

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, 13 December 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.

29/11/2017

Catherine Knight
Assistant Director of Legal and Democratic Services

Agenda

- 1 Minutes**
To approve the Minutes of the meeting held on 22 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/17/0205 - Land Between Beach Road and Transit Road, Newhaven, East Sussex, BN9 0BN (page 5)**
- 7 **LW/17/0847 - 16 Churchill Road, Seaford, East Sussex, BN25 2UL (page 35)**
- 8 **LW/17/0553 - 8 Belgrave Road, Seaford, East Sussex, BN25 2EG (page 39)**
- 9 **LW/17/0848 - 1 - 2 Newhaven Square, Newhaven, East Sussex, BN9 9QS (page 44)**
- 10 **LW/17/0779 - The Glade, 14 Newick Hill, Newick, East Sussex, BN8 4QR (page 48)**
- 11 **LW/17/0623 - Reedens, Jackies Lane, Newick, East Sussex, BN8 4QX (page 60)**

Planning Applications WITHIN the South Downs National Park

- 12 **SDNP/17/04876/FUL - Land Between 44 and 46 Morris Road, Lewes, BN7 2AT (page 64)**
- 13 **SDNP/17/05368/FUL - Clubhouse Stanley Turner Recreation Ground, Kingston Road, Lewes, BN7 3NB (page 76)**

Non-Planning Application Related Items

- 14 **Outcome of Appeal Decisions on 9th November 2017 (page 83)**
To receive the Report of the Director of Service Delivery (Report No 173/17 herewith).
- 15 **Written Questions from Councillors**
To deal with written questions from Members pursuant to Council Procedure Rule 12.3 (page D8 of the Constitution).
- 16 **Date of Next Meeting**
To note that the next meeting of the Planning Applications Committee is

scheduled to be held on Wednesday, 10 January 2018 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

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

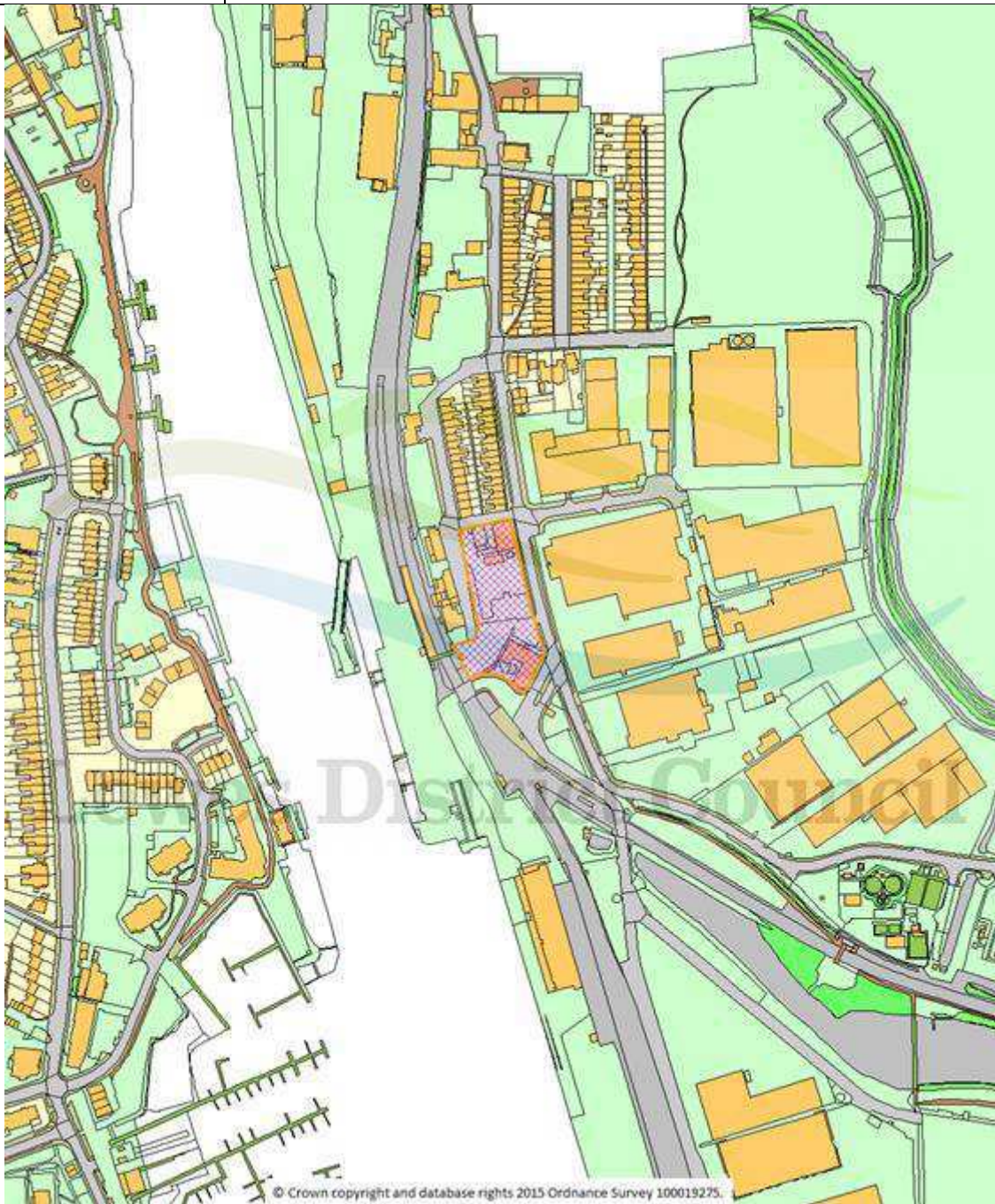
The two statutory purposes of the South Downs National Park designations are:

- 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.

APPLICATION NUMBER:	LW/17/0205	ITEM NUMBER:	6
APPLICANTS NAME(S):	KSD Group Ltd	PARISH / WARD:	Newhaven / Newhaven Denton & Meeching
PROPOSAL:	Planning Application for Full planning application for the development of an 80 bedroom hotel, 25 flats, 14 houses and B1 commercial uses (144sqm) with a multi storey car park, other associated ground level parking, landscaping and access arrangements.		
SITE ADDRESS:	Land Between Beach Road And Transit Road Newhaven East Sussex BN9 0BN		
GRID REF:	TQ4500		



1. SITE DESCRIPTION / PROPOSAL

1.1. Site Description

- 1.1.1. The application site has an area totalling 0.45 ha. It is located between Newhaven Harbour train station and Beach Road. The site is adjacent to the entrance to Newhaven Port, off Beach Road, and the main port area is to the south. To the north are terraced houses fronting Beach and Transit Roads.
- 1.1.2. The site is a flat parcel of land with two flat roofed modern (1970's and 80's) buildings located at the northern and southern ends. These buildings are one and a half and two storeys high. The building to the north of the site is a former warehouse/store that is currently being used by a model aircraft club. The building to the south was previously used as the Port Admin Office (B1) with associated dorms, but has now been refurbished for temporary use (5 years) by EON staff working on the Rampion Wind Farm Project at the port.
- 1.1.3. The wider area is mixed use in character, with ~~bu~~ residential to the north, industrial/ commercial buildings on the opposite side of Beach Road, and the port to the south.
- 1.1.4. This is a brownfield site for the purposes of planning policy, within the Planning Boundary for Newhaven in the Joint Core Strategy.

1.2. Proposal

- 1.2.1. This is a full planning application which proposes;
 - 80 bedroom hotel of 9-13 storeys in height;
 - 25 apartments over five/six-storeys in 2 blocks:
 - 14 three-bed terraced houses of three-storeys arranged in two rows, and
 - B1 commercial uses (144m² GIA)
 - A multi-storey car park, ground level parking, landscaping and access.
- 1.2.2. The Block Plan (drawing 1603-P-002) illustrates the proposed layout.
- 1.2.3. The two rows of three storey terraced housing would be at the northern end of the site, fronting onto Beach Road and Transit Roads. There would be a shared mews court in between the two rows, with 2 parking spaces per house and landscaped amenity space.
- 1.2.4. 'Block A' would be a 6-storey building comprising 18 apartments (8 x 1 bedroom and 10 x 2 bedroom) and would be adjacent to Beach Road in the central part of the site. Block A would also include B1 commercial floorspace on the ground floor. Adjacent to Block A would be an open parking area with 26 spaces.
- 1.2.5. The 9-13-storey hotel would be located south of Block A, adjacent to the port entrance. The height would step up from 9 to 13 storeys and, externally, would be finished in various shades of metallic cladding and glazing.
- 1.2.6. A multi storey car park would adjoin the hotel across to the western boundary and would have three levels. The car park would have 'living' walls, with vertical stainless steel tensile cables that would provide support for climbing vegetation.

- 1.2.7. The apartment 'Block B' would be 5 storeys in height and would comprise 7 apartments (6 x 2 bedroom and 1 x 3 bedroom). This would be at the south end of the site, adjoining the multi-storey car park.
- 1.2.8. Access to the development is proposed off Beach Road and Transit Road. An access to the mews court for the houses would be off a link road between Beach and Transit Roads.
- 1.2.9. The proposed materials comprise the following;
- Natural Slate pitched roofs
 - Single ply membrane flat roofs
 - Facing brickwork, natural zinc cladding, powder coated aluminium cladding and green walls to the multi storey car park on external walls.
 - Powder coated aluminium coated window frames and rainwater goods.
- 1.2.10. The proposal provides for 40% of the residential to be 'affordable'.
- 1.2.11. The application includes a Design & Access Statement; Townscape Assessment; Transport Statement and Travel Plan; Flood Risk Assessment; Preliminary Geotechnical and Ground Contamination Risk Assessment; Planning Noise Assessment; and a Biodiversity Checklist; Sunlight & Daylight Assessment and Air Quality Assessment.
- 1.2.12. During the progress of the application additional documents have been submitted including a Concept Framework Plan, Landscape Concept Framework Plan, Design and Access Addendum, Transport Assessment Addendum Report (Final), Testing Layout (indicative plan for information only), Built Heritage Assessment, Flood Risk Assessment and Sequential Test.

1.3. Background

- 1.3.1. Pre-application meetings were held with planning officers in March and June 2016 and then later in November 2016.

1.4. Policy

- 1.4.1. Lewes District Council (LDC) adopted the JCS on the 11th May 2016. The JCS, including the retained 'saved' 2003 LDLP policies, is the development plan for the district. Its policies are therefore given full weight in the determination of relevant planning applications in the district, unless other material considerations indicate that it would be unreasonable to do so.

2. RELEVANT POLICIES

NPPF

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

LDLP: – E03 – Town Centres

LDLP: – E07 – Out of Centre Retail Development

LDLP: – E11 – Hotels, Guest Houses

LDLP: – T01 – Travel Demand Management

LDLP: – NH21 – Railway Quay

LDJCS: – CP1 – Affordable Housing

LDJCS: – CP2 – Housing Type, Mix and Density

LDJCS: – CP4 – Economic Development and Regeneration

LDJCS: – CP5 – The Visitor Economy

LDJCS: – CP6 – Retail and Town Centres

LDJCS: – CP7 – Infrastructure

LDJCS: – CP9 – Air Quality

LDJCS: – CP11 – Built and Historic Environment & Design

LDJCS: – CP12 – Flood Risk, Coastal Erosion and Drainage

LDJCS: – CP13 – Sustainable Travel

3. PLANNING HISTORY

PV/73/0011 - Proposed display of two directional signs. - **Approved**

LW/04/2240 - Change of use of offices and dorms to language school - non residential - **Approved**

LW/14/0585 - Change of use from port operation storage to use class B8 storage with ancillary office accommodation, with re-clad elevation incorporating new office windows, and associated underground septic tank - **Approved**

LW/16/0484 - Proposed temporary change of use of the existing building to provide accommodation for staff from EON who will be working on the Rampion Wind Farm Project for a period of 5 years - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1. Newhaven Town Council

4.1.1. The committee welcomed this development in principle but raised some concerns as follows:

- the committee would wish discussions to take place to facilitate vehicular access to this site from the roundabout at the end of the Port Access Road as already built.
- environmental concerns.

4.2. British Telecom

4.2.1. No objection in principle. There is no land or buildings owned or occupied by BT within the application site. However, this advice does not extend to BT apparatus located in the public highway or under private land, or BT's deep level tunnels. The applicant will need to check BT's network prior to development in this regard.

4.3. Environmental Health

4.3.1. No objections, subject to planning conditions in relation to contamination, a CEMP and a restriction on the hours of work for demolition and construction. Also, a Section 106 to secure a financial contribution toward the Newhaven Air Quality Action Plan.

4.4. Environment Agency

4.4.1. No objection, subject to conditions to mitigate flood risk and contamination.

4.5. ESCC Highways

4.5.1. No objection subject to planning conditions and a S106. Please see recommendation in report for the detail.

4.6. Southern Gas Networks

4.6.1. Standard advice given to the applicant that safe digging practices need to be carried out and that the position of hand dug trial holes should be confirmed.

4.7. Natural England

4.7.1. No response received.

4.8. Sussex Police

4.8.1. The application is supported and will seek to develop this redundant site. The design has been well thought out to ensure residents are in a safe defensible space.

4.9. Southern Water Plc

4.9.1. No objections and recommends an informative reminding the applicant that they will need to make a formal application for connection to the public sewerage system which is required in order to service this development.

4.10. ESCC SUDS

4.10.1. No objection in principle, subject to conditions.

4.11. Planning Policy Comments

4.11.1. *"The application site is located within the Newhaven planning boundary, as defined in the Policy CT1 of the LDLP, and development in this location is therefore acceptable in principle. The most relevant JCS policy in terms of the hotel element of the proposed development is CP5 (The Visitor Economy), which supports the development of additional visitor accommodation within the district provided it is of a scale, type and appearance appropriate to the locality. If it is considered that the hotel design meets this criterion, there is no reason to apply the sequential test for*

main town centre uses because the development would be in accordance with the up-to-date Local Plan (see paragraph 24 of the NPPF).

- 4.11.2. JCS Policy CP1 (Affordable Housing) is applicable to the proposed level of residential development, whilst the overall design of the development should meet the criteria set out in JCS Policy CP11 (Built and Historic Environment and High Quality Design) and LDLP Policy ST3. The location of the application site in close proximity to the Newhaven Air Quality Management Area and within Flood Zone 3 means that air quality and flood risk issues should also be fully addressed by the application, in accordance with JCS Policies CP9 (Air Quality) and CP12 (Flood Risk). In view of the previous uses on the site and the proximity of the Seaford to Lewes railway line, The Council will also need to be satisfied that contamination and noise issues will be successfully addressed by the development, in accordance with the NPPF and National Planning Practice Guidance.
- 4.11.3. It should be noted that the application site is identified as an 'Area of Opportunity' for the location of waste treatment facilities in Policy SP2 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan. However, Policy SP2 is not a safeguarding policy and only identifies the site as suitable in principle for such uses. Consequently, if the Council is satisfied that the proposed development meets the requirements of the JCS policies listed above, together with any other relevant national planning and local plan policies, the application can be recommended for approval."

4.12. LDC Regeneration & Investment

- 4.12.1. "Lewes District Council's 'Council Plan' 2016 to 2020 was informed and developed in consultation with our residents, partners and other stakeholders. The application fits with one of these priorities, Provide visitor services across the district in line with our Tourism Strategy 2015-2018. The proposal will provide additional accommodation for visitors alongside residential development. The proposals will regenerate a mostly under-utilised site close to Newhaven Port, creating new residential and commercial floorspace and employment opportunities as well as additional visitor accommodation stock, albeit in a non-ideal location to drive town centre vitality.
- 4.12.2. Whilst the application site is not within the EZ, it does lie adjacent to both the 'East Quay' and 'Bevan Funnell' sites. It is considered that the development proposals will support delivery of new and refurbished employment space on these sites and so the scheme will indirectly support Newhaven's regeneration through Enterprise Zone status.
- 4.12.3. However, the appropriateness of the site location is questioned and whether a more central central which is closer to the town centre would be more likely to act as a catalyst and drive increased footfall to the town centre, thereby having a more positive impact on Newhaven's regeneration.
- 4.12.4. The ST concludes that there is enough demand in Newhaven for hotel development to take place in more than one location. However, based on the work carried out by LDC Regeneration & Investment, the town is not considered to be a primary location by most hotel operators and would question the current level of demand for new hotels in Newhaven.
- 4.12.5. With this in mind, we retain our concerns over the potential scheme but recognise the potential indirect benefits that may result. However, we still question whether this

is the optimal location for a new hotel and would request that occupancy restrictions be imposed on the proposed hotel to reduce the scope for subsequent residential conversion, unless robust evidence is provided by the applicant on the proposed end operator for this facility. We would also like to see the economic statement to ensure that the proposed development is viable and deliverable in this location.”

