

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, 22 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.

13/11/2017

Catherine Knight  
Assistant Director of Legal and Democratic Services

## **Agenda**

- 1 Minutes**  
To approve the Minutes of the meeting held on 1 November 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/17/0697 - Land At Gradwell End, South Chailey, East Sussex (page 5)**

**7 LW/17/0608 - Former School Site, Western Road, Newhaven, East Sussex, BN9 9ED (page 28)**

**8 LW/17/0768 - The Old Granary, Meadowlands Farm, Slugwash Lane, Wivelsfield, East Sussex, RH17 7RQ (page 47)**

**9 LW/17/0690 - Old Malt House, Lewes Road, Ringmer, East Sussex, BN8 5ES (page 53)**

**10 LW/17/0754 - 20 The Holt, Seaford, East Sussex, BN25 3HR (page 59)**

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

**11 SDNP/17/04225/HOUS - Beechland, The Avenue, Kingston, BN7 3LL (page 65)**

**12 SDNP/17/03937/FUL - 35 Friars Walk, Lewes, BN7 2LG (page 73)**

**Non-Planning Application Related Items**

**13 Outcome of Appeal Decisions on 20th September 2017 and 7th November 2017 (page 80)**

To receive the Report of the Director of Service Delivery (Report No 164/17).

**14 Written Questions from Councillors**

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

**15 Date of Next Meeting**

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 13 December 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**

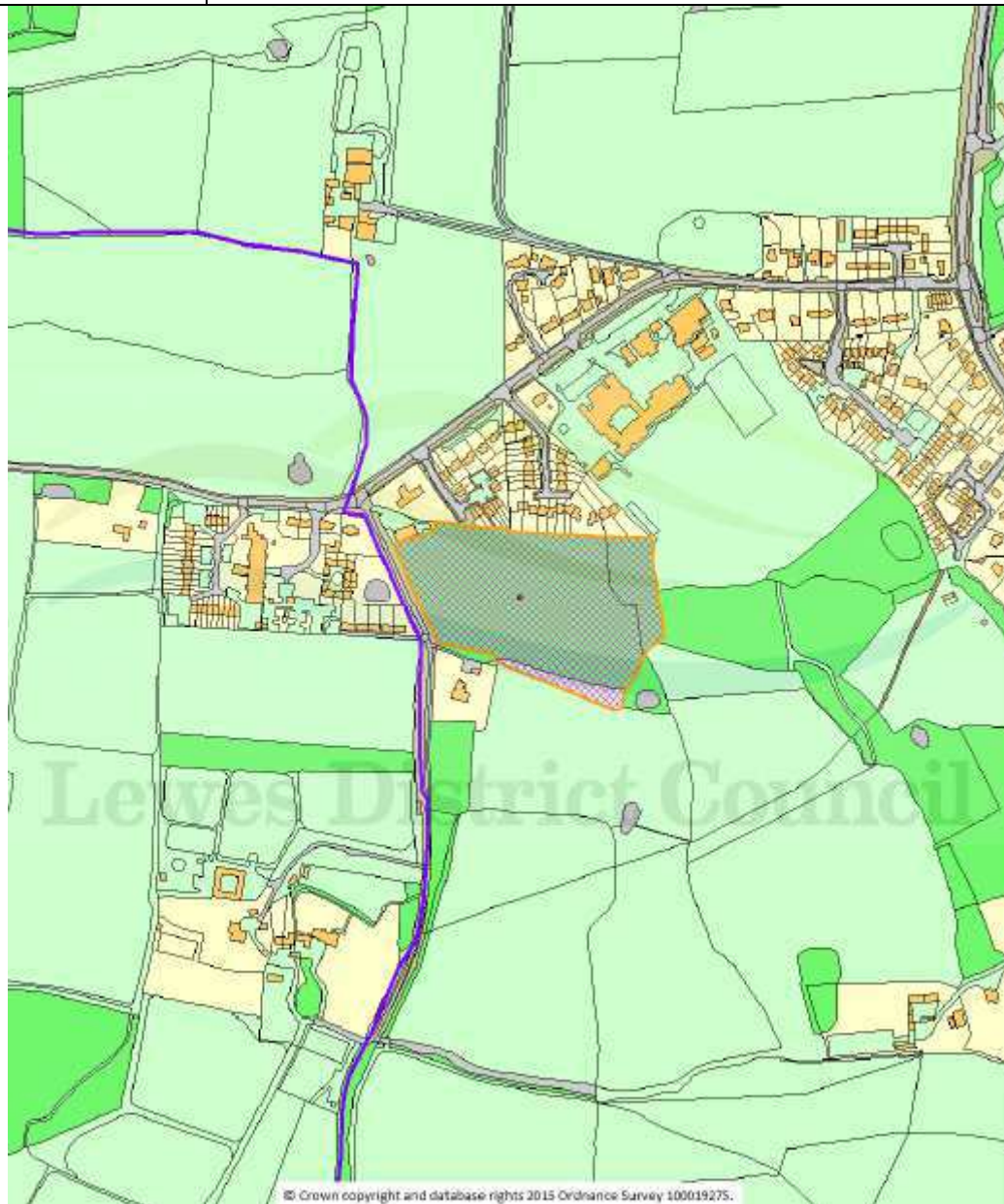
The two statutory purposes of the South Downs National Park designations are:

- 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.

*This page is intentionally left blank.*

<b>APPLICATION NUMBER:</b>	LW/17/0697	<b>ITEM NUMBER:</b>	<b>6</b>
<b>APPLICANTS NAME(S):</b>	RV Developments Gradwell Ltd	<b>PARISH / WARD:</b>	Chailey / Chailey & Wivelsfield
<b>PROPOSAL:</b>	Planning Application for Care accommodation (C2) comprising 65 extra care units, clubhouse and social area, other care and associated facilities together with landscaping and parking		
<b>SITE ADDRESS:</b>	Land At Gradwell End South Chailey East Sussex		
<b>GRID REF:</b>	TQ3817		



## 1. SITE DESCRIPTION / PROPOSAL

1.1 The application site is an open area of countryside outside of the defined settlement boundary, and situated to the south of Gradwell End and The Martletts in South Chailey.

1.2 The site covers an area of approximately 2.8 hectares and is bounded by the residential areas known as Gradwell End and The Martletts along its northern boundary. To the east of the site is Chailey School playing field and the Ancient Semi Natural Woodland of Drapers Wood. To the south of the site is open countryside. To the south west of the site is a grade II listed property known as Pouchlands Farmhouse. To the west of the site is a public footpath running south from Mill Lane. Further west there are the residential areas of Maytree Cottages, Oaklands and Pouchlands Drive. To the north west of the site there is a doctor's surgery and a residential dwelling known as Green Acres. Running from east to west, to the south of the site, is a bridleway which at the closest point would be 160 metres from the site.

1.3 The site itself is well contained especially with regards to the public realm, with boundary hedging surrounding most of the site, including a belt of trees along the western boundary. To the east and south east of the site there is a belt of mixed trees, adjacent to Drapers Wood, Chailey School and properties in The Martletts. These trees provide a significant belt of screening, between 15 to 35 metres deep, and are subject to a group Tree Preservation Order, (No. 7) 2008, which was raised during the course of application LW/08/1038. The northern boundary has a mixture of mature and semi-mature trees with some lower level hedging. The site extends approximately 230 metres from east to west, and approximately 125 metres from north to south. There is a significant change in level across the site from north to south, although not uniform in profile. From the north western to the south eastern corner of the site, levels drop by approximately 10 metres.

1.4 The surrounding area is characterised, to the north and west, by low density housing, with detached, semi-detached and short terraces of dwellings, with the former hospital site of Pouchlands further to the north west, and open countryside to the south and east. The dwellings are all predominantly two storey with pitched roofs, although there are some bungalows, and the former hospital building has a more robust scale. The largest building in the immediate area is Chailey School, which is a secondary school catering for just over 840 pupils, and which has accommodation ranging from single storey porta cabins to two storey buildings with pitched roofs.

1.5 In 2013, an application was sought for a major new-build Nursing and Care Complex, an integrated, self-contained residential institution falling within Class C2 of the Use Classes Order. It was for 40 nursing and dementia rooms and 40 extra care units. The development would provide dedicated care to residents, domiciliary care to people in their own homes as well as day care provision to the wider community. It also included a shop/kiosk, small treatment room/gym, hairdressers, small library with computer facilities, a multi-function room with bar and dining area, meeting/hobbies room, and allotments. That application was refused permission by the Planning Applications Committee. However, a subsequent appeal was upheld and permission granted on the 16 February 2015. The site has now been cleared and all protected fauna relocated to the receptor sites to the south in readiness for development following approval of the previous application LW/13/0620 at appeal (APP/A/14/2220421).

1.6 The current proposal comprises 65 extra care units in the same built form that has approval. It will also include shop/kiosk, meeting /hobbies room, hairdresser, treatment room/gym, and a multi-function room which will include bar, dining area, library and computer suite. The site will also include allotments, landscaping and parking areas.



1.7 The proposal is very similar to the approved scheme in terms of form and siting, the number of buildings, height, design and general quantum of development. The principle difference between the two schemes is that Block E will change from providing a 40 bed care home into 25 extra care units.

1.8 The development will be arranged in five distinct blocks of buildings, being a mix of single storey (block D) and two storey buildings, with some accommodation within the roof space. Block E, the block with the largest footprint, will still accommodate the main community and administrative facilities for the development. The community facilities will be open to all, residents and the wider public/community.

1.9 All access and parking arrangement will remain as previously approved by the Inspector. The site would be accessed through the residential close of Gradwell End, an 'L' shaped cul-de-sac of 14 semi-detached dwellings, which is situated off Mill Lane, and located approximately 470 metres to the east of the main A275.

## 2. RELEVANT POLICIES

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

**LDLP: – ST11 – Landscaping of Development**

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

**LDLP: – CP2 – Housing Type, Mix and Density**

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

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

## 3. PLANNING HISTORY

**LW/10/1010** - Erection of C2 accommodation comprising six bed specialist nursing unit, 24 elderly mentally infirm (EMI) rooms, 30 nursing home rooms, 55 extra care flats with associated support facilities and on-site parking provision - **Refused**

**LW/13/0620** - Erection of C2 accommodation comprising 40 nursing and dementia rooms and 40 extra care units with associated support facilities together with on-site parking provision and landscaping - **Refused**

**LW/17/0697** - Care accommodation (C2) comprising 65 extra care units, clubhouse and social area, other care and associated facilities together with landscaping and parking -

**LW/08/1038** - Erection of C2 accommodation comprising 24 EMI rooms, 61 nursing home rooms and 74 close care flats with associated facilities together with landscaping and parking - **Withdrawn**

**LW/15/0704/CD** - Discharge of condition 21 relating to planning approval LW/13/0620 - **Split**

**LW/16/0808** - Non-material amendment relating to LW/13/0620 amendments to movement of building B, lowering of roofs of buildings A, B, C and E and a number of other revisions to the building design and appearance - **Refused**

**LW/16/0957** - Non material amendment in relation to planning approval LW/13/0620 for the moving of Block A 3m south, and moving of the entrance of the club house from the western to the southern elevation of the building - **Approved**

**LW/17/0024/CD** - Discharge of conditions 3, 4, 5, 6, 8, 12, 13, 14, 17, 24, 26, 35, & 37 relating to planning application LW/13/0620 (approved on appeal) - **Split**

**LW/17/0099/CD** - Discharge of conditions 7, 20 & 27 relating to planning application LW/13/0620 (approved on appeal) - **Approved**

**LW/17/0217/CD** - Discharge of conditions 12, 13 and 23 relating to planning refusal LW/13/0620 (allowed on Appeal) as amended by LW/16/0957 - **Approved**

**LW/17/0527/CD** - Discharge of condition 4, 24 and 37 and updating of plan reference for conditions 3, 8 and 12 relating to planning application LW/13/0620 (approved on appeal and amended by LW/16/0957) -

**LW/17/0533/CD** - Discharge of condition 9 relating to planning application LW/13/0620 (approved on appeal and amended by LW/16/0957) - **Approved**

**LW/17/0630/CD** - Discharge of conditions 14 relating to planning application LW/13/0620 (approved on appeal and amended by LW/16/0957) - **Approved**

**LW/17/0663/CD** - Discharge of condition 21 (parts b and c) relating to planning application LW/13/0620 (approved on appeal and amended by LW/16/0957) - **Approved**

**APPEAL/14/0014** - Erection of C2 accommodation comprising 40 nursing and dementia rooms and 40 extra care units with associated support facilities together with on-site parking provision and landscaping - **Allowed**

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

**4.1 Chailey Parish Council** – resolved to SUPPORT this application.

**4.2 East Chiltington Parish Council** – The application was discussed at the East Chiltington Parish Council meeting on 7th September. As an adjoining parish with a large number of residents living close to the site, we feel it appropriate to comment.

Two issues were discussed:-

1. The removal of the care home element of the previously agreed plans. ECPC felt that the removal of the care home element of the proposal is inadequately justified. This was a core element of the previously approved plans and we therefore object to the application for this reason.
2. Whether, if the application were approved, it should have C2 or C3 status. We consider that taking away the care home and ASC care beds of the scheme would leave an essentially residential development. Therefore, the application should be classified as C3 if it were to be approved

**4.3 Hamsey Parish Council** – Object

4.3.1 This is a major development which, although not in Hamsey parish, is considered of legitimate concern to us as the adjoining parish, considering the extent to which this development impacts on the character of the area. Replacing 40 dementia rooms with 25 care flats is likely to add considerably to traffic movements. As an adjoining parish, the



extra traffic generated will, of course, affect residents of Cooksbridge. Also, this development, being adjacent to the Secondary School is likely to add to the already considerable congestion our residents face in Mill Lane, when coaches and cars arrive in large numbers at school pick up/drop off.

4.3.2 It is the considered opinion of Hamsey Parish Council that the original application, being outside of the planning boundary and on a green field site, would have been refused permission had it been for a residential development rather than a care home. The developers sited a district wide need for care facilities as justification for permission to be granted.

4.3.3 Hamsey Parish Council feel that removing the care home element and ASC care beds from the scheme will actually leave a residential development and therefore the parish council wish to object.

4.3.4 Hamsey Parish Council also note that the most intensive blocks (blocks A, B and C) effectively have false pitched roofs, as on the plans part of the roofs are flat. This is a crude design device - a more honest approach would be for the roofs to be entirely flat and for the design not to be pastiche but modern. Overall, Hamsey Parish Council feel the designs are most uninspiring.

4.3.5 Hamsey Parish Council also consider the application should be classified as C3 if it were to be approved.

**4.4 Environmental Health** – In principle our concerns regarding this site remain the same as those raised in the Memo of the 15th November 2013 for the planning application LW/13/0620, which I attach.

4.4.1 The conditions that were suggested within that Memo remain valid for this proposal. The reason is to protect the amenity of local residential amenity.

4.4.2 I appreciate that since 2013 a number of other studies have been submitted to address the planning conditions. I would suspect that many of these studies remain predominantly valid but would need to be reviewed in light of:

1. The new proposal layout and potential new noise sources both within the scheme and within the locality
2. New sensitive receptors within the schemes and within the locality; and
3. Introduction of new since 2013 such as BS 4142:2014 which may require a review of any findings and recommendations

**4.5 ESCC Highways** – I do not wish to restrict grant of consent, on the basis that the proposed development will not create a material impact on the highway environment. The main change to the former approval under LW/13/0620 is the amendment to block E from a 40 bed care home facility to a 25 bed extra care facility. As previously approved, this application shall maintain the details relating to the transport and travel mode choices:

- The parking provision will remain the same as previously secured for cars, cycles and mobility scooters, mini-bus facility.
- Off-site highway works - footways, bus stop/improvements

4.5.1 I do not wish to raise highway objection on this basis, and appropriate legal agreements for the travel plan, access improvements and off-site highway works shall be secured as for LW/13/0620.

**4.6 Sussex Police** – No objection.

**4.7 Southern Water Plc** – Southern Water can provide foul sewage disposal to service the development, but require a condition regarding protecting and diverting public sewers.

4.7.1 There is inadequate capacity to provide surface water sewage disposal and could increase flows to the public system. Therefore the developer should be advised to enter into a formal agreement with Southern Water to provide the necessary sewage infrastructure.

4.7.2 No objection subject to condition on the provision of foul and surface water, and informatives.

**4.8 District Services** – If I is a singular unit comprising 65 care apartments then this would constitute a care home and would be a trade refuse collection where the refuse would be collected from a single bin store area and have a trade account.

4.8.1 If it is 65 separate dwelling units then this would need to be designed for the refuse vehicles to access the development to collect refuse from the curtilage of each property. This would need to be taken into account.

**4.9 NHS Mid-Sussex/Horsham** – Horsham & Mid Sussex CCG does not wish to raise any objections to this planning application.

**4.10 Natural England** – No objection - necessary conditions need to be attached to any permission to safeguard flora and fauna.

**4.11 Forestry Commission** – standard advice.

**4.12 The Woodland Trust** – The Woodland Trust would like to highlight the close proximity of the proposed care home to an over-mature oak (Grid ref: TQ385173), designated as a notable specimen on the Ancient Tree Inventory.

4.12.1 The applicants should take precautions to ensure that the Root Protection Area of the oak is not impacted during all constructional phases of the development.

**4.13 ESCC Archaeologist** – The site has been subject to an archaeological evaluation which shows it to be of low archaeological interest, I therefore do not believe that any significant below ground archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

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

5.1 14 letters of objection received raising concerns in relation to - development outside the development boundary, inadequate assessment of alternative sites, not for local people, unsustainable location, impact on setting and character of the village, unacceptable development on a green field site, no affordable housing, no identified local need, footprint out of scale with the village, congestion on the highway, light pollution, contrary to Spatial Policy 2, should be a C3 use, it is a housing development and not a care home, lack of facilities for pedestrians or crossing, poor design, basis for the earlier permission no longer exists therefore permission should be refused, increase in building volume, increase highway danger, lack of infrastructure, wrong development in the wrong area,

5.2 Three neutral letters - design more pleasing and less institutional, lighting should be sensitive to this rural location, concern over traffic, should consider putting in a play area for local children, enhance landscaping to protect privacy and retain rural environment,

5.3 One letter of support - need to provide for the ageing population, very good use for the community.

5.4 One letter signed by 25 people asking for the construction of a children's play area.

## **6. PLANNING CONSIDERATIONS**

### **6.1 History**

6.1.1 An outline application for a much larger scheme was submitted in 2008 (LW/08/1038) and was withdrawn in 2009 following a recommendation for refusal which was to be made to the Planning Applications Committee. The application was withdrawn prior to consideration. That application had been for a scheme providing 24 EMI rooms, 61 nursing home rooms and 74 close care flats with associated facilities, landscaping and parking. It would have provided accommodation over five storeys of development, with indicative plans showing buildings of a contemporary design.

6.1.2 In 2010 a further outline application was submitted (LW/10/1010) for a nursing and care complex comprising of 24 EMI (elderly, mentally ill) rooms, 30 nursing rooms, 55 extra care flats, and 6 bed special nursing unit with associated facilities, landscaping and parking. This application was recommended to the Planning Applications Committee for approval by officers in June 2012 but was refused on the grounds that the site was located outside of the defined settlement boundary, would not constitute sustainable development, and would result in a serious detrimental impact on the residential amenities of properties in Gradwell End and The Martletts, through increased noise and disturbance from traffic.

