

Report to **Planning Committee**  
Date **13 December 2017**  
By **Director of Planning**  
Local Authority **Lewes District Council**  
Application Number **SDNP/17/04876/FUL**  
Applicant **Mr Williams**  
Application **Erection of 2 bedroom dwelling**  
Address **Land Between 44 And 46  
Morris Road  
Lewes  
BN7 2AT**

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

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

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## **Executive Summary**

### **I Site Description**

1.1 The application site falls on the south side of Morris Road, a residential street accessed off Cliffe High Street, falling within the Lewes Conservation Area towards the eastern edge of the town. The site is a vacant space between two end of terrace, two storey properties, 44 and 46 Morris Road, and historically provided a secondary access to Chandlers Building Yard that formerly sat on the southern side of the Morris Road dwellings. This former builder's yard has recently been redeveloped with dwellings and is now known as Chandlers Wharf. As part of that approval the application site was maintained as a pedestrian access.

1.2 As well as falling within the designated Conservation Area the application site falls within the planning boundary of Lewes as defined by the Lewes District Local Plan and the South Downs National Park.

### **2 Proposal**

2.1 Planning permission is sought for the erection of a single, two-bedroom dwelling to infill between no. 44 and 46 Morris Road. It follows the approval of an application seeking the erection of a single one bedroom dwelling last year (application SDNP/16/01310/FUL).

2.2 The design of the proposed dwelling is practically identical to the dwelling approved under application SDNP/16/01310/FUL, with the dwelling sitting flush with the front elevation of the neighbouring dwellings at first floor. At ground floor the front elevation will be recessed by 0.8 metres. The pedestrian access to serve the housing development to the rear is retained at a width of approximately 1.7 metres. At the rear the dwelling would project beyond the main

rear elevation of the neighbouring dwellings by 1.2 metres. To the front and rear projecting gabled roofs are proposed with large feature glazing.

2.3 The dwelling would be constructed from brick set under a slate roof.

2.4 One parking space is shown to be accessed from the rear of the site with a small garden also provided.

2.5 Whereas the approved dwelling was a one bedroom unit, with the bedroom provided in the roofspace, this application seeks to provide a two bedroom unit, with the accommodation at first and second floor swapped. This would place the bedrooms at first floor with the main living area and kitchen in the roof space.

### **3 Relevant Planning History**

LW/90/0859 - Conservation Area Consent for demolition of existing and Planning Permission for 7 houses, 2 chalet bungalows, 14 flats, parking/garages and access - refused and dismissed at appeal. Part of the proposal sought by this application proposed a similar infill dwelling between 44 and 46 Morris Road. Whilst the application was refused and subsequently dismissed at appeal there is no specific reference in the reasons for refusal to this specific unit.

SDNP/15/04123/FUL - Erection of a 1 bedroom dwelling - refused for the following reason:

*"The development, by virtue of its design and materials, is considered to be detrimental to and out of keeping with the established street scene and rhythm of the surrounding built form, contrary to Policies ST3 and H5 of the Lewes District Local Plan, Core Policy 11 of the Lewes District Local Plan Joint Core Strategy, and Policy 9 of the South Downs National Park Partnership Management Plan."*

SDNP/16/01310/FUL - Erection of a 1 bed dwelling (re submission of SDNP/15/04123/FUL) - Approved

### **4 Consultations**

#### **Parish Council Consultee**

No comment

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

Although this application is situated within an Archaeological Notification Area, based on the information supplied, I 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.

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

Comments awaited.

#### **Environment Agency (STAT)**

We can confirm that the Environment Agency has no objection in principle to the proposed development as submitted; however, we request that the following planning condition be attached to any planning permission granted in order to make the development acceptable. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Planning Condition:

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (22 Sep 2017) and the following mitigation measures detailed within the FRA:

I. No habitable accommodation set lower than 5.45 m above Ordnance Datum (AOD). as in "Proposal Design" point in FRA and submitted drawings

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

I. To reduce the risk of flooding to the proposed development and future occupants.

This condition is in accordance with Section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

### **LE - Friends of Lewes**

Comments awaited.

