

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, 10 January 2018** 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.

14/12/2017

Catherine Knight  
Assistant Director of Legal and Democratic Services

## **Agenda**

- 1 Minutes**  
To approve the Minutes of the meetings held on 11 December 2017 and 13 December 2017 (copies 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/17/0929 - Avondale Hotel, 4 - 5 Avondale Road, Seaford, East Sussex, BN25 1RJ (page 5)**

**7 LW/17/0896 - 26 Hindover Road, Seaford, East Sussex, BN25 3NT (page 13)**

**8 LW/17/0593 - Asylum Wood, Greenhill Way, Haywards Heath, West Sussex (page 19)**

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

**9 SDNP/17/05815/HOUS - 16 St Annes Crescent, Lewes, East Sussex, BN7 1SB (page 40)**

**10 SDNP/17/00071/FUL - Sussex Police Headquarters, Church Lane, South Malling, Lewes, BN7 2DZ (page 49)**

**Non-Planning Application Related Items**

**11 Outcome of Appeal Decisions from 9th November to 1st December 2017 (page 64)**

To receive the Report of the Director of Service Delivery (Report No 177/17 herewith).

**12 Written Questions from Councillors**

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

**13 Date of Next Meeting**

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 31 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](mailto:planning@lewes.gov.uk)

**Distribution:** Councillor S Davy (Chair), G Amy, S Catlin, P Gardiner, V Ient, T Jones, D Neave, T Rowell, J Sheppard, R Turner and L Wallraven

## NOTES

**If Members have any questions or wish to discuss aspects of an application prior to the meeting they are requested to contact the Case Officer. Applications, including plans and letters of representation, will be available for Members' inspection on the day of the meeting from 4.30pm in the Council Chamber, County Hall, Lewes.**

**There will be an opportunity for members of the public to speak on the application on this agenda where they have registered their interest by 12noon on the day before the meeting.**

### **Planning Applications OUTSIDE the South Downs National Park**

Section 2 of each report identifies policies which have a particular relevance to the application in question. Other more general policies may be of equal or greater importance. In order to avoid unnecessary duplication general policies are not specifically identified in Section 2. The fact that a policy is not specifically referred to in this section does not mean that it has not been taken into consideration or that it is of less weight than the policies which are referred to.

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

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

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

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes. Government policy relating to national parks set out in National Planning Policy Framework and Circular 20/10 is that they have the highest status of protection in relation to natural beauty, wildlife and cultural heritage and their conservation and enhancement must, therefore, be given great weight in development control decisions.

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<b>APPLICATION NUMBER:</b>	LW/17/0929	<b>ITEM NUMBER:</b>	<b>6</b>
<b>APPLICANTS NAME(S):</b>	Sussex Housing Ltd	<b>PARISH / WARD:</b>	Seaford / Seaford Central
<b>PROPOSAL:</b>	Planning Application for Change of use from hotel (Use Class C1) to an 18 bedroom House in Multiple Occupation (HMO)(Sui Generis) with a maximum of 30 residents.		
<b>SITE ADDRESS:</b>	Avondale Hotel 4 - 5 Avondale Road Seaford East Sussex BN25 1RJ		
<b>GRID REF:</b>	TQ 4892		



## 1. SITE DESCRIPTION / PROPOSAL

### SITE DESCRIPTION

1.1 The application site comprises a pair of semi-detached properties which have been joined together and are in use as a hotel. The hotel is located on the north-western side of Avondale Road close to the War Memorial and where the road forks away from Sutton Park Road. The building is not Listed or situated in a Conservation Area, but it is within the built-up Planning Boundary of Seaford.

1.2 The building has a traditional footprint with rear projections and has late Victorian/Edwardian styling.

1.3 There is no specific record of planning permission having been granted for the use of the buildings as a hotel, but the planning history indicates that the premises have been a hotel since before the late 1970s.

### PROPOSAL

1.4 The application seeks planning permission for the change of use of the premises from hotel (Use Class C1) to a House in Multiple Occupation (HMO) (Sui Generis land use).

1.5 The HMO will have 18 rooms with the capacity to accommodate up to 30 persons. The proposed configuration is as follows:-

- Ground Floor: Two dining rooms, a communal kitchen, four self-contained units.
- First Floor: Two single units, four double units with two bathrooms and kitchens at the rear.
- Second Floor: Eight rooms and two bathrooms.
- (Occupancy up to 30 persons)

1.6 There will be no off-street car parking provision owing to the absence of any accessible open space within the curtilage of the site.

1.7 The application has been revised in relation to the previously refused scheme including a reduction in the number of total occupants from 31 to 30, and also alterations to the proposed floor plan so that the rooms at first floor level on the rear elevation will be kitchens instead of bed-sitting rooms, and the rear windows at second floor level will be obscure glazed and non-opening below 1.7m.

1.8 The applicant has submitted the following supporting information:

- Marketing information.
- An HMO management plan.
- A statement from the hotel proprietor.
- Tax returns.

## 2. RELEVANT POLICIES

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

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

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

**LDLP: – CP5 – The Visitor Economy**

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

**LDLP: – CP13 – Sustainable Travel**

### **3. PLANNING HISTORY**

**LW/17/0544** - Change of use from C1 to 18 bedroom HMO with a maximum of 31 residents  
- **Refused**

**LW/79/1949** - Change of Use from private hotel to private residence. Deemed Refused. -  
**Refused**

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

**4.1 Environmental Health – No objection**

4.2 No objection subject to conditions to control hours of construction and informatives relating to storage and removal of waste materials; no bonfires on site; and the premises being subject to the mandatory HMO Licence under the Housing Act 2004.

**4.3 LDC Regeneration & Investment – No objection**

4.4 We note the applicant has submitted additional supporting evidence to the previous application (LW/17/0544), which further highlights the impact of the sharing economy and key providers including Airbnb. The supplementary information shows that the success of such providers has had some negative implications for small-scale accommodation establishments. We also acknowledge that the provision of rented accommodation within the sharing economy can bring similar benefits to the local economy especially in terms of visitor spend and the proportion of spend locally that can contribute to sustainable local economies. In summary, the applicant has provided additional evidence to the previous application (LW/17/0544).

4.5 This evidence highlights the difficult trading conditions faced over the last few years, and we recognise that a sustained marketing campaign has been undertaken to market the property as an ongoing concern.

4.6 Whilst it is clear that the proposed change of use is likely to have a negative effect on the local visitor economy, we acknowledge the robust evidence that has been provided by the applicant. We would ideally like to see consideration given to the retention of the subject property for an alternative form of visitor accommodation but, should this not prove viable, then we reluctantly accept the conversion of the subject property to alternative uses.

**4.7 Seaford Town Council – Objection**

4.8 Having considered the supporting evidence on marketing and viability submitted with the application the Committee did not consider that the applicants had overcome the presumption in favour of the retention of accommodation in Core Policy 5(2) of the Joint Core Strategy 2016.

4.9 The need to retain and expand tourist accommodation is identified in the town's Draft Neighbourhood Plan as a key strategic objective and it was considered therefore that, irrespective of the need for emergency accommodation for the homeless, this change of use could not be supported.

4.10 There were also concerns regarding the overlooking of and loss of privacy to residents of properties at the rear of the Hotel and the effect of the intensity of the residential use on the amenities of the area.

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

5.1 Cllr Nicholson has submitted a letter objecting to the application.

5.2 Representations have been received from "Greenfield" 3, 6, Ground Floor Flat 7 Avondale Road; 28 Stafford Road; 26 Grove Road, objecting to the application for the following reasons:-

- Out of character.
- Contextual significance.
- Inappropriate function and scale.
- Grossly unneighbourly.
- Over development.
- Overcrowding.
- Detrimental to local visitor economy.
- Shortage of tourist accommodation.
- Effect on Town Centre viability.
- Contrary to policy.
- Contrary to the adopted Lewes District Council Plan.
- Contrary to Lewes District Strategy Plan.
- The management plan for residents will intensify the likelihood of anti-social behaviour on surrounding streets, the local environment and the War Memorial.
- CCTV may invade neighbours' privacy.
- Overlooking.
- Loss of privacy.
- Noise and disturbance.
- Increased demand for parking.
- Parking issues.
- Highway hazards.
- Traffic on A259.
- Not sustainable.
- The draft Seaford Neighbourhood Plan has abandoned ideas of building a new hotel in an alternative location.

