage by sap dropped from the tree. Shedding of such detritus is a natural occurrence to many trees and is to be expected when inhabiting a sylvan area such as this part of the street. The tree has benefitted from TPO status for almost two decades and the shedding of waste matter is to be expected when moving to such an area. Whilst drains and cars can be protected against litter and sap drop, ultimately all properties require routine maintenance and felling trees on this basis would soon result in a denuded townscape.
9. The appellant has also raised the issue of shading caused by the tree, as a cause of both restriction of sunlight into the property, and damp conditions leading to slippery pavement conditions and damage to the house's structure. I have concerns in respect of the former, which I address in the next paragraph. In respect of the latter, I accept that these matters are irksome, but they can nonetheless be avoided with reasonable maintenance that is common in areas with similarly large trees. I also acknowledge that other protected trees have recently been removed from the street, but as each case is considered on its own merits, there is no precedent to be applied in this

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instance. Additionally, the appellant has expressed concern that roots could be extending under the house, but I have no technical evidence before me to substantiate the matter and, as such, this is not a matter to which I can afford any weight.

10. Shading that results in restriction of light to the dwelling is a significant issue. I observed on my visit that the southerly position of the tree, relative to the easterly orientation of the front of the house, would result in shading of sunlight during most of the year, despite the significant and obvious crown lifting that has previously occurred. I observed that the presence of other tall trees in the area would potentially limit light to other parts of the property. Under these circumstances, I consider that shading from the tree results in harm to the living conditions of the appellant and other occupiers of No. 3.
11. In many instances, such shading would not significant enough a reason to justify the loss of a protected tree. However, I have found that the appeal tree has only limited amenity value. Although its loss would be detrimental to the character and appearance of the street, the effects on same would be correspondingly limited. I therefore conclude that sufficient justification has been demonstrated for the proposed felling.

### **Conclusion and Conditions**

12. For the above reasons and having regard to all other matters raised, I allow the appeal.
13. I have imposed a condition requiring all works to be carried out in accordance with industry best practice and for notice to be given to the Council. I have also considered whether a condition requiring the planting of a replacement tree should be applied, but a tree of similar amenity value would likely eventually lead to the same problems identified by the appellant. I also agree with the Council's view that there is little available space in which a replacement tree could flourish.

*G Rollings*

INSPECTOR



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## Appeal Decision

Site visit made on 11 September 2017

by **S J Papworth DipArch(Glos) RIBA**

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/Y9507/W/17/3171346**

**Kiln Cottage, Lewes Road, Piddinghoe, BN9 9AH**

- 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 Mrs Mary Soames against the decision of South Downs National Park Authority.
  - The application Ref SDNP/16/05118/FUL, dated 12 October 2016, was refused by notice dated 5 January 2017.
  - The development proposed is barn conversion to open plan house.
- 

### Decision

1. I dismiss the appeal.

### Reasons

2. Within the site is a conical kiln, listed Grade II, previously used for firing brick clay. The appellant is of the view that the kiln was 'largely rebuilt' in 1982, although doubt has been expressed by the Authority over that claim. Be that as it may, sufficient of the layout is in place to fully understand the method of operation. The building retains historic and evidential significance and is a prominent feature of the Piddinghoe Conservation Area with a strong architectural significance through its distinctive shape visible above the boundary wall.
3. The appeal building is connected physically to the kiln as the wall containing the stoke-holes continues along to include part of the lower level of the appeal building. There is within that lower room a further brick arch in line with those connected with the kiln, and the remains of a curved brick wall similar to that of the lower part of a further kiln, although there is nothing conclusive in this regard. The building appears to have been closely linked operationally with the kiln that is in place. It is concluded that the appeal building should be regarded as a curtilage listed building.
4. As a result of this finding, the main issue in this appeal is the effect of the development on designated heritage assets.
5. The Lewes District Local Plan Part One: Joint Core Strategy was produced jointly by the District and the Park Authority and was adopted by the Park Authority in June 2016. Policy 11 seeks to conserve and enhance the high quality and character of towns, villages and the rural environment by ensuring all development is designed to a high standard, and to conserve and enhance the cultural heritage of the area. Saved Policies H2, H5 and ST3 of the Lewes



- District Local Plan 2003 concern the preservation of heritage assets and design generally.
6. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 132 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The courts have determined that considerable importance and weight should be given to harm found to the significance of listed buildings.
  7. The appeal building is underused and in a poor condition. Its original use ancillary to a brick firing kiln, as surmised above, is not able to be re-introduced and a new use would provide the impetus for much-needed repairs. The retention of the building as part of the history of the site is highly desirable. As a result, the proposed conversion to a beneficial residential use is acceptable in principle.
  8. However, that conversion should respect the industrial qualities of the building so that the historic and evidential significance is not lost or unduly eroded. The proposed external changes would include the opening-up of two small apertures on the south facing wall of the lower floor, which would take away the present impression of this level being an ancillary space, and would introduce an unacceptably domestic character and appearance. That finding is based on the proposed uPVC window frames being altered by condition as a minor amendment.
  9. The end wall facing the river has an interesting construction which displays the characteristics of 'bungaroosh' as referred to by the Authority; a material found historically in Brighton, not far to the west. The proposed lower level window would not unduly upset this arrangement, whilst the upper window would be a reasonable intervention to allow a view of the river. However, the blocking of the door to the projecting building would remove evidence of its separate use even if not required in the internal changes, which are however not the subject of this Decision. The addition of two rooflights would further erode the character and appearance of the building and the setting of the principle listed kiln, by introducing domestic features, although their justification for light and air may permit their use on the side further from the kiln subject to their construction.
  10. To conclude, whilst the residential conversion is acceptable in principle, as are some of the necessary interventions, and the effect on the conservation area is neutral due to lack of visibility from public places, some other of the works proposed would unduly erode the significance of the listed building and its setting. The harm, whilst 'less than substantial' in the terms of paragraph 134 of the Framework, would not be outweighed by the public benefits of bringing the building back into use and providing additional housing. For the reasons given above it is concluded that the appeal should be dismissed.