6.1.3 In 2013 an application (LW/13/0620) was submitted for the erection of C2 accommodation comprising 40 nursing and dementia rooms, and 40 extra care units with associated support facilities. There was a restriction on the occupation of the premises through a S106 agreement which restricted occupation to those at least 65 years of age with residents of the extra care units required to be in need of personal care. Occupiers of the nursing unit were required to be in need of care by reason of old age, disablement, medical needs or treatment. This application was recommended for approval by officers but was refused by the Planning Applications Committee. A subsequent appeal, considered at a public inquiry, was upheld and permission granted on the 16 February 2015. The site has since been cleared and made ready for development of that scheme.

### **6.2 Need**

6.2.1 In considering the previous applications the issue of need was comprehensively considered, and the Planning Applications Committee did not reject the applications on the basis of need. The Inspector also considered this issue at length, agreeing that there is a shortfall in elderly care provision in Lewes District and East Sussex and that the proposal would be a purpose built facility designed to cater specifically for the needs of an ageing population by providing a range of care and facilities not currently available in the area, and that a clear and pressing need had been demonstrated.

6.2.2 The applicant has set out the needs case in the document submitted with the current application by Contact Consulting 'Reviewing the case for the proposed development by Retirement Villages at Gradwell Park South Chailey East Sussex' and summarised in the main Planning Statement. Key points are that:

- Those 65 years of age and over make up almost a quarter of the population in the district and is anticipated to rise to 30% by 2039, with those in the oldest cohorts increasing more sharply.
- The population of older people in those rural parishes that surround and include Chailey parish is projected to rise to 52%, creating a challenge in this cluster of parishes in terms of the provision of appropriate accommodation and care that responds to their needs.
- Those having difficulty in carrying out domestic tasks will increase between 2014 and 2039 from 10,297 to 15,439, and those experiencing difficulty with at least one task of personal care are projected to rise between 2014 and 2030 from 8,464 to 12,660. This will lead to increasing demand for specialised care and accommodation to meet these needs and will have a direct impact on demand for care home places.
- The level of home ownership among the elderly in Lewes District is 82.74% for the 65-74 age group and remains at above 80% for the oldest age group.

6.2.3 Therefore the developer has decided to pursue a wholly extra care development in response to the clear un-met need for such accommodation within the locality.

6.2.4 Specialist housing options for older people are complex. However, given the demographic challenges and changes expected, and the high level of owner occupation in East Sussex as a whole, it is important that a wide range of housing with care models are developed across the county. In particular, consideration needs to be given to the development of a range of tenures and affordable models of housing provision which will accommodate the needs of the elderly.

6.2.5 The LDF and ESCC documents all identify a shortfall within the rural part of Lewes District and East Sussex for elderly care provision. There is a deficiency of provision for general care homes for the elderly, Extra Care Units, Nursing Units, EMI/Dementia Units. The population growth, in particular in the elderly population of Lewes District, and the region more generally (especially the over 85's) over the next 20 years is acknowledged. With this growth in the elderly population, it is inevitable that there will be a growth in the number of elderly people with debilitating care needs.

6.2.6 It is therefore necessary to consider whether the local need and future growth of the local elderly population and their care needs are such that this development would be acceptable.

6.2.7 There is clearly a need for additional elderly care provision within the Lewes District, and especially the rural northern half. The NPPF also encourages LPA's to plan positively for future growth and infrastructure challenges. It is considered that the proposal is likely to meet more than current local needs despite being a fundamental part of the needs case.

6.2.8 Whilst it is acknowledged that the scheme will provide a development of extra care units and remove the care home element, the proposed development would be a purpose built facility that is designed specifically for an ageing population and will also provide a range of care and facilities not presently available in the area. It would make a significant contribution in responding to the needs and future aspirations of the elderly owner occupiers, as their levels of need increase with age. It would also provide them with the certainty of being able to stay in their home, an environment which they know, as they age and secure a range of care and services to meet their needs.

### **6.3 Use Class**

6.3.1 A number of representations have been received raising concerns over the classification of the accommodation that is being proposed, and that it should be classed as C3 accommodation and therefore be liable for CIL.

6.3.2 The development will, through a S106 or Unilateral Undertaking, restrict the occupation of the units to those of a minimum age of 65 and in need of personal care. Each unit will be fully accessible for people with disabilities or mobility difficulties, and each property will have full property management and maintenance services. Cleaning and laundry services will be provided along with care visits in accordance with their assessed needs. Prior to purchasing a unit the primary resident will undergo an assessment in order to have a care package tailored to their needs depending on their health. If residents are unwell or frail, meals and care can be provided directly into their accommodation.

6.3.3 Therefore, due to the legal restrictions that will be imposed together with the need for residents to be assessed and purchase a tailored care package, it is considered that the development will fall within Use Class C2. This accords with the Inspectors decision as well as other similar applications for extra care accommodation.

## **6.4 Design and Layout**

6.4.1 The proposed layout has not fundamentally changed since permission was granted on appeal. The development will be arranged in five distinct blocks of building. A service road is routed into the centre of the site with the residential blocks to the north and south of this road, thus containing the main source of activity and movement to the centre of the site and limiting its impact. This arrangement will help to minimise noise and general disturbance, and limit light spillage from the development. The main staff car park is situated in the north west corner of the site, to the south of the existing doctors surgery.

6.4.2 The largest block will be block E, which will accommodate the 25 extra care units as well as the main community and management facilities. This is located to the east of the site and has an attached clubhouse which will provide a range of social facilities for the residents. Blocks A to D will provide the remainder of the extra care units.

6.4.3 The blocks of building are separated by swathes of lawn, soft landscaping, and car parking, and they vary in size to reflect the variety in grain of the wider area from the more modest detached, semi-detached and linked houses to the larger footprint of the school and the former Pouchlands hospital buildings. The proposed layout, scale and block size creates a sense of place that sits comfortably within its surroundings.

6.4.4 The form and architectural treatment of the buildings remain as per the previous approval, reflecting the buildings surrounding the site and the local Sussex vernacular, utilising red tiled roofs, vertical tile hanging, red brick facades with exposed timber detailing. Interest is added through the use of a variety of plan shapes, and variations in the elevational detailing with balconies, variety in roof lines and roof profiles, dormer windows, and the use of balcony access to first floor units. The simple links between the blocks and the variety in the elevational treatment articulates and enhances the buildings without appearing overly fussy. The buildings exhibit many characteristics of the traditional buildings found in rural areas, which together with the cluster of smaller buildings allows the development to sit more comfortably within this countryside and edge of settlement setting, and more importantly avoids the creation of a typical institutional development.

6.4.5 The Inspector considered that the development would sit comfortably within the landscaped surroundings without detriment to the wider countryside or surroundings.

## 6.5 Policy and Need

6.5.1 Local Plan Policy (LLP) CT1 - Planning Boundary and Key Countryside Policy seeks to tightly control development outside of the defined settlement boundaries. CT1 (j) allows for the provision of essential/service facilities to meet community needs for which a rural location is required. The Inspector considered that the proposal did not fully comply with this policy as it would be hard to argue that a rural location is required for a care home of this size. However an assessment of other potential sites across the district and within urban areas would suggest that alternatives are not available for a development of this size. The proposal would be an essential facility, which would meet the specific housing and care needs of a growing section of the community.

6.5.2 A copy of that appeal decision is available to view on line. The Inspector considered that the scale, height and massing would be in keeping with the surrounding built form, and that whilst accepting that there would be some loss of open countryside there would be no harmful change to the character and appearance of the local landscape.

6.5.3 In his conclusion the Inspector considered that the proposal would contribute towards the supply of C2 dwellings for which there is a demonstrable need in the area. He also considered that CT1 (j) permits provision of essential/service facilities to meet the community needs for which a rural location is required. He considered that 'this criterion applies in the instance given the local need that has been identified'.

6.5.4 The Inspector agreed that the development would result in the loss of a green field on the village edge but concluded that 'it would not conflict with saved LP Policies ST1, ST3, T1 and T2. He also 'found that the proposal would be in conformity with the 3 dimensions of sustainable development as set out in the NPPF and would preserve the setting of the listed building'.

6.5.5 Other local plan policies relevant to the determination of the application are set out in the Environmental Principles chapter of the local plan and include ST3 Design Form and Setting, ST4 Backland Development, ST11 and 12 Landscaping, ST13 Noise. It is considered that these policies are broadly complied with.

6.5.6 The LDF Core Policy 2 seeks to deliver sustainable mixed and balanced communities. It will achieve this by (1) providing a range of dwelling types and sizes to meet need, and (2) provide flexible, socially inclusive and adaptable accommodation to meet the changing needs of occupants over time, especially ageing and disabled residents.

6.5.7 Core Policy 10 seeks to ensure that new development will not harm nature conservation interests and will protect landscape assets, whilst Core Policy 11 seeks to secure high quality design to assist in creating sustainable places and communities.

6.5.8 It is considered that in terms of alternative sites that there has been little change since the 2013 assessment. The LDF does not make any specific allocations for this type of development and therefore C2 development needs to compete for sites against C3 uses, which increase land values. An Alternative Site Assessment has been submitted to update the current application but no suitable sites were located within the search area.

6.5.9 The Inspector did address the matter of alternative sites. Whilst third parties did suggest that other sites could be available, the Inspector considered that taking into account growth in need over the coming years, that the supply of care accommodation across the district and in neighbouring Council areas is not expected to keep pace with the



increasing need. Therefore he felt that this part of the District has a pressing need for this type of elderly care accommodation.

6.5.10 Therefore, the change in the mix of the units would not change the adopted policy position agreed by the Inspector previously.

## **6.6 Highways and Travel**

6.6.1 The Highway Authority has considered the application and do not consider that the proposed development will not create a material impact on the highway environment. The main change to the former approval under LW/13/0620 is the amendment to block E from a 40 bed care home facility to a 25 bed extra care facility. As previously approved, this application maintains the details relating to the transport and travel mode choices:

- The parking provision will remain the same as previously secured for cars, cycles and mobility scooters, mini-bus facility.
- Off-site highway works - footways, bus stop/improvements

6.6.2 Therefore they have not raised any objections to the proposal and request that appropriate legal agreements for the travel plan, access improvements and off-site highway works shall be secured as previously agreed for LW/13/0620.

6.6.3 Overall, it is considered that the wider benefits of the scheme to the community outweigh the fact that the development would be in a rural location with limited facilities and transport choices. Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are so severe. It is not considered that the cumulative residual highway impacts of the proposed development would be so severe to justify a refusal. It may be considered that the location of the site is such that any development would be unsustainable in terms of travel choices. However this must be carefully weighed against the sustainable economic and social benefits of the scheme. Whilst it is accepted that the site is not an ideal location, especially in terms of accessibility, in view of the measures highlighted it is considered acceptable due to the significant wider benefits to society that the development would bring.

## **6.7 Employment**

6.7.1 The site will accommodate a full time manager, two support/admin, maintenance, gardener, minibus driver(s) as well as support staff for the kitchen/bar/clubhouse. It is estimated that up to 14 FTE will be employed.

6.7.2 A CQC registered domiciliary care service will operate out of the development providing care service to residents as well as providing a care service to the elderly within the local community. This will include personal care and support within the home, assistance with shopping or escorting them to health appointments.

6.7.3 In addition, the domiciliary care agency will create at least six FTE including manager, supervisor and care assistants

## **6.8 Wider Impact on flora/fauna/woodland/protected species**

6.8.1 In terms of impact on these aspects, this was not raised as a matter of refusal and therefore was not discussed at the inquiry. However the Inspector did impose conditions at the request of the Council.

6.8.2 The mitigation measures required as a result of those conditions have now been largely implemented. It is not considered that the changes proposed with this application would result in any additional ecological impact on the site or its surroundings.

### **6.9 Impact on residential amenity**

6.9.1 The Inspector considered the impact that the proposed development would or could have on the living conditions of nearby residential occupiers and their amenity. He was of the opinion that the size of the development together with the topography, intervening distance, and mature boundary planting and landscaping would ensure that living conditions were not harmfully changed in terms of outlook, overlooking, overshadowing, or from noise and disturbance. This would be further safeguarded through attaching suitable conditions in respect of landscaping, boundary treatment, lighting and noise.

6.9.2 It is not considered that changing the mix of the development as proposed would alter that position.

### **6.10 S106 Agreement**

6.10.1 If consent is granted, a decision should not be released until the Unilateral Undertaking or a S106 agreement has been signed. The agreement would need to secure the following:

- 1) At the point of entry all residents in need of care are at least 65 years old and must undergo a standard medical assessment to confirm that they are in need of personal medical care at the point of entry.
- 2) Prior to entry residents will be contracted to purchase a Basic Care Package to provide the initial level of personal care as established by the health assessment, together with additional personal care as required.
- 3) The provision of one mini bus for staff and residents, and the retention of this service in perpetuity, together with a range of on-site services and facilities.
- 4) Preparation of a management plan to secure a mechanism to make those on-site services and facilities available to off-site residents.
- 5) Requirement to enter into a Section 278 agreement with the HA to undertake highway improvements specifically new footpath on southern side of Mill Lane, various dropped kerbs and tactile paving etc.
- 6) Travel Plan and monitoring fee of £6,500

### **6.11 Conclusion**

6.11.1 The current proposal is similar in terms of its built form to that which was considered and approved by the Inspector. The change is in the description of the development, from 40 nursing and dementia rooms and 40 extra care units, to 65 extra care units.

6.11.2 There is likely to be future and continued pressure for further care developments to cater for the growing elderly population in Lewes District (and nationally). Whilst it was accepted that a development of this nature and in this location would clearly impact on the surroundings, The Inspector considered that the impact was not considered to outweigh the benefits that a care scheme of this nature would bring to the wider community. The change to the nature of the units would not alter that impact.

6.11.3 The current proposal has been considered against the previous approval. After careful appraisal, Officers' have concluded that this scheme would not have any greater impact than the previous approved scheme. The design was considered to minimise the impact on the countryside and neighbours amenity, allowing better integration with the form and grain of the surroundings. The more spacious layout creates a transition to the countryside beyond, helped by a comprehensive landscaping strategy for the site.

6.11.4 Whilst Local Plan Policy would indicate that a site outside the planning boundary would not generally be suitable for this proposal, there is a deficiency in the Local Plan as no sites are identified specifically for elderly care provision. Assessment against the policies contained in the Local Plan, NPPF, together with the other material considerations, would suggest in this instance that the scheme is acceptable, a view which was accepted by the Inspector previously.

6.11.5 It is therefore considered that the current proposal is acceptable.

## **7. RECOMMENDATION**

7.1 That planning permission is approved subject to the prior completion of a S106 agreement covering all the matters referred to above, and subject to the conditions listed below.

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

1. The layout of access and circulation routes, parking and footprint of the main building shall be laid out in accordance with Drawing No 02-285-102-2 Rev D, dated May 2017, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development and having regard to Policy ST3 of the Lewes District Local Plan and guidance contained within the National Planning Policy Framework.

2. Before the development hereby approved is commenced on site, details and samples of all external materials and surfacing materials (which should be impermeable) 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.

3. Prior to commencement of development on site, full details of finished floor levels and ridge heights in relation to the existing and surrounding ground levels, set against an Ordnance Datum Point, have been submitted to and approved by the Local Planning Authority and thereafter 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 guidance contained within the National Planning Policy Framework.

4. Before the development hereby approved is commenced on site, details of all new joinery (windows, doors, balconies, rooflights) at a scale of at least 1:5 shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

Reason: Having regard to the character and appearance of the countryside, the proposed design and in accordance and 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.

5. Prior to commencement of development on site, full details of waste, refuse and recycling storage facilities, shall be submitted to and approved in writing by the Local Planning Authority and thereafter carried out in accordance with that consent.

Reason: To ensure that all facilities required for the development are available on site, in accordance with Policy ST3 of the Lewes District Local Plan and guidance contained within the National Planning Policy Framework.

6. Prior to commencement of development on site, full details of the boundary treatment at the site, which shall include post and rail fencing along the southern boundary, shall be submitted to and approved in writing by the Local Planning Authority and thereafter carried out in accordance with that consent.

Reason: Having regards to the character and appearance of the countryside and neighbouring amenities and in accordance with Policies ST3, ST11 & CT1 of the Lewes District Local Plan and guidance contained within the National Planning Policy Framework

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

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

8. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 1 year from the date of the commencement of use of the approved development.

A No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

B If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

C The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

Reason: In the interests of the long-term health of trees identified for retention having regard to Policy ST3 of the Lewes District Local Plan and in accordance with Part 11 of the National Planning Policy Framework.

9. No works or development shall take place until a scheme of supervision for the arboricultural protection measures has been approved in writing by the Local Planning Authority. This scheme will be appropriate to the scale and duration of the works and should provide details of induction and personnel awareness of arboricultural matters.

Reason: In the interests of the long-term health of trees identified for retention having regard to Policy ST3 of the Lewes District Local Plan and in accordance with Part 11 of the National Planning Policy Framework

10. A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, including the woodland unit subject to Tree Preservation Order (No.7) 2008 shall be submitted to and approved in writing by the Local Planning Authority before occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: To enhance the appearance of the site and to protect the privacy of existing and proposed dwellings or property and having regard to policies ST3 & ST11 and Part 11 of the National Planning Policy Framework.

11. Prior to commencement of development on site, full drainage details and routing of all underground services (foul and surface water drainage, electricity, gas cable TV etc) in relation to protected tree routes, shall be submitted to and approved in writing by the Local Planning Authority, and thereafter undertaken in accordance with that consent.

Reason: In the interests of the long-term health of trees identified for retention and having regard to Policy ST3 of the Lewes District Local Plan and guidance contained within the National Planning Policy Framework.

12. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out in the first available planting season following occupation of the development. If within a period of 5 years from the date of the planting any tree, or any tree planted in replacement for it, is removed, uprooted destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To enhance the appearance of the site and to protect the privacy of existing and proposed dwellings or property and having regard to Policies ST3 & ST11 and Part 11 of the National Planning Policy Framework.

13. No ground works or construction works shall take place until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall set out the arrangements for managing all environmental effects of the development during the ground works and construction period including

- o all traffic,
- o a workers travel plan,
- o temporary site security fencing, securing of and details of the security and acoustic fencing to the boundary with neighbouring properties,
- o artificial illumination,
- o safe storage and safe removal of any contaminating materials,
- o noise, vibration, dust, air pollution and odour

and shall be implemented in full throughout the duration of the construction works, unless a variation is agreed in writing by the Local Planning Authority. It shall also include details of all signage on the approaches to the site, their wording and location, advising of the restricted delivery times, traffic routing to and from the site, holding areas for vehicles, and the use of banksman to control removals and traffic movements to and from the site. Movements to and from the site must avoid the school rush hour times of 08:30 - 09:00 and 14:45 - 15:45 daily, and for the perpetuity of the development.

Reason: Having regard to the location of the development site with regards to the nearby school and residential areas, the local highway network and in accordance with Policy ST3 of the Lewes District Local Plan and guidance contained within the National Planning Policy Framework.

14. Before the development hereby permitted commences a written scheme shall be submitted for written approval by the Local Planning Authority which specifies a detailed lighting design based upon the recommendations outlined in the Lighting Design strategy and visual impact assessment (Enplan dated October 2013).