## **6. PLANNING CONSIDERATIONS**

6.1 The main considerations in the determination of the planning application include the principle of development; the impact on neighbour amenity; and the impact on sustainable transport and accessibility.

6.2 No external alterations are proposed and as such the impact on visual amenity and the street scene should not change as a result of the proposed change of use.

### PRINCIPLE



6.3 The key objectives of Core Policy 5 "The Visitor Economy" of the adopted Joint Core Strategy include promoting and achieving a sustainable tourism industry in and around the district and to reduce the need to travel and promote a sustainable system of transport and land use for people who live in, work in, study in and visit the district. The rural area of the South Downs allows very good access to high quality countryside including Cuckmere Haven near to Seaford, and the seafront. Core Policy 5 seeks to facilitate this in having a presumption in favour of the retention and improvement of existing visitor accommodation stock.

6.4 The applicant has submitted supporting information including confidential details of tax returns and net profits. The submission also includes details of long-term marketing. There are strong objections from local people who consider that the hotel should be retained, and objections have been received from Seaford Town Council in this regard as well. There are few hotels left in Seaford but it is clear that the application site is no longer economically viable as a hotel and following a long period of marketing, no parties have expressed a willingness to take on the premises. Should the hotel use continue, it will most likely close down and become vacant.

6.5 There is a need for small and low cost housing units such as Houses in Multiple Occupation (HMO) and the helpful role they play in emergency accommodation, preventing homelessness and helping people onto the property ladder. The proposed use as an HMO is therefore acceptable in principle, and is considered appropriate in this location near to the town centre, which itself is busy and vibrant.

#### NEIGHBOUR AMENITY

6.6 The comments from neighbouring residents in respect of the impact on residential amenity are acknowledged. The site location is densely built up and includes both terraced houses and purpose built flats. To the rear of the application site lies 22-28 Stafford Road, a three storey block of flats. This building is 15.7m from the hotel building. Stafford Court is 17.1m from the hotel building, and this is a three storey building with a part two storey element on the far side to the application site. 20 Stafford Road is a semi-detached building which is 19.8m from the hotel building.

6.7 The applicant has revised the proposed internal layout following the refusal of the previous planning application, LW/17/0544. The two rooms at the back of the building at first floor level will now be kitchens instead of habitable bed-sitting rooms. Similarly, the second floor windows will be obscure glazed and non-opening below 1.7m. The occupants of these top rooms will still benefit from some outlook by virtue of the side windows to these rooms.

6.8 The revisions undertaken by the applicant are considered to have overcome the second reason for refusal of the previous application.

#### ACCESSIBILITY AND SUSTAINABLE TRANSPORT

6.9 The application site is in a sustainable location in terms of accessibility. The site is 120m from the town centre of Seaford in which there are many shops and services including banks and pharmacies. The application site is 190m from the nearest bus stop where there are frequent buses along the coast following the A259. The application site is also 350m from Seaford mainline railway station and this is considered to be within easy walking distance.

6.10 For these reasons future occupants of the HMO will not need to rely on the use of a private car for their day to day travel needs as there are more sustainable alternative options that are easily available. The proposals will not provide off-street car parking due to the constraints of the application site

6.11 The concerns expressed by local residents in respect of the impact of the development on demand for on-street car parking are noted. However, levels of car ownership associated with HMO residents are highly likely to be lower than for privately owned accommodation and 2011 Census data showed that 70% of people living in studio accommodation in the Lewes District do not own vehicles. Based on this information nine or fewer residents (30% of 31 residents) will have a car and on-street car parking is available. Taking into account the proximity of the application site to the town centres, shops, services and good links to public transport, the refusal of planning permission on this basis will be difficult to justify, and the demand for on-street car parking is not likely to exceed that which is presently generated by the existing hotel use.

## 7. RECOMMENDATION

In view of the above approval is recommended subject to conditions.

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

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

Reason: In the interests of the residential amenities of the neighbours having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

2. No development shall take place until details of a cycle parking facility, to include a 1:50 scale layout plan and 1:100 scale elevations 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 and the cycle parking facility shall be provided prior to the first residential occupation of the development and retained as such thereafter for the use of residents and visitors to the development hereby permitted, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of amenity and to encourage and provide for means of travel other than the private car in accordance with retained policy ST3 and Core Policy 13 of Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

3. Unless otherwise agreed in writing by the local planning authority, the windows on the rear elevation of the building at second floor level, on the projecting outrigger, shall be obscure glazed (to a minimum of Level 3 privacy) and non-opening to a minimum height of 1.7 metres above the internal finished floor level of those two rooms, as shown on approved drawing "Proposed First & Second Floor Plans". The windows shall be installed as such prior to the first residential occupation of these rooms and retained as such thereafter.

Reason: To protect the privacy and residential amenity of neighbours having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy

and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

### **INFORMATIVE(S)**

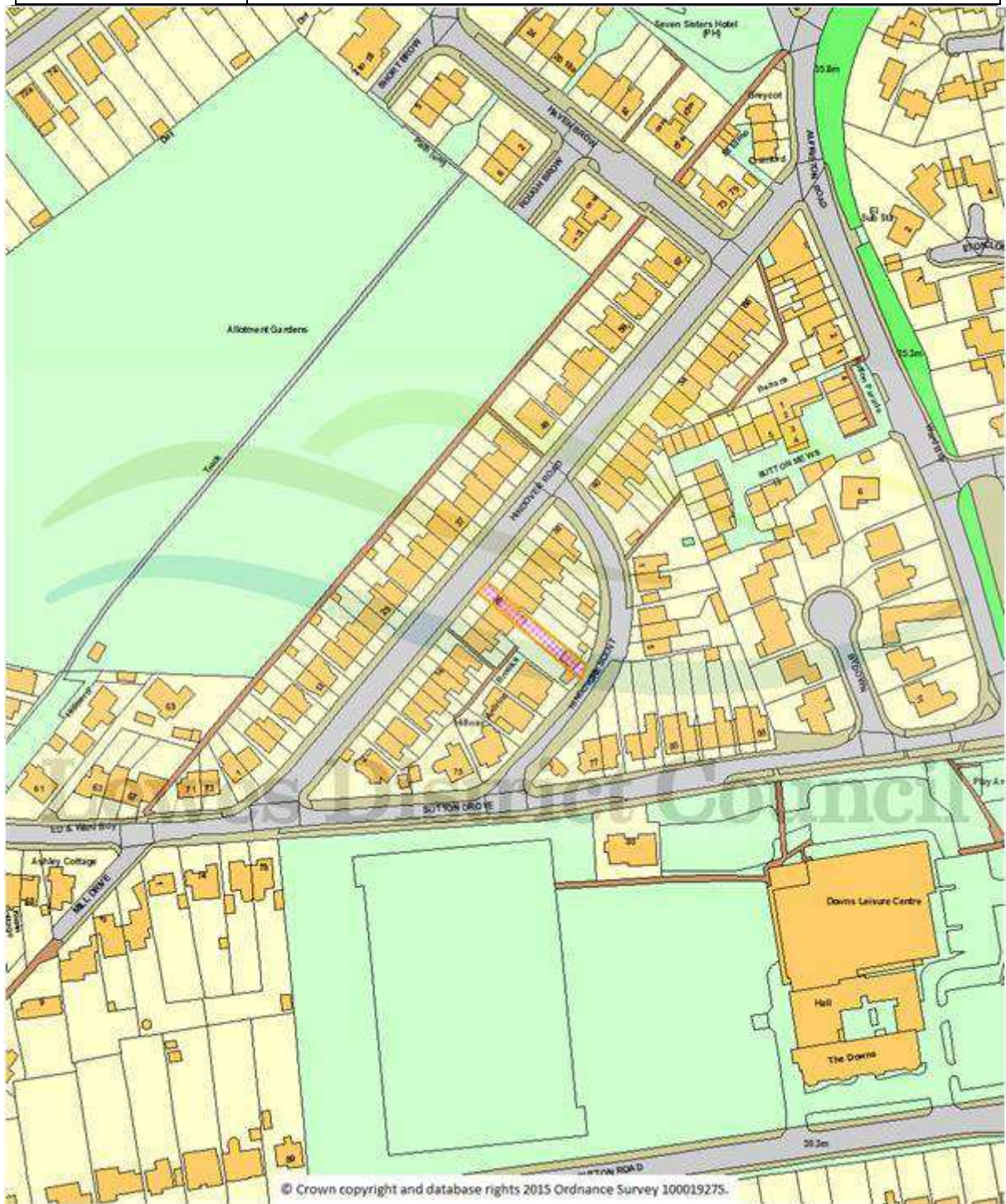
1. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>
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 premises will be subject to a mandatory HMO Licence under the Housing Act 2004.
4. The applicant is hereby reminded of the Control of Asbestos Regulations 2012 when carrying out demolition and other works associated with the development hereby permitted. For more information please visit <http://www.hse.gov.uk/Asbestos/regulations.htm>.
5. The applicant is hereby encouraged to minimise waste arising from the development by way of re-use and/or recycling. All waste materials arising from any clearance and construction activity at the site should be stored, removed from the site and disposed of in an appropriate manner. It is an offence to burn trade waste, so there should be no bonfires on site.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Design & Access Statement	30 October 2017	
Location Plan	30 October 2017	1:1250
Existing Floor Plan(s)	30 October 2017	1:50
Existing Floor Plan(s)	30 October 2017	1:50 JAN'2009
Proposed Floor Plan(s)	30 October 2017	1:50 OCT'2017
Existing Elevation(s)	30 October 2017	1:50, 1:100 FEB'2009
Proposed Elevation(s)	30 October 2017	1:50, 1:100 OCT'17
Additional Documents	30 October 2017	HMO MANAGEMENT PLAN
Additional Documents	30 October 2017	MARKETING INFO
Additional Documents	30 October 2017	PRE-APP TO AGENT (CONFIDENTIAL)
Additional Documents	30 October 2017	PROPRIETOR STATEMENT



