

<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 a 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