The Lighting proposal will only be permitted if the applicant can demonstrate\* to the Local Planning Authority that the scheme proposed is the minimum needed for security and/or working purposes and that it minimises the potential for obtrusive light from glare or light trespass to an acceptable level.

\* The most appropriate method to demonstrate compliance would be a technical report prepared by a qualified Lighting Engineer or the lighting company setting out the type of lights, performance, height and spacing of lighting columns. The light levels to be achieved over the intended area, at the site boundaries and, for large schemes, 50m outside of the boundary of the site should be superimposed on a map of the site and its surrounding area.

Reason: To protect the amenity of nearby residents in accordance with Policy ST3 of the Lewes District Local Plan and Paragraph 17 of the National Planning Policy Framework.

15. Prior to the commencement of any works which may affect great crested newts (their breeding sites or resting places) and any other reptiles or their habitats, a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.

Reason: To protect habitat and biodiversity at the site in accordance with Part 11 of the National Planning Policy Framework and Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'.

16. Prior to the commencement of development, details of the layout and location of the receptor site, the proposed pond, receptor site pond and associated wetland habitat enhancement, together with details of the sites future management and maintenance shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out and maintained in accordance with any such approval.

Reason: Having regard to habitat and biodiversity at the site in accordance with Part 11 of the National Planning Policy Framework and Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'.



17. Prior to the commencement on site full details of a bat mitigation strategy, including provision of 'bat bricks' and 'bat tubes' shall be submitted to and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.

Reason: To protect habitat and biodiversity at the site in accordance with Part 11 of the National Planning Policy Framework and Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'.

18. Prior to the commencement of development, a detailed method statement for the removal or long-term management/eradication of Japanese Knotweed (*Fallopia japonica*) on the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of Japanese Knotweed during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/root/stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

Reason: To prevent avoidable harm to the environment and in accordance with Part 11 of the National Planning Policy Framework.

19. A Surface Water Management Plan showing detailed surface water site management plans and catchment impact assessment on the existing surface water drainage network should be submitted for written approval by the Local Planning Authority before construction commences on site.

Reason: To reduce the risk of flooding by ensuring a satisfactory drainage system having regard to Part 10 of the National Planning Policy Framework.

20. The new access shall be in the position shown on the submitted plan and laid out and constructed in accordance with the attached HT407 form/diagram and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority prior to occupation of the development hereby permitted.

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

21. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road/s, surface water drainage, outfall disposal and any street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with this Authority.

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

22. During any form of [earthworks and/or excavations] that are carried out as part of the development, suitable vehicle wheel washing equipment to remove surplus mud/soil should be provided within the site, to the approval of the Local Planning Authority, to prevent contamination and damage to the adjacent roads. The equipment shall be used on all vehicles leaving the site for the perpetuity of the development phase.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and having regard to Policy ST3 of the Lewes District Local Plan and section 4 of the National Planning Policy Framework

23. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with details which shall be submitted to and approved by the Local Planning Authority and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.

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

24. The development shall not be occupied until parking areas have been provided in accordance with details to be submitted to and approved by the Local Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

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

25. The development shall not be occupied until cycle parking and mobility scooter parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles and mobility scooters.

Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development, having regards to Policy ST3 of the Lewes District Local Plan.

26. The following activities must not be carried out under any circumstances:

A No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.

B No works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.

C No mixing of cement or use of other materials or substances shall take place within a Root Protection Area (RPA), or close enough to a RPA that seepage or displacement of those materials or substances could cause them to enter a RPA

D No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

Reason: In the interests of the long-term health of trees identified for retention having regard to Policy ST3 of the Lewes District Local Plan and in accordance with Part 11 of the National Planning Policy Framework.

27. Staff shift patterns at the site shall be limited to the following times, 08:00 - 14:00 hours, 14:00 - 20:00 hours, 20:00 - 08:00 hours only, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the shift patterns avoid peak traffic times on the local road network at the nearby school and having regard to guidance contained within the National Planning Policy Framework.

28. Deliveries to or from the premises shall be restricted to 09:00 - 17:00 hours on Monday to Friday, from 10:00 - 17:00 hours on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To protect the amenity of nearby residents in accordance with Policy ST3 of the Lewes District Local Plan and Paragraph 17 of the National Planning Policy Framework.

29. The development hereby approved shall be restricted solely to Class C2 of the Town & Country Planning (Use Classes) (Amended) Order 1987.

Reason: To ensure that the site remains a care facility, having regards to the submitted needs statement and guidance contained within the National Planning Policy Framework.

30. Prior to commencement of development on site details of the measures to be taken to divert the existing drainage/sewage apparatus that crosses the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with and approval of Southern Water.

Reason: In the interests of protecting and maintaining public infrastructure having regard to Policy ST1 of the Lewes District Local Plan.

31. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- 1) A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Paragraph 110 of the National Planning Policy Framework.

32. Prior to occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the

approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Paragraph 110 of the National Planning Policy Framework

33. Before the development hereby permitted commences a written scheme shall be submitted for written approval by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from plant and ancillary equipment. Before occupation of the proposed buildings the agreed scheme shall be fully implemented.

A written scheme of attenuation measures to mitigate any adverse impacts identified in the acoustic assessment by EAS Ltd's Noise Impact Assessment (September 2013 - ref: Enplan/3A/Gradwell/Noise) shall be submitted to the Local Planning Authority.

(1) The scheme shall demonstrate by calculation how the proposal will meet a 3dB lower than existing background noise level standard expressed as LA90 1hr standard at the nearest residential boundary;

(2) There shall be no tonal noise emitted from the site as defined in BS4142:1997;

(3) The scheme shall identify post-installation monitoring points within the curtilage of the proposed site that are in close proximity to the noise sources which will be used to verify that the scheme meets the predictions on completion;

(4) The scheme shall be submitted for written approval by the Local Planning Authority and shall be fully implemented before the use commences; and

(5) The scheme shall then be tested to confirm that it meets the predictions on completion using the agreed post-installation monitoring points, and a written report submitted to the Local Planning Authority for its written approval.

Reason: Having regard to the amenities of local residents and the surrounding area, in accordance with Policy ST3 of the Lewes District Local Plan and Paragraph 17 of the National Planning Policy Framework.

34. Prior to the installation of the ventilation system for the disposal and treatment of cooking odours from the premises, the applicant should submit a design specification outlining the proposed extraction/ventilation system to the Local Planning Authority;

a) Prior to the commencement of the use, the applicant should, following the testing of the installation, submit certification from a member of the Heating and Ventilating Contractor's Association, or other suitably qualified person, to the Local Planning Authority, confirming that the installation meets its design specification agreed;

b) A maintenance and management scheme for the ventilation and filtration systems shall be submitted to, and shall be approved in writing, by the Local Planning Authority prior to the commencement of the use and shall thereafter be implemented as approved; and

c) Mechanical and electrical installations shall be suitably arranged to ensure that the ventilation system is in operation during periods when the premises are preparing and/or cooking of food, all to the written satisfaction of the Local Planning Authority.

Reason: Having regard to the amenities of local residents and the surrounding area, in accordance with Policy ST3 of the Lewes District Local Plan and Paragraph 17 of the National Planning Policy Framework.

35. Prior to the installation of the ventilation and filtration systems at the site, a maintenance and management scheme shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the use and shall thereafter be implemented as approved.

Reason: Having regard to the amenities of local residents and the surrounding area, in accordance with Policy ST3 of the Lewes District Local Plan and Paragraph 17 of the National Planning Policy Framework.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Paragraph 110 of the National Planning Policy Framework.

37. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 120 and 121].

## **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. Separate approval of Drainage Details will be required from both Lewes District Council's Development Control (Planning) and Building Control (Building Regulations).

3. The Highway Authority would wish to see the roads within the site that are not to be offered for adoption laid out and constructed to standards at, or at least close to, adoption standards.

4. The applicant should be made aware that the creation/alteration of this access will require the compliance with the Traffic Management Act 2004 and that the contractor will have to book road space with the County Council's Network Coordination team (0345 60 80 193).

5. In order to safeguard the parking for Gradwell End residents and make it easier for construction vehicles it would be beneficial to provide 5 temporary parking spaces just inside the site whilst construction takes place

6. The provision of a new low emission\* community bus for use by local community and new residents to help reduce the impact and make a positive contribution to the local air quality. \*Low emission technology is evolving all the time, Cenex, a public/private centre of low carbon and fuel cell technologies are always looking for new projects <http://www.cenex.co.uk>

A residents low emission car club\* that potentially could be rolled out to include the local community. \*Organisations such as Commonwheels can help facilitate such schemes.

7. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne Hampshire SO21 2SW (tel: 0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk) .

8. A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne Hampshire SO21 2SW (tel: 0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk) .

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Justification / Heritage Statement	9 August 2017	
Planning Statement/Brief	9 August 2017	
Noise Detail	9 August 2017	
Transport Assessment	9 August 2017	
Design & Access Statement	9 August 2017	
Biodiversity Checklist	9 August 2017	
Location Plan	9 August 2017	02-285-10 D
Proposed Layout Plan	9 August 2017	02-285-120-2 D
Proposed Floor Plan(s)	9 October 2017	15895-PA-A-010A
Proposed Roof Plan	9 October 2017	15895-PA-A-010A
Proposed Elevation(s)	9 August 2017	15895-PA-A-012 A



Proposed Floor Plan(s)	9 October 2017	15895-PA-B-013A
Proposed Roof Plan	9 October 2017	15895-PA-B-013A
Proposed Elevation(s)	9 August 2017	15895-PA-B-015 A
Proposed Floor Plan(s)	9 October 2017	15895-PA-C-016A
Proposed Roof Plan	9 October 2017	15895-PA-C-016A
Proposed Elevation(s)	9 August 2017	15895-PA-C-018 A
Proposed Elevation(s)	9 August 2017	15895-PA-D-019
Proposed Floor Plan(s)	9 August 2017	15895-PA-D-019
Proposed Roof Plan	9 August 2017	15895-PA-D-019
Proposed Floor Plan(s)	9 August 2017	15895-PA-E-020
Proposed Floor Plan(s)	9 August 2017	15895-PA-E-021
Proposed Roof Plan	9 August 2017	15895-PA-E-021
Proposed Roof Plan	9 August 2017	15895-PA-E-022
Proposed Elevation(s)	9 August 2017	15895-PA-E-023
Proposed Elevation(s)	9 August 2017	15895-PA-E-024
Proposed Floor Plan(s)	9 August 2017	15895-PA-E-026
Proposed Roof Plan	9 August 2017	15895-PA-E-026
Existing Block Plan	9 August 2017	15895/PA003
Technical Report	9 August 2017	ALTERNATIVE SITES ASSESSMENT
Tree Statement/Survey	9 August 2017	ARBORICULTURAL IMPLICATIONS STMT
Planning Statement/Brief	9 August 2017	CONTACT CONSULTING
Technical Report	9 August 2017	ENERGY STATEMENT
Technical Report	9 August 2017	GEOTECHNICAL ASSESSMENT
Technical Report	9 August 2017	IMPACT ON ECOLOGY
Technical Report	9 August 2017	KNOTWEED SURVEY

<b>APPLICATION NUMBER:</b>	LW/17/0608	<b>ITEM NUMBER:</b>	<b>7</b>
<b>APPLICANTS NAME(S):</b>	Cayuga 001 Ltd	<b>PARISH / WARD:</b>	Newhaven / Newhaven Denton & Meeching
<b>PROPOSAL:</b>	Planning Application for Redevelopment to provide 27 dwelling houses		
<b>SITE ADDRESS:</b>	Former School Site Western Road Newhaven East Sussex BN9 9ED		
<b>GRID REF:</b>	TQ 44 00		



## 1. SITE DESCRIPTION / PROPOSAL

### Site Description

1.1 The application site lies on the western side of Newhaven approximately 500m from the town centre. The site is located on the south-eastern side of Western Road and is bounded to the north by Brooks Close. The area is predominantly residential and comprises in the majority two storey dwellings.

1.2 The application site has an area of some 8243 square metres (0.82ha) and was formerly used as a school known as Grays Infants and Nursery School. The single storey flat-roofed school buildings remain in situ towards the middle of the site and they are falling into a dilapidated condition. There is a car park and vehicular access off Brooks Close and a children's playground to the south-west side of the school buildings.

1.3 The school is understood to have closed in 2014, East Sussex County Council determining that it was surplus to requirements and that a new Primary Academy, which opened in 2015, would take up the capacity. The new school is on Church Hill, not far from the application site.

1.4 Ground levels slope sharply downwards along the eastern boundary of the site, backing onto properties further down the hillside in Hillcrest Road. Ground levels also rise in a westerly direction and there is a raised bank on the south-west boundary of the site, rising to the level of the neighbouring house, 25 Western Road.

1.5 There are 13 individual protected trees within the application site (TPO No. 6 of 2003) along with three groups of protected trees (G1-G3) containing Sycamore, Birch, Beech and Corsican Pine.

1.6 A large Huntingdon Elm tree which had been on the site for a considerable period of time had to be felled following strong winds in March 2017, for safety reasons. The strong winds had split the trunk of the tree down the middle, the trunk having been weakened by a fungal disease.

### Proposal

1.7 The application seeks full planning permission for the demolition of the school buildings and the redevelopment of the site with 27 houses. This is a revised submission following the refusal of a proposal for 31 houses, ref. LW/16/0542, which is currently the subject of an Appeal.

1.8 The housing mix will be 21 x 3-bed units; and 4 x 4-bed units.

1.9 Four of the houses will be affordable because the applicant has used the Government's Vacant Building Credit scheme to off-set the floor area of the existing school buildings to be demolished against the 40% affordable housing requirement. A financial contribution towards the 0.69 affordable unit shortfall is proposed. (See representation of Housing Needs and Strategy Division in Section 4.)

1.10 The houses will be a mixture of detached and semi-detached properties with a contemporary design which draws on elements of traditional form, including the pitched roofs and integral garages. The palette of external materials and finishes includes red brick/red brick with raked joints; Cedar Lap Weatherboard; Timber and aluminium composite windows; Metal balconies; and Timber doors.

1.11 Each new house will have 2 off-street car parking spaces making a total of 62 for the development as a whole. A total of 54 secure and covered cycle parking facilities are proposed within the back gardens to the properties and each will have a first floor level balcony on the rear elevation.

1.12 A memorial bench is proposed to the northern side of the site fronting Western Road.

## 2. RELEVANT POLICIES

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

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

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

**LDLP: – CP1** – Affordable Housing

**LDLP: – CP2** – Housing Type, Mix and Density

**LDLP: – CP7** – Infrastructure

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

**LDLP: – CP13** – Sustainable Travel

## 3. PLANNING HISTORY

**P/63/0035** - Outline for demolition of existing house and erection of 22 dwellings with garages. - **Refused**

**P/63/0071** - Outline for the erection of 18 dwellings with garages. - **Refused**

**P/63/0147** - Outline for demolition and erection of 20 dwellings. - **Approved**

**P/64/0145** - Change of use to educational purposes. ESCC Deemed Permission - **No Objection**

**LW/91/0580** - Alterations & extensions; 3 new classrooms & ancillary accommodation; library & storage; office & toilets; new playground & path; additional car parking & other landscaping - **Approved**

**LW/09/0158** - Installation of a cycle shelter to the northern boundary - **Approved**

**TW/12/0014/TPO** - Beech (T14 of the Order - Crown lift; Corsican Pine (Nos. T12, T11, T9, T10, T8, T7 and T6 of the Order) - remove major deadwood; Sycamore (T4 of the Order) - remove deadwood; Scots Pine (T3 of the Order) - remove deadwood and crown lift; Sycamore (G1 of the Order) - fell; 2 x Sycamore (G2 of the Order - remove deadwood; Wych Elm (T1 of the Order) - reduce and reshape crown by 2.5-3m; Sycamore group (G3 of the Order) - crown lift and remove deadwood - **Approved**



**LW/16/0542** - Redevelopment to provide 31 dwelling houses (25 open market houses and 6 affordable) - **Refused**

**APPEAL/17/0022** - Redevelopment to provide 31 dwelling houses (25 open market houses and 6 affordable) - **Appeal In Progress**

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

##### **Newhaven Town Council**

4.1 Objection - The committee object to the application on the same grounds as before, namely:

- Overdevelopment of the site
- The design of the houses is out of keeping with surrounding house types
- Concerns over the safety of the vehicle access on to Western Road
- Concerns that the parking provision is inadequate
- Overlooking of neighbouring properties, particularly in Brooks Close
- Loss of flora and fauna
- Concerns about whether the main sewer is adequate to cope with the additional houses
- Surface drainage - the effect of concreting over so much of the site on rainwater drainage.
- Concerns about the effect on neighbouring properties of the construction works and the demolition of the old school.
- The loss of protected trees
- Loss of light to nearby homes in Brooks Close and the impact of this on residential amenity.
- The committee also requests that an ecological survey should be carried out to identify protected species.

##### **British Telecom**

4.2 No objection

##### **Environmental Health**

4.3 No objection - Emissions from the proposed development will be lower than those associated with the former school use, but owing to the proximity of the site to the Newhaven Air Quality Management Area, mitigation measures should be put in place including:

*1) Electric charging facilities, preferably with solar panels fitted to the roofs charging storage batteries to enable the charging of vehicles in the evening;*

*2) A Travel/Air Quality Plan that includes information on public transport, walking and cycling maps;*

*3) A S106 agreement to assist in the development of a Newhaven Car Club.*

4.4 In addition, based on the proximity of existing housing and Radon emissions, conditions are recommended in relation to contaminated land; a verification report; and unsuspected contamination.

## ESCC SUDS

4.5 No objection - The County Council as the LLFA concludes that the proposal for managing surface water runoff from the development is acceptable in principle.

4.6 If the Local Planning Authority is minded to grant planning permission, the LLFA requests conditions to ensure surface water runoff from the development is managed safely.

## Housing Needs And Strategy Division

4.7 Objection - On pages 13-14 (paragraphs 6.4; 6.5; and 6.6) of the Planning Statement it is stated:

- *'With regard to affordable housing, the scheme proposes 27 units - which equates to 10.8 units under Core Strategy Policy 1 (where affordable housing is to be provided at 40%). This figure then needs to be adjusted to reflect the vacant building credit:*
- *Existing Gross Internal Floor Area for the Site: 1504 m<sup>2</sup>*
- *Proposed Gross Internal Floor Area for the Site: 2784 m<sup>2</sup>*
- *Percentage Proposed Area that is "existing": 54% (so new area = 46%)*
- *As new floor area comprises 46% of the total floor area, the notional affordable housing figure should be adjusted by 46% to reflect the Vacant Building Credit.*
- *10.2 units @ 46% = 4.69 units.*
- *Consequently it can be seen that the policy compliant amount of affordable housing for the scheme would be 4 units, with potentially a financial contribution for 0.69 units. The intention is for the 4 affordable housing units to be located at the front of the site '.*

4.8 However, it can be seen that there is a difference in the calculations above regarding the size of the existing floorspace: 1,412 sqm (Council) and 1504 m<sup>2</sup> (Developer), which leads to differing affordable housing contribution calculations.

4.9 Also, page 14 of the Planning Statement, having calculated the affordable housing contribution before a Vacant Building Credit is applied as 10.8 units, the document then multiplies 10.2 units by 0.46 (46%) to arrive at 4.69 units with Vacant Building Credit applied.