<b>APPLICATION NUMBER:</b>	LW/17/0896	<b>ITEM NUMBER:</b>	<b>7</b>
<b>APPLICANTS NAME(S):</b>	Mr McColl	<b>PARISH / WARD:</b>	Seaford / Seaford South
<b>PROPOSAL:</b>	Planning Application for Conversion of existing two storey garage and sun lounge to create a self-contained 1-bed dwelling and construction of a vehicular access and off-street car parking space		
<b>SITE ADDRESS:</b>	26 Hindover Road Seaford East Sussex BN25 3NT		
<b>GRID REF:</b>	TQ 4996		



## 1. SITE DESCRIPTION / PROPOSAL

1.1 The site is a mid-terrace house fronting onto Hindover Road, with a two storey flat-roofed outbuilding at the end of its rear garden. The outbuilding, which contains a garage at ground floor with sun lounge above (incidental to the house), faces onto Hindover Crescent. Hindover Crescent is an unmade track linking Sutton Drove and Hindover Road, which itself is fronted onto by several dwellings. The outbuilding is described in the Design and Access Statement submitted with the application as 'tired, dated and in a state of disrepair'.

1.2 The proposal is to convert the outbuilding to a one-bed dwelling, comprising a bedroom (plus entrance hall, cupboard and wc) on the ground floor with living area, kitchen and bathroom on the first floor. External parking would be off Hindover Crescent, 'as per existing' according to the submitted ground floor plan.

1.3 The outbuilding would not be extended but, according to the Design and Access Statement, would have a 'significant transformation' in its appearance, to make a building of contemporary character. This would be through cladding the first floor level with slate and timber louvres and the replacement of all white upvc and timber windows, doors, soffits and fascias with anthracite grey upvc equivalents.

1.4 The garden area of the house would be sub-divided (with a 1.8m high fence) so that the outbuilding would have a garden of about 6.8m, while the house would have garden of about 10m.

1.5 A parking space would be formed in the front garden of the property, off Hindover Road.

## 2. RELEVANT POLICIES

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

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

## 3. PLANNING HISTORY

**LW/16/0602** - Conversion of existing garage and studio to a separate 1 bedroom house - **Withdrawn**

**LW/88/1601** - Change of Use from two storey garage and sun lounge block to single two storey dwelling. - **Refused**

## 4. REPRESENTATIONS FROM STANDARD CONSULTEES

**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 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.

**Main Town Or Parish Council – RESOLVED to OBJECT to the application on the following grounds:-**

The proposed dwelling was overdevelopment, was poorly designed and would be totally out of character with the surrounding area. It would have a detrimental impact on residential amenity and granting consent would make it more difficult to resist similar inappropriate developments in the immediate locality.

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

Five representations from nearby residents objecting on grounds of:

- Contextual Significance
- Drainage
- Highway Hazards
- Inadequate Access
- Noise and Disturbance
- Out of Character following conversion.
- Outside Planning Boundary
- Over-development
- Overbearing Building/Structure
- Overlooking, Loss of Privacy
- Parking issues increased pressure and competition for parking space.
- Disruption while construction underway.
- Nothing has changed since the previous refusal in 1988.

Two representations of support. on grounds that:

- The proposal would improve the road and site.
- The proposal would provide housing for 'young Seafordians which is very much needed'.

## **6. PLANNING CONSIDERATIONS**

6.1 This application is effectively to convert the existing two-storey outbuilding at the back of 26 Hindover Road into a 1-bed self-contained dwelling. This is an existing building within the Planning Boundary. The proposed dwelling would, in a small way, help meet the housing requirements of the district.

6.2 The outbuilding was approved in 1958 (S/58/0065) as a 'garage and sun lounge'. A condition was imposed that 'The building shall not be used as a permanent dwelling', with the reason for the condition being 'To enable the Local Planning Authority to regulate and control the future use of the premises.'

6.3 In 1988 permission was refused (LW/88/1601), for the change of use of the building to a dwelling, on grounds that (1) the proposals were an 'unsatisfactory fragmentation' of the curtilage of the house, with the new dwelling 'totally devoid of adequate open space about the building or car parking facilities', and (2) the proposal left the house 'devoid of any parking facilities'.

6.4 In 2016 an application was withdrawn (LW/16/0602) for the 'conversion of existing garage and studio to a separate 1 bedroom house'. That proposal involved the extension of

the building. The application was withdrawn following the officer advice to the applicant that the application was to be refused.

6.5 The main differences of the current application compared to the previous proposals are that:

1. The outbuilding would not be extended (LW/16/0602).
2. A parking space is proposed for the existing house off Hindover Road (no such parking space was previously proposed).
3. Externally, the building would be finished in slate cladding, with timber louvres to the front/side corners. This would give the building a more contemporary appearance, which was a not a feature of the previous applications.
4. The existing garden would be sub-divided to provide a 10m garden for the existing house and 6.8m for the outbuilding.

6.6 This two-storey outbuilding looks somewhat dated and is in need of refurbishment. Being two-storey, the building is prominent in Hindover Crescent. It is considered that the proposed changes to the appearance of the building, with the upper part cladded and with new doors and windows, would improve the 'street scene' and would be a benefit of the development.

6.7 The proposal would result in an amenity (garden) area for both the house and the proposed accommodation, of a minimum of 6.8m long. Although the garden lengths would be shorter than the adjacent gardens, 4-22 (even) Hindover Road have shorter gardens (where the ends of the gardens have also been developed with dwellings fronting Hindover Crescent). This addresses the reason for refusal of the 1988 application, wherein the accommodation was 'devoid' of adequate open space around the building.

6.8 One on-site parking space would be provided for the existing two-bed house, in the front garden off Hindover Road. A parking space to standard dimensions is not available off Hindover Crescent, meaning that a car parked on the forecourt of the outbuilding overhangs Hindover Crescent. This was seen by the case officer at the time the site was visited, when a vehicle was parked in the space. One parking space (to standard) should be provided for the flat, and the fact that this cannot be achieved is a disadvantage of the proposal.