*S J Papworth*

INSPECTOR



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## Appeal Decision

Site visit made on 4 October 2017

**by Mr Kim Bennett DipTP MRTPI**

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

**Decision date: 17 October 2017**

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**Appeal Ref: APP/Y9507/D/17/3179839**

**113 Western Road, Lewes BN7 1RS**

- 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 Andrew Mitchell against the decision of South Downs National Park Authority.
  - The application Ref SDNP/17/00510/HOUS, dated 17 January 2017, was refused by notice dated 20 April 2017.
  - The development proposed is the replacement of single glazed timber sash windows with double glazed timber sash windows.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The description of development as set out on the application form was somewhat lengthy. In the interests of brevity I have therefore used the description as it appears on the Authority's decision notice in the details set out above.

### Main Issue

3. The main issue is the effect of the proposal on the character of the dwelling and whether it would preserve or enhance the character or appearance of the Conservation Area.

### Reasons

4. The appeal property comprises a two storey mid terraced property located on the northern side of Western Road and close to the junction with Spital Road. It is one of four similarly designed properties in the terrace and has a pleasing character with decorative brick elevations, double bay windows and front roof dormers. I noted that all the windows in the appeal property were timber and of a traditional design, but are clearly in a poor state of repair.
5. Because of its Conservation Area location, I have had regard to the statutory duty to preserve or enhance the character or appearance of the area.
6. The appellant refers to the advantages of double glazed windows in terms of their sustainability and efficiency. However, the cost of providing embedded glazing bars would be prohibitive and it is suggested that the finer details would not be visible. Comment is also made that pre application advice

- suggested that a solution similar to that at Southover House (The Council's offices) might be acceptable.
7. The Council makes it clear that there is no objection to double glazing per se and recognises the efficiency advantages. The issue therefore is whether the glazing bars should be applied to the surface of the glass as proposed by the appellant, or whether they should be embedded within the frame in the traditional manner.
  8. Although the appellant suggests that the detail would not be apparent except on close inspection, that is precisely the situation here given that the property directly abuts the public footpath. At the time of my site inspection the footpath was in constant use by pedestrians and I have no reason to believe that is unusual. In my view applied glazing would appear just that, in so much as it would clearly appear as applied from any oblique views of the glazing to either side. As such it would undermine the integrity of the traditional detailing found on the existing small paned windows and appear as a somewhat incongruous detail as a result. Support for that finding can be found on the adjoining property No 115 Western Road. Although the replacement windows are uPVC and the glazing bars are different to what is proposed in that they are on the inside of the external glazing, the contrived effect of the bars is very apparent and unconvincing.
  9. I acknowledge that there are several examples of poor replacement windows in this part of the Conservation Area, including those on the other side of the property at No 111. However, in walking up and down both sides of the road I also observed several examples of sensitive replacement windows. Such situations are not uncommon in Conservation Areas for various historical reasons, but as noted above, one of the primary purposes of designation is to preserve or enhance the area. In my view allowing the replacement of traditional windows with non-traditional detailing would undermine that purpose and if adopted generally, lead to a gradual deterioration of historic detailing throughout the Conservation Area.
  10. With regard to the pre application advice the evidence before me is somewhat unclear. I note for example that in an email dated 12 July 2016, the Design & Conservation Assistant referred to the need for glazing bars to be embedded within the frame rather than applied. The email chain then includes an unsigned email which apparently suggests that the manner in which double glazing is achieved at Southover House would be acceptable. From the correspondence, I understand that example involved the use of applied glazing bars. Whilst I can understand the appellant's frustration if he feels he has been misled, pre-application advice can only ever be advisory and is made without prejudice to the formal consideration of applications. In that respect the Council's view in considering the formal application was clear and I note that the appellant was afforded an opportunity to amend the application.
  11. Notwithstanding the above, I have reached my findings based on the merits or otherwise of the particular application before me. Having regard to that and accepting the increased costs involved with embedded glazing bars, for the reasons set out above I agree with the Council that the non-traditional detailing would be inappropriate and that it would therefore fail to preserve or enhance both the character and appearance of the property and the Conservation Area.

12. Such harm would be less than substantial to the wider Conservation Area in the context of guidance within the National Planning Policy Framework, and therefore needs to be weighed against public benefits arising from the proposal. In that respect the wider benefits of increased thermal efficiency as part of the wider climate change challenge, could equally be delivered with a wholly traditional window detailing as opposed to the current proposal. Such benefits do not therefore override the visual harm which would arise from the inappropriate detailing proposed.
13. In the light of the above, the proposal would be contrary to Policies ST3 and H5 of the Lewes District Local Plan 2003, in that it would not respect the design of the existing building, the materials (in respect of the glazing bars) would not be of a quality which would be appropriate, and it would not preserve or enhance the character or appearance of the Conservation Area.
14. Accordingly, the appeal is dismissed.

*Kim Bennett*

INSPECTOR