4.10 If it is 0.46 that it is decided the affordable housing contribution needs to be multiplied by, this would be:  $0.46 \times 10.8 = 4.97$  affordable units (and not 4.69).

4.11 Consequently further discussion regarding the number of affordable housing units proposed for this development is needed.

## Dwelling mix



4.12 The greatest need in Newhaven is for 1 bedroom dwellings, followed by 2 bedroom dwellings, and then 3 bedroom dwellings.

4.13 Ideally the dwelling mix of the development would better reflect the housing need of Newhaven as indicated by the Housing Register figures. If the affordable dwellings of the development are to be aligned with the housing need of Newhaven, the Housing Register figures will be reflected by the mix of affordable dwellings.

4.14 Consequently, further discussion regarding the dwelling mix will be useful.

#### Tenure split

4.15 Ideally the tenure of the affordable dwellings would be aligned with the split as set out in Core Policy 1. However, a tenure split is negotiable and the Council is willing to discuss a different split from that set out in Core Policy 1, if the 75/25 split is proved not to be deliverable following consultation with a range of housing providers.

#### Size of dwellings

4.16 At this stage it is not clear what the sizes of the affordable dwellings will be. It would therefore be useful to have discussions regarding the sizes of the affordable dwellings.

#### **Natural England**

4.17 The advice provided in our previous response applies equally to this proposal although we made no objection to the original proposal.

4.18 The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

#### **Sussex Police**

4.19 The concerns that waste services have for this development is that there is currently only one access road to the site should it be developed there will be an issue with vehicular access for refuse and recycling and where the refuse will be presented for collection. These matters would have to be addressed in the plot planning to see if there is a viable means of collection.

#### **Southern Water Plc**

4.20 No objection - The nearest public foul sewer appears to be in Hill Crest Road, approximately 70 metres to the east of the north-eastern corner of the site, where the current layout indicates the proposed final internal site foul manhole to be located. The applicant should assure himself that he has adequate rights to utilise the intervening private drainage systems. Otherwise the connection to the public sewerage system could be requisitioned under the terms of the Water Industry Act.

4.21 The following informative should be attached to the consent: *"A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".*

4.22 Where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

4.23 This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

4.24 Should the application be approved, the following condition is recommended: *"Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the local planning authority in consultation with Southern Water."*

## 5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 A petition containing 17 signatories has been received, objecting to the application based on the below preamble;

- New driveways creating hazards for pedestrians;
- Frontages and driveways should be contained internally within the development;
- More vehicular movements throughout the day than the previous school use;
- Damage to neighbouring fences which are alongside the kerb in Brooks Close;
- There should be double yellow lines along one side of Brooks Close;
- Brooks Close/Western Road junction is a hazard and often dangerous;
- Design, style and colour of the proposed dwellings;
- Overlooking and elevated height of buildings;
- Over development;
- Loss of privacy;
- Loss of sunlight;
- Increased noise and disturbance;
- Out of character and overbearing;
- Parking issues and congestion; and
- Danger to pedestrians.

5.2 Representations have been received from Coppice Brooks Close; 2 Pine Tree Close, First Avenue; 51 South Road; Full House; 12, 15, 25 Western Road; 45 Fullwood Avenue; 77 Chapel Street; and 14 and 16 Hillcrest Road, objecting to the application for the following reasons;

- Out of character
- Traffic Generation
- Scale
- Three storeys
- High density
- Loss of space
- Out of keeping with surroundings
- Poor design and layout
- Intrusive
- Over development
- Loss of trees
- Impact on biodiversity

- Overbearing building/structure
- Conservation Significance
- Contextual significance
- Historical significance
- Loss of amenity
- Loss of light / daylight / sunlight
- Overshadowing
- Overlooking, loss of privacy
- Noise and disturbance
- Smells/fumes
- Light pollution
- Dust and contamination
- Asbestos content
- Inadequate access
- Un-adopted spine road
- Parking issues
- Traffic generation
- Traffic on A259
- Garages too small
- Highway hazards
- Paths not wide enough for all users
- Drainage
- Main sewer/drainage discharge
- Flooding
- Lack of infrastructure
- Not sustainable
- Inadequate local facilities
- Insufficient information
- Bequeath/covenant from Doctor Gray for the land/property to be used for the eternal education and betterment of the children and peoples of this area.
- Shortage of schools places
- Contrary to policy
- Effect on wildlife

## **6. PLANNING CONSIDERATIONS**

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

6.2 The previous planning application, LW/16/0542, was refused planning permission for two reasons:-

- 1) The proposed development will, by reason of the scale, number and siting of the new dwellings, have a cramped and over-developed appearance that is discordant and incongruous with the spatial characteristics and layout of existing housing within the locality. As such the proposals will be detrimental to visual amenity and the character of the local area.
- 2) The proposed development will, by reason of the siting and landscaping to the new homes, result in the loss of a significant number of protected trees (Tree Preservation Order No. 6 of 2003), including an historic Huntingdon Elm, thereby

eroding the character and appearance of the locality to the detriment of visual amenity.

6.3 The principle of development (rather than the details) including the layout, the mix of units and the impact on the highway, have been previously considered and established to be acceptable. The matters which the applicant has sought to overcome in the current planning application include:

- The scale, number and siting of the new dwellings.
- The landscaping and preservation of protected trees.

6.4 Consideration of the highway impact, CIL liability and S106 Heads of Terms is included also, for completeness.

#### Scale, Number and Siting

6.5 The current application reduces the number of proposed dwellings from 31 to 27, a reduction of 4 units. One of the semi-detached properties has been deleted from the central part of the site; two pairs of semi-detached houses have been reduced to single detached houses; and one further detached house removed from the site layout in the southern area of the site where the internal access route curves back round to Western Road.

6.6 The result is that the properties have more space between them and that they are properly aligned without having a cramped appearance. This is considered to be a significant improvement over the previous application and will mean the development is more in keeping with existing housing in the local area in terms of the spacing and alignment of the properties.

6.7 These amendments to the proposals are considered to overcome the previous reason for refusal.

#### Landscaping and Preservation of Protected Trees

6.8 The application site contains 13 protected trees and three groups of trees which are covered by Tree Preservation Order No. 6 of 2003.

6.9 T1 of the preservation order was a Huntingdon Elm tree which was over 100 years old but had to be removed for safety reasons earlier in the year, having suffered wind throw during strong winds, which split the trunk of the tree.

6.10 Other individually protected trees include mostly Corsican Pine along with Sycamore, Beech and Scots Pine. Five of these trees are reported as being either in a dangerous condition or having a very limited remaining safe lifespan.

6.11 There are also three protected groups of trees on site:

- G1 comprises 9 Sycamore and 1 Beech. This is located in the south-eastern corner of the site along the boundary to the back gardens of properties in Hillcrest Road.
- G2 comprises 8 Sycamore trees arranged in a row next to the boundary with 25 Western Road.
- G3 is 4 Sycamore trees next to Brooks Close.

6.12 The trees within the site are the results of various landscaping schemes over many decades.

6.13 The key amendments made to the scheme include moving plots 13, 14, 15 and 16 further from the boundary of the site with the neighbouring property, 25 Western Road, which has allowed for the retention of more trees along that particular boundary. These trees actually represent Group G2 (8 x Sycamore) of TP (No. 6) 2003. In addition, the revised layout and reduced density of the proposed housing has allowed for the retention of protected group G1.

6.14 Of the other groups, only G3 is proposed to be removed, but it should be noted that of the 24 individual trees and the one group of trees proposed to be removed only 4 individual trees and 1 group fall into BS category B, meaning that the majority of trees to be removed are of limited visual amenity value or of limited lifespan.

6.15 The loss of these trees should be considered against the need for housing in the district and the contribution that the proposed development will make towards housing provision.

6.16 Furthermore there are mitigating factors including the proposed landscaping plan which includes the planting of 50 new trees both within the site and marking the junctions with Brooks Close and Western Road, and providing tree planting around the edges of the site including the north-westerly corner, which on the approach up Western Road is prominent. These new trees will be planted at heights of between 3m and 7m as a minimum. Proposed species include *Pinus pinea* (Stone Pine), *Pyrus calleryana* 'Chanticleer' (Ornamental Pear), *Quercus ilex* (Evergreen Oak) and *Sorbus aria* (Whitebeam).

6.17 The landscape plan will go some way to maintaining the sylvan character of the site perimeter and thereby maintain a relatively green appearance in the wider street scene.

#### Accessibility and Sustainable Transport

6.18 The application site is a 450m walk from Newhaven town centre, 400m from the nearest bus stop along the A259 and 190m from the Compass Travel 145 bus stop at the end of Second Avenue. The site is also 1100m from Newhaven Town mainline railway station, less than a 15 minute walk. For these reasons the application site has reasonable levels of accessibility to alternative modes of transport to the private car and is in a sustainable location in terms of access to shops, facilities and services within the town.

6.19 The scheme also proposes to provide 2 off-street car parking spaces for each dwelling by way of surface car parking and garages. Neighbour representations in respect of parking are acknowledged and this is a sensitive issue. It is recommended that should permission be granted a condition is imposed to ensure the garages are used only for the parking of private motor vehicles and not as storage or converted to additional habitable accommodation for example, as this would lead to increased car parking on the surrounding streets.

6.20 The Highway Authority has confirmed that adequate visibility can be achieved at both vehicular access points onto Brooks Close and Western Road, but the pedestrian openings to the properties fronting these streets should be reduced in width to 1.5m in order to prevent opportunist car parking. This minor amendment to the proposed layout can be controlled by imposing a condition accordingly.

6.21 The Highway Authority advises that the block paving to the streets at the junctions with Brooks Close and Western Road will not be acceptable and should be tarmac. The hedges at these junctions will also need to be set back from the road by 1m and kept at a height of 600mm or lower so as not to obscure visibility. This can be secured by imposing a condition in the event approval is granted.

6.22 The "School - Keep Clear" markings on the road in Brooks Close will need to be removed and parking restriction markings put along Western Road. The applicant is required to pay a commuted sum of £5,000 to go towards the Traffic Regulation Order (TRO) process and this should be secured by way of a S106 Agreement.

6.23 The proposals also include improvements to the existing public footways and provision of new dropped kerbs and tactile paving across Brooks Close at its junction with Western Road, which again will need to be secured by way of a S106 Agreement. In addition the footways along the southern side of Brooks Close and the eastern side of Western Road should be increased in width to 2m, and at least 1.2m, in order to be accessible for less able people and those with pushchairs.

#### Community Infrastructure Levy

6.24 The development will attract a Community Infrastructure Levy (CIL) liability to fund infrastructure including:

- Education facilities projects
- Transport schemes other than site-specific access improvements
- Police and emergency services facilities
- Community facilities projects
- Green infrastructure other than site-specific improvements or mitigation measures

#### S106 Agreement Heads of Terms

- Four affordable housing units to be provided on-site.
- A commuted sum to be made for off-site provision of the remaining 0.69 affordable housing units.
- Amendments to the Traffic Regulation Order (£5000.00)
- Removal of pedestrian guard railings and new dropped kerbs/tactile paving across Brooks Close at its junction with Western Road and across the access points onto Brooks Close and Western Road.

## **7. RECOMMENDATION**

In view of the above the current planning application is considered to have addressed the reasons for the refusal of the previous planning application and accordingly approval is recommended.

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

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

Reason: To ensure a satisfactory appearance to the development in keeping with the locality having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part



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

2. No development shall take place until full details of the existing and proposed ground levels within the site, together with the eaves and ridge heights of the approved development, and details of the ground levels, eaves and ridge heights of the existing buildings on land adjoining the site, to include 25 Western Road; 1 - 9 Brooks Close; and Coppice, Brooks Close, by means of spot heights and cross-sections to OS Datum, have been submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented and completed in accordance with the approved level details.

Reason: In the interests of visual amenity, neighbour amenity and to ensure a satisfactory appearance to the development in accordance with retained policy ST3 and Core Policy 11 of the Lewes District Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected within and, where necessary, around the perimeter of the application site, to include the boundary treatment/hedges fronting plots 1, 2, 3, 4, 5, 17, 23, 24, 25, 26 and 27. The boundary treatment shall be completed in accordance with the approved details prior to the occupation of the dwelling units hereby permitted and retained as such thereafter.

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

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

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

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

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

Reason: In the interests of the residential amenities of the neighbours and to secure safe and satisfactory means of vehicular access to the site during construction, having regard to retained

policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

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

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

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

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

8. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A site investigation scheme based on the submitted Phase 1 Desk Study Report carried out by Phlorum Limited and dated January 2016 to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2. The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

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

unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 120 and 121].

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely in accordance with Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 120 and 121].

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

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

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

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

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

12. No development shall take place until details of the proposed surface water drainage to prevent the discharge of surface water from the application site onto the public highway and,

similarly, to prevent the discharge of surface water from the highway onto the site, shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority and the Lead Local Flood Authority. The works shall be carried out in accordance with the approved details prior to the first occupation of the development and retained as such thereafter unless otherwise agreed in writing.

Reason: In the interests of highway safety and to manage flood risk in accordance with Core Policies 12 and 13 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

13. The residential units hereby permitted shall not be occupied until turning spaces for vehicles have been provided and constructed in accordance with the approved plans and the turning spaces shall thereafter be retained for that use and shall not be used for any other purpose;

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

14. A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the residential units hereby permitted. The landscape management plans shall be carried out as approved and maintained as such unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity, neighbour amenity and to ensure a satisfactory appearance to the development in accordance with retained policy ST3 and Core Policy 11 of the Lewes District Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

15. The residential units hereby approved shall not be occupied until the road(s), footways and parking areas serving the development have been constructed, surfaced, drained and lit in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development and in the interests of safeguarding amenity in accordance with retained policy ST3 and Core Policy 13 of Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

16. The residential units hereby approved shall not be occupied until such time as the vehicular accesses onto Brooks Close and Western Road have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

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

17. The residential units hereby approved shall not be occupied until such time as any redundant sections of the two existing vehicular accesses onto Brooks Close and Western Road have been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

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

18. The residential units hereby approved shall not be occupied until visibility splays of 2.4metres by 37 metres to the east and 34 metres have been provided at the proposed site vehicular access onto Western Road [UC5286] 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 highway safety and in the interests of safeguarding amenity in accordance with retained policy ST3 and Core Policy 13 of Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

19. The residential units hereby approved shall not be occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular accesses for plots 1,2,3,4,5 and 27 onto Brooks Close in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 600mm.

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

20. No development shall take place, including demolition, on the site until an agreed pre commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.

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

21. No development shall be commenced until such time as revisions to an existing Traffic Regulation Order securing the removal of existing school keep clear markings and provision of parking restrictions along Western Road in the vicinity of the site has been approved by the County Council in writing and written confirmation of this approval has been made available to the Local Planning Authority.

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

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



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

23. 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.

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

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

25. The approved tree protection measures and method statements submitted in support of the application (see Arboricultural Implications Assessment J52.71) shall be adhered to in full in accordance with the approved plans and may only be modified subject to written agreement from the planning authority. 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: In the interests of visual amenity, neighbour amenity and to ensure a satisfactory appearance to the development in accordance with retained policy ST3 and Core Policy 11 of the Lewes District Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

26. 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 5 years from the date of the occupation of the final dwelling 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: In the interests of visual amenity, neighbour amenity and to ensure a satisfactory appearance to the development in accordance with retained policy ST3 and Core Policy 11 of the Lewes District Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

27. In the event of the death or destruction of any tree, shrub or hedge, to which Condition 26 relates, within 5 years of the residential occupation of each dwelling, 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 in the first suitable planting season, of a size and species to be submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with that approval.

Reason: In the interests of visual amenity, neighbour amenity and to ensure a satisfactory appearance to the development in accordance with retained policy ST3 and Core Policy 11 of the Lewes District Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

**INFORMATIVE(S)**

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

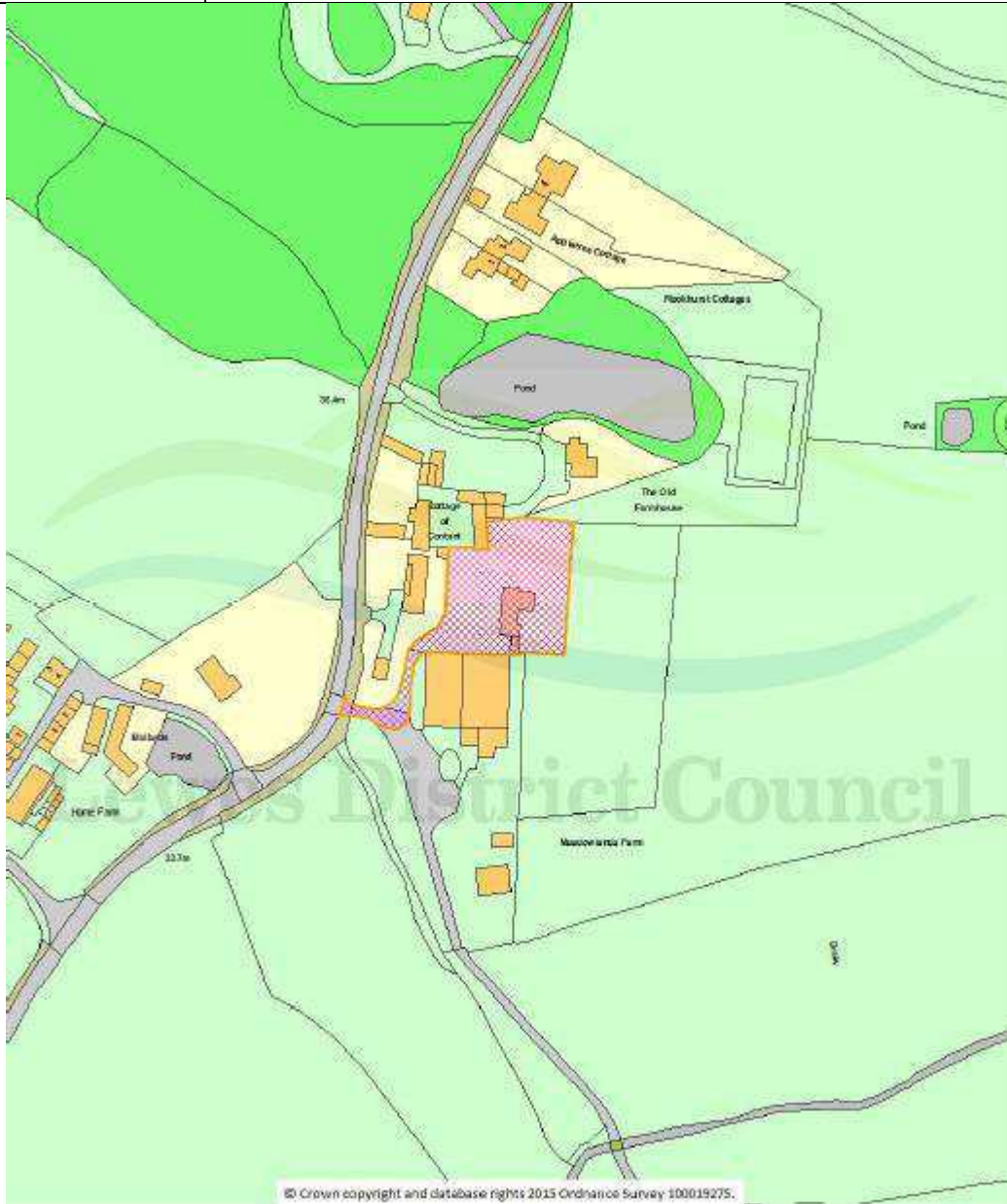
2. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the 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.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Planning Statement/Brief		
Landscaping		0103.P.101 G
Landscaping		0103.P.301 F
Proposed Section(s)		0103.P.51 B
Proposed Layout Plan		16-058_SKC01 E
Proposed Floor Plan(s)		85386-01-A-06-3B.A-110
Proposed Elevation(s)		85386-01-A-06-3B.A-210
Proposed Section(s)		85386-01-A-06-3B.A-210
Proposed Floor Plan(s)		85386-01-A-06-3B.D-110
Proposed Elevation(s)		85386-01-A-06-3B.D-210
Proposed Section(s)		85386-01-A-06-3B.D-210
Proposed Floor Plan(s)		85386-01-A-06-3B.E/C-110
Proposed Elevation(s)		85386-01-A-06-3B.E/C-210
Proposed Section(s)		85386-01-A-06-3B.E/C-210