6.9 The upper floor windows of the building would be altered, to reduce the potential for overlooking of adjacent and nearby gardens. On the elevation facing back towards the terrace of Hindover Road houses, a rear window would be replaced with a high level window with obscure glass. A side window facing 24 Hindover Road would be replaced with an 'angled bay window', which would tend to make views from the window back to no. 24 itself less likely, although direct views down into the end part of the rear garden would still be possible from that and a separate smaller window. There would be no first floor side windows facing 28 Hindover Crescent (this would be a blank wall). First floor windows to a bathroom and kitchenette would be retained facing Hindover Crescent itself.

6.10 The dwelling would have a floor area of 35 sq.m, which is below the recommended minimum floor space for a one-bed dwelling of 37 sq.m, set out in the DCLG 'Technical housing standards' (2015). However, the deficiency is not considered to be significant, and the dwelling would provide accommodation suitable for a single occupant and couple.

6.11 The previous refusal (in 1988) is a material consideration, and the Committee could take the view that the sub-division of the garden and inadequately dimensioned parking space for the new dwelling is unacceptable. However, the plot division would now



be consistent with others further along Hindover Road, and parking would be provided for the existing house. The site is in a relatively sustainable location, within walking distance of bus routes along the A259, the local shop, leisure centre and town centre itself. More particularly, the outbuilding would be refurbished and smartened up, so that it enhances the local environment.

6.12 In the circumstances, it is recommended that planning permission be granted.

## 7. RECOMMENDATION

That planning permission be granted.

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

1. The parking space shown in the front garden of 26 Hindover Road shall be implemented prior to first occupation of the dwelling hereby approved.

Reason: To help avoid pressure parking, in the interests of local highway conditions and Policy ST3 (d) of the Lewes District Local Plan (as 'saved' in the Joint Core Strategy).

2. The windows, including glazing, shall be installed as approved and shall be retained as such, with obscure glazing used in any replacement of approved obscure glazed windows.

Reason: To help reduce the potential for overlooking of nearby occupiers, having regard to Policy ST3 (c) of the Lewes District Local Plan (as 'saved' in the Joint Core Strategy).

3. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development described in Classes A-C 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 (a) of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

4. 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.

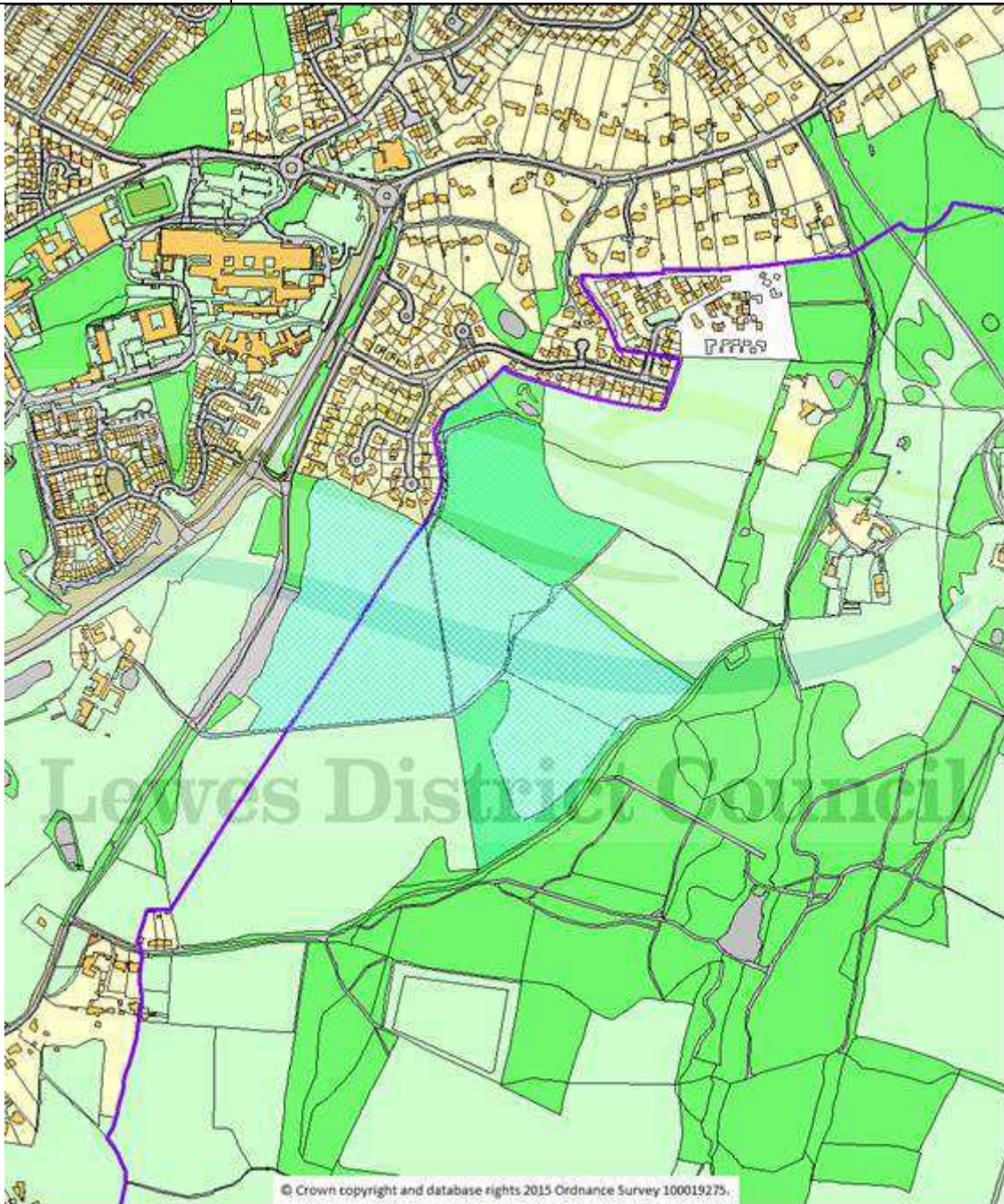
Reason: In the interest of the amenities of the adjoining residents having regard to ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Design & Access Statement	17 October 2017	
Proposed Block Plan	17 October 2017	PL00

Proposed Floor Plan(s)	17 October 2017	PL01
Proposed Floor Plan(s)	17 October 2017	PL02
Proposed Roof Plan	17 October 2017	PL02
Proposed Elevation(s)	17 October 2017	PL03
Street Scene	17 October 2017	PL03
Proposed Section(s)	17 October 2017	PL04
Existing Block Plan	17 October 2017	S00
Existing Block Plan	17 October 2017	S01
Existing Floor Plan(s)	17 October 2017	S02
Existing Roof Plan	17 October 2017	S02
Location Plan	17 October 2017	LP01
Existing Block Plan	17 October 2017	LP01
Photographs	17 October 2017	PL05
Illustration	17 October 2017	PL05
Existing Elevation(s)	25 November 2017	S03

<b>APPLICATION NUMBER:</b>	LW/17/0593	<b>ITEM NUMBER:</b>	<b>8</b>
<b>APPLICANTS NAME(S):</b>	Mid Sussex District Council & Cross Stone Securities Ltd	<b>PARISH / WARD:</b>	Wivelsfield / Chailey & Wivelsfield
<b>PROPOSAL:</b>	Outline Planning Application for Development of up to 375 new homes, a 2 form entry primary school with Early Years provision, a new burial ground, allotments, Country Park, car parking, 'Green Way', new vehicular accesses and associated parking and landscaping		
<b>SITE ADDRESS:</b>	Asylum Wood Greenhill Way Haywards Heath West Sussex		
<b>GRID REF:</b>	TQ 3422		



## 1. SITE DESCRIPTION / PROPOSAL

1.1 The application site is located in the north west corner of the district, within the parish of Wivelsfield but adjacent to the existing town of Haywards Heath. An outline application has been submitted to Mid Sussex District Council (MSDC) for a development consisting of up to 375 new homes, a two form entry primary school with early years provision, a new burial ground, allotments, country park, car parking, a 'Green Way', new vehicular accesses and associated parking and landscaping. The proposed development and site straddles the district boundary and therefore an identical application has been submitted to both authorities. The housing development is located wholly within the MSDC area. The part of the development that is located within the Lewes District Council area is the eastern area of open space, the allotments, part of the burial ground, and part of the primary school site.