5. REPRESENTATIONS

5.1. 13 representations have been received, being seven of objection and six of support. The objections are summarised as follows;

5.2. Newhaven Port and Properties Ltd (by DMH Stallard Planning Consultants)

5.2.1. object on grounds of:

- Principle of locating a hotel within an industrial area (sequential test).
- Transport and parking.
- Design and overdevelopment.
- Living conditions of future occupiers.

5.2.2. The applicant has failed to demonstrate that the application site represents a sequentially preferable location for a proposed hotel. The use would be better suited to the town centre which is also thought to be a more attractive proposition for visitors. Para's 24 and 26 of the NPPF indicate that a sequential test and economic impact assessment should be carried out given the out of centre proposed location.

5.2.3. The Port Masterplan (PMP) identifies that development in this locality between East Quay and Railway Quay should be focused on supporting coastal shipping including the importing and exporting of materials for green energy along with the provision of boat maintenance and waterfront recreation.

5.2.4. There may be a conflict of highway use between those occupying the proposed development and vehicle movement in association with the port. The Transport Assessment submitted with the application does not address the recently permitted development relating to the new multi-purpose berth at East Quay along with provision of a land development area (LW/15/0034). The inadequate level of parking will increase on street parking and thus be prejudicial to highway safety.

5.2.5. The height, size and density of the proposed development is out of keeping with the local area and represents an overdevelopment of the application site. The proposed hotel and apartment block are 13 and 5 storeys respectively. Existing surrounding buildings are 2 storeys in height.

5.2.6. The applicant has failed to adequately take into account noise and disturbance impacts to future users of the proposed hotel. The hotel does not conform with surrounding land uses and the living conditions of future occupiers is likely to be detrimentally impacted by the surrounding existing industrial use. The industrial processes/operations include loading and offloading of scrap metal from the quayside and the use of Beach Road by heavy goods vehicles. This is a commercial port which operates 24 hours.

5.3. CCD Properties Ltd (by Indigo Planning Consultants “*on behalf of the owner of a large regeneration site in Newhaven town centre, and CCD Properties Limited (CCD) as Development Manager for the project*”).

5.3.1. The “basis” of the objection is a review of the Sequential Report on behalf of the applicant, which includes a “brief assessment” of “our client’s development site” which is the former Co-op site and adjoining land in Dacre Road, in Newhaven town centre.

5.3.2. The hotel element of the application is objected to for the following reasons:

- There is no up to date policy support for hotel use at the application site.
- The proposals conflict with the NPPF’s clear town centres first strategy.
- The analysis of potential alternative development sites is inadequate, leading to unreliable conclusions and insufficient information upon which a decision maker can rely on.
- The applicant’s view on the local market’s capability to support two new hotels is not accepted.
- It is not accepted that any localised benefits as a result of the proposals outweigh the need to protect planned investment from coming forward for Newhaven town centre.

5.4. Residents (3 from households within the immediate vicinity and 4 from households further afield in Newhaven and also Seaford)

5.4.1. object on the following grounds:

- Lack of infrastructure
- Not sustainable
- Overbearing building and overdevelopment
- Loss of privacy/overlooking
- Lack of parking
- Traffic generation and subsequent impact on A259 (should be considered cumulatively with the Parker Pen, Bevan Funnell and Reprodex House housing developments) and speed of vehicles prejudicial to highway safety and pedestrians
- Inadequate access
- Increased air pollution
- Noise and disturbance. Scrap metal for shipping takes place three times a month and on each occasion requires an intensive period of delivery (HGV movements) and ship loading during a continuous 72 hour period. H Ripley & Co is concerned that the recommended noise attenuation measures proposed in the applicants noise report does not properly reflect the potential background noise levels that occur during the period that the ships are being loaded with processed scrap metal from their site and the noises associated from HGV vehicle movements (especially during the night when other noises are reduced or not occurring at all). The proposed development needs to ensure that future occupants of the development are not materially harmed by the existing surrounding noises associated with the industrial uses and a robust noise report is needed to assess background noise levels.
- Drainage problems and flooding

5.5. Letters in support

5.5.1. are summarised as below;

- Maria Caulfield MP welcomes the proposal and comments that the mixed use proposal will assist in the town centres regeneration.
- There is a need for more homes

- It is an excellent use of this patch of land
- The wider context for active travel could be very good given this flat section of land will be easily accessible from Newhaven town and Seaford by foot and bike.

6. PLANNING CONSIDERATIONS

The planning issues for consideration are 6.1) principle of a hotel and sequential test 6.2) sustainability 6.3) living conditions 6.4) affordable housing (and housing mix) 6.5) transport 6.6) flooding 6.7) air quality 6.8) lack of infrastructure, and 6.9) Section 106.

6.1. Principle

- 6.1.1. The site is located within the planning boundary as defined in the Lewes District Local Plan, where the principle of development is acceptable.
- 6.1.2. The site is brownfield land, which is previously developed and is not allocated for any specific purpose in the Local Plan or the Joint Core Strategy. Therefore, the principle of its development is acceptable in accordance with Policy CT1 of the Local Plan. In the pre-application advice given by planning officers, the principle of the proposed development and mix of uses in this location was generally supported.
- 6.1.3. Policy CP5 of the Core Strategy concerns the Visitor Economy and one of its key strategic objectives supports proposals that stimulate and maintain a buoyant and balanced local economy through regeneration of the coastal towns. The policy recognises the need *"to take advantage of the richness and diversity of the districts natural and heritage assets to promote and achieve a sustainable tourism industry in and around the district."* The proposed mixed use development will help meet this objective.
- 6.1.4. Paragraph 24 of the NPPF states that LPA's should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date Local Plan. Culture and tourism development (including hotels) is a *"main town centre"* use (See Annex 2: Glossary of the NPPF).
- 6.1.5. In this case the site is not in an *"existing centre"*. Whether the proposal accords with the Local Plan is a matter of judgement. For the purpose of this proposal, it is necessary to determine whether the scale, type and appearance of the hotel is acceptable, and therefore whether it accords with policy CP5 of the up-to-date Local Plan. If it is considered that the hotel proposal does accord with CP5, then the sequential test need not be applied to this application. Objections which refer to the sequential test should then carry little weight when considering the proposal.

Scale, Type and Appearance (Policy CP5)

- 6.1.6. Following the first pre-application meeting, the applicant was requested to prepare a townscape analysis to justify, in particular, the height of the hotel element of the mixed-use scheme. A comprehensive assessment was undertaken by the project architects and this was considered by the planning department who subsequently advised that the proposed height of around 13 storeys may be acceptable, subject to detail design, and with reference to the juxtaposition of the tall blocks of flats on the west side of the River Ouse at the marina.

- 6.1.7. The Townscape Analysis submitted with the application has provided 5 long distance views, from the 1) Ouse Estuary Nature Reserve (South Downs National Park), 2) Denton - Crest Road, 3) UTC, 4) West Quay and 5) from The Fort. The panoramic photographs provide an existing, pre-app proposal and application proposal of each view.
- 6.1.8. It should be noted that the building mass on the 10th storey reduces in floor area from thereon up, with the profile of the hotel stepping back across the footprint on its axis orientated from the south to the northern elevation.
- 6.1.9. Therefore, the full footprint of the hotel only extends in building mass and height up to 9 storeys, which is similar to the existing residential apartments on the west side of the Quay at Newhaven Marina. In terms of scale, there would be a visual symmetry with existing and proposed developments either side of the Ouse. In design terms this could be recognised as a gateway to Newhaven for those entering Newhaven by ferry.
- 6.1.10. Furthermore, the scale and massing of the proposed hotel would not appear incongruous because it is considered to be a well-articulated design which through its (stepping down in height) profile, irregular shaped footprint and varying use of materials (different coloured metal cladding and glass), appears relatively elegant and lightweight within its setting.
- 6.1.11. All of the view points on the townscape analysis demonstrate that the proposed hotel would not break the skyline (particularly in views from Denton and the Ouse Estuary Nature Reserve which is SDNP countryside) and would be seen in the backdrop against existing surrounding buildings at Newhaven Port and Marina. In terms of scale, the long distance views show the dominance of the Newhaven-Dieppe ferry and the proposed hotel reads as being somewhat subservient to this. It is considered that the existing development and uses either side of the Ouse at Newhaven port is built up and a very active, light industrial/commercial environment. In this respect, the proposed development in terms of its scale would not appear discordant with existing development in the surrounding locality.
- 6.1.12. The Design and Access Statement provides an aerial view of the character of the area. It illustrates that the application site is located on the eastern side of the Ouse with the port located to its southern side, light industrial area to the east, Newhaven Harbour railway station and line to the west, and residential (housing) to the north. The land between the railway line and the river is part of the port land which is given over to port activities. The western side of the Ouse, opposite the application site and just beyond the railway station, comprises the West Quay and its flatted development at the Marina.
- 6.1.13. The area is therefore mainly industrial in character with residential to the north.
- 6.1.14. The site characteristics comprise a flat parcel of land with two flat roofed modern buildings located to the north and south. These have red brick facing walls and there is also painted render on buildings within the vicinity elsewhere. The buildings referred to are one and two storeys in height but with more sparse open landscape of the port land to the west and south and Victorian back to back housing to the north.
- 6.1.15. The proposed terraced housing has been designed to emphasise the individuality of each house by expressing the gable ends and verticality of each plot and reflecting the character of more modern houses on the West Quay which evoke

beach huts. The block of flats have been designed with a more urban feel , considered to be more appropriate to the character of the station forecourt. Like the hotel, the elevations have been fragmented with the use of different materials to express the articulation of the facades, the introduction of balconies and with a recessed top floor clad in zinc.

- 6.1.16. It is considered that the proposed development is an example of planning *"positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces"* (para 57 of NPPF). It is considered that the proposed development will *"establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit"* (para 58 of the NPPF).
- 6.1.17. The provision of residential development in the form of three storey housing and apartment blocks is in keeping with existing development in the locality and planning permissions on nearby sites (3 storey houses at Marco Trailers in Railway Road, residential at the Parker Pen site and a mixed use residential/commercial scheme at Reprodex House). The proposed uses, C1 - Hotels, C3 Residential, and B1 are all existing uses within the locality. Policy NH21 (Railway Quay) of the LDLP referring to land adjoining the application site is allocated for mixed use development including these type of uses and leisure.
- 6.1.18. It is considered that the proposed development would be acceptable with the character of existing development in the surrounding locality and complies with policy CP5 of the JCS. Therefore, in terms of the NPPF, a sequential test is not considered to be necessary for the hotel.

Sequential Test Analysis

- 6.1.19. Without prejudice to the Council's view of the proposed hotel, the applicant was requested to submit a Sequential Test (ST) to demonstrate that they have carried out an exercise to consider town centre sites and comment on why these sites are not available and, as such, why the application site is the preferred option. The agent was asked to justify why preference should be given to this out of centre proposal and how it is well connected and accessible to the town centre. Reference in the Sequential Test has been made to the currently vacant Co-op site. The agent was specifically asked to address the bullet points in paragraph 26 of the NPPF.
- ***"the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and***
 - ***the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made."***
- 6.1.20. The applicant has undertaken a sequential site report which considered seven locations in the urban area and concluded that none were sequentially preferable to the application site.
- 6.1.21. Para 7 of the ST Report identifies 7 sites large enough to accommodate a hotel. These are (1)Newhaven Rehabilitation Centre, Church Hill, (2) open park land off Lewes Road north of Robison Road, (3) North Quay, North Quay Road, (4) Land

- north of UTC at Harbour Side (5) former Co-op, Dacre Road Newhaven town centre, (6) the former Parker Pen site, Railway Road and (7) Newhaven Port. The ST comments that the co-op site is not available, nor advanced in terms of its ability to deliver a hotel development site compared to the current application site. The ST claims that there is uncertainty over the tenure situation (whether there are occupational leases in place) of the Co-op site and the ability to secure vacant possession for its redevelopment.
- 6.1.22. The conclusion of the ST also states that the Co-op site has existing buildings of value which may impact on the financial viability of the scheme. It is also stated that hotels on both the Co-op site and application site could take place feasibly.
- 6.1.23. The applicant submits that the ST Report is robust in its content and identifies the former Co-op site as the only potential alternative. The co-op scheme referred to in the CCD objection is in its embryonic stages with no certainty of an application submission stage or construction. The applicant also submitted that there is no publicly available information about the scheme and no evidence that the provision of a hotel (compared to any other use) in this central location, would bring about increased foot fall. There is also no evidence to confirm that a town centre hotel and the proposed hotel could not operate successfully together.
- 6.1.24. The current application must be considered on its merits and should not be held up or resisted because of an unknown outcome on another site. This is the position set out in the submitted Sequential Report.
- 6.1.25. Following the submission of the Indigo objection on behalf of CCD Properties Ltd, the agent has written a letter to confirm that the applicant has sought the advice of Counsel (Cornerstone Barristers).
- 6.1.26. The applicants Barrister confirms that the Indigo letter only makes objection to the content of the ST and raises no other concerns with the proposed development.
- 6.1.27. The policy position is that an ST is not required where the Council has an up-to-date local plan, as commented above.
- 6.1.28. The agent has highlighted through the Barristers comments that the Examination Inspector to the JCS referred to Policy CP5 (The Visitor Economy) at para 122 of his final report (March 2016) and stated;
- 6.1.29. *"Policy CP5 suitably sets out the measures necessary to sustainably develop tourism locally, including by improving the availability of all types and budget levels of visitor accommodation, as evidenced in the recent Hotel Futures Study. The policy wording is essentially consistent with the expectations of the NPPF and PPG in this regard and no modifications are required for soundness".*
- 6.1.30. The letter also states;
- 6.1.31. *"Policy CP6 (Retail and Town Centres) is also referred to by the Examination Inspector at para 123 and reference is made to the strategic objectives of town centres and the significance of retail related uses in these locations. The Inspector stated that this was also consistent with the NPPF."*
- 6.1.32. The point being that the redevelopment of the existing town centre Co-op site for a potential hotel is not a retail use. The Barrister considers that the comments from

Indigo are therefore misdirected and not relevant to the application given that the ST is not a requirement of the application in the first place.

6.1.33. Comments from the Barrister go onto highlight that;

6.1.34. *"The NPPF sets out the presumption in favour of sustainable development at para 11 stating that 'Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise' and paragraph 14 requires, in respect of decision taking, the presumption in favour of sustainable development means "approving development proposals that accord with the development plan without delay". There are no material circumstances in this case that would mean not determining the application in accordance with the up-to-date development plan. The existence of a site in Newhaven town centre that may or may not come forward as a hotel does not represent such material circumstances."*

6.1.35. *"Case law has addressed the relevance of alternative proposals in the determination of planning applications and reference is made to the Court of Appeal judgement in the case of R. (on the Application of Mount Cook Land Ltd) v Westminster CC in October 2003 which found that where an application proposal does not conflict with policy, and involves no planning harm and may include some enhancements, any alternative proposals would normally be irrelevant (refer para 30)."*

6.1.36. Therefore, the agent and applicants' Barrister is of the view that there is no requirement to prepare a sequential assessment of alternative sites for the hotel element of the proposals, which accord with the development plan. The existence of a potential alternative site in the town centre (the position is which is one of uncertainty) should not have any bearing on the determination of this application.

6.1.37. Officer Conclusions to the ST Report and Case Law Examples

6.1.38. The applicant has not dismissed the Co-op site in its ST appraisal and acknowledges that the site could be suitable for hotel development but at the time of the enquiries made by Flude Commercial (commissioned to prepare the ST), the feedback given was that various options were being considered for the site. Flude therefore concluded that the site was not available at the time of the ST for hotel development. The former Co-op site is currently vacant retail land, and it is considered that a replacement retail use would be preferable rather than a hotel use, and would create better footfall within the town centre, thereby benefiting the vitality and viability of Newhaven town centre.