Proposed Floor Plan(s)	85386-01-A-06-3B.G-110
Proposed Elevation(s)	85386-01-A-06-3B.G-210
Proposed Section(s)	85386-01-A-06-3B.G-210
Proposed Floor Plan(s)	85386-01-A-06-4B.A-110
Proposed Elevation(s)	85386-01-A-06-4B.A-210
Proposed Section(s)	85386-01-A-06-4B.A-210
Illustration	85386-01-A-06-CGI-111
Proposed Elevation(s)	85386-01-A-06-ELE-210
Proposed Section(s)	85386-01-A-06-ELE-210
Proposed Elevation(s)	85386-01-A-06-ELE-211
Location Plan	85386-01-A-06-LOC-011
Location Plan	85386-01-A-06-LOC-012
Location Plan	85386-01-A-06-SIT-511
Proposed Layout Plan	85386-01-A-06-SIT-512
Proposed Layout Plan	85386-01-A-06-SIT-513
Technical Report	ARBORICULTURAL
Technical Report	DRAINAGE
Additional Documents	MICRO DRAINAGE
Design & Access Statement	PART 1
Design & Access Statement	PART 2
Design & Access Statement	PART 3
Additional Documents	PREFACE SHEET
Planning Statement/Brief	TRANSPORT

<b>APPLICATION NUMBER:</b>	LW/17/0768	<b>ITEM NUMBER:</b>	<b>8</b>
<b>APPLICANTS NAME(S):</b>	Mr & Mrs R Burgoyne	<b>PARISH / WARD:</b>	Wivelsfield / Chailey & Wivelsfield
<b>PROPOSAL:</b>	Planning Application for Erection of a single storey extension and porch extension		
<b>SITE ADDRESS:</b>	The Old Granary Meadowlands Farm Slugwash Lane Wivelsfield East Sussex RH17 7RQ		
<b>GRID REF:</b>	TQ3522		



## 1. SITE DESCRIPTION / PROPOSAL

1.1 The site is a detached converted barn, located to the east of Slugwash Lane.

1.2 The house has an east/west orientation, with the front elevation facing west towards the rear elevation of a neighbouring property (Meadowlands Farmhouse). The rear elevation faces eastward over a garden and towards open fields.

1.3 The site has a long and extensive planning history, the most relevant of which is listed below.

1.4 The barn was originally converted to a dwelling under application LW/98/0145 which involved conversion of the large barn, the adjoining single storey implement barn and the addition of a two storey extension to the east.

1.5 In 2002 planning permission was granted under LW/02/0966 for a first floor extension above the converted implement barn.

1.6 Following the refusal of two proposals for a side extension, retrospective consent was granted under application LW/08/1017 for a side extension.

1.7 In 2010 planning permission was granted under LW/10/0670 for a sunroom. In the same year planning permission was granted for the erection of an open trailer store/shed under LW/10/1561; however this consent was not implemented and therefore has now lapsed.

1.8 More recently planning permission was refused under LW/16/0334 for a two storey front/side extension, this application was refused for the following reason: *"The proposed extension due to its location, size and cumulative impact in combination with the existing extensions far exceeds the Policy limits for residential extensions in the countryside and would have a negative impact on the character of the building, failing to respect the layout, scale and form of the original agricultural building. The proposal is therefore contrary to the provisions of Policies ST3, RES13 and RES14 of the Lewes District Local Plan and Core Policy 11 of the Joint Core Strategy."*

1.9 This application seeks consent to erect a single storey front facing extension and an open fronted porch.

1.10 Prior to the submission of this application, informal discussions were undertaken with officers and draft plans provided for discussion. Although officers felt that a single storey extension would be an improvement on the previously refused scheme (LW/16/0334), concern was raised regarding the length of the proposed single storey addition. It was felt that at 9m was too long and that the length should be reduced. It was suggested that the extension should project no further west than the proposed hall/porch extension.

1.11 The plans submitted with this application remain unaltered from that pre-application discussion.

1.12 The proposed works consist of the following:

### **1 Hallway/Open fronted porch:**

There is an existing open porch, formed under an over-sailing first floor. This would be infilled and a small 3.4 sq.m hallway extension added. This would then have a narrow, oak framed, porch front.

## **2 Single storey extension:**

The proposed single storey extension will project approximately 9m from the front elevation of the existing dwelling and have a width of approximately 3.3m. The extension would match the height and roof pitch of the existing single storey element. It would create some 24 sq.m floorspace

1.13 The proposed works would be finished in matching materials.

## **2. RELEVANT POLICIES**

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

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

**LDLP: – RES13** – All extensions

**LDLP: – RES14** – Extensions in the Countryside

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

**LDLP: – WNPP5** – Design

## **3. PLANNING HISTORY**

**LW/08/1017** - Section 73A Retrospective Application for side extension to kitchen incorporating storage room and porch and resiting of oil tank - **Approved**

**LW/09/1136** - Erection of a conservatory/sun room to rear with roof terrace over - **Refused**

**LW/10/0670** - Erection of a conservatory/sunroom to rear - **Approved**

**LW/10/1561** - Erection of an open trailer store and enclosed tool and bike store (removal of existing shed) - **Approved**

**LW/16/0334** - Erection of a two storey extension to front - **Refused**

**LW/02/0966** - Extension and alteration to roof to provide additional accommodation - **Approved**

**LW/98/0145** - Conversion & extension of obsolete building to form a dwelling house. - **Approved**

**LW/93/0331** - Change of use of war games car park to DIY livery, 14 stables, caretakers flat, and parking and change of use of agricultural land to riding menage hacking/cross country course. - **Refused**

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

**4.1 Wivelsfield Parish Council** – Support

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

5.1 Seven letters were received objecting to the proposed development due to its form, location and size.

5.2 A number of the objections have commented that the building has already been extended by over 50% since the change of use and there are concerns regarding loss of privacy, overlooking and impact on the countryside.

5.3 The comments received consider the development to be contrary to policies ST3 & RES14 of the Lewes District Local Plan.

## **6. PLANNING CONSIDERATIONS**

6.1 Planning law requires that all planning applications must be determined in accordance with the development plan, unless material circumstances indicate otherwise. The material considerations relating to this application are:

1. Design/visual impact on the countryside
2. Impact on neighbour amenity

### **6.2 DESIGN/VISUAL IMPACT ON THE COUNTRYSIDE**

6.2.1 Policies ST3 of the Lewes District Local Plan (LDLP), CP11 of the Joint Core Strategy (JCS) and Policy 5 of the Wivelsfield Neighbourhood Plan (WNP) are fairly general design policies which state that development should, amongst other things, respect the overall character, rhythm and layout of neighbouring buildings and the local area more generally.

6.2.2 CP11 of the JCS seeks to ensure that all new development respects, and where appropriate, positively contributes to the character and distinctiveness of the district's unique built and natural heritage. Development is also expected to respond sympathetically to the site and its local context and to be well-integrated in terms of access and functionality with the surrounding area. These objectives are also reflected in Policy ST3 of the LDLP and Policy 5 of the WNP.

6.2.3 Policy RES13 of the LDLP relates to domestic extensions and requires all extensions and alterations to respect the character of adjacent properties and the street scene. Furthermore the policy seeks to ensure that all extensions are subsidiary to the existing building. Although the proposal is for a single storey extension, therefore will not be as dominant as a two storey extension, the nature of this extension (projecting some 9m forward of the front elevation) will have a visual impact on the original building.

6.2.4 The site is located outside of the development boundary; therefore Policy RES14 of the LDLP must also be taken into consideration. Policy RES14 states that in the case of extensions in excess of 30% of the original floorspace, the Council will need to be satisfied that there is no major change to the character of the building or its landscape; the policy also restricts the amount of additional floor space created to a maximum of 50% of the original floorspace to protect the character of the original dwelling.

6.2.5 Overall Policy RES14 confirms that it will need to be demonstrated that extensions of between 30% and 50% of the original floorspace will not result in a major change to the character of the building or its impact on the landscape and that in general, extensions should be designed to integrate with and be subservient to the main house.

6.2.6 The applicant's supporting statement explains the rationale behind the proposed extension, giving weight to planning approval LW/10/1561 which granted consent for a 10m wide, 4m deep and 5.95m high trailer store. It is the applicant's case that as consent has



previously been granted for a new built form in a similar location to that of the proposed extension that this is a strong material consideration in support of the proposal.

6.2.7 It should be noted that the 2010 approval (LW/10/1561) related to a detached outbuilding located some 8m west of the main dwelling house and therefore would have been considered against different policies. Notwithstanding this, the consent has now lapsed and planning policy has changed since 2010 with the adoption of the National Planning Policy Framework, the Joint Core Strategy and the Wivelsfield Neighbourhood Plan.

6.2.8 Having taken all of the above into consideration, it is considered that the cumulative effect of the incremental extensions has had a significant impact on the character of the original building. It is accepted that due to the previous alterations, the rear elevation of the whole building is already very domesticated in appearance; however the overall scale of the implement barn still appears as subservient to the original barn. The front elevation of the whole building has a mixed character with the original barn retaining its agricultural character and the implement barn having a more domestic appearance while still appearing subservient to the original barn.

6.2.9 The proposed single storey extension is set away from the original barn (the northern part of the house) and is partially screened by the proposed porch projection; however the extension will have a much stronger relationship with the implement barn (the southern end of the house). Concerns have been raised regarding the impact of the extension on the original dwelling; however amended plans have not been forthcoming.

6.2.10 It is accepted that the amount of development already permitted far exceeds the limits set by policy and restrictive conditions and that further extension of this property should be strongly resisted. However, each application must be determined on its own merits and development should not be resisted solely on the requirements of Policy RES14.

6.2.11 There are no public views of the site; therefore the proposed extensions cannot be viewed from the public realm. Although concerns have been raised regarding visual impact on the original building, the new additions would have no impact on the wider character and appearance of the countryside.

6.2.12 The proposed porch would be of a subservient scale, integrate well with the house and maintain the overall character of the existing building. The proposed extension is set away from the original barn and scale and design is an improvement on the previously refused scheme.

### **6.3 NEIGHBOUR AMENITY**

6.3.1 The proposed extension is single storey and will not overshadow the neighbouring property nor will it appear dominant or overbearing.

6.3.2 Due to the orientation of the site and its relationship with Meadowlands Farmhouse the proposed development will allow for some overlooking at an oblique angle; however this is not considered to be a significant increase from what already existing.

### **6.4 CONCLUSION**

6.4.1 On balance, it is considered that the amount of development already permitted far exceeds the limits set by policy and restrictive conditions, and although the character of the original building is slowly being subsumed by extensions and alterations, the proposed

development in this location is not considered to adversely impact on the setting of the original building or the wider countryside. For these reasons the proposal is considered acceptable.

## 7. RECOMMENDATION

7.1 Planning permission is granted

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

1. The development hereby approved shall be finished in external materials to match those used in the existing building.

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.

### INFORMATIVE(S)

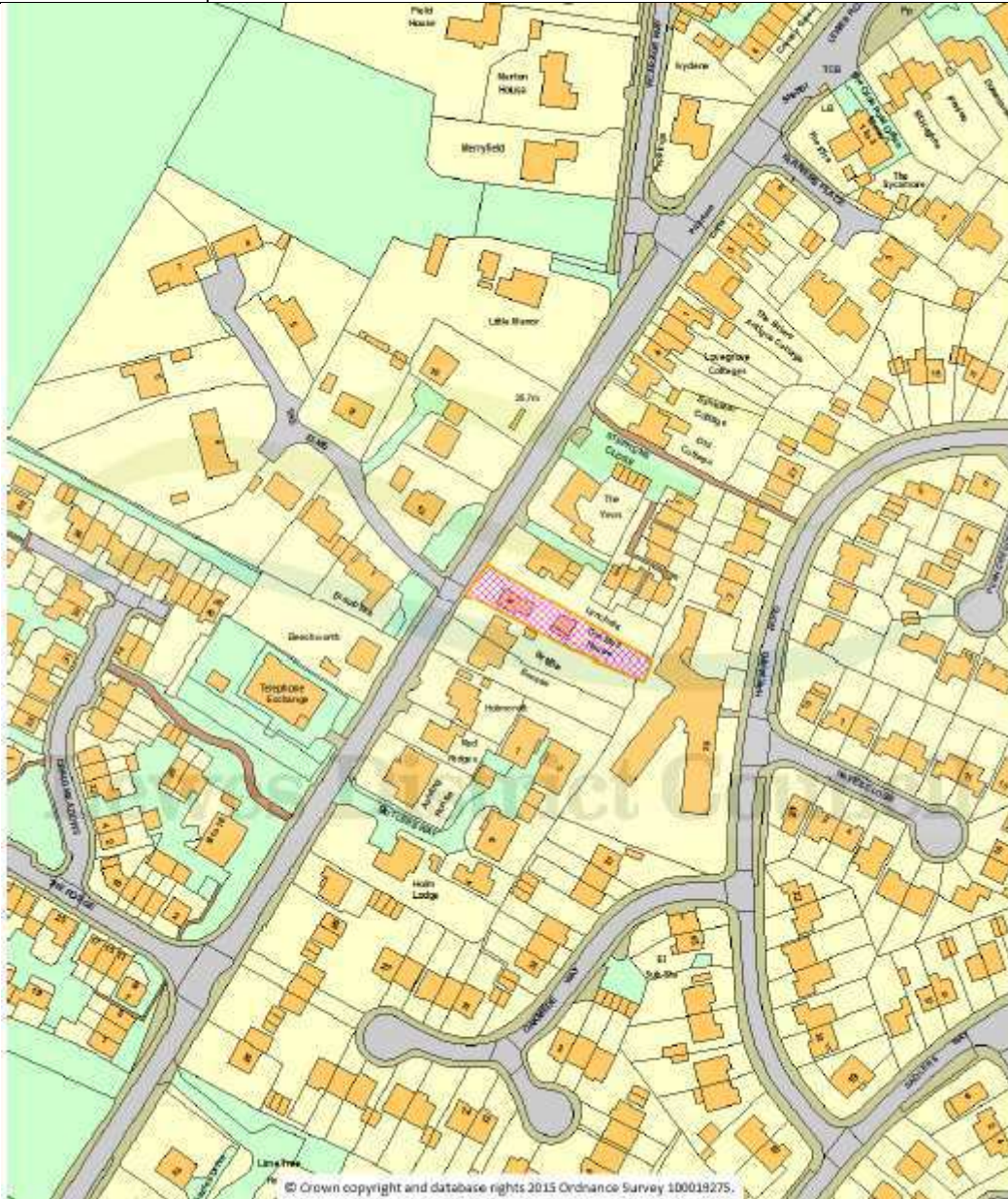
1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission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

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

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Design & Access Statement	7 September 2017	1.1
Location Plan	7 September 2017	1:2500
Proposed Block Plan	7 September 2017	1:500
Existing Elevation(s)	7 September 2017	B.018.16.07
Existing Floor Plan(s)	7 September 2017	B.018.16.07
Proposed Elevation(s)	7 September 2017	B.018.16.08
Proposed Floor Plan(s)	7 September 2017	B.018.16.08

<b>APPLICATION NUMBER:</b>	LW/17/0690	<b>ITEM NUMBER:</b>	<b>9</b>
<b>APPLICANTS NAME(S):</b>	Mr & Mrs Horton	<b>PARISH / WARD:</b>	Ringmer / Ouse Valley & Ringmer
<b>PROPOSAL:</b>	Planning Application for Removal of PVC-u conservatory, erection of a two storey extension to the side and single storey extension to the rear with associated internal alterations		
<b>SITE ADDRESS:</b>	Old Malt House Lewes Road Ringmer East Sussex BN8 5ES		
<b>GRID REF:</b>	TQ4412		



## 1. SITE DESCRIPTION / PROPOSAL

1.1 The Old Malt House is situated on Lewes Road, the main thoroughfare through Ringmer village. It lies within the Planning Boundary and Ringmer Conservation Area. Built in 1926, it makes an attractive addition to the street scene with traditional clay tile-hung elevations, and has an unusual layout in that the main entrance is situated on the side (north-eastern) elevation.

1.2 The building is located in close proximity to several listed buildings which form an important element of the historic value and character of the Conservation Area. The south-western boundary of The Old Malt House marks the edge of the Conservation Area, with the adjacent 1960's dwellings forming the next visual 'chapter' in the Ringmer street scene.

1.3 This application for planning permission seeks consent for a two storey side extension with wrap-around single storey extension to the rear. As originally submitted, the side extension was 0.4m from the north-eastern boundary at the front, narrowing to a clearance of 0.3m at the rear. Following the comments of the Design and Conservation Officer, amended plans have been received which show an increase in boundary clearance to 1m at the front, and 0.9m at the rear. This assessment is based on the amended scheme.

## 2. RELEVANT POLICIES

**LDLP: – H05 – Conservation Areas**

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

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

**LDLP: – RNP91 – Policy 9.1-Design, Massing and Height**

## 3. PLANNING HISTORY

**TW/17/0055/TCA** - 9x Fir (A on the plan) - Removal of partially dead trees. Reason: Unsightly, create poor soil underneath and shade. to allow planting of native trees.  
1x Norway Maple (B on the plan) - Remove. Reason: Overgrown, to allow more light into the garden for growing fruit trees and vegetables.  
1x Fir (C on the plan) - Remove. Reason: Closeness to boundary and rear garage. Pruning would mis-shape it. To allow for further planting. - **No Objection**

**TW/17/0078/TCA** - 1x Bay (and evergreen shrub) - remove. Reason: to allow for a side extension.  
Coniferous hedge - remove section that is dead. Reason: to allow for a side extension. - **No Objection**

## 4. REPRESENTATIONS FROM STANDARD CONSULTEES

### 4.1 Design & Conservation Officer

4.2 The Old Malt House on Lewes Road is in the Ringmer Conservation Area and is within the context of a number of grade II listed buildings including, Beechworth, The Yews, Old Cottage, Sylvester Cottage and the grade II\* listed Little Manor. The dwelling is considered to make a positive contribution to the character and appearance of the conservation area. The proposal is for a two storey side extension on the dwellings north east elevation.



4.3 This part of the Ringmer Conservation Area and its immediate setting is typically characterised by individual dwellings on plots with front gardens, driveways and notable but modest open space on their side boundaries. Importantly the open spaces between dwellings are an integral feature of this part of the Ringmer Conservation Area. Proposals for side extensions to these dwellings need to be carefully considered to ensure these open spaces are maintained and not adversely affected by development proposals.