### **LE - Lewes Flood Action Group**

Comments awaited.

## **5 Representations**

LCAAG - No objection

Seven letters of objection received raising the following points:

- Development of this site will prevent Timberyard Lane from being adopted by the Highways Authority. Development should be postponed until this has been achieved.
- This site is used for turning of vehicles in Morris Road.
- Construction traffic will be hazardous and disruptive to residents in Morris Road.
- Narrowing the public walkway is undesirable.
- Chandlers Wharf is a private road and access to the parking space from it is erroneous.
- The underpass should be lit with clarification as to whose responsibility it will be to maintain the lighting.
- Service boxes in the underpass will impede users.
- Rear windows should be obscure glazed to prevent overlooking.
- The unit will be very small.
- What materials are being used?
- A construction management plan should be required.
- An unnecessary addition to a beautiful run of Victorian terraces.
- Intrusive mass in the conservation area caused by the projecting gables.
- Requires work to neighbouring properties, have the necessary consents been obtained?
- Overdevelopment of the site.
- Increased demand for parking.
- Roof height will tower over the other houses.
- Windows are too modern.

## **6 Planning Policy Context**

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

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

- South Downs National Park Local Plan - Pre-Submission September 2017

Other plans considered:

- Lewes Neighbourhood Plan

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

#### National Park Purposes

The two statutory purposes of the SDNP designation are:

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

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

## 7 **Planning Policy**

### Relevant Government Planning Policy and Guidance

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

### National Planning Policy Framework (NPPF)

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

- NPPF06 - Delivering a wide choice of high quality homes
- NPPF07 - Requiring good design
- 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 Council - The Core Strategy (Local Plan Part 1) 2014** are relevant to this application:

- CPII - Built and Historic Environment and Design

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

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

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

- General Policy 9

- General Policy 50

The following policies of the **South Downs National Park Local Plan - Pre-Submission September 2017** are relevant to this application:

- Core Policy SD1 - Sustainable Development
- Strategic Policy SD5 - Design
- Strategic Policy SD12 - Historic Environment
- Development Management Policy SD15 - Conservation Areas
- Development Management Policy SD22 - Parking Provision
- Strategic Policy SD26 - Supply of Homes

#### Partnership Management Plan

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

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

- General Policy 9
- General Policy 50

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

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

## **8 Planning Assessment**

8.1 As noted above planning permission has already been approved to develop this site with a one bedroom dwelling of practically identical design and size. This consent remains extant. The principle of the development of this site has therefore already clearly been accepted by this Authority therefore there is no need to revisit this as an issue in the determination of this application. However what is now proposed is a two bedroom dwelling with the accommodation at first and second floors swapped, therefore the implications of these changes needs to be considered.

#### DESIGN/LAYOUT/IMPACT ON CONSERVATION AREA AND WIDER NATIONAL PARK

8.2 As noted above the design of the proposed dwelling is practically identical to the previously approved dwelling. The most notable changes are the subdivision of the proposed first and second floor windows with horizontal glazing bars and a slightly higher ridge line.

8.3 With regard to the design of the windows, it is not considered that this is an objectionable amendment. The approved dwelling will already appear visually different within the street scene which is dominated by traditional Victorian terraces and the alteration to the fenestration detail is not considered to negatively impact the wider street scene.

8.4 With regard to the ridge height, it was acknowledged with the approved application that there is a difference in height between the ridges of no. 44 and 46 Morris Road. The approved application was noted to match the ridge height of no. 44 (the higher of the two existing properties). The same is shown on the current application drawings however the difference in height between the existing properties is now shown to be more notable. As can be seen from the representations received regarding this application there is a concern that this will make the proposed gable projects more notable and this in itself will be harmful to/detrimental to the established street scene.