1.2 The whole site (both MSDC and LDC) covers an area of approximately 33 hectares of which 12.2 ha of open space and woodland, 0.83 ha of allotments, 0.25ha (approx. one fifth) of the burial ground, and approximately 0.7ha of the primary school site are located within Lewes District. This is indicated on the submitted illustrative Masterplan.

1.3 The development as a whole would be accessed via the Haywards Heath south eastern relief road and a newly created access into the residential development off Hurstwood Lane. The illustrative plan indicates that vehicle access for the school, burial ground and allotments would be from a new access off Hurstwood Lane at its northern end and close to the link from the relief road, with a central car park serving all the uses.

1.4 The area of land which is within the LDC area consists of ancient woodland, and three fields used as pasture land. The fields are subdivided and fragmented by fences interspersed with scattered trees. The ancient woodland lies to the north, immediately to the east of Greenhill Park. The site is surrounded by pasture land to the south, ancient woodland to the south and east, and residential development of Birch Way and Greenhill Park to the north (abutting the proposed playing field associated with the new school). The western boundary is formed by a belt of mature trees, also ancient woodland, and which would serve to screen much of the new housing development from view from the east.

1.5 The whole application is in outline form with only means of access determinable at this stage.

## 2. RELEVANT POLICIES

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

**LDLP: – RES20 – Provision of Educational Facilities**

**LDLP: – RE01 – Provision of Sport, Recreation and Play**

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

**LDLP: – CP8 – Green Infrastructure**

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

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

**LDLP: – WNPP6 – Green Infrastructure & Biodiversity**

### 3. PLANNING HISTORY

None

### 4. REPRESENTATIONS FROM STANDARD CONSULTEES

**4.1 Wivelsfield Parish Council** – strongly objects to the application in its current form. Whilst it does not seek to comment upon the housing element of the application (recognising that this is a preferred site within the Haywards Heath Neighbourhood Plan), it has significant reservations about the school, burial ground, allotments, parking and access.

4.2 The developer appears to have taken no account of the concerns and objections raised at the pre-application exhibition or at its meeting with the Parish Council, in respect of the location of the burial ground in relation to the school and the allotments. No-one wants their children to be constantly exposed to activities at a burial ground, or to have an allotment situated below it, knowing that water will be running off the burial ground onto their fruit and veg. The relative siting of these facilities is considered not only poor, but likely to cause upset, distress and logistical problems.

4.3 Parking also remains a significant concern. Whilst it may be desirable for people to walk their children to school, the reality is that many working parents have no choice but to take their children to school in the car before going on to work. It is not always practical for parents to simply drop and go (many - particularly younger children - need to be settled, parents may need to go into the school office etc) and parking for school events also needs to be considered. It is not considered adequate - or appropriate - to have shared parking facilities with the allotments and burial ground and the Parish Council feels that, to serve the demands of a two-form entry school, parking provision needs to be significantly enhanced.

4.4 The location of the school is also of concern. It is understood that the original intention was for the school to be situated entirely on land within Mid-Sussex. At the pre-application exhibition stage plans showed it encroaching a little on to land within Lewes District/Wivelsfield Parish, but in the plans now submitted the school appears to further straddle the boundary.

4.5 When Haywards Heath Town Council approached Wivelsfield Parish Council during the development of the Wivelsfield Neighbourhood Plan, it was to request that the area of land adjacent to Asylum wood (falling within Wivelsfield Parish) be earmarked as a green space, for inclusion as a part of a country park. No mention was made of having a school and burial ground on it.

4.6 The Parish Council is concerned that, by accepting having a school located on what was intended to be a green space purely for recreational use, this could pave the way for future development applications on this land which would be entirely against its wishes.

4.7 As discussed with the developer during a pre-exhibition discussion last year, the Parish Council has grave reservations about the proposal to shut off the centre section of Hurstwood Lane. At present, if an accident occurs on the adjacent bypass, residents living at the top of Hurstwood Lane (in the area around Greenhill Way) have the ability to access their homes by driving up Hurstwood Lane and vice-versa. Plans to massively increase the

amount of housing in the vicinity, whilst simultaneously limiting access, seems a recipe for disaster.

4.8 At our meeting with the planners, it was suggested - in response to this concern - that a route through the middle of the new housing might be able to be retained as emergency access in the event of a problem on either approach road (owing to the number of documents associated with the application online, we have been unable to verify whether this was carried forward to the plans). However, residents need to know that there are alternative routes available, simply for when traffic is heavy or a delivery van is causing chaos, not just when there is a recognised 'emergency' or road closure.

4.9 Overall, the Parish Council feels that the developer has failed to address a number of serious and legitimate concerns regarding the school, burial ground, allotments and access which should be dealt with prior to approval being considered.

**4.10 British Telecom – No comment**

**4.11 Environmental Health –** I am aware that a Preliminary Environmental Risk Assessment report (Ref: WIE10247-101-R-1-1-3-PERA dated December 2016 ) prepared by Waterman has been submitted with the planning application. The report recommended further intrusive investigation at the site.

4.12 So, if LPA is minded to grant a planning permission for the site, then this should be subject to the following land contamination conditions-

Condition 1 Land contamination

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

(a) A site investigation scheme, based on Preliminary Environmental Risk Assessment report (Ref: WIE10247-101-R-1-1-3-PERA dated December 2016 ) already submitted to provide further information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

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

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

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

Condition 2 Unsuspected contamination

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

#### Condition 3 Verification report

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 (for all) : 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].

**4.13 Sussex Police** – No objection to the principle of the development.

**4.14 Southern Water Plc** – In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission. For example "The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development."

4.15 The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

4.16 Should the Local Planning Authority be minded to approve the application, Southern Water would like the following condition to be attached to any permission. "Development shall not commence until a drainage strategy detailing the proposed means of foul disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable."

4.17 The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may

result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

**4.18 Tree & Landscape Officer Comments** – No objection but need to secure a detailed management plan for the open space and woodland by condition.

**4.19 Natural England** – no comment

**4.20 ESCC SUDS** – No objection in principle subject to the imposition of conditions.

4.21 We are disappointed to see the proposal to manage surface water runoff using underground tanks this early on in the process. The proposed surface water drainage arrangements also show that surface water management was an afterthought with no effort made to integrate surface water management within the layout and landscape proposals. The submitted Flood Risk Assessment does not provide details of the proposed surface water drainage strategy apart from stating that surface water runoff will be discharged at the mean annual runoff rate ( $Q_{bar}$ ) while providing attenuation for the 1 in 100 (plus 40% for climate change). The indicative surface water drainage plan indicates that underground tanks will be used to store surface water runoff from the majority of the site.

4.22 The surface water drainage strategy should clearly state the discharge rates from the proposed development and also provide supporting hydraulic calculations to confirm that the discharge rates and storage volumes proposed are sufficient and will not result in increased surface water flood risk. The hydraulic calculations should show that the area on which the discharge rates are based is the developable area, and not the overall site area. This is because the majority of the site within Lewes District will remain as existing, whereas it is only where development is proposed that the rate and volume of surface water run off will change.

4.23 The surface water drainage strategy should clarify at this stage whether underground tanks or ponds will be used for storing surface water runoff. This is because the two have very different implications for land take on the site, and the storage structures will form part of the infrastructure that should also inform the layout at reserved matters. In addition if the underground tanks are supposed to discharge to shallow ditches, they might not be able to achieve the required levels to discharge by gravity. We would expect a drainage strategy that supports an outline application to clearly show the outfalls and demonstrate that the required levels will be achieved for a gravity connection.

4.24 It would be preferable if the storage structure for the proposed school is a pond, (with the appropriate health and safety measures) with an open swale conveying runoff from the pond to the watercourse within the informal open space. This will ensure that its location and the need for maintenance requirements are not forgotten in the future, We appreciate that the majority of the proposed development is located within the Mid-Sussex District part of the site, therefore it is likely that the above issues were discussed with Mid-Sussex District Council and West Sussex County Council. However, the site discharges its surface water runoff into East Sussex. Therefore we need to be assured that the development will not result in increased flood risk downstream.



4.25 Since the majority of the development is within Mid Sussex District, identical comments to those above have been submitted directly to Mid Sussex District Council.