6.1.39. **The Council's Regeneration and Investment Officers commented, "that there is currently limited demand for new hotel development in Newhaven. It is considered that a hotel developed in a more central location (for example, closer to the town centre) would be more likely to act as a catalyst and drive increased footfall to the town centre - thereby enhancing vitality. We are also concerned with the viability of the hotel and would like to see evidence of discussions with hotel operators to ensure that the hotel can feasibly be delivered within the current scheme."**

6.1.40. *"Trust House Forte Hotels v SoS 1986 concluded that if there are no clear planning objections to a development on a particular site, the fact that more appropriate alternative sites exist is irrelevant."* (4.19 of the DCP Online).

6.1.41. The applicant has acknowledged that the town centre is in much need of investment. However, also recognises that the Beach Road/Transit Road area needs investment which is the thrust of the Council policies for urban regeneration in the town. In line with the case law example above, the applicant is of the view that there is no proof that the economics of the town centre scheme is finely balanced and, irrespective of whether this is the case or not, the economics of a town centre scheme (an alternative site) is irrelevant to the current application proposal.

6.1.42. In R v St Edmundsbury BC ex parte Davidson 28/6/99, *"it was argued that a decision by a council to grant permission for a multiplex cinema had not been reached on its planning merits, but because of the council's concern that if permission were refused then no other cinema operator would come forward. A possible alternative site was rejected because it was leased to operators of a livestock market and it was thought piecemeal development could result. Subsequently the livestock market surrendered its lease to the council, so that comprehensive redevelopment became possible. However the council did not reconsider its decision, which was challenged in court on the basis of changed circumstances. While the High Court concluded that planning officers had identified various reasons for rejecting the site, in the light of changed circumstances and the sequential approach, it held that the decision should be reconsidered. Following reconsideration, the council concluded that since the cattle market would not be available until 2003, there was a risk that the developer of the other site would withdraw its interest, thereby depriving the town of the proposed facility."* (DCP Online 17.7)

6.1.43. The comparisons that can be drawn from the above case and current application is that the Council should not be refusing this application on the basis that the town centre Co-op site may be a more suitable alternative site that will come forward for redevelopment. This is an uncertainty. There is no evidence to indicate that both the application proposal and co-op site cannot be built and operate successfully together, the market forces will dictate whether and when they get built. However, market demand is not a material consideration in considering whether the proposed hotel is acceptable in planning terms. There is no evidence to support the fact that the town centre regeneration future proposals will be jeopardised if this application is approved. Further, if the town centre regeneration proposals put forward by CCD were either unacceptable or delayed, this could stunt any regeneration of the East Quay area.

6.1.44. Newhaven Enterprise Zone and its regeneration, together with the Port Access Road are both included in the infrastructure projects being promoted within the Council Plan under the Joint Transformation Programme for Eastbourne and Lewes Councils. The eastern part of Railway Quay has received other permissions in the locality for new residential development which can only strengthen the application site's connectivity along Railway Road and towards the town centre. It is submitted that all development proposals in the locality will contribute successfully to the growth and prosperity of Newhaven, a vision of the new council as recognised in the comments made by Officers in Regeneration & Investment.

6.2. Sustainability

6.2.1. National guidance states that there is a presumption in favour of sustainable development and planning law requires that applications 'must be determined in accordance with the development plan unless materials considerations indicate otherwise' (para 11 of the NPPF refers). The three dimensions of sustainable are

economic, social and environmental. All three of these must be achieved to constitute sustainable development.

- 6.2.2. An economic role - the proposals include a new hotel and 144 sqm of B1/office floorspace which will provide a range of good quality jobs available to local people. In addition, there will be wider economic benefits through the construction programme and the CIL contributions from the proposed housing. This is sufficient land, of the right type (policy NH21) available in the right place and at the right time to support growth and innovation (para 7 of the NPPF).
- 6.2.3. A social role- the proposals provide much needed new housing including affordable homes (40%) which comprise clear social benefits for Newhaven. The development will be permeable to enable public access from Beach Road through the site to Newhaven Harbour station. The proposed housing will have a shared communal amenity area at the rear thus creating a sociable space supporting strong, vibrant and healthy communities.
- 6.2.4. An environmental role - the existing site (save for the former Port Authority office building) is brownfield land. It is derelict and makes no positive contribution to the area. The proposed development represents an opportunity to greatly enhance the appearance of the site and the area surrounding it. It will add positively to the town as a whole.
- 6.2.5. Whilst welcoming the application in principle The Town Council raised some concerns regarding the environment and these were to do with protected species (newts) being witnessed on the site. As such the applicant has prepared and submitted an ecological appraisal. Mitigation measures are recommended for nesting birds and invertebrates to provide nesting opportunities within new buildings and these can be addressed by way of planning conditions including a landscaping scheme with native plants and bird boxes. No newts were found on the site at the time of the survey.
- 6.2.6. The proposal would therefore deliver sustainable development by achieving all three of its dimensions in accordance with the requirements of the NPPF.

6.3. Living Conditions

- 6.3.1. Representations have been made in relation to concerns of overlooking/loss of privacy, overshadowing/loss of daylight and sunlight and overbearing impact in terms of height and proximity. Concerns have also been raised in relation to noise given the surrounding industrial uses.
- 6.3.2. It is considered that the proposed development would not result in any material harm by reason of overlooking and loss of privacy, for the living conditions of occupants in nearby dwellings. The application site borders the railway line and port associated land to the west and south, and light industrial uses immediately to the east. The existing Victorian houses to the north, back onto each other and the proposed housing would flank onto existing housing with minimal loss of privacy. There would be some views over existing housing from the proposed flatted development (block A) and hotel (the hotel has only one column of windows facing north). The northern elevation and closest part of Block A to existing Victorian properties would be approximately 47m away. It is considered that this relationship wouldn't be any more harmful than existing residential development in other built up areas.

- 6.3.3. The application is accompanied by a daylight and sunlight assessment. The impact of a proposed mixed use development at Beach Road on its nearest residential neighbours at Transit Road and Beach Road has been analysed.
- 6.3.4. In terms of overshadowing and loss of daylight/sunlight, the proposed hotel would be around 80m away from existing housing adjoining the site to the north, and would be 38.5m high on its northern side.
- 6.3.5. The report concludes that *"loss of both daylight and sunlight to the nearest three houses on each terrace of Beach Road (no's. 17, 18 and 19) and Transit Road (no's. 14, 15 and 16) would be minimal and well within the guidelines in BRE Report 'Site layout planning for daylight and sunlight' in all cases. The impact would be even smaller for houses which are further away from the proposals. The development as a whole would therefore comply with the BRE guidelines."*
- 6.3.6. A minor revision has been made (in part) in response to the representations made to the application concerning noise impacts from the operation of the port activities, including the ferry and Ripleys scrap metal business to the south of the proposed development. It is noted that, following the night-time noise surveys (undertaken at the request of the Council's Environmental Health Officer, EHO, to assess the port operations), the consultants recommended that the balconies on the south elevation of Block B be removed as part of the mitigation strategy. The Council's EHO reviewed the night-time surveys and further noise report and concluded (in their consultation response of 22nd August 2017) that the port activities would not have an unacceptable impact on the proposed development and the balconies on Block B could therefore remain.

6.4. Affordable housing (and housing mix)

- 6.4.1. Core Policy 1 of the Lewes District Local Plan Part 1 - Joint Core Strategy (2016) states that *"A district wide target of 40% affordable housing, including affordable rented and intermediate housing, will be sought for developments of 11 or more dwelling units."*
- 6.4.2. The application is proposing 40% affordable housing which equates to 16 units or 15 and 0.6 of a unit as a commuted sum (page 4 of the design and access statement states 14 affordable units but this has been amended). This is in accordance with the adopted development plan relevant policy. It is proposed that 12 of the flats and 4 of the houses are scheduled to be affordable units: a total of 16 affordable units.
- 6.4.3. CP1 states that as a guideline affordable housing split will be 75% affordable rented and 25% intermediate (shared ownership). However, the policy states that the Planning Authority will negotiate the appropriate tenure split on a site by site basis based upon the latest evidence of needs in the site locality. The Housing Policy Officer has advised that the Council has no objection to the tenure split. The application form states that there will be 12 rented flats and 4 shared ownership (intermediate) houses. The tenure split amongst the flats could ideally be better represented but the details of this can be negotiated in the S106.
- 6.4.4. CP1 also states that the affordable housing units will be integrated throughout the development site, be indistinguishable in design and materials from the market housing on the site and remain affordable in perpetuity. This will be secured through the Section 106 Legal Agreement.

6.5. Transport

- 6.5.1. The application site lies on the east side of central Newhaven and is served by good public transport links, including; bus routes, railway stations and ferry links to Dieppe, France. It is considered to be a highly sustainable location.
- 6.5.2. As said above, the Town Council welcomed the principle of the application but wanted LDC to have discussions to facilitate vehicular access to this site from the roundabout at the end of the Port Access Road as already built.
- 6.5.3. The route which the Town Council presumably have in mind would be via Beach Close, which runs from Transit Road towards the Eastside land. This, however, can only be a long term aspiration which would not be deliverable within the lifetime of this planning application. It may be that such a connection could be made in the future, to provide an alternative access to this development, if this application is granted and implemented.
- 6.5.4. Also referred to above, an Addendum Transport Assessment (together with Stage 1 Road Safety Audit) was prepared in response to The Highway Authority at East Sussex County Councils' initial comments on the application. The Highway Authority has now confirmed that the Addendum deals satisfactorily with all the matters raised and that there are no objections to the proposed development.
- 6.5.5. The Highway Authority has recommended that permission can be granted subject to a number of planning conditions and a Section 106 to include a travel plan, audit fee (£6,500) a Traffic Regulation Order contribution of £6000 towards any parking restrictions, widening of footway along Beach Road to 2 metres, improvements to the junctions (including road markings) of Beach Road and Transit Road, new pedestrian crossing points and pedestrian signage directing the public through the main shared surface access from Beach Road.
- 6.5.6. Local residents have expressed concerns regarding traffic generation, highway safety and a lack of parking. Residents are concerned about the subsequent impact on the A259 following the cumulative traffic movements from planning permission for developments at nearby sites, some of them including Parker Pen, Bevan Funnell and Reprodex House.
- 6.5.7. The applicant has provided the Transport Assessment Addendum [TAA] which updates the Transport Assessment [TA] and now includes traffic associated with the relevant committed developments in the area. The traffic flow surveys have been revisited and the impact on the town centre has been adequately addressed.
- 6.5.8. The Highway Authority at ESCC has commented that; *“The TAA has satisfactorily considered the impact of the development on Transit Road and in particular the junction/crossroads with Beach Road/Beach Close and the cumulative effect of this development with that approved [subject to s106] at Reprodex House, Beach Close.”* It was concluded that; *“given the volume of traffic on the existing local highway network and the suitability of the access the trip rates are acceptable to the highway authority in this location and the impact of the development is not considered to be severe, subject to mitigation measures being provided at point 7 below. It should also be noted that not all these trips would be “new” on the network given that there are existing buildings on the site which could still generate an unknown number/proportion of vehicular trips on the highway network.”*
- 6.5.9. Amended drawings were submitted by the applicant and resulted in the loss of some apartments in Block B to facilitate some additional parking including larger

spaces. Based on the revised parking guidelines the proposed parking falls short by one space and The Highway Authority has confirmed that this is acceptable. The applicant has agreed that the 6 commercial spaces will be made available to residents in the evenings and weekends. The majority of apartments are 1 and bedrooms only which reduces the parking requirements (as does the affordable housing provision).

6.5.10. The proposal is therefore in accordance with policies TP1-Travel Demand Management of the LDLP and CP13-Sustainable Travel of the JCS.

6.6. Air quality

6.6.1. Of the objections received from local residents one of their concerns was regarding air pollution due to the increased traffic generated by the proposed development. CP13 (Sustainable Travel) of the Joint Core Strategy seeks to ensure the district reduces locally contributing causes of climate change and is proactive regarding climate change initiatives. Transport issues remain a major concern for many local people.

6.6.2. The location of the application site is in close proximity to the Newhaven Air Quality Management Area (Policy CP9). The applicant has agreed (as part of the Heads of Terms in the S106) to make a financial contribution towards the Newhaven Air Quality Action Plan to assist in delivering the mitigation options identified in their Air Quality Assessment report prepared by Phlorum. This report is comprehensive and refers to up to date traffic survey information provided by Motion, transport consultants.

6.6.3. The AQA concludes that the proposed development is acceptable in terms of its impacts on air quality on the site and surrounding area, including impacts on the Newhaven Ring Road and Town Centre Air Quality Management Area (AQMA) which is located some 550m to the north-west of the application site. This is as a result of negotiations with the Council's Environmental Health Officer.

6.7. Flooding/drainage

6.7.1. The application site is located within Flood Zone 3 which means that flood risk issues should be fully addressed by the application.

6.7.2. The applicants' drainage engineers have been advised by the Environment Agency that the revised Flood Risk Assessment is acceptable (following the removal of any habitable accommodation at ground floor, namely the 2 ground floor flats from Block B).

6.7.3. With regard to the revised Flood Risk Assessment (FRA), the removal of the 2no. flats from the ground floor of Block B expressly deals with the outstanding matter raised by the Environment Agency.

6.7.4. The EA no longer raises any objection to the application and planning conditions (to ensure surface water run-off from the development is managed safely) have been recommended, it would not be justified to refuse the application on the grounds of flooding.

6.7.5. The proposal therefore complies with policy CP12 (Flood Risk) of the JCS.

6.8. Lack of Infrastructure

6.8.1. Local residents have expressed concern and objection to the proposed housing development in relation to the impact on existing infrastructure such as healthcare and schools in the locality. Concern has been expressed regarding the cumulative impact of existing planning permissions for housing on nearby sites to name but two such as the Parker Pen, and Reprodex House developments.

6.8.2. Policy CP7 of the Joint Core Strategy - Infrastructure, commits the Council to provide an *"Infrastructure Delivery Plan which sets out how the necessary physical and social infrastructure provision for the district will be achieved with key delivery partners in a timely manner to support growth"* and the Community Infrastructure Levy (CIL) will provide for wider infrastructure and community needs within the respective areas.

6.8.3. The provision of infrastructure to serve this development would be delivered through CIL. As such the provision of infrastructure cannot be a requirement of a planning permission for this development.

6.9. Section 106

6.9.1. Any recommendation for granting planning permission would be subject to the satisfactory completion of a S106 Legal Agreement. The S106 would include the following;

- **Highways**
 - I Commercial (hotel) Travel Plan
 - II Travel Plan auditing fee of £6,500
 - III Traffic Regulation Order contribution of £6,000 towards any parking restrictions required in the vicinity of the site
 - IV Widening of footway along Beach Road to 2.0 metres
 - V Improvements to the two junctions of Transit Road with Beach Road to include junction road markings
 - VI New pedestrian crossing points across the two junctions of Transit Road with Beach Road and across the Port Access to the south of the site in the form of dropped kerbs and tactile paving
 - VII Pedestrian signage directing the public through the main shared surface access from Beach Road
- **Affordable Housing**
 - I 40% of the 39 residential units to be affordable (ie 16 dwellings or 15 and 0.6 of a unit as a commuted sum) in accordance with policy CP1 of the Joint Core Strategy 2016
 - II Affordable dwelling mix and tenure in accordance with policy CP1
- **Air Quality**
 - I Financial contribution towards the Newhaven Air Quality Action Plan in the region of £50,000.
- **Kerbside recycling (£19 per dwelling)**

6.10. Conclusion

6.10.1. The Joint Core Strategy (JCS), and relevant policies therein, is the adopted development plan for the Lewes district and as such is given full weight. There is up to date policy support for a hotel in this location - Policy CP5 (The Visitor Economy) of the 2016 Joint Core Strategy which supports development of additional visitor accommodation in the district provided it is of a scale, type and appearance appropriate to the locality and provides local employment. It is concluded that the proposed development is acceptable in terms of its scale, type and character having regard to the locality and it would provide employment in the form of B1, office use. The need for a sequential test is therefore not relevant in this case and should not be afforded any weight in the determination of this application. Policy NH21 (Railway Quay) of the Local Plan also supports the uses proposed, on land which has become surplus to the direct operational requirements of the Port, like the application site adjoining Policy NH21 land.