8.5 Whilst these concerns are noted, Members previously accepted (and indeed directed the applicants down the route of) a front projecting gable on this property. On the basis that the approved plans showed the ridge to match no. 44 effectively what is now being shown is what has already been approved it is just that the submitted plans are more accurate. It is therefore considered extremely difficult to justify a refusal of the current proposal due to impact on the character of the area and wider national park, on the basis that it really is no different to what has already been approved.

#### NEIGHBOUR AMENITY

8.6 Similarly the impact on the amenity of the neighbouring occupiers as a result of this proposal will be very similar to what has already been approved. There are no additional windows proposed and the physical relationship with the neighbouring properties remains exactly the same. The only difference is the use of the rooms i.e. the second floor windows will now serve the main habitable area with the first floor rooms serving the two bedrooms. In a highly built up part of the town such as this it is considered that it would be extremely difficult to suggest that this change will result in a significant loss of privacy or harm to amenity to the neighbouring properties.

#### ACCESS/PARKING

8.7 When the previous application was considered a number of the objections received were in relation to the loss of the turning space in Morris Road. It was noted that the application site had been used for many years by residents as a place to turn their cars in order to avoid having to reverse the length of the road, owing to the fact there is no turning space at the end of the road. However on the basis that this is not an official turning area and the application site does not form part of the public highway it was not considered that the loss of this space would be a defensible reason to resist the application proposals. Similar concerns have been raised again along with concerns in relation to the impact of construction traffic along Morris Road.

8.8 Whilst it is likely that the construction period will cause some disruption to local residents, on the basis that this will only be a temporary disturbance, it would be unreasonable to refuse permission on these grounds.

8.9 Parking arrangements for the proposed dwelling are the same as previously proposed with a single parking space shown to the rear of the site, to be accessed off Chandlers Wharf. One of the objectors has stated that the applicants do not have a right of way over Chandlers Wharf and that therefore this parking space will be inaccessible. Access right issues such as this are a separate matter for the applicant to resolve. The previous application was approved on the basis that this parking space would be provided and to now refuse consent for an identical arrangement could be seen to be unreasonable.

8.10 What does have to be taken into consideration is whether the provision of just one parking space for a two bedroom unit is acceptable. East Sussex County Council Highways Authority recommends that for one and two bedroom dwellings one parking space should be provided. Therefore the proposal still complies with these requirements. Even if the parking space at the rear of the plot cannot be accessed, this site is located very close to the town centre with all of its services, facilities and other means of transport. An objection based on insufficient parking would probably therefore be difficult to sustain.

8.11 Another of the objections to this application relates to the loss of a potential through route to Timberyard Lane that would affect the future ability of Timberyard Lane being adopted by the County Council. There has never been any indication from the Highways Authority during the consideration of earlier applications that this is a concern and it is not considered that this is a planning consideration material to the determination of this application. Especially as it is a private piece of land, not public highway. Furthermore, on the basis that permission has already been granted for the erection of a dwelling on this plot, which can take place regardless of the outcome of this application, it would be unreasonable to now try to delay the development of this current proposal for such reasons.

#### IMPACT ON PEDESTRIAN LINK

8.12 An objection has been received regarding the narrowing of the walkway between Morris Road and Chandlers Wharf. Again this element of the proposal remains identical to what has already been approved. The introduction of meter/service boxes in this passage will be minor additions, unlikely to cause significant obstruction to users. A condition attached to the approved application requires the applicants to provide details in relation to the surfacing and lighting of the underpass. A similar condition would be replicated if consent were to be forthcoming.

#### FLOODING

8.13 No changes are proposed in relation to floor levels etc. which were previously deemed sufficient to address any concerns in relation to the application site falling with a high flood risk area. The Environment Agency has confirmed they are content with the application proposals, subject to a condition ensuring these mitigation measures are fully implemented.

#### OTHER MATTERS

8.14 A couple of the objectors have made reference to the size of the proposed dwelling and it being an overdevelopment of the site through the introduction of the additional bedroom. Whilst this Authority has not formally adopted the Government's Technical Housing Standards these recommend a minimum floor area of 60sqm for a two bedroom, three person dwelling. The proposed dwelling meets this minimum standard and actually exceeds it if you taken into consideration the ground floor sunroom. On the basis that the overall envelope of the structure has not increased it is considered that it would be difficult to argue that this amended scheme now represents an overdevelopment of the site.

