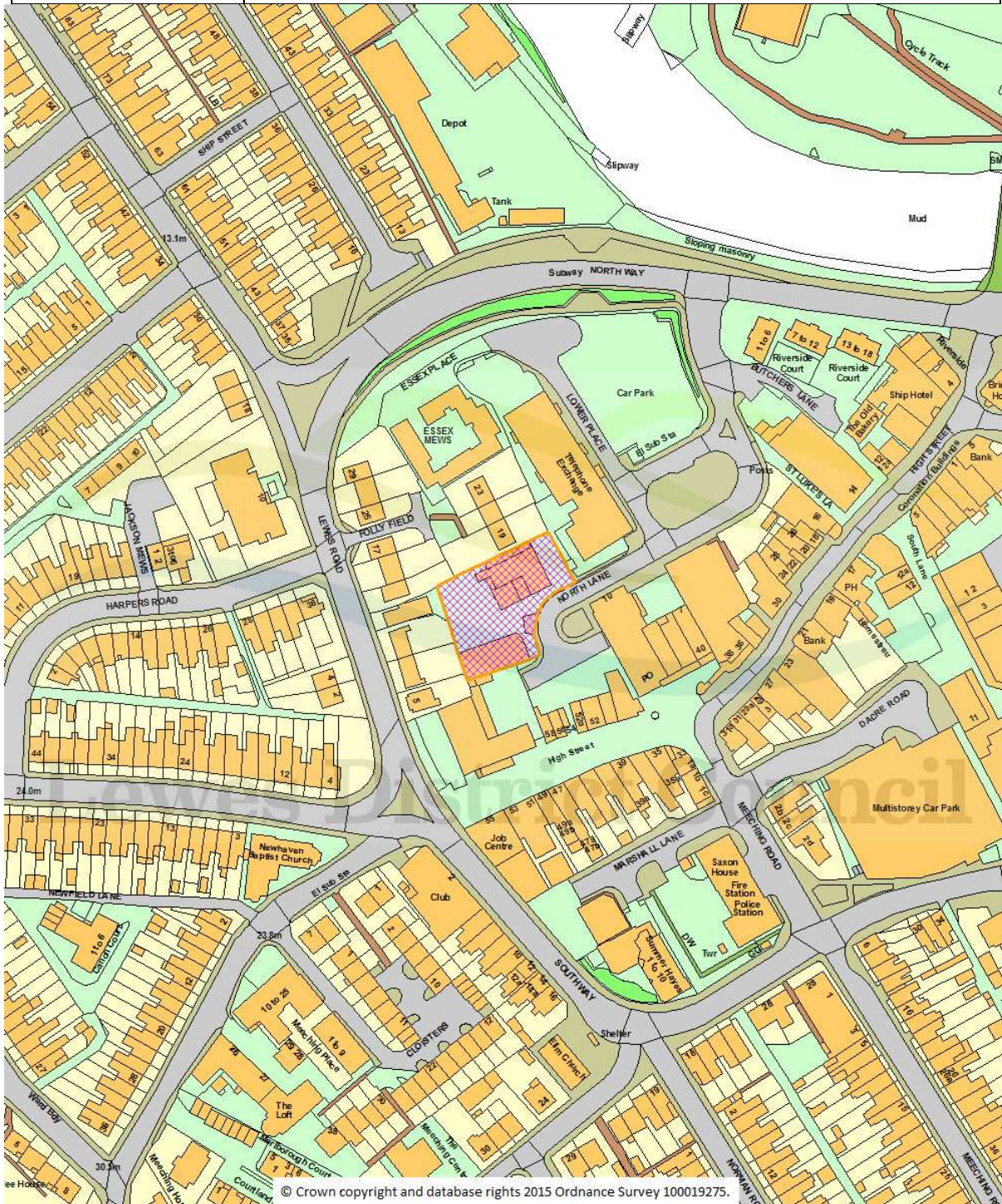


| | | | |
|----------------------------|--|-----------------------|----------------------------|
| APPLICATION NUMBER: | LW/16/1034 | ITEM NUMBER: | 6 |
| APPLICANTS NAME(S): | Miracles By Design Ltd | PARISH / WARD: | Newhaven / Newhaven Valley |
| PROPOSAL: | Planning Application for Redevelopment 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 | | |
| SITE ADDRESS: | Unit 5 North Lane Newhaven East Sussex BN9 9BF | | |
| GRID REF: | 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, <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 |