6.10.2. It is recognised that the proposed scheme would also benefit the locality through the provision of much needed family housing, 40% of which will be affordable, and it comprises sustainable development in an urban area that will benefit greatly from regeneration. It is also recognised that the site utilises vacant brownfield land. The principle of the proposed development was welcomed by Newhaven Town Council and supported by some local residents.

6.10.3. With all this taken into account it is considered that the application proposal is acceptable and complies with the relevant planning policies. As such, it is considered that the proposed development comprises a high quality and well-designed mixed-use scheme that will be a positive and welcome addition to the urban area, and should be granted planning permission.

7. RECOMMENDATION

7.1 That the Director of Planning and Regeneration be authorised to grant permission, subject to;

A. the satisfactory completion of a Section 106 Agreement to secure;

- 40% affordable Housing
- Off site highway works to include;
 - Commercial (hotel) Travel Plan
 - Travel Plan auditing fee of £6,500
 - Traffic Regulation Order contribution of £6,000 towards any parking restrictions required in the vicinity of the site
 - Widening of footway along Beach Road to 2.0 metres
 - Improvements to the two junctions of Transit Road with Beach Road to include junction road markings
 - New pedestrian crossing points across the two junctions of Transit Road with Beach Road and across the Port Access to the south of the site in the form of dropped kerbs and tactile paving
 - Pedestrian signage directing the public through the main shared surface access from Beach Road
- A financial contribution of £50,000 towards the Newhaven Air Quality Action Plan, and
- Kerbside Recycling of £19 per dwelling.

and B, the following conditions:

1. This planning decision relates solely to the following plan(s):

2. Before the development hereby approved is commenced on site, details/samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

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

3. 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 as approved.

Reason; To enhance the general appearance of the development having regard to CP11 of the Joint Core Strategy and policy ST3 of the Lewes District Local Plan 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. The works shall be carried out prior to the first planting season or in accordance with the programme approved in writing with the Local Planning Authority.

Reason: To enhance the general appearance of the development having regard to CP11 of the Joint Core Strategy and policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

5. Prior to the construction of the residential development, a scheme of glazing and ventilation (mechanical and temperature controlled) shall be submitted to and approved in writing by the Local Planning Authority, to achieve internal noise levels recommended in BS822. This scheme shall be based upon the recommendations and finding of the noise reports provided supporting the application unless otherwise agreed in writing. The development shall be implemented in accordance with the approved details. The proposed residential units shall not be occupied until a validation report has been provided by suitably qualified acoustic consultants to demonstrate that the required internal noise levels requirements have been achieved.

Living Rooms 35 dBLAeq16 Hr
Bedrooms 30 dBLAeq 8hr and 42 dBLAFmax

Reason: In the interests of residential living conditions for existing and future occupants in accordance with policy ST3 of the Lewes District Local Plan and the National Planning Policy Framework.

6. The rating noise level emitted from the proposed external plant and machinery at the proposed development, as assessed under BS4142:2014, shall be controlled to level that is at least 5 dB below the existing background noise level, as measured at the nearest noise sensitive facades, during the relevant periods of operation.

Reason: In the interests of residential living conditions for existing and future occupants in accordance with policy ST3 of the Lewes District Local Plan and the National Planning Policy Framework.

7. No development shall take place until a scheme for the soundproofing of the building between commercial units and residential units has been submitted to an approved in writing by the local planning Authority. The measures shall be implemented in strict accordance with the

approved details prior to the occupation of the development and shall thereafter be retained as such.

Reason: In the interests of residential living conditions for existing and future occupants in accordance with policy ST3 of the Lewes District Local Plan and the National Planning Policy Framework.

8. The developer and their construction company shall develop a Construction and Environmental Management Plan. This Plan shall detail in writing how dust, noise, vibration, air pollution and light pollution will be mitigated and monitored during the construction of this proposal. The CEMP shall include a construction and vibration noise assessment in accordance with BS 5228 -1& 2:2009 "Code of Practice for noise and vibration control on construction and open sites". The CEMP shall be included into a Control of Pollution Act 1974 Section 61 Notice. The CEMP shall be submitted in writing for the Local Planning Authority Approval prior to the commencement of construction works.

Reason: In the interests of residential living conditions for existing and future occupants in accordance with policy ST3 of the Lewes District Local Plan and the National Planning Policy Framework.

9. 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 shall each be submitted to and approved, in writing, by the local planning authority.

A remediation method statement giving full details of the remediation measures required to deal with the elevated levels of lead and PAHs on the site. The report should also contain details of the how the asbestos contaminated soil can be safely removed from the site.

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 12.0 and 12.1].

10. Prior to occupation of any part of the permitted 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 National Planning Policy Framework, sections 12.0 and 12.1].

11. Prior to demolition, a full asbestos survey must be carried out on the building(s) to be demolished. Any asbestos containing materials (ACMs) must be removed by a suitable qualified

contractor and disposed off-site to a facility licenced by the Environment Agency. The waste transfer certificate must be included in the verification report.

Reason: To ensure that risks from asbestos to the future users of the land and neighbouring land are minimised 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 12.0 and 12.1].

12. 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 National Planning Policy Framework, sections 12.0 and 12.1].

13. No habitable accommodation at ground floor level within the site, as specified in FRA points 4.1 to 4.3 and shown in figures 4.1 and drawing 1603-P-020-A BLOCK B_ PROPOSED FLOOR PLANS (6/10/2017) particularly no self-contained ground floor flats originally proposed in Block B. 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: The above mitigation measures are required in order to protect people and property from flooding, in accordance with the NPPF.

14. Any works in connection with this permission shall be restricted to the hours of 0800 to 1800 Mondays to Fridays and 0830 to 1300 on Saturdays, and not at any time on Sundays, Bank or Public Holidays.

Reason: In the interest of the amenities of the adjoining residents having regard to policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

15. No part of the development shall be occupied until such time as the vehicular accesses 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 road safety in accordance with the National Planning Policy Framework.

16. No part of the development shall be occupied until the car parking has been constructed and provided in accordance with the approved plans. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide car-parking space for the development in accordance with the National Planning Policy Framework.

17. No part of the development shall be occupied until the vehicle turning spaces have been constructed within the site in accordance with the approved plans. These spaces shall thereafter be retained at all times for this use.

Reason: In the interests of road safety in accordance with the National Planning Policy Framework.

18. No part of the development shall be occupied until cycle parking spaces have been provided in accordance with the approved details. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies in accordance with the National Planning Policy Framework.

19. No part of the development shall be occupied until such time as the redundant sections of the existing vehicular access onto Beach Road has 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 road safety in accordance with the National Planning Policy Framework.

20. No development shall commence until such time as temporary arrangements for access and turning for construction traffic has been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: To secure safe and satisfactory means of vehicular access to the site during construction in accordance with the National Planning Policy Framework.

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

- o the anticipated number, frequency and types of vehicles used during construction,
- o the method of access and egress and routing of vehicles during construction,
- o the parking of vehicles by site operatives and visitors,
- o the loading and unloading of plant, materials and waste,
- o the storage of plant and materials used in construction of the development,
- o the erection and maintenance of security hoarding,
- o the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- o details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area in accordance with the National Planning Policy Framework.

22. No part of the development shall be occupied until the 1st floor of hotel building fronting Beach Road shall be constructed a minimum of 2.4 metres above the level of the public highway and a minimum of 2 metres back from the edge of the carriageway as shown on drawing no. 1603-P-060-A dated 23rd October 2017 and shall thereafter be maintained.

Reason: In the interests of highway safety in accordance with the National Planning Policy Framework.

23. No part of the development shall commence until such time as details of the new footway on the northern and southern side of the site along Transit Road has been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

Reason: To secure safe and satisfactory means of pedestrian access in accordance with the National Planning Policy Framework.

24. No part of the development shall be occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority, to prevent surface water draining onto the public highway.

Reason: In the interests of road safety in accordance with the National Planning Policy Framework.

25. No part of the development shall be first occupied until visibility splays 2.4 metres x 43 metres have been provided at the proposed new main site vehicular access onto Beach Road [UC5294] in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

Reason: In the interests of road safety in accordance with the National Planning Policy Framework.

26. No part of the development shall be first occupied until visibility splays 2.4 metres x 18 metres have been provided at the proposed new vehicular access onto Transit Road [on northern boundary of site] in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

Reason: In the interests of road safety in accordance with the National Planning Policy Framework.

27. The garage building(s) shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety in accordance with the National Planning Policy Framework.

28. No part of the development shall 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 in accordance with the National Planning Policy Framework.

29. 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 the amenities of the area in accordance with the National Planning Policy Framework.

30. The surface water drainage strategy outlined in the HOP Flood Risk Assessment (Rev A) should be carried forward to detailed design. Evidence of this (in the form hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.

Reason: In accordance with the National Planning Policy Framework.

31. Groundwater monitoring should be undertaken to confirm the range of groundwater levels at the site and the potential impact on the surface water drainage network.

Reason: In accordance with the National Planning Policy Framework.

32. The detailed design should include how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

Reason: In accordance with the National Planning Policy Framework.

33. A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the LPA.

Reason: In accordance with the National Planning Policy Framework.

34. Prior to occupation of the development evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: In accordance with the National Planning Policy Framework.

INFORMATIVE(S)

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

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

3. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1st March - 30th September. The developer should take

appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.

4. The applicant is advised that full details of the hard and soft landscape works include the provision of, but shall not be necessarily limited to:

- o Planting and seeding plans and schedules specifying species, planting size, densities and plant numbers
- o Tree pit and staking/underground guying details
- o A written hard and soft landscape specification (National Building Specification compliant), including ground preparation, cultivation and other operations associated with plant and grass establishment
- o Hard surfacing materials - layout, colour, size, texture, coursing, levels
- o Walls, steps, fencing, gates, railings or other supporting structures - location, type, heights and materials
- o Minor artefacts and structures - location and type of street furniture, play equipment, refuse and other storage units, lighting columns and lanterns

5. Please note that Southern Water require a formal application for connection to the water supply in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire (tel: 0330 303 0119) or www.southernwater.co.uk

6. The applicant's attention is drawn to the provisions of both the Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992. Under these Acts, it is an offence to intentionally or recklessly kill, disturb, damage or destroy a protected species or its habitat. This includes but is not limited to wild birds, bats, badgers, dormice, reptiles and great crested newts.

7. The applicant will be required to enter into discussions with and obtain the necessary license from the Highway Authority to cover the proposed section of hotel building over the public highway [Beach Road] prior to occupation of the development. The applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within or above the highway prior to the Licence being in place.

8. The applicant will be required to enter into a Section 278 legal agreement with East Sussex County Council, as Highway Authority, for the off-site highway works. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

9. The applicant will be required to obtain a permit for any highway works in accordance with the requirements of the Traffic Management Act, 2004. The applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the permit being in place.

10. The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway. The applicant should contact the Transport Development Control Team (01273 482254).

11. The applicant is advised that the erection of temporary directional signage should be agreed with Transport Development Control Team prior to any signage being installed. The applicant should be aware that a Section 171, Highways Act 1980 licence will be required.

12. The applicant is advised to contact the Transport Development Control Team (01273 482254) to commence the process associated with the proposed Traffic Regulation Order. The applicant would be responsible for meeting all costs associated with this process which is a minimum of £5000. The applicant should note that the outcome of this process cannot be guaranteed as it is open to public objection.

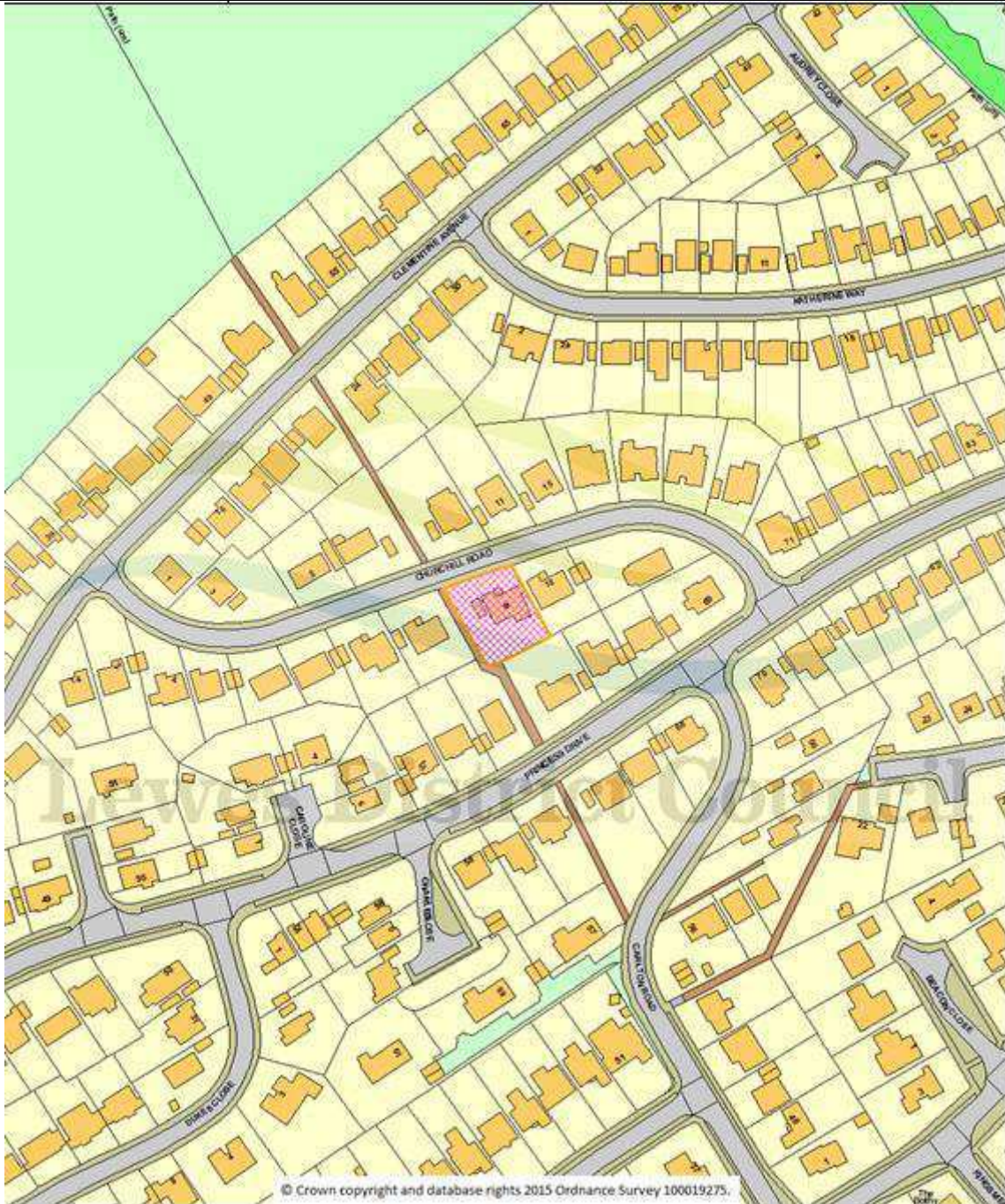
This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Design & Access Statement	7 March 2017	
Biodiversity Checklist	7 March 2017	
Noise Detail	7 March 2017	
Transport Assessment	7 March 2017	
Flood Risk Assessment	7 March 2017	
Location Plan	7 March 2017	1603-P-001
Existing Block Plan	7 March 2017	1603-P-002
Proposed Block Plan	7 March 2017	1603-P-002
Survey Plan	7 March 2017	1603-P-003 TOPOGRAPHICAL
Existing Roof Plan	7 March 2017	1603-P-004
Existing Floor Plan(s)	7 March 2017	1603-P-004
Existing Elevation(s)	7 March 2017	1603-P-004
Existing Roof Plan	7 March 2017	1603-P-005
Existing Floor Plan(s)	7 March 2017	1603-P-005
Existing Elevation(s)	7 March 2017	1603-P-005
Proposed Floor Plan(s)	26 October 2017	1603-P-006-B
Proposed Floor Plan(s)	26 October 2017	1603-P-007-B
Proposed Floor Plan(s)	26 October 2017	1603-P-008-B
Proposed Roof Plan	26 October 2017	1603-P-009-B
Proposed Elevation(s)	26 October 2017	1603-P-010-B