8.15 With regard to the concerns in relation to the works required to the adjoining dwellings, this is a private matter for the applicant to resolve and is not a matter material to the consideration of this application. The Party Wall Act should ensure the interests of the neighbouring property owners are protected however this is not a matter for the local planning authority to be involved with.

## **9 Conclusion**

9.1 For the reasons outlined above it is not considered that there are any reasons to resist the current amended proposal which is still deemed to comply with the relevant policies of the Development Plan.

## 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.

2. 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

3. The development hereby approved shall be constructed using the external materials approved under condition 3 of application SDNP/16/01310/FUL unless otherwise agreed in writing by the local planning authority.

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

4. Hard and soft landscaping works in association with this development shall be carried out in accordance with the details approved under condition 6 of application SDNP/16/01310/FUL unless otherwise agreed in writing by the Local Planning Authority. Such works shall be completed prior to the occupation of the dwelling.

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

5. All enabling works in association with the development hereby approved shall accord with the details approved under condition 7 of application SDNP/16/01310/FUL unless otherwise agreed in writing by the local planning authority.

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

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

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

7. The development permitted by this planning permission shall only be carried out in accordance with the approved undated FRA and the following mitigation measure detailed within the FRA:

o No habitable accommodation, as defined by section 0.30 of Approved Document M of the Building Regulation 2000, shall be included on the ground floor.

The mitigation measure shall be fully implemented prior to occupation, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority

Reason: To reduce the risk of flooding to the proposed development and future occupants.

8. No fence or walling to be constructed to the front of the dwelling, as approved under condition 4 above, shall exceed 600mm in height.



Reason: In the interest of vehicular and pedestrian safety and to accord with the requirements of Policy ST3 of the Lewes District Local Plan and to comply with the National Planning Policy Framework

9. The dwelling hereby approved shall not be occupied until the vehicle parking space shown on drawing 2015/018/PL2 Rev C has been provided and this space shall be made permanently available for that use.

Reason: To secure satisfactory standards of parking for the proposed development having regard to Policy ST3 of the Lewes District Local Plan.

10. 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: In the interest of health and safety of the future occupiers of the site 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. 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 described in Classes A to E of Part 1 of Schedule 2, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.

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

12. The development shall not be occupied until details for the surfacing and lighting of the path linking through to Chandlers Wharf have been submitted to and agreed in writing by the Local Planning Authority. The path shall then be constructed and completed to the satisfaction of the Local Planning Authority before the development is occupied and thereafter retained as a public thoroughfare at all times.

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

13. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure that the management of surface water does not result in the mobilisation of contaminants having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

14. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To prevent the mobilisation of contaminants or impact on controlled waters from the construction of deep foundations, including piling activities 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