4.4 The proposed extension measures approximately 0.4 metres from the northeast boundary on the front elevation narrowing to approximately 0.3 metres toward the rear. The proposals significantly reduce the open space between The Old Malt House and its neighbour The Lynchetts which results in a terracing effect between the two dwellings when viewed from Lewes Road.

4.5 The impact of the scale and massing of the proposed two storey extension is therefore considered to be unsympathetic to the Conservation Area and the wider setting of the neighbouring listed buildings, to the extent it would harm their character.

4.6 Objection is raised to the proposed works. It is recommended the application be refused. It is not considered the proposal can be amended to address this objection.

#### **4.7 ESCC Archaeologist**

4.8 If the Local Planning Authority is minded to grant planning permission, then we ask that the following condition be applied:

1. 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

#### **4.9 Relevant National Planning Policy**

4.10 141: Local planning authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

#### **4.11 Detailed Comments:**

4.12 The proposed development is within an Archaeological Notification Area defining the medieval and post-medieval historic core of Ringmer village. An earlier building at the front of this plot is recorded on 19th century maps, which may in turn have replaced earlier occupation on this site. The proposed groundworks relating to this proposed extension therefore have a potential to expose or disturb buried archaeological remains.

4.13 In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. These recommendations are in line with the requirements given in the NPPF (the Government's planning policies for England):

4.14 In furtherance of this recommendation, we shall be available to advise the applicant on how they can best fulfil any archaeological condition that is applied to their planning permission and to provide a brief setting out the scope of the programme of works. The written scheme of investigation, referred to in the recommended condition wording above, will set out the contracted archaeologist's detailed approach to undertake the programme of works and accord with the relevant sections of the Sussex Archaeological Standards (April 2015).

#### **4.15 Ringmer Parish Council**

4.16 Considers in principle that the extension is not an issue. Members consider the proposed extension to be sympathetic to the existing and will be an improvement to the street-scene.

4.17 Ringmer Parish Council's main concern regarding this application is that parking provision has not been demonstrated and would urge that Policy 8.3 of Ringmer Neighbourhood Plan be adhered to.

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

None received.

### **6. PLANNING CONSIDERATIONS**

6.1 As stated earlier, The Old Malt House is situated within Ringmer Conservation Area, in which, *"The Council has a duty to pay special attention to preserving and enhancing the character and appearance of Conservation Areas in exercising its planning powers"* (Ringmer Conservation Area Appraisal, Nov 2003). As such, the proposal falls to be assessed against Policy H5 (Development within or affecting Conservation Areas) of the Lewes District Local Plan, with the comments of the Council's Design and Conservation Officer (DCO) a material consideration which carries considerable weight.

6.2 In his observations, the DCO comments that, *"This part of the Ringmer Conservation Area and its immediate setting is typically characterised by individual dwellings on plots with front gardens, driveways and notable but modest open space on their side boundaries. Importantly the open spaces between dwellings are an integral feature of this part of the Ringmer Conservation Area. Proposals for side extensions to these dwellings need to be carefully considered to ensure these open spaces are maintained and not adversely affected by development proposals."* The comments are then focussed on the specifics of the application in question but, it should be noted, on the original submission and not the amended scheme, *"The proposed extension measures approximately 0.4 metres from the northeast boundary on the front elevation narrowing to approximately 0.3 metres toward the rear. The proposals significantly reduces the open space between The Old Malt House and its neighbour The Lynchetts which results in a terracing effect between the two dwellings when viewed from Lewes Road."* It is acknowledged that the amended plans have increased the space between the proposed extension (1m at the front, 0.9m at the rear), and the boundary, but the first floor element still remains, substantially decreasing



the space between The Old Malt House and Lynchetts (adjacent). Lynchetts has recently been granted planning permission for a single storey side extension of contemporary design (LW/17/0367) which still retains the open, loose grained character of this part of the Conservation Area. Policy H5 seeks to ensure that all proposals within Conservation Areas should *"conserve or enhance the special architectural or historic character or appearance of the area and re-instate historic elements wherever possible."* It is considered that this reduction in open space between the dwellings will neither conserve nor enhance the Conservation Area contrary to Policy H5.

6.3 Core Policy 11 (Built and Historic Environment and High Quality Design) of the Lewes District Joint Core Strategy seeks to ensure that development, *"Respects and, where appropriate, positively contributes to the character and distinctiveness of the district's unique built and natural heritage"*. The final paragraph in CP11 also states, *"The local planning authority will seek opportunities to enhance the character and appearance of designated Conservation Areas, in accordance with the Conservation Area character appraisals."* Again, it is considered a two storey extension in this location will harm the open character of this part of the Conservation Area which has the potential to negatively impact on the setting of the nearby listed buildings.

6.4 Notwithstanding the comments of Ringmer Parish Council, Policy 9.1 of the adopted Ringmer Neighbourhood Plan pays special regard to development within the Conservation Area. It states, *"A degree of design variety within a development is essential but it must take into account the design and detailing of adjacent buildings and the spatial, visual and historical context in which it resides. This is particularly important in Character Areas 1, 2, 4 & 6, and especially within the Conservation Area or near heritage buildings"*. It is considered the reduction in open space between The Malt House and Lynchetts would be to the detriment of the spatial, visual and historic context of the Conservation Area, contrary to Policy 9.1.

6.5 Regarding the Parish Council comments on the subject of parking, policy 8.3 of the Ringmer Neighbourhood Plan sets out the minimum parking provision for new development. This is set at three parking spaces for a home of four bedrooms or more, which would be the number of bedrooms resulting from the proposed extension. It also states that, *"Proposals for residential extensions should not reduce off-road parking below these levels."* At present, there is parking for at least two/three cars at the front of the dwelling which would not be compromised by the proposal.

6.6 Taking the above matters into consideration, the proposed two storey side extension, even in its reduced form, would result in the unacceptable reduction of the open space between The Old Malt House and Lynchetts, eroding the special character and qualities of the Conservation Area contrary to Policies H5 and ST3 (Design, Form and Setting of Development) of the Lewes District Local Plan, Core Policy 11 of the Lewes District Joint Core Strategy, and Policy 9.1 of the adopted Ringmer Neighbourhood Plan.

## **7. RECOMMENDATION**

7.1 The applicant has reduced the width of the proposed extension, drawing it back from the boundary with Lynchetts. However, the first floor element remains, along with the potential for damage to the character of Ringmer Conservation Area. As a result it is recommended that, on balance, planning permission be refused.

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

1. The proposed two storey side extension would result in the unacceptable reduction of the open space between The Old Malt House and Lynchetts, eroding the special character and

qualities of the Conservation Area and the wider setting of the neighbouring listed buildings, contrary to Policies H5 and ST3 (Design, Form and Setting of Development) of the Lewes District Local Plan, Core Policy 11 of the Lewes District Joint Core Strategy, and Policy 9.1 of the adopted Ringmer Neighbourhood Plan.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Design & Access Statement	31 July 2017	
Additional Documents	6 September 2017	HER CONSULTATION REPORT
Additional Documents	6 September 2017	HERITAGE STATEMENT
Location Plan	23 October 2017	PL001 A
Proposed Block Plan	23 October 2017	PL001 A
Existing Floor Plan(s)	31 July 2017	PL002
Existing Elevation(s)	21 September 2017	PL003
Proposed Floor Plan(s)	23 October 2017	PL004 B
Proposed Elevation(s)	23 October 2017	PL006 B
Proposed Elevation(s)	23 October 2017	PL007 WITH ADJACENT PROPERTY SHO

<b>APPLICATION NUMBER:</b>	LW/17/0754	<b>ITEM NUMBER:</b>	<b>10</b>
<b>APPLICANTS NAME(S):</b>	Ms T Saunders	<b>PARISH / WARD:</b>	Seaford / Seaford North
<b>PROPOSAL:</b>	Planning Application for Proposed 3 bedroom detached dwelling with garage		
<b>SITE ADDRESS:</b>	20 The Holt Seaford East Sussex BN25 3HR		
<b>GRID REF:</b>	TQ 48 00		



## 1. SITE DESCRIPTION / PROPOSAL

1.1 This is a full planning application proposing the subdivision of the garden of 20 The Holt and the construction of a detached two storey 3 bedroom dwelling with single garage.

1.2 The proposed plot is triangular in shape because it is situated within the north western corner of the cul-de-sac, which is The Holt. The southern boundary of the application site borders the northern elevation of the existing dwelling (20 The Holt). The principle elevation of the proposed dwelling would be situated on the same building line as the rear elevation of the existing dwelling and would be set back around 12m from the pavement edge. The proposed garage would be hard up against the proposed boundary to be shared with the existing property and would be set back around 1.8m from the principle elevation of the proposed dwelling. The proposed dwelling would have a width of approximately 7.4m leaving a gap of around 1m to the northern boundary shared with No.18 The Holt. The proposed dwelling would be pitched from front to back with its ridgeline orientated on a north south axis. It would have a two storey gable fronted projection and gable porch to the eastern (front) elevation.

1.3 The proposed dwelling would have brickwork facing walls at ground level with white Upvc shiplap cladding above and interlocking concrete roof tiles. The windows would be white Upvc casements.

1.4 The proposed rear garden would have a depth of just over 8m and include the provision of a garden shed/bike store behind the garage and a refuse and recycling storage area adjacent to the northern boundary.

1.5 The perimeter would be enclosed with a 1.8m high boundary fence and planting. A eucalyptus tree would be removed.

## 2. RELEVANT POLICIES

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

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

## 3. PLANNING HISTORY

**S/53/0090** - Outline application for residential development.

Part Approved/Part Refused.

See Plan - Sections B, C, D, E & F Approved, Sections A & G Refused. - **Split**

**S/69/0229** - Outline application for forty-nine houses and garages - **Refused**

**LW/74/1555** - Outline application for residential development (approx. eight units/acre) on existing agricultural land. - **Refused**

**LW/80/0726** - Outline Application for residential development. Restrictive Planning Condition No's. 14 & 15. - **Approved**

**LW/81/0106** - Approval of Reserved Matters (LW/80/0726) for the construction of new estate roads and erection of thirty-five detached bungalows, twelve detached three bedroom bungalows, two detached four bedroom houses with garages. - **Approved**

**LW/81/0413** - Approval of Reserved Matters (LW/80/0726) for the erection of fourteen detached four bedroom houses and ten detached three bedroom house with garages. - **Approved**

**LW/86/1968** - New attached garage and extension to existing garage. - **Approved**

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

**4.1 Environmental Health** – No objections subject to the recommendation of a planning condition to restrict the hours of construction to protect the interests of residential amenity.

**4.2 Seaford Town Council** – Recommends that the application be supported.

**4.3** The Committee considered that the plot could accommodate the proposed dwelling without adversely affecting neighbouring properties and the general character of the area and that the development of windfall sites such as this is in line with local and national policies.

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

**5.1** Nine letters of objection have been received from seven households. No objection has been received from an eighth household. The concerns have been summarised as follows;

- *"The Town Council have lost the plot and have no common sense or consistency"*. A planning application was made opposite the application site (LW/17/0609) to move a garden fence which was recommended for refusal on the grounds of impact on the street scene and visibility.
- The Town Council support this application stating that the application plot could accommodate the proposed dwelling and without detriment to the living conditions of adjoining properties. They also state that windfall sites such as this are in line with national and local policies.
- The extra dwelling will increase traffic and be prejudicial to the safety of pedestrians and other highway users.
- Set a precedent which will encourage applications for other new dwellings which will have a cumulative detrimental effect and may be difficult to resist.
- The access for the proposed dwelling is currently used for parking and turning.
- Overdevelopment and squeezed into the applicant's garden (inappropriate development of residential gardens para 53 of NPPF).
- Overlooking and a loss of privacy (The Sycamores).



- Out of character with the low density grain of existing surrounding development.
- Overbearing.
- Overshadowing and a loss of daylight.
- Lack of infrastructure (overstretching social and healthcare services).

5.2 The Town Council has sold off open space at the busy junction of North Way and The Holt for the construction of a three bedroom bungalow which has already started causing parking and access issues in the area.

5.3 The agent has written comments in response to the above matters which will be included in the main issues section of this report.

## 6. PLANNING CONSIDERATIONS

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

### Character and Appearance

6.2 The Holt is a 1970's housing estate characterised by two storey detached houses some linked with flat roofed single garages, all set back from the highway. The locality is flat and the layout has a spacious setting with open landscaping and planted green spaces between and around houses.

6.3 The application site is a garden space between the existing dwelling and No. 18 which is at right angles to No. 20 The Holt. The distance between the existing property and No. 18 is approximately 7m. The application site is not a brownfield site as suggested by the agent. A brownfield site is defined in para 111 of the NPPF as being previously developed land that is not of high environmental value. This type of land is generally of a commercial nature, not a residential garden.

6.4 The proposal of a detached 3 bedroom dwelling in this space is contrived and would be cramped and out of keeping with the more spacious pattern of existing development in the locality. The agent has commented that, *"the dwelling would be set back and partially obscured by No 18 The Holt and have little impact on the street scene within the Close."* The proposed street scene drawing (2017-82-07) illustrates the tight knit relationship of existing dwellings either side, with that proposed. The proposed development would be at odds with the general rhythm and pattern of existing properties in the locality.

6.5 Paragraph 53 of the National Planning Policy Framework seeks to resist the inappropriate development of residential gardens which would cause harm to the local area. The proposed development constitutes poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions in conflict with the design paragraphs of the National Planning Policy Framework.

6.6 It is considered that the proposed dwelling would detract from the street scene and character and appearance of the area in conflict with policy ST3 of the Local Plan, CP11 of the Joint Core Strategy and the National Planning Policy Framework.



### Living Conditions

6.7 The proposed dwelling is pushed back into the site behind the rear of the existing dwelling because the width of the proposed plot would be too narrow to facilitate it on the same building line as existing dwellings. In this respect it is a back-land type of relationship with the existing property with its two storey flank wall (8.4m deep) only 3m from the southern elevation shared with the garden (and conservatory) boundary of the existing dwelling. This may appear oppressive when viewed from the garden and conservatory within the existing property.

6.8 In terms of overlooking and a loss of privacy it is considered that the proposed dwelling would compromise the living conditions for the occupiers of The Sycamores which adjoins the application site to the west. There would only be just over 8m (as scaled from the drawings) between the proposed dwelling and rear garden boundary shared with The Sycamores. The proposed first floor bedroom windows would overlook and as such would compromise the privacy to the rear garden area and windows in the north facing elevation of The Sycamores. The agent has commented that "any views to the rear elevation of The Sycamores would be very oblique and some 16 metres away". However, the separation distance between properties is around 11metres.

6.9 The windows proposed in the northern side elevation would have obscured glass (be fixed shut with high level fanlight openings) and it is considered that no material harm, by reason of loss of privacy and overlooking would result for the occupants of No.18 The Holt.

6.10 The agent considers that due to the orientation of the site there would be no material harm by reason of overshadowing and loss of daylight/sunlight. However, it is considered that the proposed dwelling would result in some overshadowing and loss of sunlight and daylight (in the afternoon hours) to the west side and garden of No.18 The Holt.

6.11 The proposed dwelling would therefore materially harm the living conditions of adjoining properties in conflict with policy ST3 of the Lewes District Local Plan.

### Highways

6.12 The application proposes a single garage and off street parking. The garage falls slightly short of the internal measurements stipulated by ESCC Highway Authority (2017 Minor Planning Application Guidance) for a single garage, which is 6 x 3m with a door width of 2.4m. Notwithstanding this, it is considered that the proposed 3 bedroom dwelling in this cul-de-sac location would not materially harm the free flow of traffic nor prejudice the safety of pedestrians and other highway users.

6.13 Overall, the proposed development is considered to be unacceptable and would conflict with the relevant local and national planning policies.

## **7. RECOMMENDATION**

That permission be REFUSED.

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

1. The subdivision of the plot and proposed dwelling would be cramped and out of keeping with the spacious pattern of existing development in the locality and would conflict with policy ST3 of the Lewes District Local Plan, CP11 of the Joint Core Strategy, design paragraphs and paragraph 53 of the National Planning Policy Framework which seeks to resist the inappropriate development of residential gardens which would cause harm to the local area. In this respect the proposed development constitutes poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

2. The proposed development by reason of its cramped layout and siting would compromise the living conditions for the occupants of adjoining properties by reason of its overbearing impact, overlooking and a loss of privacy, and overshadowing and a loss of daylight and sunlight, all in conflict with policy ST3 of the Lewes District Local Plan.

**INFORMATIVE(S)**

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

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

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Existing Layout Plan	31 August 2017	2017-82-01
Existing Elevation(s)	31 August 2017	2017-82-02
Existing Elevation(s)	31 August 2017	2017-82-03
Proposed Layout Plan	31 August 2017	2017-82-04
Proposed Floor Plan(s)	31 August 2017	2017-82-05
Proposed Roof Plan	31 August 2017	2017-82-05
Proposed Elevation(s)	31 August 2017	2017-82-06
Street Scene	31 August 2017	2017-82-07
Location Plan	31 August 2017	2017-82-08
Proposed Block Plan	31 August 2017	2017-82-08
Planning Statement/Brief	31 August 2017	PS/2017/82

Report to **Planning Committee**  
Date **22<sup>nd</sup> November 2017**  
By **Director of Planning**  
Local Authority **Lewes District Council**  
Application Number **SDNP/17/04225/HOUS**  
Applicant **Mr J Johnston**  
Application **Ground floor side kitchen extension and first floor side extension over kitchen and garage**  
Address **Beechland  
The Avenue  
Kingston  
BN7 3LL**

---

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

---

## **Executive Summary**

### **1 Site Description**

- 1.1 The application site is located in the village of Kingston and within an Area of Established Character and the SDNP. The property is within the defined planning boundary for Kingston. The property is set within a large double width plot of about 14m wide x 40m deep. The house is set back about 13m from the road and access from The Avenue is via the neighbouring drive situated to the east of the site. The front boundary is formed by dense hedging, screening front views of the house from the road.

### **2 Proposal**

- 2.1 The application proposes a side extension to the house to link the house with the garage, with a first extension over the ground floor extension and the garage. Like the house, the first floor would be contained within a pitched roof, so the form of the extension would follow that of the existing house. The extension would feature a gable fronting forward and a rear dormer. The extension would provide additional living accommodation for the house.
- 2.2 A small sun room would be added at first floor level to the front of the existing roof, leading onto an existing terrace.

### **3 Relevant Planning History**

- 3.3 None.

## 4 Consultations

### Southern Gas Networks

4.1 Comments awaited.

### Parish Council Consultee

4.2 Kingston Parish Council objects to this application on the following grounds:

- 1) The impact of the proposed extension will be to cause overshadowing which will significantly reduce the natural daylight in the kitchen and dining area of the neighbouring dwelling, High Beech, which is located on the east side of Beechland. This is because the east end wall of the extension is adjacent to the boundary with High Beech whose west wall is itself very close to the boundary. Light will be lost due both to the proximity of the heightened new east wall of the extension and more importantly from the bulk and height of the enlarged and raised roof above the existing garage as well as due to the new dormer located on the north side of the extension which is not aligned with the existing dormer.
- 2) The overall appearance of the proposed enlarged house in the street will not be in keeping with other houses in the Avenue. This is because, unlike the other houses, there is only a small distance between the end walls of the two houses whereas elsewhere on the Avenue, house are separated by a reasonable distance which emphasises the individual size and character of the houses as well as minimising overshadowing.
- 3) The proposed construction of a sun room on the first floor on the front of Beechlands will result in some additional loss of privacy for the neighbours when using their lower patio area in the front garden of the dwelling known as Hamewin on the west side of Beechlands.