Proposed Elevation(s)	26 October 2017	1603-P-011-B
Proposed Elevation(s)	26 October 2017	1603-P-012-B
Proposed Elevation(s)	26 October 2017	1603-P-014-B
Proposed Section(s)	7 March 2017	1603-P-015
Proposed Section(s)	7 March 2017	1603-P-016
Proposed Floor Plan(s)	7 March 2017	1603-P-017 BLOCK A
Proposed Roof Plan	7 March 2017	1603-P-017 BLOCK A
Proposed Elevation(s)	7 March 2017	1603-P-018 BLOCK A
Proposed Elevation(s)	7 March 2017	1603-P-019 BLOCK A
Proposed Floor Plan(s)	26 October 2017	1603-P-020-B
Proposed Roof Plan	26 October 2017	1603-P-020-B
Proposed Elevation(s)	26 October 2017	1603-P-021-B
Proposed Elevation(s)	26 October 2017	1603-P-022-B
Proposed Floor Plan(s)	7 March 2017	1603-P-023
Proposed Elevation(s)	7 March 2017	1603-P-024
Proposed Roof Plan	7 March 2017	1603-P-025
Proposed Floor Plan(s)	7 March 2017	1603-P-025
Proposed Elevation(s)	7 March 2017	1603-P-025
Proposed Elevation(s)	7 March 2017	1603-P-026
Proposed Elevation(s)	7 March 2017	1603-P-027
Proposed Floor Plan(s)	7 March 2017	1603-P-028
Proposed Floor Plan(s)	7 March 2017	1603-P-029
Proposed Roof Plan	7 March 2017	1603-P-029
Proposed Elevation(s)	7 March 2017	1603-P-030
Proposed Elevation(s)	7 March 2017	1603-P-031
Photographs	7 March 2017	1603-P-040 KEY VIEWS
Photographs	7 March 2017	1603-P-041 KEY VIEWS

Landscaping	7 March 2017	1603-P-042
Additional Documents	7 March 2017	1603-P050 ACCOMMODATION SCHEDULE
Noise Detail	2 August 2017	3122_002R_1-0JB
Technical Report	7 March 2017	CONTAMINATION REPORT
Technical Report	14 August 2017	ECOLOGICAL APPRAISAL
Technical Report	17 November 2017	SHADOWING STUDY
Technical Report	7 March 2017	TOWNSCAPE ASSESSMENT

APPLICATION NUMBER:	LW/17/0847	ITEM NUMBER:	7
APPLICANTS NAME(S):	Mr Poulter	PARISH / WARD:	Seaford / Seaford West
PROPOSAL:	Planning Application for Demolition of garage and erection of semi-detached split level bungalow		
SITE ADDRESS:	16 Churchill Road Seaford East Sussex BN25 2UL		
GRID REF:	TQ4700		



1. SITE DESCRIPTION / PROPOSAL

1.1 The site is land to the side of 16 Churchill Road, a bungalow, where there is currently a detached garage and garden. The land slopes down from the road frontage.

1.2 The proposal is to extend the property to the side, to provide a new semi-detached bungalow. The extension would be set back from the front wall of the existing bungalow while the rear wall would align with the existing rear wall. The ridge height would be a continuation of the existing ridge, although slightly lower. The new bungalow would be two-bed.

1.3 Parking off Churchill Road would be provided for both the existing and proposed bungalows (2 spaces each).

2. RELEVANT POLICIES

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

LDLP: – CP11 – Built and Historic Environment & Design

3. PLANNING HISTORY

LW/16/0007 - Erection of a three bedroom dwelling - **Refused**

LW/17/0612 - Single storey side extension and demolition of garage - **Approved**

APPEAL/16/0011 - Erection of a three bedroom dwelling - **Dismissed**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Seaford Town Council – It was RESOLVED to OBJECT to the application on the grounds that the proposals did not overcome the objections set out in the recent appeal decision (LW/17/0007) i.e that the proposed dwelling was an overdevelopment of the site, would be out of character and scale with the surrounding area and thereby contrary to saved local plan policy ST3.

4.2 Environmental Health – No objections but would recommend the following advisory conditions be attached to any approval.

1. Hours of construction work shall be restricted to 08:00 to 18:00 hours Monday to Friday and 08:30 to 13:00 hours on Saturdays. No working at any time on Sundays or Bank Holidays.
2. All waste materials to be stored; removed from the site and disposed of in an appropriate manner to an approved site.
3. There should be no bonfires on site.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

None.

6. PLANNING CONSIDERATIONS

6.1 The existing bungalow has permission to extend (LW/17/0612) in an identical physical form to the extension now proposed. The effect of the extension in the 'street scene' has therefore been previously considered by the Council and has been found to be acceptable.

6.2 An earlier application (LW16/0007) for a detached bungalow on the site was refused by the Council and dismissed on appeal. The Inspector concluded that the plot size would not be comparable to those "in this streetscape" (it would be narrower), and "the narrow frontage elevation and gable roof with pitch running front to back would be out of keeping with the footprints, frontage widths and roof forms of the bungalows to this part of Churchill Road".

6.3 Although Seaford Town Council do not consider that the application overcomes the previous objections on appeal, it is considered that this application is acceptable. The roof ridge would now align with the 'side to side' ridges of existing roofs, and the extension would, as indicated above, be acceptable in the 'street scene'. Although the new bungalow would still have a narrower frontage than existing plots in the locality, it is not considered that this, in itself, would justify refusal. In the 'street scene' the bungalow would look like the approved extension (LW/17/0612), particularly as the door to the bungalow would be at the side.

6.4 The relationship to the dwellings at the front (across the road) and rear (the back of the dwellings in Princess Drive) would be similar to that of the existing dwellings.

6.5 The proposal is considered to be acceptable.

7. RECOMMENDATION

That planning permission be 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.

2. The land indicated on the approved plans for the parking and turning of vehicles for the development hereby permitted shall be laid out prior to the first occupation/use of the development and thereafter kept available for that purpose only.

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.

3. Any works in connection with this permission shall be restricted to the hours of 0800 to 1800 Mondays to Fridays and 0830 to 1300 on Saturdays, and not at any time on Sundays, Bank or Public Holidays.

Reason: In the interest of the amenities of the adjoining residents 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	29 September 2017	
Proposed Floor Plan(s)	29 September 2017	03
Proposed Elevation(s)	29 September 2017	03
Location Plan	29 September 2017	1:1250
Proposed Block Plan	29 September 2017	1:500

APPLICATION NUMBER:	LW/17/0553	ITEM NUMBER:	8
APPLICANTS NAME(S):	Mrs L Silver	PARISH / WARD:	Seaford / Seaford Central
PROPOSAL:	Planning Application for Construction of a wooden shed/workshop		
SITE ADDRESS:	8 Belgrave Road Seaford East Sussex BN25 2EG		
GRID REF:	TQ4795		



1. SITE DESCRIPTION / PROPOSAL

1.1 The application site is within the rear garden of 8 Belgrave Road, Seaford, a property centrally positioned within a terrace of four dwellings which is located just off the A259 (Brighton to Eastbourne Road) at the rear of the White Lion Hotel in the western part of Seaford.

1.2 The application proposes the construction of a workshop/shed within the rear garden of this property. The proposed workshop/shed measures 4.3m by 4.2m. It would have a lean-to roof measuring 4m (western elevation) at its highest point adjoining an existing garage block. The eaves height along the eastern elevation would measure 2.75m above ground level. The front elevation facing north would have a pair of double doors and there would be a large window in the eastern elevation.

1.3 The proposed workshop/shed would have shiplap cladding on the external facing walls and a rubber roof.

1.4 The workshop would be accessed via an existing shared driveway alongside 4 Belgrave Road which currently serves five garages.

1.5 The applicants have written a detailed letter justifying their proposal the content of which will be included within the main planning assessment below.

2. RELEVANT POLICIES

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

LDLP: – RES18 – Garages and other Buildings

LDLP: – CP11 – Built and Historic Environment & Design

3. PLANNING HISTORY

None

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Seaford Town Council – Objects on the following grounds:

- General disturbance caused in connection with the applicant's business. It is likely that the proposed 'workshop' would also be used for business purposes.
- The restricted nature of the site and the driveway meant that any such commercial use would be seriously detrimental to the amenities of neighbouring residents;
- Overdevelopment of the rear garden, would be completely inappropriate and out of character with the area and contrary to saved policy ST3 of the Lewes Local Plan.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 Letters of objection have been received from the occupiers of two households. Their concerns have been summarised as follows:

- Will be used for business purposes.
- Noise and disturbance associated with use of the proposed shed .
- Increased comings and goings of vehicles also prejudicial to the safety of pedestrians
- Flammable materials.
- Inadequate access.
- Inappropriate storage of materials associated with use which is hazardous and causes an obstruction to residents trying to access the shared driveway and garaging.
- The proposed building will be 4m high and will appear dominant compared to the scale of existing garages and would not be in keeping with the character and appearance of the area.
- Increase drainage problems.

6. PLANNING CONSIDERATIONS

6.1 The main issues for consideration are whether the scale and siting would detract from or dominate, the existing dwelling, other dwellings and the character of the area, and whether it will respect the living conditions for the occupiers of nearby households.

6.2 The proposed workshop/garage has a floor area of 4.2m by 4.3m which is a sizeable garden building but not considered to be of the appropriate dimensions to be utilised as a garage. A garage would have minimum internal dimensions of 6m by 3m. The highest part of the structure, measuring 4m from ground level would be situated against an existing garage so partially hidden in views from the adjacent driveway (the applicants have confirmed that the reason for its 4m height is to store two sea fishing canoes).

6.3 The proposed workshop/shed would be around 24m from the rear elevation of the application property. The adjacent houses in Belgrave Road have extremely deep rear gardens. It is considered that the proposed shed would not detract from or dominate the existing dwelling or other dwellings in the locality. It would not constitute an overdevelopment of the rear garden as suggested by The Town Council.

6.4 The workshop/shed would be constructed with shiplap cladding and a boarded roof with a rubber roof covering, which is also characteristic of a garden building. It would not be visually out of place in this location and would be set well back from the street and adjacent to an existing garage compound. In this respect the proposed shed would be in accordance with the criterion of policies RES18 and ST3 of the Lewes District Local Plan.

6.5 With regards to living conditions, two letters of objection have been received from the occupiers of 4 and 6 Belgrave Road, the properties backing onto the garage compound within the same terrace and to the west of the application property. The Town Council also objects to the application reiterating the concerns of the residents which is that the "workshop would be used for business purposes and that the commercial nature of its use would be seriously detrimental to the amenities of neighbouring residents."

6.6 The applicant has written a comprehensive letter confirming that the proposed workshop/shed will not be used for business related purposes (paragraph 2 of their letter). The applicant's hobby is to restore motorcycles and, this has been happening in front of existing garages.

6.7 The proposed shed would not generate an increase in vehicular movements over and above what would occur and is usually expected at any residential property. In fact, the

applicant has confirmed that the workshop/shed will not generate any more vehicular movements than there is already.

6.8 The proposed workshop/shed has its own soak away and would not exacerbate the existing drainage problem.

6.9 Any issue of the storage of materials within the garage compound area is not a material planning consideration.

6.10 It is therefore considered, that, the proposal is acceptable and complies with relevant policies in the Lewes District Local Plan and Joint Core Strategy. There are no material planning grounds to refuse the application and no material harm would result from the proposed development.

6.11 It is therefore recommended that planning permission be granted.

7. RECOMMENDATION

That permission be GRANTED.

The application is subject to the following conditions:

1. The development hereby permitted shall only be used for purposes ancillary to the residential use of the dwelling known as 8 Belgrave Road.

Reason: To protect the character and appearance of the locality and living conditions for the occupiers of adjoining properties having regard to policies CP11 of the Joint Core Strategy, ST3 and RES18 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.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Proposed Block Plan	26 June 2017	
Proposed Floor Plan(s)	12 October 2017	
Location Plan	12 October 2017	1:1250
Proposed Section(s)	12 October 2017	1:50
Proposed Elevation(s)	12 October 2017	1:50
Proposed Elevation(s)	12 October 2017	1:50

Proposed Block Plan	12 October 2017	1:500
Additional Documents	12 October 2017	KEY DETAILS ON PLANS
Additional Documents	12 October 2017	MATERIAL DETAILS

APPLICATION NUMBER:	LW/17/0848	ITEM NUMBER:	9
APPLICANTS NAME(S):	Mr C Davison-Lungley	PARISH / WARD:	Newhaven / Newhaven Valley
PROPOSAL:	Planning Application for Internal alterations and works to front entrance including shopfront glazing works, external paving levelling and handrail for new accessible entrance		
SITE ADDRESS:	1 - 2 Newhaven Square Newhaven East Sussex BN9 9QS		
GRID REF:	TQ4401		



1. SITE DESCRIPTION / PROPOSAL

1.1 The site is a vacant shop unit fronting onto the pedestrianised Newhaven Square, within Newhaven town centre.

1.2 The proposal is to carry out improvements to the unit, so that it is ready for occupation. Externally, the works involve a new shop front and provision of access for disabled people, with level access and a handrail.

1.3 This is a Lewes DC application and hence is reported to the Planning Applications Committee.

2. RELEVANT POLICIES

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

3. PLANNING HISTORY

LW/16/0332 - Change of Use of Ground Floor from Bank to Retail (A1) and to create a new entrance for the upper floor offices - **Approved**

LW/16/0638 - Nos 1-4 ground floor - internal alterations and new glazed shopfront to front of building including glazed automatic doors, No 9 ground floor - internal alterations and installation of new glazed front entrance door and shop front, No 11 ground floor - remove dummy lift and installation of new glazed shop front to side elevation and installation of new kitchenette and wc - **Approved**

LW/17/0615 - Installation of ATM with reflective advertising collar surround - **Approved**

LW/17/0616 - Advertising collar to surround the ATM - **Approved**

LW/91/0239 - Installation of two additional condenser units on the north west elevation. - **Approved**

LW/87/1867 - Advertisement Application for internally illuminated replacement fascia sign and new projecting sign. - **Approved**

LW/79/0673 - Amendment to Reserved Matters (LW/78/0308) approved at reference LW/78/1324DP for a block of shops and offices. - **Approved**

LW/78/1324 - Approval of Reserved Matters (LW/78/0308) Construction of shops, offices, car park, public conveniences. - **Approved**

LW/78/0792 - Construction of roads and footpaths to serve shops, offices and car park development. - **Approved**

LW/79/1403 - Change of use from retail to bank. Restrictive Planning Cond. PD No.1. - **Approved**

LW/80/0932 - Erection of shops with ancillary accommodation over and rear service yard to White Hart and Barclays Bank. - **Approved**

LW/80/0892 - Advertisement application for three illuminated signs on front and side elevations. - **Approved**

LW/77/0438 - Private car hire offices. - **Approved**

LW/80/0694 - Planning application for new shop front. Completed. - **Approved**

LW/78/0308 - Outline for redevelopment for shops, offices, community facilities, public conveniences, car park, access roads and pedestrian areas. Former Jolly Sailor to be retained. - **Approved**

LW/03/0413 - Advertisement application for an internally illuminated ATM box panel sign - **Approved**

LW/00/1781 - Advertisement application for the erection of a fascia and a projecting sign both internally illuminated - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Environmental Health – No comments/objections to the proposal.

4.2 ESCC Archaeologist – Comments that "I not believe that any significant below ground archaeological remains are likely to be affected by these proposals. For this reason I have no recommendations to make in this instance".

4.3 Newhaven Town Council – The committee welcomed the disabled access and raised no objections to the application.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

None.

6. PLANNING CONSIDERATIONS

6.1 The proposed works would improve the shop front and provide better access for disabled people. The works would be in keeping with the character of this shopping parade and pedestrianised area.