**4.26 NHS Mid-Sussex/Horsham** – Horsham & Mid Sussex Clinical Commissioning Group were aware of this Outline Planning application which will potentially create up to 849 new residents/patients in a rapidly expanding area where Haywards Heath has seen significant growth of domestic houses/flats particularly on its outskirts. This is putting a number of challenges onto the NHS locally and especially on GP practices and community NHS services where pressures are being felt and that building redesign is becoming a current necessity to ensure new residents can be accommodated without diluting the services to existing patients.

4.27 In this respect we understand from Mid Sussex District Council that the majority of this proposed development is in West Sussex and have today sought a Section 106 application for a developer contribution for NHS capital infrastructure improvements.(MSDC are still using the Sec 106 process rather than CIL)

4.28 We hope that will be approved and were very pleased to have received a courteous enquiry from the developers back in Dec 2016/Jan 2017 in this connection.

**4.29 ESCC Highways** – The proposed access for this application falls outside East Sussex and therefore it is considered that the main impact will be onto the West Sussex County Council highway network. Haywards Heath serves as the closest commercial centre and provides connections to London and Brighton by rail and to surrounding towns by bus.

4.30 As with all proposed development sites in Mid Sussex that either straddle or are in close proximity to the Lewes district boundary there is inevitably some impact that affects the East Sussex highway network. The Transport Assessment addresses the impact of the development on the surrounding highway network within West Sussex. However, as flagged up by West Sussex highways it does not reflect entirely the committed development or potential commitments nearby in both West and East Sussex. LW/16/0057 Land West Of Rookhurst House Colwell Lane North Wivelsfield for 113 houses (2 phases) is not included, nor is North Common Road Wivelsfield [LW/13/0720] for 75 houses, and combined traffic impact that the additional traffic will have on nearby villages and in particular on the mini-roundabout junction of B2112 (Ditchling Road)/C6 (Green Road) in Wivelsfield. Therefore the cumulative impact on the surrounding roads/junctions of these developments upon East Sussex is not known and should be identified in terms of the impact and severity.

4.31 With regard to modelling of the development and future growth predictions, it has been identified in the response from West Sussex that this should include a revised scope to be agreed, so that all relevant development is included and have a realistic growth forecast year.

4.32 The development proposed for the Lewes District administrative area of the site is part of the primary school, part of the burial ground, informal open space and allotments. The catchment for these land uses will likely be from Haywards Heath. The road layout to serve these is likely to fall between both West and East Sussex and being layout related, is a reserved matter. The site layout would need to be in accordance with Manual for Streets and would be subject to a section 38 agreement if offered for adoption.

4.33 Parking for the area within the Lewes district area should accord with the parking standards of West Sussex to safeguard any overspill of parked vehicles from the school, burial ground, allotments and open space onto the West Sussex network. Parking provision

could be provided within a community car parking area that can be shared between the school, burial ground, open space and allotments. This would be efficient use of space as the busy periods for each use would not necessarily conflict, provided there are a sufficient number of spaces for the long term requirements (staff). It is unclear at this stage if the school drop off area/parking is within Lewes or Mid Sussex district or if the administrative boundary is likely to be revised

4.34 There is the presence of a by-way (no.25) bounding the south-east boundary of the site, land within Lewes District. It is not entirely clear if this within the site boundary, but the PROW team at ESCC should be consulted, particularly if there are connections being proposed internally within the site. It would appear that 3 positions are shown on the illustrative masterplan.

4.35 The vehicular access is within the county of West Sussex and should be considered by the appropriate authority in terms of safety, capacity and accessibility to other modes of travel for serving development within Lewes District or connecting with roads to be adopted as part of the East Sussex Network.

**4.36 District Services** – the concerns for the Waste Service regarding the above planning application, the layout of the estate would need to be such as to facilitate collection of refuse from the front of the properties at the kerbside and also access to the proposed schools for the collection of waste without causing unnecessary risk to the users of the schools.

4.37 There may be a case for communal bin stores for the use of residents in Closes to facilitate more efficient collections.

4.38 Waste services would also request updates on the progress of the application so we would be able to plan sufficiently for the development of this size.

## 5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 Five neighbour letters have been received raising concerns on the following issues - Failure to declare MSDC's ownership and role in the development, impact on the listed building, impact on the rural character, noise and disruption, collusion between councils, access from Fox Hill especially increased congestion and hazards.

## 6. PLANNING CONSIDERATIONS

6.1 For cross boundary applications the NPPG states that 'if an application site is on land that falls within the boundary of more than one local planning authority then identical applications must be submitted to each local planning authority identifying on the plans which part of the site is relevant to each'. However, whilst being mindful of the entire application, the only elements that the Planning Committee are making a decision on are the allotments, part of the burial ground, part of the school, and the informal open space - those elements which are located within the LDC administrative area and are in outline form.

### Policy

6.2 The NPPF at paragraph 17 sets out the 12 core principles, which includes that planning should be genuinely plan led, and applications determined in accordance with the development plan(s) unless material considerations indicate otherwise.

6.3 In terms of that part of the site which is within the LDC area, this is covered by the Lewes District Local Plan and the Core Strategy. It is considered that Core Policy 8, which relates to Green Infrastructure, seeking to create a connected network of multifunctional green infrastructure by protecting and enhancing the quantity, quality and accessibility of open spaces, Core Policy 10 seeking to protect the natural environment and landscape character, and Core Policy 11 which seeks to secure high quality design in all places to assist in creating sustainable places.

6.4 The local plan policies which are relevant include ST3 (design of development), RES20 (provision of educational facilities), RE1 Provision of Sport Recreation and Play, and CT1 which seeks to locate development within planning boundaries and to avoid development in the countryside which does not need to be there.

6.5 The Wivelsfield Neighbourhood Plan (WNP) has a number of specific policies which are relevant. Policy 6 relates to Green Infrastructure and encourages the enhancement of the natural environment and the provision of additional habitat resources. Policy 8 supports the establishment of new allotments provided satisfactory road access and car parking can be provided.

6.6 It should also be noted that the Haywards Heath Neighbourhood Plan (HHNP) is also part of the plan for the area. It includes specific policies for allotments and a new burial ground (Policies E3 and E4) on land east of Hurstwood Lane. Policy H1 allocates the larger site for up to 350 new homes, the provision of a new school, together with open space, a burial ground and allotments. The plan also lists a number of other more specific requirements which should be set out in the Masterplan and delivery statement. In summary the proposals are in broad compliance with the HHNP policy.

### Need

6.7 An assessment of developments with planning permission and those planned as part of the development plan process indicate that by 2021 that there would be a shortfall of 608 primary school places. As part of a wider strategy to provide sufficient school places in the right locations to cater for the increased demand, it was proposed to identify a site for a new primary school on the southern edge of Haywards Heath and that the Hurst Farm site was a key proposal in the delivery of such a facility. In 2016, following a consultation exercise carried out in 2015, West Sussex County Council (WSCC) identified a clear need for a two form entry school and Hurst Farm was named as the preferred site for a new school, with expansion plans for other schools in the vicinity. This site was chosen due to it being available and deliverable.

6.8 In terms of the allotments, there is a lengthy waiting list for available plots. This proposal would provide 0.8ha of new allotment space, which in a countryside location would be an acceptable land use.

6.9 The existing burial ground in Western Road has limited capacity and therefore a further ground is required. Policy H1 and L3 of the HHNP sets out the need for such extra capacity, and the submitted Masterplan makes provision for a 1.25ha site of which approximately 0.25ha is within Lewes District.

6.10 The informal open space to the east of the site will require little intervention. However it will formalise the use of the land, which residents already utilise, helping to provide additional public open space as set out in Policy H1 of the HHNP and Policy 7 of the WNP.

### Impact on the countryside

6.11 The site is situated outside of a defined settlement boundary. The only 'development' that is proposed within LDC area is part of the car park and part of the school. Both elements would be contrary to Policy CT1 of the LDLP in that they are located outside of a defined settlement boundary. These elements are however included in the larger site which is set out in the HHNP for the whole mixed development scheme.