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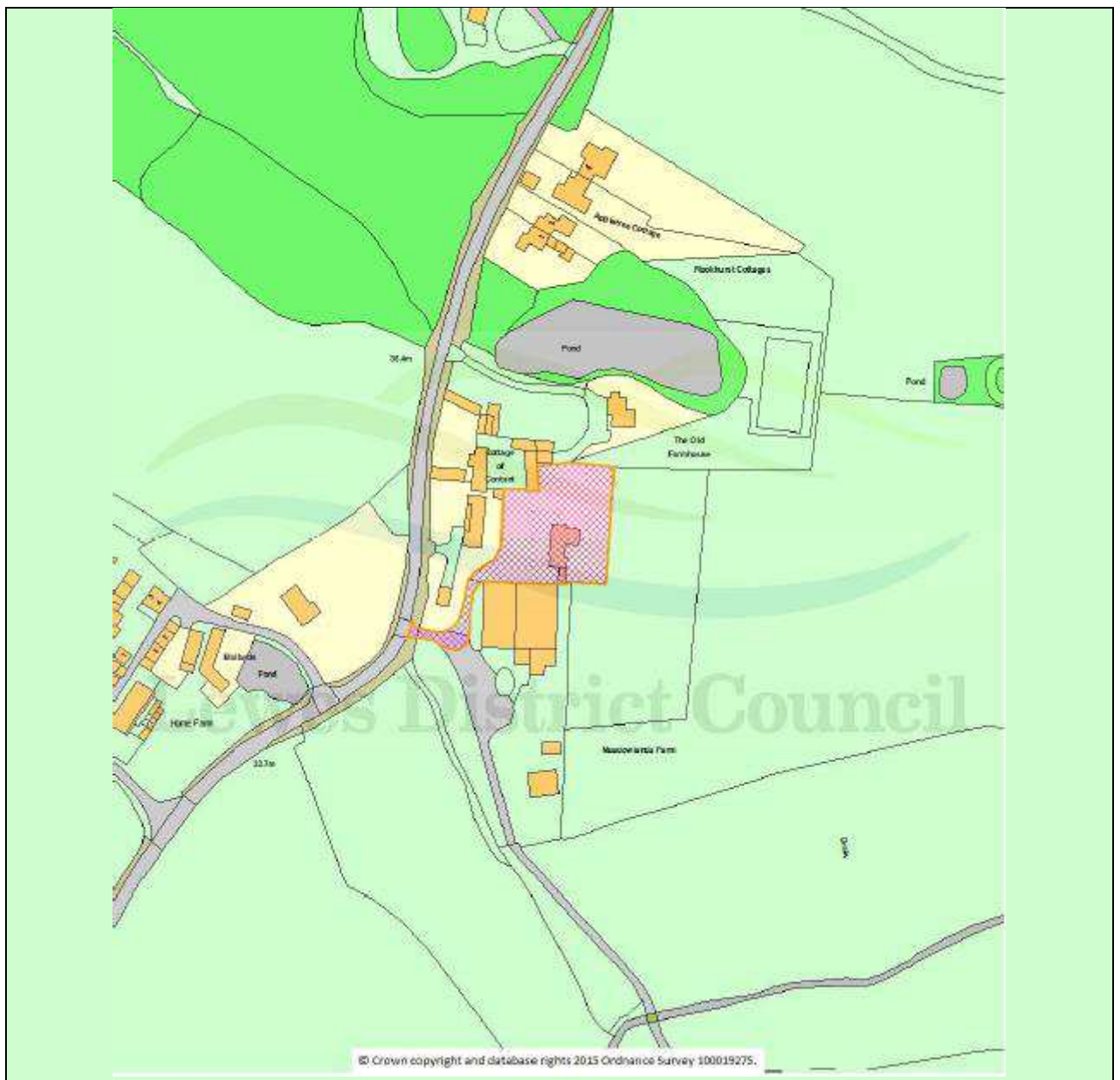
Appendices Appendix 1 - Site Location Map  
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

## Appendix I

### Site Location Map



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

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

Plan Type	Reference	Version	Date on Plan	Status
Application Documents - Heritage statement			22.09.2017	Approved
Application Documents - phase I ecological survey			22.09.2017	Approved
Application Documents - Impact assessment			22.09.2017	Approved
Application Documents - HER report			22.09.2017	Approved
Plans - location plan	0096.01C		22.09.2017	Approved
Plans - existing and proposed block plan	0502-02		22.09.2017	Approved
Plans - existing and proposed floor plans	0502-03		22.09.2017	Approved
Plans - existing and proposed elevations and proposed section	0502-04 A		16.10.2017	Approved
Plans - Existing and Proposed Elevation	0502-06		16.10.2017	Approved
Plans - proposed front elevation	0502-W3		22.09.2017	Approved
Plans - proposed rear elevation	0502-W4		22.09.2017	Approved
Plans - roof detail/sections	502-DOC3		22.09.2017	Approved
Application Documents -	Flood Risk Assessment		22.09.2017	Submitted

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