6.2 Approval is recommended.

7. RECOMMENDATION

That planning permission be granted.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Existing Floor Plan(s)	29 September 2017	001
Proposed Floor Plan(s)	29 September 2017	002

Existing Elevation(s)	29 September 2017	003
Proposed Elevation(s)	29 September 2017	003
Proposed Block Plan	29 September 2017	004
Location Plan	29 September 2017	005
Proposed Block Plan	29 September 2017	006

APPLICATION NUMBER:	LW/17/0779	ITEM NUMBER:	10
APPLICANTS NAME(S):	Dalehurst Developments Ltd	PARISH / WARD:	Newick / Newick
PROPOSAL:	Planning Application for Erection of a detached dwelling with new vehicular access to Newick Hill		
SITE ADDRESS:	The Glade 14 Newick Hill Newick East Sussex BN8 4QR		
GRID REF:	TQ4121		



1. SITE DESCRIPTION / PROPOSAL

1.1 14 Newick Hill is a large detached dwelling set in a very generous plot on the western side of Newick Hill on the northern edge of the village of Newick. The northern half (approx.) of the land associated with 14 Newick Hill falls outside of the planning boundary of Newick as defined by the Lewes District Local Plan. The southern half of the associated land, and therefore the entire site the subject of this application, falls within the defined planning boundary. Along the eastern edge of the site, alongside Newick Hill is a group tree preservation order (TPO No. 4a 1991) which covers a group of Oak, Sweet Chestnut, Holly, Beech and Scots Pine trees. There are also a couple of Scots Pine trees on the western edge of the site (covered by the same Order). Whilst the site falls just outside the defined Newick Conservation Area it does fall within an Area of Established Character as defined by the Lewes District Local Plan.

1.2 Planning permission is sought for the erection of a single detached five bedroom dwelling to the south of the existing property. It is proposed to subdivide the existing garden some 20 metres to the south of the existing property, with the new dwelling set some 6.5 metres off the newly defined boundary.

1.3 The dwelling would have an L-shaped footprint with the main aspect of the dwelling facing due south, the L-shape return being formed by an attached double car port. Access to the site would be achieved through the creation of a new entrance off Newick Hill towards to the south east corner of the site.

1.4 The dwelling would be a brick built construction with a large roof with low eaves. The front elevation would have a variety of dormer windows serving the first floor accommodation with the rear first floor rooms largely served by rooflights.

1.5 There is quite a notable change of levels from the application site down to Newick Hill to the east, and it is proposed to lower the ground levels on the site slightly toward the western side to lessen the visual impact of the proposed dwelling.

2. RELEVANT POLICIES

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

LDLP: – ST11 – Landscaping of Development

LDLP: – H05 – Conservation Areas

LDLP: – H12 – Areas of Established Character

LDLP: – CP10 – Natural Environment and Landscape

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP13 – Sustainable Travel

LDLP: – NNPEN1 – Local Landscape Character

LDLP: – NNPH11 – HO1.1-New Housing Design

LDLP: – NNPH15 – HO1.5-New Housing Parking

LDLP: – NNPH16 – HO1.6-New Housing in Existing Gardens

LDLP: – NNP17 – HO1.7-New Housing SANG

3. PLANNING HISTORY

LW/91/0550 - Outline Application for the erection of two dwellinghouses and four garages.
- **Refused**

LW/91/1294 - Outline Application for erection of two bungalows and two garages. -
Refused

LW/12/0596 - Erection of a detached dwelling - **Withdrawn**

APPEAL/91/1650 - Outline Application for the erection of two dwellinghouses and four garages. - **Dismissed**

APPEAL/91/0008 - Outline application for erection of two bungalows and two garages -
Dismissed

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Environmental Health – I have no objections to the proposal but would recommend the following advisory conditions be attached to any approval.

1. Hours of construction work shall be restricted to 0800 to 1800 Monday to Friday and 0830 to 1300 on Saturdays. No working at any time on Sundays or Bank Holidays.
2. All waste materials to be stored; removed from the site and disposed of in an appropriate manner to an approved site.
3. There should be no bonfires on site.

4.2 Environmental Health – Proposed development is erection of a detached dwelling with new vehicular access to 14 Newick Hill.

If LPA is minded to grant a planning permission, then this should be subject to the following land contamination conditions:

Condition: Land contamination

If, during development, contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

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

4.3 ESCC Highways – This application seeks approval for the erection of a detached dwelling with new vehicular access off Newick Hill.

Access

I am satisfied that the access arrangements as indicated on the submitted site plan are acceptable. Newick Hill [C321] is a classified road and is currently on the boundary where the 30mph speed limit changes to the national speed restriction of 60mph. It is noted that the applicant has based the visibility splays on a previously accepted speed survey which indicated that sightlines of 2.4m x 45m were required. In addition a development proposed to the North of the site (planning reference LW/14/0924) seeks to extend the existing 30mph speed limit whereby the visibility requirement would be 2.4m x 43m. Although the development has received permission the procedures for altering speed limits involves public consultation which is open to objections and could take time to resolve/may not be possible to implement. It is however noted that the applicant has demonstrated that visibility splays of 2.4m x 45m can be achieved in both directions in accordance with requirements set out in MfS and as such the proposals are not reliant on the change in speed restriction. It is noted that there is a change in levels between the carriageway and the land within the site; the submitted plans indicate that with excavation that gradients of 1 in 15 can be achieved for this single access, although we would usually request 1 in 40 for the first 5m and 1 in 9 thereafter as this is to only serve one dwelling the gradients are considered acceptable. It is however noted that submitted plans show that gravel will be used for the access as this is a loose material is likely to be dragged out onto the carriageway by vehicles leaving the site, this will need to be altered to recommended standards for the first 6 metres.

Parking & Layout

Appropriate on-site turning facilities need to be included in this proposal as access is onto the C231. It would appear from the site location plan that there would be adequate space available to provide on-site turning independent of parking within the site, however the position of the car port in relation to the building would make turning difficult as shown.

Approval recommended subject to conditions.

4.4 Tree & Landscape Officer Comments – There are no material objections to the proposal in principle or in detail. The arboricultural plans and particulars are sufficiently prescriptive in detail to ensure adequate protection of the vulnerable above and below ground parts of the protected trees which should ensure all trees identified for retention survive post construction operations.

The scheme includes specifications for tree protection fencing, tree arboricultural supervision and a method statement with regards the construction of the driveway.

4.5 Newick Parish Council – It was agreed to object to this planning application on the grounds that it was contrary to policy H01.6 of Newick's Neighbourhood Plan (The construction of additional homes in the gardens of Newick's existing homes will not be supported). (Eight votes to object to the application and 1 abstention).

5. REPRESENTATIONS FROM LOCAL RESIDENTS

None received.

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 National Planning Policy Framework - NPPF

6.2 Paragraph 17 (point 3) of the NPPF supports sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. The development would provide some economic benefit arising from its construction and the spending of its occupiers, and it would add one house to local housing supply in accordance with paragraph 47 of the Framework which anticipates a significant boost to housing supply.

Lewes District Local Plan

6.3 The site falls within the development boundary of Newick as defined by the Lewes District Local Plan and therefore is compliant with Policy CT1 which seeks to contain development within the defined Planning Boundaries, except in certain circumstances.

Lewes Joint Core Strategy (JCS)

6.4 The JCS is the pivotal planning document until 2030, forming Part 1 of our Local Plan and sets out the over-arching strategies that all other planning documents need to be in conformity with. Spatial Policy 1 of the JCS sets out the overall housing and employment land targets for the district for the period 2010 - 2030 and states that a minimum of 6,900 net additional dwellings will be provided in the plan area during this period. Spatial Policy 2 outlines the intended distribution of new housing provision across the district and states that a minimum of 100 net additional units will be planned at Newick.

Newick Neighbourhood plan (NNP)

6.5 On the 16th July 2015, Lewes District Council adopted the Newick Neighbourhood Plan (NNP), which now forms part of the development plan for the district. Policies HO2, HO3, HO4 and HO5 of the NNP seek to plan positively for the provision of housing in the plan area and support the strategic development needs of the district as a whole. These site specific allocations provide sufficient land to meet the JCS's requirement for the delivery of a minimum of 100 net additional dwellings on new site allocations in the village over the period to 2030.

6.6 Newick Parish Council have objected to the application on the ground that it is contrary to Policy H01.6 of the NNP (the construction of additional homes in the gardens of Newick's existing homes will not be supported).

6.7 Whilst it is fully acknowledged that the site has not been allocated for housing within the NNP and would involve the construction of an additional home in the garden of an existing dwelling in conflict with Policy HO1.6 of the NPP, as noted above the site is within the development boundary of Newick where the principle of development is considered acceptable in accordance with Policy CT1 of the Lewes District Local Plan. Consequently, a view should be taken as to whether any material circumstances exist to indicate that at decision can be taken other than in accordance with the Development Plan.

Design and impact on the character of the area

6.8 Policy H12 of the Lewes District Local Plan relates to Areas of Established Character such as this, and requires special attention to be paid to the need to retain the existing character of the area in terms of spaciousness, building heights, building size and site coverage, building lines, boundary treatments, trees and landscaping. Core Policy 11 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 reflected in Policy ST3 of the Lewes District Local Plan and also within the aims of the Newick Neighbourhood Plan (Policy EN1).

6.9 The site is surrounded by existing residential properties, therefore the addition of another dwelling of an appropriate size and design could not be considered alien within the existing street scene. The subdivision of the existing plot, due to the very large size of the existing plot, will still retain a generous site area for the new dwelling, comparable with surrounding properties and appropriate to the edge of village location. The position of the dwelling and access drive has been carefully considered to ensure the retention of all of the protected trees along the eastern edge of the site and those on the western edge of the site. Whilst the new dwelling will still be visible when viewed from the south (as is the current dwelling), this will be from the context of the existing built up core of the village and the existing sylvan character of Newick Hill will be retained. The intention to lower some of the ground levels on the site will also ensure that the dwelling will not sit overly high on the site, and will relate comfortably to the immediately neighbouring properties.

6.10 The detailed design of the dwelling is not considered to be objectionable and is appropriate to the wider character of the area where there is already a wide variety in the size and style of the existing dwellings. Overall it is considered that the proposed dwelling in term of its design and impact on the character of the locality is acceptable and in compliance with the objectives of the Development Plan in this respect.

Access and parking

6.11 In terms of access arrangements, these have been considered in detail by the highways authority who, as can be seen above, raise no objections to the proposals subject to conditions. Adequate visibility splays can be achieved at the access without significant harm to the protected trees or the character of the wider street scene. In addition sufficient space is available within the site for turning and parking.

Neighbour amenity

6.12 In terms of neighbour amenity there are only three properties that are potentially affected by the development of this site. The host property, 14 Newick Hill to the north, 2 Newick Hill to the south and 4 Newick Hill to the west.

6.13 As noted above 14 Newick Hill will be sited some 26 metres from the rear elevation of the proposed dwelling. Whilst a number of first floor windows are proposed in the new dwelling the majority of these will be rooflight openings, with the only two 'true' first floor windows being shown to be obscure glazed as these serve an ensuite and a dressing room. Whilst being sited immediately due south of no. 14 the mutual boundary between the two sites is some 50 metres in length. Consequently the proposed dwelling is not considered to overly dominate the outlook from the neighbouring garden or cause an unacceptable amount of overshadowing to warrant the refusal of consent.

6.14 No. 2 Newick Hill lies to the immediate south of the application site and shares an access drive with no. 4 Newick Hill which lies to the west of the application site. Both of these dwellings were constructed as single storey bungalows. No. 2 would fall some 18 metres from the new dwelling at the very closest and would be set at a slightly lower level. It is proposed to retain the existing close boarded fence that marks the southern boundary of the application site. There is also some well-established planting on this boundary that it is proposed to retain that will help to filter views between the two properties. Even without this planting the proposal to reduce the ground levels on the site slightly will help to lessen the impact of the proposed dwelling when viewed from this adjacent property, and the resulting relationship is considered to be acceptable.

6.15 The change to the ground levels will also assist with the relationship with no. 4 to the west where the intervening distances are at their shortest. Here the proposed dwelling would be sited some 2 metres from the mutual boundary. However the L-shaped footprint of the proposed dwelling means that it is the single storey car port that is the closest element of the dwelling at this point. In the facing elevation of no. 4 there is only one first floor window that will look towards the roofslope of the car port which is sloping away from the mutual boundary. Furthermore the first floor windows in the side (west) facing elevation are also shown to be obscure glazed. The relationship with no. 4 is therefore considered acceptable.

Ashdown Forest

6.16 Newick has no European Protected Sites within it, but it is close to the Ashdown Forest. In terms of EU site protection designations, the Ashdown Forest is both a Special Protection Area and a Special Area of Conservation. As a result, a protected zone has been set around it, encompassing all land within 7km of its boundary. Much of Newick lies within that zone and it has been agreed that Sustainable Alternative Natural Green Spaces (SANGS) must be developed before any new housing is permitted in the zone (see Policy CP10 of the JCS).

6.17 Due to the location of the site, (within the 7km zone) there will be no direct habitat loss, or habitat fragmentation, and there would be no isolation of communities or populations from the proposed development. However it is the increased recreational pressure on the Forest specifically from dog walkers that is of concern, and the direct impact on protected bird species. Without a satisfactory means of mitigating the potential impact on the Forest the proposal would be unacceptable. It is the cumulative impact of all developments (not simply this development) that is the concern.

6.18 Authorities around the Forest in association with Natural England are adopting a Strategic Access Management and Monitoring (SAMM) strategy approach, together with the creation of Sites of Alternative Natural Green Space (SANGS) requiring payments from developers to fund or provide such initiatives to mitigate the impact of increased dog walking on the Forest. The SANGS are intended to provide strategic alternative sites where dog walkers will be attracted to as an alternative to the Forest, whilst the SAMMS would help to fund long term management plans for the Forest to help manage impacts.

6.19 The SAMMS tariff has been set at £1,170 per dwelling and any consent for residential development within the 7km zone will be subject to a S106 legal agreement to secure the fee.

6.20 On the 16th November 2016 planning permission was granted for the creation of a SANGS on land south of Jackies Lane, Newick. Works in relation to this SANGS are practically complete and the SANGS will soon be open to the public. On completion it is expected that the SANGS will be transferred into the ownership of Lewes District Council

and that contributions from additional development within the 7km zone will fund its long term maintenance and management. In time a formalised tariff is to be produced however in the absence of such an agreed tariff applicants are currently being requested to agree to a capped tariff of £5,000, with an agreement that in the event that the amount payable under the first published SANGS tariff is less than this amount, the difference in value will be refunded. This contribution will also need to be secured via a Section 106 agreement.

CONCLUSION

6.21 Whilst it is accepted that the erection of a dwelling in this location would be in conflict with Policy HO1.6 of the Newick Neighbourhood Plan, in all other respects the proposal is considered to comply with the Development Plan. The site is within the defined planning boundary where in general new development is encouraged in order to protect the wider countryside; the site is well located in terms of access to services and facilities in the village; the design, size and layout of the proposed dwelling is considered appropriate to the existing character of the area and will not appear out of keeping or harmful; the relationship with neighbouring properties is considered acceptable; and appropriate access and parking facilities can be provided. It is therefore considered that sufficient material circumstances exist to allow approval of this application other than in accordance with Policy HO1.6, subject to the applicants first entering into a legal agreement to secure the financial contributions required in relation to the provision of SAMMS and SANGS.

7. RECOMMENDATION

7.1 Recommend that, subject to the following conditions and the applicants first entering into a Section 106 legal agreement to secure financial contributions required in relation to the provision of SAMMS and SANGS, that permission be approved.

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 Policy ST3 of the Lewes District Local Plan, Policy CP11 of the Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012

2. The development hereby permitted shall not be occupied 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 as approved and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority. Hard surfaces should be constructed either from porous/permeable materials to allow for natural drainage of surface run-off, or direct run-off water to a suitable soak-away within the site.

Reason: To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan, Policy CP11 of the Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012

3. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars;

- 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.
- d) The construction of the access driveway shall be undertaken prior to any further development operations on site to ensure adequate protection of the vulnerable rooting systems of nearby protected trees.
- e) The above tree conditions may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction.