6.12 As the scheme is in outline form there are no detailed plans of the proposed school. However it is indicated on the Illustrative Masterplan to be located approximately 100m to the south of the rear garden boundary to Greenhill Park and Birch Way. The indicative plan shows a linear building aligned on an east-west axis. Between the building and the residential properties is the school playing field. The car park to serve the school, burial ground and allotments is shown located to the south of the school.

6.13 In terms of wider impact there are no ROW crossing the site. The nearest is a byway, which is located approximately 500m to the south, is partially screened by existing vegetation. The site is also largely screened from the west by an existing belt of trees and vegetation. Whilst the outlook south from existing dwellings will be altered it is not considered that the location of the school or the car park would detrimentally impact on the wider character of the surrounding countryside. Thought would have to be given to the form of the building, especially glazing on the south elevation. To lessen the visual impact, details plans of landscaping to break up the mass of the building and the visual impact of cars being parked for long periods would need to be submitted.

6.14 The allotments will not have a significant visual impact in itself. However the structures that often appear on such areas, sheds for the storage of equipment and shelter, can proliferate. However, due to the location of the site, and the clear open space to the east which will act as a significant buffer, it is not considered that this would have a detrimental visual impact on the countryside. Any visual impact could be significantly lessened with a good landscaping scheme and boundary hedges around the periphery of the site.

6.15 The burial ground will be noticeable. However, a suitable landscaping scheme would lessen any visual impact and help the facility to integrate into its surroundings.

6.16 It is acknowledged that, as with any change, there will be some impact from the proposed development on the wider countryside. However when taking into account all material considerations including policy, need, form and location, it is considered that the location, close to the edge of settlement is broadly acceptable, and that with suitable landscaping and planting the wider impact of the buildings and uses would not significantly harm the wider and surrounding character.

6.17 In terms of the long term management of the wider public open space, the applicant has indicated that the land will be provided to the Town Council who as the owners will be responsible for the delivery and maintenance. The car park will also be signed over to the Town Council as it will be a shared car park for the burial ground, allotments, open space and school. They will also be responsible for its maintenance and management.

### Ecology/Woodland

6.18 With regards to the elements that are located within the Lewes District it is considered that there is little direct impact on existing trees or woodland. The greater concern is with regard to the future of these areas once they become more accessible to

the public as a result of designating them as part of the open space. Therefore it is considered that a detailed management plan is required, clearly setting out the management regime for the area, including who would be responsible and liable for the work, and a schedule and frequency for the long term management in perpetuity.

6.19 In terms of the wider site within the LDC area, this land and the woodland is already used for informal recreation by local residents and therefore it is not considered that formalising this use would significantly impact on existing flora and fauna.

6.20 The new school, as a built form and change to the character of the land could impact on the foraging range of badgers and other creatures. However as the built form and that of the car park represents a small portion of the overall site it is not considered that there would be a negative impact on the flora or fauna across this part of the site. Landscaping, that would be the subject of a condition, together with mitigation measures have the potential to enhance the wider ecology of the site.

### Traffic and Parking

6.21 The NPPF and associated policies indicate that planning permission should only be refused where impacts are severe or unacceptable, for example in terms of safety, amenity or volumes of traffic. The development as a whole is likely to generate significant increase in the volume of traffic using the surrounding road network. However this is largely going to be attributed to the housing part of the development, which is being considered by MSDC and WSCC. The Highways officers from ESCC have commented on this aspect of the application directly to MSDC.

6.22 The traffic generation associated with the school is likely to be relatively low although it will peak at both morning and afternoon at dropping off and collecting times. The allotments are more likely to generate vehicle movements outside of peak times, and the burial ground is envisaged to accommodate at least two burials per week. Therefore it is not considered that traffic generation or road capacity is likely to be a fundamental issue, although it is likely to add to that generated by the housing development.

6.23 The greater issue is likely to be broad safety issues. This is an issue that has been raised by local residents as part of the consultation and prior to the submission of the application. As a result a number of improvements have been proposed, which are outside the scope of this part of the application, but which include extension to the 30mph limit (possibly down to 20mph) on Hurstwood Lane, controlled crossing points south of the school access, new footway along the southern end of Hurstwood Lane, new signal junction at Old Farm Close/A272.

6.24 In terms of pure functionality it is important that the proposed car park is sufficient for all the vehicles that may wish to use it. The Masterplan suggests parking provision would be provided in a single car park, which would be used as a community car park, shared between the school, burial ground, open space and allotments. This would be an efficient use of space, and as mentioned previously, conflict between users would largely be avoided as the busy periods for each use would not necessarily coincide. However it is essential that the car park provides a sufficient number of spaces to meet all the requirements, and is also laid out and landscaped to minimise its visual impact on the surroundings.

### Wider Amenity

6.25 The part of the development that is within the LDC area is likely to have the greater impact on residents in Greenhill Park and Birch Way. These dwellings back onto

the northern boundary of the site and specifically onto the school playing field and school beyond. Whilst this will certainly alter the outlook from the dwellings, there is no right to a view in planning terms, and the outlook from the rear gardens or rear windows will still exist albeit altered. With the school building being located over 100m to the south of the rear boundaries of the residential dwellings there will not be any resulting overlooking or overshadowing.

6.26 It is accepted that at times there will be noise generated by children at the school. However this is likely to be restricted to certain times of a week day, and not likely to be at times when general levels of background noise are at their lowest.

6.27 Vehicle movements to and from the site will take place via the new access onto Hurstwood Lane. This is indicated to be at least 40m to the south of the nearest rear gardens in Birch Way. At such a distance and with landscaping it is not considered that this would be detrimental to residential amenity.

### Drainage

6.28 The applicant has submitted a Flood Risk Assessment with the application which details the proposed drainage strategy. The strategy is to replicate the existing natural drainage arrangement as closely as possible despite the general increase in impermeable surfacing, using a variety of ponds, swales, permeable paving and underground storage tanks.

6.29 ESCC, as the drainage authority, have commented that they were disappointed to see the proposal to manage surface water runoff using underground tanks this early on in the process. The proposed surface water drainage arrangements also show that surface water management was an afterthought with no effort made to integrate surface water management within the layout and landscape proposals.

6.30 They have stated that it would be preferable if the water storage structure for the proposed school is a pond, (with the appropriate health and safety measures) with an open swale conveying runoff from the pond to the watercourse within the informal open space. This will ensure that its location and the need for maintenance requirements are not forgotten in the future.

6.31 Appreciating that the majority of the proposed development is located within the Mid-Sussex District part of the site, and that it is likely that the above issues were discussed with Mid-Sussex District Council and West Sussex County Council, as the site discharges its surface water runoff into East Sussex they need to be assured that the development will not result in increased flood risk downstream. The views of the ESCC SuDS team have been submitted directly to Mid Sussex District Council.

6.32 In view of these comments it is recommended that appropriate conditions can be imposed to require further details of the precise drainage arrangements.

### General

6.33 The comments from the Parish Council have been noted and partially covered in the report. However the applicant's agent has responded on specific points raised as follows:

### Burial Ground and School Siting

6.34 At the outset, we note Wivelsfield Parish Council's comments about the siting of the burial ground in relation to the proposed school.

6.35 With regard the siting, the Parish Council states 'no-one wants their children to be constantly exposed to activities at a burial ground' and objects to the proximity of the school to the burial ground. It is important for the LPA to note that HHTC have confirmed that they only anticipated around 2 burials per week and as such, there will not be 'constant' activity at the burial ground. Moreover, the LPA should also note that the burial ground is separated from the proposed school site by a large car park, the school is anticipated to be single storey (thus reducing scope for overlooking) and the playing fields are anticipated to be on the far side of the school, away from the municipal burial ground. As such, it is unlikely that there will be anything more than limited overlooking between the two sites. In any case, this is an outline application and will be subject to further details in regards the siting of buildings and planting proposals. Accordingly, the planning department has the opportunity to reduce scope for overlooking between the uses, should the LPA consider this necessary. However, given the limited likely usage of the burial ground, we consider that the existing separation between the sites is entirely sufficient, without further screening: The children will not be 'constantly exposed' to burial ground activities - even if overlooking were theoretically possible.