## 5 Representations

5.1 The occupiers of 'High Beech' have objected on grounds that:

5.2 The extension would bring 'Beechlands' closer to 'High Beech', taking it almost to the boundary. The extension appears overbearing and out of character in terms of appearance, and the massing would give the effect of 'terracing', thus destroying the 'street scene'. There would be loss of amenity and light and the extension would be contrary to Policies RES13 and RES14 of the Lewes District Local Plan (which refer to bulk and massing, the character of adjacent properties, and the impact of major changes to the character of the building or its impact on the landscape).

5.3 If approval is granted, consideration should be given to retaining the existing boundary gap and providing a rear rooflight instead of a dormer. The impact of the dormer is considerable in terms of light and the compromise of a hipped roof without a dormer seemed a reasonable compromise.

## 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 - [Page 66 of 91](#) The Core Strategy (Local Plan Part 1) 2014
- SDNPA Partnership Management Plan 2014

Other plans considered:

- 

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

#### National Park Purposes

The two statutory purposes of the SDNP designation are:

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

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

## **7 Planning Policy**

#### Relevant Government Planning Policy and Guidance

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

#### National Planning Policy Framework (NPPF)

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

- 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
- RS13 - All Extensions
- H12 - Areas Of Established Character

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

- CP11 - Built and Historic Environment and Design

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

- General Policy 50

### 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 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**

- 8.1 The application was initially submitted with a gable end to the rear of the extension. This was subsequently amended so that the rear gable was removed to leave a conventional hipped roof to the rear, with a rear dormer window.
- 8.2 The existing house is relatively large and, although the scale of the extension is proportionately quite substantial, the extension covers the existing footprint of the house and garage. The front gable feature would differentiate the extension from the house.
- 8.3 The appearance of the extension would reflect the style, materials and detailing on the existing house, and the chalet-style character of the property would be maintained. The house is largely screened from The Avenue by vegetation to the front boundary. Although the extension at upper floor level would add built development between the house and 'High Beech', the hipped end would mean that the spacing between the house, it is considered, would be retained to a reasonable level so that the houses do not look cramped together. It is considered that the extension would not compromise the qualities of this Area of Established Character. Similarly, it is not considered that the extension would have any wider landscape impact or would compromise the qualities of this part of the South Downs National Park.
- 8.4 The existing garage is about 0.6m off the side boundary and the upper floor extension would be built over the garage, thus to the same 0.6m off the boundary as the garage as it stands (although the gutter is likely to be closer). As indicated above, the hipped roof would pitch away from the boundary, while the eaves would be about 0.45m higher than the eaves of the garage. Neighbouring 'High Beech' is at a higher level than the application property. and has doors and windows in the side which would face the extension. These are, however, secondary windows, and the fact that the extension would be built at a lower level than 'High Beech', and that the roof would be hipped away from the boundary, means that the impact on outlook, and loss of light, would not be so significant as to justify refusal on grounds of a reduction in the living conditions of occupiers of 'High Beech'. The amendment made (to remove a rear gable) after the initial submission helped reduce the bulk of the extension as seen from 'High Beech'.



- 8.5 The rear dormer may result in the ability to see into the neighbouring rear garden. This window would serve the bedroom, which would also have a window in the front gable. Some overlooking of the gardens of neighbouring properties is typical of suburban areas generally, and is normally accepted.
- 8.6 The proposed sun room at first floor level would not cause any additional overlooking of either neighbouring properties, and is considered to be acceptable.
- 8.7 Overall, while taking into account the objections of the neighbouring occupier and Parish Council, the application is considered to be acceptable on planning grounds and is recommended for approval.

## **9 Conclusion**

- 9.1 The proposal is considered to be acceptable.

## **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 windows, doors or openings of any kind shall be inserted in the upper north or east elevations of the development hereby approved, other than those expressly permitted by this consent.

Reason: To protect the privacy and residential amenity of neighbours having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

4. The development hereby approved shall be finished in external materials to match those used in the existing building.

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.

## **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: Amanda Haslett (EX SDNPA)

Tel: 01273 471600

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

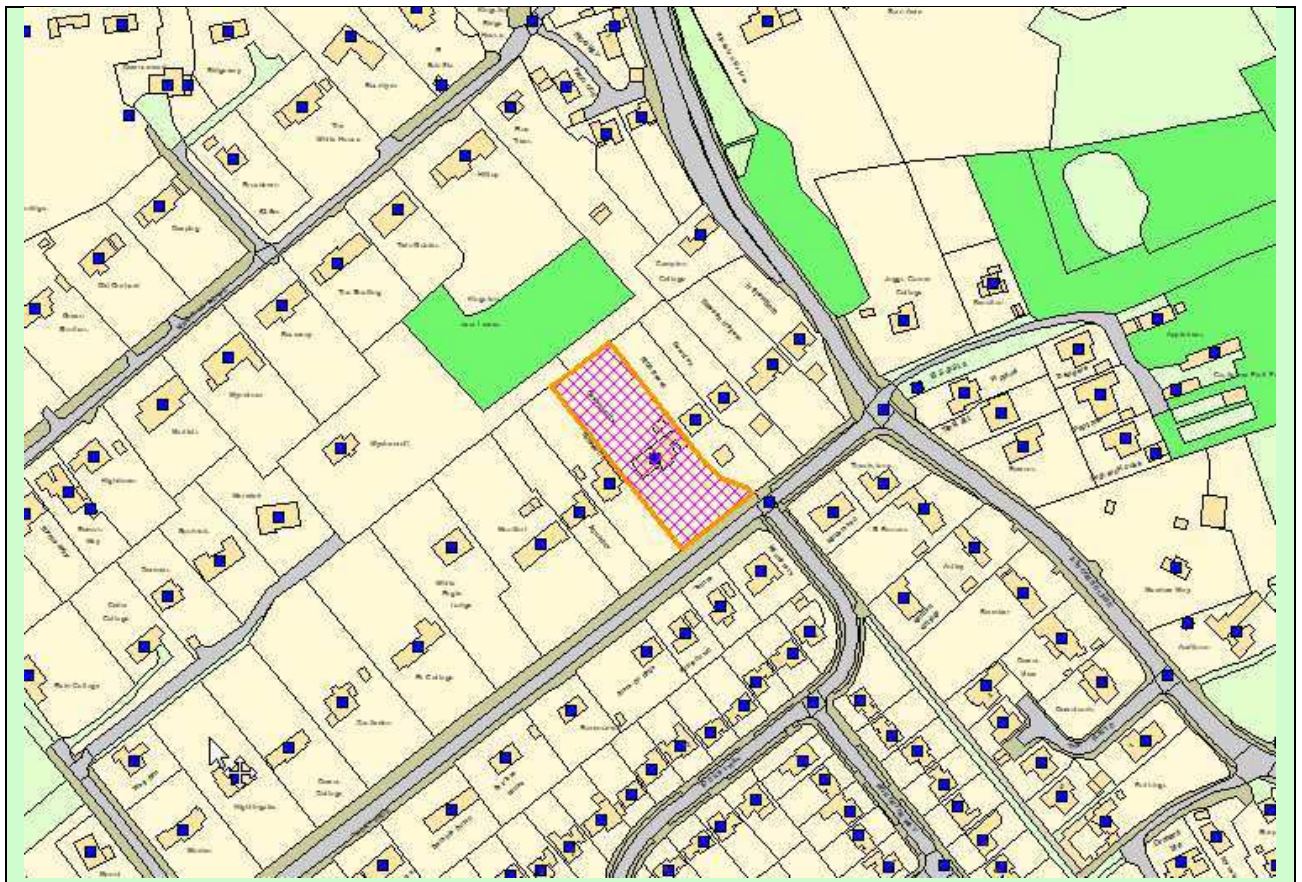
Appendices                      Appendix 1 - Site Location Map  
    Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

## Appendix I

### Site Location Map



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. South Downs National Park Authority, Licence No. 100050083 (2016) (Not to scale).

## 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 - Existing Location and Block Plan	2735/001		16.08.2017	Approved
Plans - Proposed Block Plan	2735/003		31.08.2017	Approved
Plans - Existing Floor	2735/010		16.08.2017	Approved
Plans - Existing Roof	2735/011		16.08.2017	Approved
Plans - Existing Elevations	2735/020		16.08.2017	Approved
Plans - Existing Sections	2735/030		16.08.2017	Approved
Plans - Proposed Floor	2735/100		16.08.2017	Superseded
Plans -	2735/100	Rev C	29.09.2017	Approved
Plans - Proposed Roof	2735/110		16.08.2017	Superseded
Plans -	2735/110	Rev C	29.09.2017	Approved
Plans - Proposed Elevations	2735/200		16.08.2017	Superseded
Plans -	2735/200	Rev C	29.09.2017	Approved
Plans - Proposed Sections	2735/300		16.08.2017	Superseded
Plans -	2735/300	Rev C	29.09.2017	Approved
Application Documents -	support statement		16.08.2017	Approved

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

Report to **Planning Committee**  
Date **22 November 2017**  
By **Director of Planning**  
Local Authority **Lewes District Council**  
Application Number **SDNP/17/03937/FUL**  
Applicant **Mr D Templar**  
Application **Renewal of selected windows**  
Address **35 Friars Walk**  
**Lewes**  
**BN7 2LG**

---

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

---

## **Executive Summary**

### **1 Site Description**

1.1 The application building, more commonly known as 'The Turkish Baths', dates from 1862. It is unlisted. It has had a variety of alternative uses, and is currently owned by Lewes District Council who used it as a printing works for several years. The building is currently empty.

1.2 The building occupies a wedge-shaped plot within Lewes Conservation Area, on the junction between Styles Field, Friars Walk and Broomans Lane. It is a prominent feature in the landscape, with a small grassed area, public bench, shrubs, and a Himalayan birch (*Betula utilis 'jacquemontii'*) to the southern boundary.

### **2 Proposal**

2.1 Planning permission is sought for the replacement of the existing single glazed timber sash windows with Slimlite double glazed equivalents, the refurbishment of the existing Crittall windows, the refurbishment of the existing timber doors, and the replacement of the existing fire door on the rear (western elevation) with a new solid timber fire escape door. The proposal has been submitted by Lewes District Council, hence the need for committee determination.

2.2 This current proposal is an amendment to the originally submitted scheme which proposed the installation of a new door and access path to the south elevation.

### **3 Relevant Planning History**

SDNP/16/06363/FUL - Renewal of windows, formation of new external door opening and level access paving/path - Withdrawn 6th March 2017.

[Page 73 of 91](#)

### **4 Consultations**

### **Parish Council Consultee**

"Members raised concern regarding the existing tree as there was no obvious report from the District Tree and Landscape Officer and details of the application were not clear online. On the assumption that it followed earlier proposals, the Committee reiterate their earlier comments, and specifically:

The Committee OBJECT to these proposals; considering that inter alia:

Use of the paved area will remove green space alongside Styles Field, resulting in an extended area of hard landscaping which would visually extend the highway. Proximity to the Himalayan birch tree would threaten the vulnerable rooting system and have a profound impact on the life of this tree, which makes a significant contribution to the character and appearance of the Conservation Area. It is submitted that this would be contrary to local plan policy which specifically requires that developments within Conservation Areas "protect open spaces, trees and significant public views".

The new door proposed is considered to be out of keeping with the building. Windows appear "piecemeal" and the existing historic fenestration should not be disrupted. The level access is understood to provide access for disabled, but this already exists at another entrance. Members commented that the building as it stands should be put to community use."

Members assume that this application will be called into Committee."

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

No objection is raised to the proposed works which are considered sympathetic to the character and appearance of the existing building and this part of the Lewes Conservation Area.

Details of the secondary glazing for critical windows identified as W4, W5, W6 and W7 on the plan shown as Project No. GDS649, Drawing No.04, Revision D have not been submitted. The cill extension options shown within DWG NO. 2701 are generic and do not show the specific one chosen. It is advised a condition be attached to any approval requiring these details.

## **5 Representations**

5.1 No representations received for this amended scheme at time of writing.

## **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

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 purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.



## 7 **Planning Policy**

### Relevant Government Planning Policy and Guidance

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

### National Planning Policy Framework (NPPF)

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

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:

- H5 - Within / Affecting Conservation Area
- 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:

- CPI1 - Built and Historic Environment and Design

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

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

### Partnership Management Plan

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

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

### The 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**

8.1 As originally submitted, this proposal included the laying of an access path over the grassed amenity area, and the insertion of a new door to the south elevation. Following concerns raised by the Design and Conservation Officer, Trees and Landscape Officer, and several objections by

interested parties, the scheme was amended to delete the path and door, with the replacement and refurbishment of existing fenestration being the only works applied for, and which fall to be assessed in this report.

8.2 The existing windows are in need of refurbishment, and it is hoped the works will attract future occupiers of the building. The large, rectangular Crittall windows which are a distinctive feature of this building are to be retained and refurbished, with Slimlite double glazed timber sashes replacing other windows. The comments of the Design and Conservation Officer (DCO) are a material consideration in the determination of this application due to the potential impact of the proposal on the character and setting of the Conservation Area. As stated in Part 4 of this report, the DCO has raised no objections to the proposal, but recommends a pre-commencement condition regarding the submission of details of the secondary glazing to the Crittall windows, and proposal-specific details of the cill extensions. Although not a listed building, these are all factors that can affect the quality of the finished work, and therefore its impact on the Conservation Area.

8.3 No comments from other interested parties have been received at time of writing, but the Planning Committee will be updated regarding any observations submitted.

8.4 It is considered the objections raised regarding the earlier proposal have been satisfactorily addressed, and the character of the building and wider Conservation Area will not be harmed by these minor works. This is in accordance with Policy H5 (Development within or Affecting Conservation Areas).

## **9 Conclusion**

9.1 That planning permission be granted.

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

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

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

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

### **2. Approved Plans**

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

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

3. Prior to commencement of works details of the secondary glazing to the Crittall windows, to include elevations to a scale of 1:10 with vertical and horizontal cross sectional details to a scale of 1:1 or similar, shall be submitted to and approved in writing by the local planning authority.

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

4. Notwithstanding the details shown on drawing No. 2701 details of the specific cill extension option shall be submitted to and approved in writing by the local planning authority.

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

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

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

## **12. Human Rights Implications**

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

## **13. Equality Act 2010**

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

## **14. Proactive Working**

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

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

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

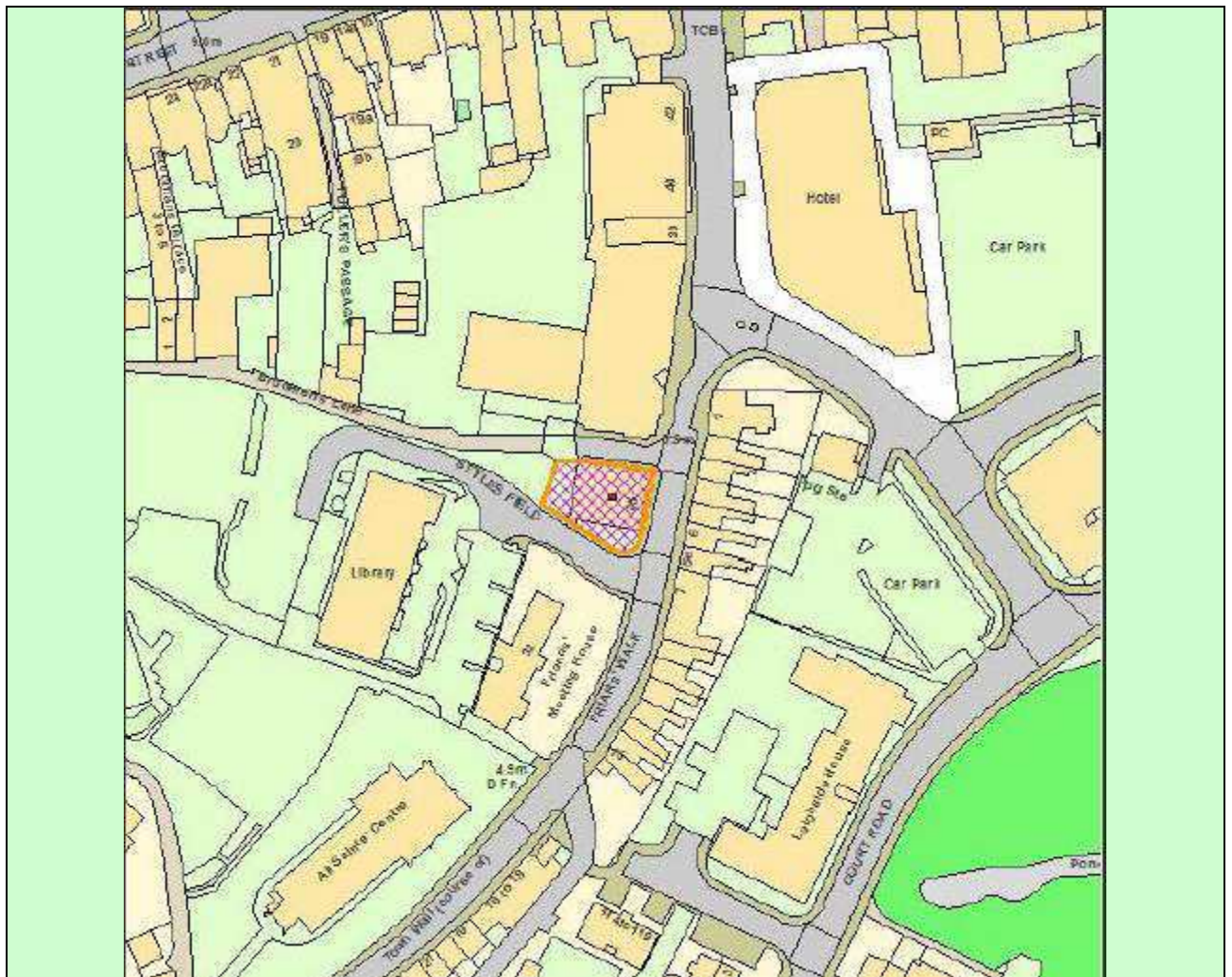
Appendices Appendix 1 - Site Location Map  
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

## Appendix I

### Site Location Map



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. South Downs National Park Authority, Licence No. 100050083 (2016) (Not to scale).