Reason: To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan, Policy CP11 of the Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012

- 4. No construction works, deliveries of plant and materials, and construction workers and operatives shall take place or enter the site except between 08:00 hours and 18:00 hours Monday to Friday excluding Bank Holidays and on Saturday between 09:00 and 13:00 hours.

Reason: To protect residential amenity having regard to Policy ST3 of the Lewes District Local Plan, Policy CP11 of the Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

- 5. If, during development, contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

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

- 6. No development shall commence until the vehicular access serving the development has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

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

7. No part of the development shall be occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority, to prevent surface water draining onto the public highway.

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

8. The access shall have maximum gradients of 1 in 15 as detailed with the submitted plan B.038.11.03 B.

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

9. No part of the development shall be first occupied until visibility splays of 2.4 metres by 45 metres have been provided at the proposed site vehicular access onto Newick Hill in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

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

10. No part of the development shall be occupied until the car parking spaces have been constructed and provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The area(s) shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide car-parking space for the development having regard to Policy ST3 of the Lewes District Local Plan and having regard to National Policy Guidance contained in the National Planning Policy Framework 2012.

11. No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The area(s) shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies and to accord with Policy CP13 of the Joint Core Strategy.

12. No part of the development shall be occupied until the vehicle turning space has been constructed within the site in accordance with details submitted to and approved in writing by the Local Planning Authority. This space shall thereafter be retained at all times for this use and shall not be obstructed.

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

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

- o the anticipated number, frequency and types of vehicles used during construction,
- o the method of access and egress and routeing of vehicles during construction,
- o the parking of vehicles by site operatives and visitors,
- o the loading and unloading of plant, materials and waste,
- o the storage of plant and materials used in construction of the development,
- o the erection and maintenance of security hoarding,
- o the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- o details of public engagement both prior to and during construction works.

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

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 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.

3. There should be no bonfires on site.

4. All waste materials to be stored; removed from the site and disposed of in an appropriate manner to an approved site.

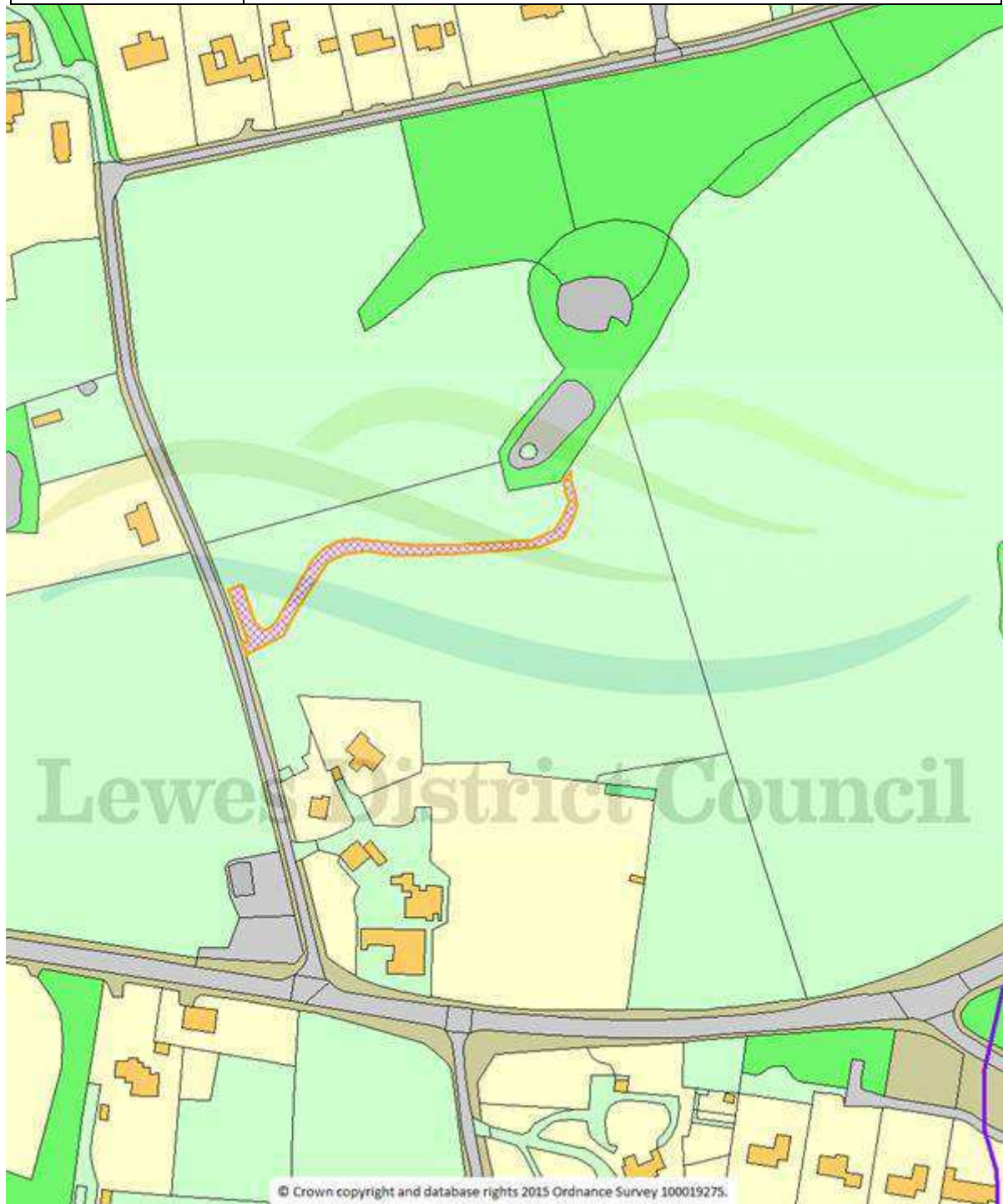
5. The applicant will be required to enter into a Licence with East Sussex Highways, for the provision of a new vehicular access. The applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Planning Statement/Brief	11 September 2017	
Proposed Layout Plan	11 September 2017	02
Proposed Section(s)	11 September 2017	03 B

Proposed Block Plan	11 September 2017	04
Proposed Floor Plan(s)	11 September 2017	05 GF
Proposed Floor Plan(s)	11 September 2017	06 FF
Proposed Roof Plan	11 September 2017	07
Proposed Elevation(s)	11 September 2017	08 S AND E
Proposed Elevation(s)	11 September 2017	09 N AND W
Location Plan	11 September 2017	1:1250
Proposed Section(s)	11 September 2017	10
Other Plan(s)	11 September 2017	B TREE RETENTION PLAN
Other Plan(s)	11 September 2017	C TREE PROTECTION PLAN
Illustration	11 September 2017	DRIVEWAY AND CROSSOVER
Other Plan(s)	11 September 2017	INITIAL TREE SURVEY

APPLICATION NUMBER:	LW/17/0623	ITEM NUMBER:	11
APPLICANTS NAME(S):	Headway East Sussex	PARISH / WARD:	Chailey / Chailey & Wivelsfield
PROPOSAL:	Planning Application for Section 73A retrospective application for the retention of concrete access path		
SITE ADDRESS:	Reedens Jackies Lane Newick East Sussex BN8 4QX		
GRID REF:	TQ4021		



1. SITE DESCRIPTION / PROPOSAL

1.1 Reedens is the East Sussex base of Headway, an independent charity, affiliated to the national charity Headway UK. Headway offers rehabilitation and support services for people with acquired brain injuries, their families and carers.

1.2 The site encompasses the main building group, but also includes open fields to the north of the site which encompass wooded areas and a pond. The site also includes TPO trees: a large Oak - TPO (No. 1) 1971, and a group TPO at the pond - TPO (No. 7) 1996. The pond area has recently been improved with new plantings of bulbs, flowers and fruit trees, refurbishment of garden furniture and the clearing of existing pathways as part of charitable community project.

1.3 This planning application seeks retrospective consent for the installation of a 3m wide track running from Jackies Lane in the west, to the pond and woodland area approximately 140m away to the east. The track also includes a hammer-head turning area adjacent to the access from Jackies Lane.

2. RELEVANT POLICIES

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

LDLP: – CP10 – Natural Environment and Landscape

LDLP: – NNPEN1 – Local Landscape Character

3. PLANNING HISTORY

3.1 None relevant.

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Tree & Landscape Officer Comments – The track could be considered to be something similar to other informal agricultural type tracks in the area only differing in that the finished surface may not be considered to be entirely sympathetic to a countryside setting.

4.1.2 The visibility of the track/path can be somewhat dampened, however, by changing the lighter surface to a darker one. I note from various websites that some concrete surfaces such as this can be 'mottled' or 'layered' which would further help soften the visual impact on the surface.

4.1.3 It may also be possible to lightly roughen the surface to reduce the reflective nature of the surface but expert advice should be sought before opting for this course of action. Under no circumstances should concrete overlays such as polymers and suchlike be used unless they can be made to be sufficiently opaque and non-reflective to have the desired benefits.

4.1.4 In the event retrospective permission for the track is considered to be appropriate, it will be important that we have the opportunity to inspect samples, such as stain colours, and any other surface treatments in advance of their purchase and use.

4.2 Chailey Parish Council – Councillors resolved to OBJECT to the application.

4.2.2 Councillors appreciated the reasons why the path (as it was described in the application) has been created. However, they considered that what had been laid down is a roadway and not a path and is out of scale and not in keeping. They considered that the material used is not sympathetic to the rural setting and is inappropriate.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 No comments have been received from neighbours or nearby residents.

6. PLANNING CONSIDERATIONS

6.1 Justification for the track is explained by the applicants thus:

"The path to the pond area needs to have a firm, level surface to enable wheelchair-users to be able to self-propel, whether in a powered chair or a manual chair. The width of the path enables pedestrians (staff and volunteers) to walk alongside the wheelchair-user. A similar flat, even surface is required for ambulant clients with mobility impairments requiring them to use rollators, walking sticks or other mobility equipment. The width of the path also provides access for emergency vehicles should they be required. Many of our clients have epilepsy as a result of their brain injury and in the event of a seizure we occasionally need to call an ambulance.

We informed the contractor of our service-users' requirements and were advised that a concrete path would meet their needs and be within budget. The cost of the path was covered by a grant from the Tesco 'Bags of Help' initiative which is a scheme to support environmental projects. We do not have funds to cover any additional costs so had to construct the path within budget. I acknowledge the point made by the councillors that they consider the material used is not sympathetic to the rural area however, it is already weathering in and blending well with the surroundings.

There is a turning area at the entrance which we use for our minibus. Many of our clients are unable to walk or propel their wheelchairs the distance from our building to the field. Therefore we use our minibus, which is fully wheelchair accessible, to drive them to the entrance where they can disembark and cross the field to enjoy the pond area."

"Now that the pond area is accessible it has been enjoyed over the summer months by many of our clients. It is very conducive to recovery after brain injury as we are able to hold art classes there, encourage healthy walks, implement physiotherapy programmes and generally benefit from the beautiful environment."

"If... any of the councillors would like to come and see the path and pond area, or meet our clients to learn more about their situations they would be most welcome"

6.2 The Parish Council have objected on the grounds that they consider the path to be a roadway, "out of scale and not in keeping". They also consider the material used, "is not sympathetic to the rural setting and is inappropriate." However, as explained in the statement from Headway, the necessity for a path that will also accommodate the occasional, but necessary, passage of an emergency vehicle is vital. The creation of a small hammer-head turning area adjacent to the gate allows for a safe place for a mini-bus to park as Jackie's Lane is too narrow to allow for on-road parking. As explained earlier, the use of motorised transport allows safe passage for mobility impaired users from Reedens to the access track, and then on to the pond.

6.3 The comments of the Trees and Landscape Officer are noted with regards to staining and surface treatment to soften the visual impact. However, the surface will weather naturally over time, and any application of a surface finish may well make the track appear more incongruous, and adversely affect the weathering abilities of the concrete.

6.4 Policy ST3 (Design, Form and Setting of Development) of the Lewes District Local Plan seeks to ensure that development does not result in detriment to the local area. In addition, Core Policy 10 (Natural Environment and Landscape Character) of the Lewes District Joint Core Strategy seeks to conserve the natural environment by, *"Maintaining and where possible enhancing the natural, locally distinctive and heritage landscape qualities and characteristics of the district"*. It is acknowledged that, in its new state, the path did not appear as a particularly harmonious addition to the landscape but, as stated earlier, it will weather with time. In addition, it is only visible from a short length of Jackies Lane and is not visible from the wider public realm, with any longer countryside views being softened and obscured by the many trees and hedgerows that abound in this rural location.

6.5 The installation of the path will allow Headway service users to enjoy the pond and wildlife area, with the psychological benefits and learning opportunities that, no doubt, come with that access. However, this access is only possible with a pathway that is fit for purpose i.e. usable by people with mobility impairment, and with emergency access if needed. The works have been carried out with limited resources, but any landscape impact should be in the short term and are considered to be outweighed by the long-term benefits to the users of Headway. As a result it is considered that, on balance, retrospective planning permission be granted.

7. RECOMMENDATION

7.1 That retrospective planning permission be granted.

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.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	12 July 2017	1:1250
Photographs	31 July 2017	X 3

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**

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**.

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:

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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 Timbryard 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)~~ 66 of 89
- 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 26th September to 21st 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.

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

Contact Officer: Sarah Sheath
Tel: 01273 471600
email: sarah.sheath@lewes.gov.uk

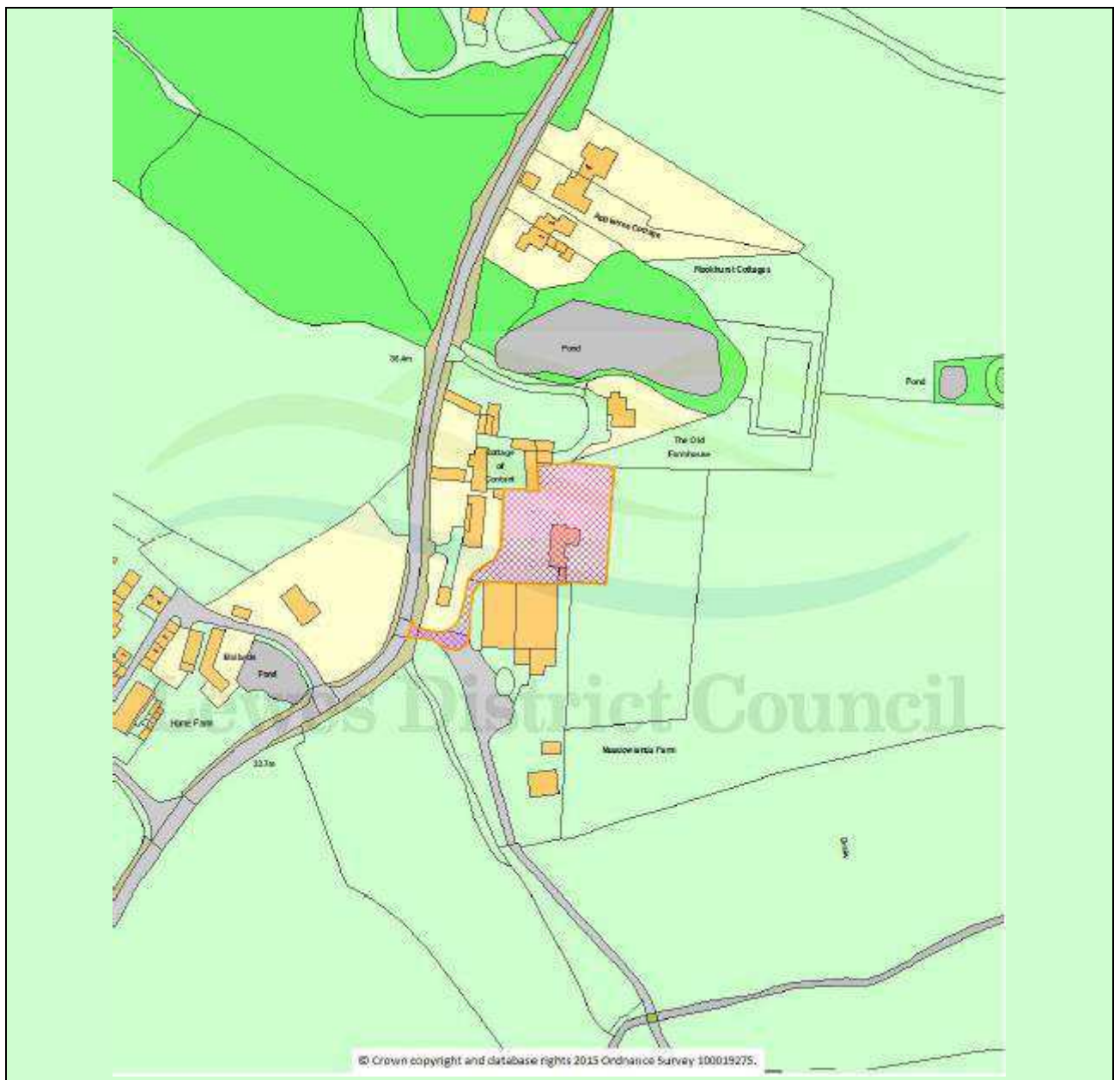
Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

Appendix I

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date on Plan	Status
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.