## 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 -	01		02.08.2017	Approved
Plans - Proposed Block Plan	01A		23.08.2017	Approved
Plans - existing elevations and floor	02		02.08.2017	Approved
Plans - proposed floor and elevations	03 E		18.10.2017	Approved
Plans - window and door elevations	04 D		18.10.2017	Approved
Plans - Proposed Block Plan	07		23.08.2017	Approved
Plans - Sections	Bereco		18.10.2017	Approved
Application Documents -	Heritage Statement		23.08.2017	Not Approved
Application Documents -	design and access statement		02.08.2017	Not Approved
Application Documents -	flood risk assesement letter		02.08.2017	Not Approved

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

Agenda Item No: 13

Report No: **164/17**

Report Title: **Outcome of Appeal Decisions on 20<sup>th</sup> September 2017 and 7<sup>th</sup> November 2017**

Report To: **Planning Applications Committee** Date: **22<sup>nd</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**

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

<p>15 - 17 High Street, Seaford, East Sussex, BN25 1PE</p> <p><b>Description:</b></p> <p><i>Demolition to rear of Listed Building and replacement with three dwellings</i></p>	<p><b>Application No: LW/17/0022 and LW/17/0023</b></p> <p><b>Delegated Refusal</b></p> <p><b>Written Representations</b></p> <p><b>Appeal is allowed</b></p> <p><b>Decision: 3<sup>rd</sup> November 2017</b></p>
<p>5 Vale Road, Seaford, East Sussex, BN25 3EY</p> <p><b>Description:</b></p> <p><i>Construction of a two bed dwelling with two off street parking spaces and associated landscaping</i></p>	<p><b>Application No: LW/17/0094</b></p> <p><b>Delegated Refusal</b></p> <p><b>Hearing</b></p> <p><b>Appeal is dismissed</b></p> <p><b>Decision: 7<sup>th</sup> November 2017</b></p>

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





---

## Appeal Decisions

Site visit made on 24 October 2017

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

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

Decision date: 3 November 2017

---

### **Appeal A: APP/P1425/W/17/3177874** **15 - 17 High Street, Seaford BN25 1PE**

- 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 Meldarosa Properties Ltd against the decision of Lewes District Council.
  - The application Ref LW/17/0022, dated 9 January 2017, was refused by the Council by notice dated 17 May 2017.
  - The development proposed is demolition to rear of listed building and replacement with three dwellings.
- 

### **Appeal B: APP/P1425/Y/17/3177880** **15 - 17 High Street, Seaford BN25 1PE**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Meldarosa Properties Ltd against the decision of Lewes District Council.
  - The application Ref LW/17/0023, dated 9 January 2017, was refused by the Council by notice dated 17 May 2017.
  - The works proposed are demolition to rear of listed building and replacement with three dwellings.
- 

#### **Decision Appeal A**

1. I allow the appeal and grant planning permission for demolition to rear of listed building and replacement with three dwellings at 15 - 17 High Street, Seaford BN25 1PE in accordance with the terms of the application, Ref LW/17/0022, dated 9 January 2017, subject to conditions 1) to 16) on the attached schedule.

#### **Decision Appeal B**

2. I allow the appeal and grant listed building consent for demolition to rear of listed building and replacement with three dwellings at 15 - 17 High Street, Seaford BN25 1PE in accordance with the terms of the application Ref LW/17/0023, dated 9 January 2017 and the plans submitted with it subject to conditions 1) to 3) on the attached schedule.

#### **Main Issues**

3. In both appeals there is the following main issue;
  - The effect of the proposals on the architectural or historic significance of the listed building and its setting within the Seaford Conservation Area.

4. In Appeal A only there is the further main issue of;
  - The effect of the proposed residential development on the living conditions of adjacent occupiers, with particular regard to privacy.

## **Reasons**

### *Designated Heritage Assets*

5. The frontage building is listed Grade II, although the appellant challenges the Council's view that this extends to the coach house to the rear. The listing description from 1971 does not greatly assist, being for identification purposes rather than setting out to define the areas of significance. Whilst there is a wall running diagonally between the frontage building and the coach house, there is no firm evidence of its age or purpose, and no firm evidence of what premises the coach house would have served if not the principal listed building.
6. The proximity and access from the rear all point to this being a building associated with 15 – 17 High Street, and that finding is supported in the appellant's Heritage Statement prepared by Archaeological Services Lewes. Whilst that Statement puts forward thoroughly-argued reasons for permitting the removal of the building, it is of note that in the Mitigation Strategy, paragraph 134 of the National Planning Policy Framework is referred to and that paragraph concerns designated heritage assets, that is to say listed buildings and the like. On the evidence available, the conclusion is that the coach house should be regarded as a curtilage listed structure, as should the wall.
7. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require 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. Section 72(1) of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Paragraph 132 of the 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 more important the asset, the greater the weight should be. Substantial harm to or loss of a Grade II listed building should be exceptional. The courts have determined that considerable importance and weight should be given to harm found to the significance of listed buildings.
8. These duties are reflected in Policies H2 and H5 of the Lewes District Local Plan (as saved within the Joint Core Strategy) and Policy CP11 of the Joint Core Strategy. Policy H2 in particular states that consent will not be granted for any proposal which involves the demolition of a listed building unless the Council is satisfied that every possible effort has been made to continue its present use or find a suitable new use.
9. Having determined that the coach house and diagonal wall should be considered as curtilage listed structures, it is necessary to assess their significance. Clearly the frontage building has high significance in terms of its contribution to the townscape, to historical understanding of the development of the town, and the intrinsic architectural and historic significance of the building. The association with a bailiff of the town adds further to the historic

- interest. Its presentation is however severely compromised by later works to enclose the rear wall and form the covered yard.
10. The coach house retains a lower level of historic significance and some features of architectural interest, albeit not of high significance, rarity or value. The structural report makes clear the shortcomings of the building and the likely intervention necessary to fit it for a beneficial use. The appellant refers to plans to form two dwellings here. There would be a real risk of loss of fabric and structure during the works and it is not readily apparent the extent to which features of interest could be incorporated or displayed in any such use. It is an attractive proposition that the building would be presented without the harmful flat roof of the covered yard, but it could be that this feature is what has kept the building intact and useable to-date.
  11. With regard to the diagonal wall, it is poorly constructed and again compromised by the covered yard, and real doubt persists over how it might be incorporated into a scheme or what significance would be preserved as a result.
  12. Nevertheless, the appeal proposal is to demolish both the coach house and the diagonal wall in favour of the construction of three dwellings and their necessary outdoor space and access. Paragraph 132 does not preclude the loss of Grade II listed buildings, but that leads to paragraph 133 and 'substantial harm' as the relevant reference since the loss cannot be classified as 'less than substantial' under paragraph 134. Consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of further criteria apply.
  13. Whilst the process of deciding between paragraphs 133 and 134 has led to the former, weight attaches to the poor condition of the building and the difficulties of re-use in a way that does not risk loss of that which is of interest. Nevertheless, the appellant's argument is with regard to there being benefits and those will be considered now.
  14. The provision of three dwellings in this town-centre location close to transport, services and employment would be a benefit, as would the reduction in use of the access, assisting in improving the living conditions of occupiers to the west. The removal of the unattractive warehouse would improve the outlook from dwellings to the north and their access to sunlight and daylight.
  15. The most significant weight attaches to the enhancement of the rear of the principal listed building, that which fronts the High Street. In the order of heritage significance, this building is markedly more important than either the coach house or the wall. The Framework makes clear the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, and such considerations form one of the core planning principles stated in that document. The harmful covered yard would be removed, again presenting the building as a shallow frontage structure and that enhancement could likely be seen from public places in the conservation area, as even a casual view into the building from the High Street would appreciate the change.
  16. To realise the benefits in full, it would be necessary to remove the coach house and the diagonal wall as the footprint of the houses and their outdoor space

impinges on that of the curtilage listed structures. Consideration has been given to retaining the wall, but its condition militates against that.

17. The appellant describes the proposal as 'enabling' works to the principal listed building, but that term is more usually reserved for development which is contrary to the Development Plan, perhaps through being in the countryside, and strict rules apply as set out by Historic England. In this case the proposed enhancement to the principal listed would be a benefit that can be weighed as set out in paragraph 133.
18. In the balance, it is concluded that the enhancement to the principal listed building through its exposure by the removal of the covered yard carries substantial weight and, together with the other public benefits, the harm caused by the removal of the coach house and diagonal wall would be outweighed. It is not necessary to consider the further alternative criteria in paragraph 133 as it has been demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
19. Turning now to the Council's second reason for refusal, that of the effect of the new building on the frontage listed buildings, and the understanding of the historic curtilage. The preparatory works of removal which have been found acceptable would leave the principal listed building exposed along a newly preserved and enhanced rear wall line. The removal of the diagonal wall would provide for a new boundary to be established between the proposed houses and the listed building. Whilst the new buildings would be of two-storey construction with rooms in the roof, the distance between them and the rear of the listed building and the obvious differences in design and form would permit both to sit harmoniously together.
20. There would be a limited adverse effect, but only when measured against an exposed rear wall which would not occur other than under a scheme which brings about the removal of the covered yard. This is a case where paragraph 134 does apply and the same public benefits outweigh the less than substantial harm.
21. As with truly 'enabling development' it is essential that a mechanism is in place to ensure that the benefits are delivered and not just the harm. Since the balance employed above includes work to the principal listed building, which is not within the red-line site plan, and is work that might not, in total, result from the development of the three houses, some form of Undertaking would be required. The mechanism will be considered after the second main issue, but for the moment it is concluded that the complete scheme would satisfy the tests in the 1990 Act, the requirements of the Framework, as well as Policies H2, H5 and CP11.

#### *Living Conditions*

22. The Council accept that drawing 2D shows obscure glazing to the lower part of the rear-facing windows to bedroom 2 in each house, but are of the view that it would be unreasonable, unrealistic and impractical to expect that these windows will not be opened on occasions, giving rise to harmful overlooking. In addition the Council consider that it would be difficult to enforce retention of the obscure glazing and that the pressure to replace the windows with clear glass could be intense and irresistible.

23. Policy ST3 of the Lewes District Local Plan requires that development should respect the amenities of adjoining properties in terms of noise, privacy, natural daylight, and visual amenities and smell. As previously stated, there would be improvements for premises on Church Lane in natural daylight and visual amenity through the removal of the warehouse, and the proposed new houses would be placed further from the mutual boundary. Nevertheless, there would be a risk of an adverse effect on privacy and the need for the lower part of the first floor windows to be obscure glazed is proven. The drawings are not explicit as to the opening method and such as a bottom-hinged hopper-style window would not afford opportunity for overlooking when open. The occupiers of the room, used as a bedroom in any event, would have ample access to light, and a view of sky. There is nothing unusual in this arrangement in a town centre location, and this could be secured by condition.
24. Both the Framework and the web-based Planning Practice Guidance set out the tests with regard to the use of conditions and they would be required to be considered were the Council to be presented with pressure to relax the requirement through application under section 73 of the Town and Country Planning Act 1990. Such a condition is presently necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind to the development, and that situation is unlikely to be found to have changed in the future. With such a condition the development would not unduly affect the living conditions of neighbouring occupiers in the terms of Policy ST3.

### **Undertaking and Conditions**

25. The appellant has supplied what is described as an 'Obligation', signed and witnessed, but within the document are the words *'if this appeal is successful, Meldarosa Properties Ltd would enter into a planning obligation agreement with Lewes District Council to deliver the renovation'*. The items listed in the documents appear a full inventory of required works, and weight has been attached to this in the listed building balance. The document also contains the words *'by building 3 x 3 bedroom properties we should be able to raise sufficient funds to undertake the full restoration'* [emphasis added].
26. In view of the level of harm identified and the necessity of the beneficial works being carried out and not just the harmful demolition, more than this is required. The Council suggests a condition requiring a scheme to be submitted and approved, and for it to be implemented prior to the first occupation of the new houses. That scheme should be submitted prior to development commencing, and should be backed by a legally binding undertaking. There is no suggestion of a conservation deficit and it would be reasonable to assume that much of the internal works to the principal listed building would be funded through up-lift on the value of the property once repaired.
27. It would be usual with the loss of a listed building to secure recording for posterity, secured by condition, but in this case the Archaeological Services Lewes statement is as full a record as is needed.
28. Other conditions concerning materials, floor levels, landscaping, archaeological works, flood risk mitigation, contamination, hours of working and the submission of a Construction Environment Management Plan are reasonable and necessary in view of the location of the site. The condition on the bedroom windows should include reference to the method of opening and to prevent use

of what appears to be balcony for other than maintenance and tending of planting.

29. Lastly, a condition is required to be attached to the planning permission detailing the drawings to which this permission relates, for the avoidance of doubt and in the interests of the proper planning of the area.
30. With regard to the listed building consent, many of these do not need restating, but it is necessary to ensure control over demolition and the secure the enhancement to the principal listed building.

### **Conclusions**

31. Whilst the loss of any listed building should be considered an exceptional event, the balance in this case lies in the coach house and diagonal wall being removed in order to secure the significantly more important aim of enhancing the principal listed building through the removal of inappropriate and substantially harmful later additions. The enhancement of the frontage building is a substantial public benefit and the other benefits of the provision of three houses, the removal of the warehouse and the reduction in the need for large goods vehicles to visit, add further weight in favour of the scheme. That scheme has to be delivered as a whole and a condition is employed to ensure that the benefits are realised and not just the harm. For the reasons given above it is concluded that both appeals should be allowed.

*S J Papworth*

INSPECTOR

#### Schedule of Conditions - Appeal A Planning Permission

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: won 01E, 10B, 12B, 13A, 14D, 15A, 16C, 18B and 19B.
- 3) No development or demolition shall commence until details of the materials to be used on external surfaces of the dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out only in accordance with that approval.
- 4) No development or demolition shall commence until details of the floor levels of the dwellings hereby approved, with reference to a stated datum, have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out only in accordance with that approval.
- 5) No development or demolition shall commence until details of the landscaping of the site have been submitted to and approved in writing



by the Local Planning Authority together with a programme for implementation. The landscaping scheme shall include hard features and planting and shall include details of all boundary treatment. The development shall be carried out only in accordance with that approval.

- 6) No development or demolition shall commence until a scheme to secure the repair and enhancement of the principal listed building has been submitted to and approved in writing by the Local Planning Authority together with a programme for implementation. No dwelling shall be occupied until the repair and enhancement works have been carried out or the Local Planning Authority is satisfied that contracts have been let to that end.
- 7) No development or demolition shall commence until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority. The dwellings hereby permitted shall not be occupied until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation, and that provision for analysis, publication and dissemination of results and archive deposition has been secured, unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.
- 8) No development or demolition shall commence until a Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan is to include details of the measures to be employed with regard to the delivery and removal of materials, the storage of materials, the parking of operatives' vehicles and the suppression of dust and noise.
- 9) The construction work for the development and demolition together with any deliveries to the site and removals from it shall be carried out only between the hours of 0800 and 1800 Monday to Fridays and 0800 and 1300 on Saturdays. No such activity shall take place on Sundays, Public and Bank Holidays.
- 10) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (thirtynine ref. WON 25 C, dated February 2017) and the following mitigation measures detailed within the FRA:
  1. No sleeping accommodation shall be set on the ground floor, with the first floor finished floor level set at least 2.5m above the existing ground level.
  2. All other mitigation measures described under 'Flood Resistance' (p.5-6) and 'Resilient Design' (p.6).The mitigation measures shall be fully implemented prior to occupation of any of the dwellings, or within any other period as may subsequently be agreed by the Local Planning Authority.
- 11) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with

contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment including a site walkover which has identified: all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.
  2. A site investigation scheme (if required), based on 1 above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in 3 above are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.
- 12) The dwellings hereby approved shall not be occupied until a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.
  - 13) Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.
  - 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, an amendment to the remediation strategy, detailing how this unsuspected contamination shall be dealt with.
  - 15) The dwellings hereby permitted shall not be occupied until the windows at first floor level to bedrooms 2 which face dwellings on Church Lane have been fitted with obscured glazing to a height of 1700mm above finished floor level, and no part of those windows that is less than that level shall

be capable of being opened unless some other arrangement has been submitted to and approved in writing by the Local Planning Authority. The obscure glazing and approved opening arrangements shall be retained thereafter.

- 16) The open area outside the side facing windows to bedrooms 2 shall not be used as a balcony or similar sitting or standing amenity area, and access is to be for only cleaning, maintenance and repair, and the maintenance of any planting placed there.

Schedule of Conditions - Appeal B Listed Building Consent

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) No works including demolition shall commence until a scheme to secure the repair and enhancement of the principal listed building has been submitted to and approved in writing by the Local Planning Authority together with a programme for implementation. No dwelling shall be occupied until the repair and enhancement works have been carried out or the Local Planning Authority is satisfied that contracts have been let to that end.
- 3) No works including demolition shall commence until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority. The dwellings hereby permitted shall not be occupied until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation, and that provision for analysis, publication and dissemination of results and archive deposition has been secured, unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.



---

## Appeal Decision

Site visit made on 10 October 2017

**by Grahame Gould BA MPhil MRTPI**

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

**Decision date: 7<sup>th</sup> November 2017**

---

**Appeal Ref: APP/P1425/W/17/3178877**  
**5 Vale Road, Seaford BN25 3EY**

- 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 S Powney against the decision of Lewes District Council.
  - The application Ref LW/17/0094, dated 1 February 2017, was refused by notice dated 24 March 2017.
  - The development proposed is construction of a two bed dwelling with two off street parking spaces and associated landscaping.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issue is the effect of the development on the character and appearance of the area.

### Reasons

3. The development would involve the construction of a two storey house attached to the side of 5 Vale Road (No 5) and it would result in the short terrace of three properties at Nos 5 to 9 becoming a terrace of four dwellings.
4. No 5 occupies a corner position at Vale Road's junction with Sherwood Rise, with Vale Road having been developed at a quite high density. The gap between the side elevation of No 5 and the back edge of the footway in Sherwood Rise therefore provides some relieving space in the streetscene and is to a degree matched by the set back of the front elevation of the bungalow on the opposite side of Sherwood Rise. The development would result in the loss of some relieving space in the streetscene and I consider that this would be harmful to the character and appearance of the area.
5. There is a hedge that marks part of No 5's side boundary and some of it would be removed to facilitate the development. The hedge that would be lost would be replaced by pre grown Ivy panels. While the Ivy panel hedge would provide some softening for the flank wall of the new house, its installation would not address the loss of spaciousness in the streetscene.
6. Nos 5 to 9 have a balanced front elevation, with No 5 and No 9, as the wing properties, having small front dormers, cutting through their front eaves, while No 7 has a central gable feature. The construction of the additional house would unbalance the existing terrace, leaving it with a discordant

appearance, given that the other terraces in the vicinity of No 5 have balanced front facades. I consider that the unbalancing of the terrace at Nos 5 to 9 would be indicative of this being an uncharacteristic and thus harmful form of development for Vale Road.

7. I therefore conclude that the development would be harmful to the character and appearance of the area. The development would therefore be in conflict with saved Policy ST3 of the Lewes District Local Plan of 2003, Core Policy 11 of the Lewes District Local Plan Part 1 Joint Core Strategy 2010-2030 of 2016<sup>1</sup> and section 7 (Requiring good design) of the National Planning Policy Framework. That is because the development would neither be of a high standard of design nor would it add to the overall quality of the area, with the degree of site coverage being inappropriate, while the addition of an extra house would interrupt the rhythm of the terrace at Nos 5 to 9.

### **Other Matters**

8. I recognise that the house would be in an accessible location and that there are no highway objections to this development. While those matters weigh in favour of the development, I find them to be outweighed by the harm that I have identified.

### **Conclusion**

9. For the reasons given above I conclude that the development would be harmful to the character and appearance of the area, harm which I consider could not be overcome by the imposition of reasonable planning conditions. The appeal is therefore dismissed.

*Grahame Gould*

INSPECTOR

---

<sup>1</sup> Jointly adopted with the South Downs National Park Authority