Report to **Planning Committee**
Date **13 December 2017**
By **Director of Planning**
Local Authority **Lewes District Council**
Application Number **SDNP/17/05368/FUL**
Applicant **Mr D Templar**
Application **Reconfiguration of the first floor with the installation of two new fire escape staircases and window replacement throughout**
Address **Clubhouse Stanley Turner Recreation Ground
Kingston Road
Lewes
BN7 3NB**

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

The application property is a detached building located in the Stanley Turner Recreation Ground to the south of the A27, Lewes. The building is used as changing rooms, store rooms and for spectating.

2 Proposal

The proposal is for the reconfiguration of the first floor with the installation of two new fire escape staircases and window replacement throughout.

3 Relevant Planning History

N/A.

4 Consultations

LE - Environmental Health

Comments awaited.

LE - Property and Regeneration

Comments awaited.

Parish Council Consultee

Comments awaited.

5 Representations

None received.

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 I) 2014** and the following additional plan(s):

- Lewes District Local Plan (2003)

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:

NPPF -Requiring good design.

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **Lewes District Council - The Core Strategy (Local Plan Part I) 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

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 26th September to 21st 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 property is a detached building located in the Stanley Turner Recreation Ground. The building is used as changing rooms, store rooms and for spectating. The proposal is for the reconfiguration of the first floor with the installation of two new fire escape staircases and window replacement throughout.

8.2 The building is constructed from brick with black timber cladding at first floor and a timber finish to the north elevation where the standing area is located. It is proposed to alter the internal layout of the building in order to modernise the facilities. As part of this work it is proposed to install fire escape staircases to both the east and west side elevations. These will be of steel construction with timber treads. It is also proposed to replace the existing timber windows with upvc double glazed windows in a dark finish to match the existing windows. It is considered that the works will not detract from the appearance of the existing building and will enhance the functionality of the building.

8.3 No objections have been received.

8.4 It is considered the proposal will not have a detrimental impact on the character of the building, in accordance with Policy ST3 (Design, Form and Setting of Development) of the Lewes District Local Plan.

8.5 The development has also been considered against the relevant policies in the Joint Core Strategy Proposed Submission Document May 2014. The document was submitted to the Secretary of State on 16 September 2014 for Examination. Whilst the Core Strategy has no development plan status at this stage, its policies can be regarded as a material consideration due to its relatively advanced stage. The Core Strategy will be the pivotal planning document until 2030, forming Part 1 of our Local Plan and will set out the over-arching strategies that all other planning documents will need to be in conformity with. At this stage limited weight may be attributed to the policies. However it is considered to accord with Core Policy 11 Built and Historic Environment and Design.

8.6 The South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16th July 2015 to go out for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period will run from 2nd September to 28th October 2015 after which the responses received will be considered by the Authority. The next stage in the plan preparation will be the publication and then submission of the Local Plan for independent examination. Until this time, the Preferred Options Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the National Planning Policy Framework, which confirm that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation the policies within the Preferred Options Local Plan are currently afforded limited weight.

8.7 The development is not considered to be contrary to the South Downs National Park Partnership Management Plan, which is the over-arching strategy document for the management of the South Downs National Park, and accords with Policy 50 which deals with housing, design, and supporting balanced communities.

9 Conclusion

It is recommended 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. 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.

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

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

Contact Officer: Matthew Kitchener (Lewes DC)

Tel: 01273 471600

email: matthew.kitchener@lewes.gov.uk

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

SDNPA Consultees

Background Documents

Appendix I

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date on Plan	Status
Plans - existing location and block plan, photos	1571-PA-001		18.10.2017	Approved
Plans - existing ground floor plan	1571-PA-002		18.10.2017	Approved
Plans - existing first floor plan	1571-PA-003		18.10.2017	Approved
Plans - existing elevations	1571-PA-004		18.10.2017	Approved
Plans - existing elevations	1571-PA-005		18.10.2017	Approved
Plans - proposed ground floor plan	1571-PA-010		18.10.2017	Approved
Plans - proposed first floor plan	1571-PA-011		18.10.2017	Approved
Plans - proposed elevations	1571-PA-012		18.10.2017	Approved
Plans - proposed elevations	1571-PA-013		18.10.2017	Approved
Application Documents - design and access statement			18.10.2017	Approved
Application Documents - flood risk statement			18.10.2017	Approved
Application Documents - noise impact statement			18.10.2017	Approved

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

Agenda Item No: 14 **Report No:** 173/17
Report Title: Outcome of Appeal Decisions on 9th November 2017
Report To: Planning Applications Committee **Date:** 13 December 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 and 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>Former School Site, Western Road, Newhaven, East Sussex, BN9 9ED</p> <p>Description:</p> <p><i>Redevelopment to provide 31 dwelling houses (25 open market houses and 6 affordable)</i></p>	<p>Application No: LW/16/0542</p> <p>Committee Refusal</p> <p>Written Representations</p> <p>Appeal is dismissed</p> <p>Decision: 9th November 2017</p>
<p>33 The Forges, Ringmer BN8 5FA</p> <p>Description:</p> <p><i>Loft conversion with rooflights to front & rear roof slopes</i></p>	<p>Application No: LW/17/0540</p> <p>Delegated Refusal</p> <p>Written Representations</p> <p>Appeal is dismissed</p> <p>Decision: 9th November 2017</p>

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



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: 9th November 2017

Appeal Ref: APP/P1425/W/17/3177019

Former School Site, Brooks Close, Newhaven BN9 9EB

- 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 Cayuga 001 Limited against the decision of Lewes District Council.
 - The application Ref LW/16/0542, dated 28 June 2016, was refused by notice dated 7 April 2017.
 - The development proposed is for redevelopment to provide 31 dwelling houses (25 open market houses and 6 affordable homes).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application as originally submitted sought permission for 32 houses, however, the application was amended to a 31 house scheme prior to its determination by the Council. I have therefore determined this appeal on the basis of the amended application and used an amended form of wording for the proposal in the banner heading above.
3. The second reason for refusal refers to the loss of a 'Huntingdon Elm' tree, protected by a tree preservation order (TPO)¹. However, that Elm has now been felled, further to it experiencing significant wind damage. I have therefore disregarded the reference to this Elm cited in the second reason for refusal.
4. The appellant, the Council and the Highway Authority have entered into a Section 106 agreement under the Act. That agreement would secure: the provision of six affordable housing units; an affordable housing contribution of £64,081.89; a Traffic Regulation Order contribution of £5,000.00 for alternating orders in the area; a recycling contribution of £589.00; and an agreement to enter into an agreement under Section 278 of the Highway Act 1980 for undertaking of off-site highway works related to the development. I shall return to the Section 106 agreement's obligations below.
5. Reference has been made to an emerging Neighbourhood Plan for Newhaven. However, with the Neighbourhood Plan only being at its initial consultation stage² I consider it has not progressed sufficiently for me to attach weight to

¹ Identified as tree T1 in the TPO and T3 in the appellant's arboricultural report

² Paragraph 5.4 of the appellant's appeal statement

it. I shall therefore make no further reference to the emerging Neighbourhood Plan.

Main Issue

6. The main issue is the effect of the development on the character and appearance of the area, including the trees that are subject to the TPO.

Reasons

7. The development would involve the demolition of a disused school building and caretaker's house and their replacement with thirty one detached and semi-detached houses. Twenty five of the houses being open market dwellings, while the other six would be affordable homes. Within the site there are a large number of trees of mixed species. Many of those trees are situated along the site's perimeter, most particularly its eastern, south eastern and south western boundaries. Of those trees thirteen individual specimens (allowing for the removal of the Elm referred to above) and three groups of trees (comprising twenty two trees) are subject to the TPO³. Given the site's tree cover it currently has a quite sylvan character and I found the trees within the site, like the trees in the front gardens of the houses on the western side of Western Road, to be contributing positively to the local streetscene.
8. The adjoining streets, most particularly Western Road and Brooks Close are residential in character. Given that the school has been declared surplus to the education authority's requirements and the prevailing residential character of the area, I consider this site's residential redevelopment would be appropriate in principle. The issue is therefore whether this site would be capable of accommodating the proposed development.
9. As part of the development 31 individual trees and other trees in groups would be removed⁴, albeit the appellant's arboriculturalist has identified the likely need for seven of these trees to be removed for arboricultural reasons in any event. The development would therefore involve some significant tree loss. While I recognise that many of the trees to be removed do not individually possess high amenity value and/or now have short life expectancies⁵, they nevertheless contribute to the area's character and the loss of these trees would therefore be of some significance.
10. The development would be based around a horse shoe layout, incorporating an internal estate road, with access points on Western Road and Brooks Close. Twelve of the houses (numbered 21 to 32) would be in a group in and around the junction between Western Road and Brooks Close. Houses 21 to 32 would have a compact layout, with a number of the houses in this group having limited space about them, with them having very small gardens. The compactness of the layout for this area of the development in part arising from the reliance on rear parking and servicing for some of the houses.

³ As listed in the Schedule 1 of the TPO

⁴ Based on the numbers referred to in sections 10 and 11 of the appellant's arboricultural impact assessment report

⁵ Based on the assessment undertaken for the appellant which relies on the classification scheme set out in British Standard BS 5837: 2012 Trees in relation to design, demolition and construction - Recommendations

11. Houses 21 to 32 would occupy a prominent position, given their proximity to the main estate road's access points and/or Western Road and I consider this part of the development would have a cramped appearance. That cramped appearance would be accentuated by the limited scope there would be for providing relieving soft landscaping, given the size of the plots for the houses in this part of the development. The trees that could be planted would be unlikely to have much presence in the streetscene, given the limited space available for planting and the proximity of the houses.
12. I consider that the cramped appearance of houses 21 to 32, would mean that this part of the development would be incompatible with its surroundings. That shortcoming being indicative of the site's inability to accommodate the proposed number of houses.
13. I share the concern expressed by the Council's landscape officer⁶ that in relation to the retained trees, most particularly those in the TPO's group G1, there could be pressure from the occupiers of the development to have those trees removed or regularly pruned. That is because those trees are quite substantial and numerous and they would be likely to affect the receipt of light to the interiors and gardens of the affected houses. I consider this to be a further indicator of this development being unduly intense for the site. The potential for trees to be removed or regularly pruned, following the occupation of the houses, would not assist with this development's integration into the area.
14. I therefore conclude that the development would unacceptably harm the character and appearance of the area. The development would therefore be contrary to 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 of 2016 (the Core Strategy) and paragraphs 58 and 64 of the National Planning Policy Framework. That is because the development would neither be of a high standard of design nor add to the overall quality of the area, given the unacceptable nature of its density and layout and the tree loss that would be associated with it.

Other Matters

15. The development would make a sizeable contribution to the supply of housing in the area, including a modest contribution to the provision of affordable housing. Allowing for the application of the vacant building credit the level of affordable housing provision would meet the objectives of Core Policy 1 of the Core Strategy and the planning obligations that have been entered into would secure the delivery of that housing. I therefore consider that weigh should be attached to the affordable housing obligations that the appellant has entered into.
16. In locational terms the occupiers of this development would have reasonable access to everyday services and public transport facilities in Newhaven. This is a matter that weighs to a limited degree in favour of the development.
17. The recycling and highway obligations included within the Section 106 agreement would mitigate effects arising directly from the development and I therefore consider that those obligations attract limited weight. The

⁶ As recorded in the Council's committee report

development would also be liable to the making of a Community Infrastructure Levy (CIL) payment. However, as the making of the CIL payment would have the purpose of mitigating the development's effect on local infrastructure capacity, I consider that the making of this payment would have a neutral effect.

18. While there would be some social and economic benefits arising from the provision of additional housing that weigh in favour of this development, I find those benefits to be outweighed by the harm to the character and appearance of the area that I have identified.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

Grahame Gould

INSPECTOR

Appeal Decision

Site visit made on 24 October 2017

by Kevin Gleeson BA MCD MRTPI

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

Decision date: 9th November 2017

Appeal Ref: APP/P1425/D/17/3183512

33 The Forges, Ringmer BN8 5FA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Helen Ellwood against the decision of Lewes District Council.
 - The application Ref LW/17/0540, dated 22 June 2017, was refused by notice dated 1 August 2017.
 - The development proposed is described as loft conversion with Velux windows to front and rear roof slopes.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant pointed out that express planning permission would not normally be required for the insertion of rooflights as it would be permitted development. In this case a condition attached to the planning permission authorising the housing development removed permitted development rights. The appellant also indicated that it was arguable whether those rights should have been removed but as they were, and a planning application was made and refused, I shall deal with the appeal before me.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

4. The appeal property is a detached dwelling within a cul-de-sac which is characterised by a range of modern house types. There is no common building line and no. 33 is set forward of its neighbours. It has a steeply pitched roof front to back and a projecting two storey front gable.
5. The proposal is to convert the loft space to provide an additional bedroom with the introduction of three rooflights to the rear roofslope and two to the front roofslope.
6. Within The Forges there is a general absence of rooflights on the front roofslopes of properties although some properties within The Forges and the neighbouring Craig Meadows have modest dormer windows as part of the original building. Small rooflights and solar panels can be found on the rear

roofslopes of some buildings. Because of the layout of the development these features are visible from the public realm although they appear in the context of other elements of the roofscape.

7. In spite of being set forward of its neighbours, no. 33 is not particularly prominent when entering The Forges and the projecting gable also serves to limit views of the main roof although it can be seen from other locations within the cul-de-sac.
8. Planning permission was previously granted and remains extant for a loft conversion which would have the same number and size of rear rooflights as the appeal scheme but with smaller ones in the front roofslope. The proposed rooflights would be of a similar height to those previously approved but wider.
9. The front rooflights would be larger than those on the limited number of properties within the development which have rooflights on the front roofslope. In my view they would be materially larger than the front rooflights already permitted and together, they would appear visually prominent when viewed in the context of the windows at first floor level and would therefore be harmful to the appearance of the host property. They would also be uncharacteristic of development within The Forges and Craig Meadows and would be at odds with the existing rhythm of development and therefore detrimental to its character.
10. Consequently the proposal would be contrary to Policy ST3 of the Lewes District Local Plan, 2003 which requires development to respect the overall character and rhythm of neighbouring buildings and the local area more generally. It would also fail to accord with Policy CP11 of the Joint Core Strategy, 2016 which seeks to secure high quality design through ensuring that development respects the character and distinctiveness of the district.
11. Furthermore, the proposal would not be in line with Policy 9.1 of the Ringmer Neighbourhood Plan which requires new development to be of a high quality and designed to fit in with its surroundings, taking account of the design and detailing of adjacent buildings. It would also fail to reflect the requirement for good design set out in section 7 of the National Planning Policy Framework.

Other Matters

12. I have taken account of the fact that Ringmer Parish Council have not objected to the proposed development, there have been no objections from neighbouring occupiers and no concerns regarding overlooking have been raised. I have also had regard to the fact that the proposed rooflights would allow a greater amount of light and improved ventilation to the loft room than the approved scheme. However, I have determined the appeal on the basis of its own merits and these matters do not lead me to a different overall conclusion.

Conclusion

13. For the reasons set out above, the appeal is dismissed.

Kevin Gleeson

INSPECTOR