6.36 As a point of principle, however, the suggestion that it is harmful or undesirable for educational establishments and a burial ground to be in close proximity should be questioned. This is a view that finds itself somewhat at odds with history and the present day reality of life in many villages and towns throughout the country. It is very common for a village school to be sited adjacent to a village church, the grounds of which usually contain a village burial ground. This has been the historic pattern of village life for centuries and it continues today. Indeed, the building in which Wivelsfield Parish Council itself meets is a building which hosts a pre-school, immediately opposite a church and large burial ground. The preschool and burial ground in Wivelsfield are actually closer than the proposed burial ground and school site at Hurst Farm. Locally this pattern is also noted in Cuckfield and other villages around Haywards Heath. We consider that this passing objection to the proximity of the proposed school adjacent to the burial ground, as a point of principle, has no planning merit.

#### Burial Ground and Allotments Siting

6.37 Concern is also raised about the location of the burial ground and the allotments, on the basis that there could be some take up of run off from the burial ground by fruit and vegetables being grown on neighbouring land. This is an issue we considered fully in the ES. Whilst it is noted that there is potential for an environmental impact, after effective mitigation, the ES concludes that this is a 'negligible impact'. Leaching and contamination from the burial ground will be prevented by investigation of the potential and suitable mitigation measures at detailed design stage. A detailed ground investigation will form the basis for this, but is not considered necessary prior to the grant of outline consent. Paragraph 7.8.8 of the ES expands this point regarding the burial ground's potential for causing contamination:

6.38 'The ground investigation would include an assessment of the potential effects of the proposed burial ground on ground contamination, groundwater, the nearby proposed school buildings, residences and allotment land, and site users. If necessary, mitigation measures would be implemented to prevent potential contamination and ground gas from this land use impacting these nearby receptors. This would include assessing the potential for leaching from burials, groundwater flow assessment to understand the likely migration of contamination and assessment of the potential for ground gas migration. The objective of the investigation would be to satisfy EA guidance and demonstrate no impact to ground

or groundwater would occur or, at worst, the impact would not amount to pollution as defined in the Groundwater Directive. Therefore, on completion of the development the residual effects to all identified receptors would be negligible.'

6.39 This is a matter which should be effectively managed via an appropriate planning condition on the outline consent.

#### Shared Parking Area

6.40 Regarding the appropriateness of sharing the parking with the burial grounds, allotments, country park and school, alternatives were considered to keep the parking for each element separate. However this could not be achieved adequately without reducing the length of the proposed 'Green Way' and providing a second southern access to the land east of Hurstwood Lane (opposite the existing access to Hurstwood Grange). These options were explained in the dedicated public exhibition panel in detail (attached). These options were also explained in detail at our pre-planning meeting of 19 July 2016, with members of the Wivelsfield Parish Council. In the interests of (1) highways safety, (2) reducing impact on the ancient woodland and (3) the provision of a 'Green way' of adequate length, the access and parking arrangement to the east of Hurstwood Lane was settled upon as currently proposed, as the idea of two access points was strongly resisted by HHTC, MSDC and the Highways Department. The existing proposals are a matter for the Highways Department to comment as to whether they remain satisfied that the parking area will be sufficient to serve the school, burial ground, country park and allotments. All indications at pre-planning stage pointed to the acceptability of the access and parking proposals on the eastern side of Hurstwood Lane.

6.41 In terms of potential for conflict between the users of the car park, we consider that this is a management issue. Haywards Heath Town Council will be managing the Car Park and no objections to the sharing of the car park area were raised. Indeed, there is a benefit, in that it can ease maintenance burdens and costs, compared with maintaining a number of small car parks. Management solutions of the community uses can assist in ensuring that periods of demand for the car park are spread throughout the day. For example, HHTC could ensure that burials are not occurring at drop off or pick up times for this school. This will assist in reducing the potential for a surge in demand within the car park area at those times. With careful management of the car park and community uses, the car park resource can be used effectively by all users, thus making efficient use of available land for parking.

#### Community Uses 'straddling' the district administrative boundary

6.42 The Planning Statement and the Statement of Community Engagement sets out that the proposal for the school to 'straddle' the administrative boundary was a matter of specific consultation at the public exhibition and the meeting with Wivelsfield Parish Council on 19 July 2016. The reasons for this were set out clearly and an entire panel at the exhibition was devoted to this point. Reasons given for the need to straddle the boundary include:

- There is an 'easement' for a water main which cannot be built upon (east of Hurstwood Lane but west of the proposed school buildings).
- There is a need to provide level playing fields for the school.
- There was a desire to keep school buildings at a distance from the residential properties of Greenhill Way.
- There is a set need to provide a usable site of around 2ha for the school.
- Shared parking was needed in an accessible location for the school, allotments, burial ground and country park.



- To make efficient use of the residential land, all of the community uses were to be located east of Hurstwood Lane, meaning that some of the uses would need to 'straddle the administrative boundary'.

6.43 At pre-application stage, the views of both LPAs and both Parish Councils were sought, and no pre-application objections on this point were raised. However, we note now that WPC make an objection based on concerns about a future application for alternative uses, once the school has been accepted:

6.44 'The Parish Council is concerned that, by accepting having a school located on what was intended to be a green space purely for recreational use, this could pave the way for future development applications on this land which would be entirely against its wishes.'

6.45 It is long standing principle in planning law that an application is to be considered on its merits alone, and it is not acceptable to resist an application on the basis of a future application which may, or may not, come forward. This point is, therefore, not a valid objection.

#### Emergency access via the 'bus link' between the southern and northern residential development sites

6.46 It was noted that the Parish Council requested whether the 'bus only link' between the northern and southern parcels of the housing land could be opened up in an emergency. This was discussed during the pre-application meeting of 19 July 2016 and it was noted that there would be nothing to prevent this as an option to the emergency services, when an emergency diversion is needed. It is proposed that a rising bollard is used in this location, and as such, this could be lowered during a period of necessary diversion, as seen fit by the police, when a diversion is needed. This matter could be explored further during detailed design stage.

6.47 However, it is unlikely to be an option for non-emergency unusual 'heavy traffic' or 'delivery van chaos' scenarios suggested by the Parish Council, since the emergency services or Highways Department would need to operate such a diversion. In consultation with the County Highways department, it was agreed that the site should not become a regular rat-run-route, and the closure of Hurstwood Lane to through traffic is aimed at preventing such day-to-day rat running. In any case, the supporting highways statement sets out other measures that are proposed to ensure that existing traffic junctions operate effectively, preventing the need for such a short cut in non-emergency situations.

6.48 The closure of Hurstwood Lane to through traffic and its conversion to a 'Green Lane' is part of the adopted Haywards Heath Neighbourhood Plan, which now forms part of the development plan. Accordingly, the proposals to close Hurstwood Lane already have planning policy support.

#### Conclusion

6.49 This is a large development which lies within two administrative areas. The majority of the built development is situated within MSDC with only a small element located within the LDC area. It is considered that whilst the proposals would alter the character of the site and its surroundings, it is not considered that it would result in any demonstrable harm or impact would justify refusal. Mitigation measures together with a well-designed landscaping scheme will lessen that impact on the wider countryside and help the development integrate into its setting. It is therefore considered that with appropriate conditions the development can be approved.

## 7. RECOMMENDATION

That outline permission is granted subject to conditions.

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

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To meet the provisions of paragraph (1) of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

2. Application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development to which this permission relates shall be begun before the expiration of two years from the date of the final approval of the last of the Reserved Matters.

Reason: To meet the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

3. The development hereby permitted shall be carried out in accordance with the following approved plans in respect of those matters not reserved for later approval: Illustrative Application Masterplan 02-353-214.

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. No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include:

- a) a timetable for its implementation;
- b) the layout, levels, landscaping and fencing, as necessary, of the scheme;
- c) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: In the interests of amenity of the wider area and to ensure satisfactory method of drainage is provided on 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.

5. Development shall not begin until details of foul and surface water sewerage disposal arrangements have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The drainage works shall be implemented prior to the occupation of the development.

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

6. A maintenance and management plan for the pond and its outfalls 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 responsible arrangements will remain in place throughout the lifetime of the development should be provided to the local planning authority.

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

7. Before the development hereby approved is commenced on site, details and samples of all external materials including all facing and roofing materials, all materials for all windows and doors, and all surfacing 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 ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

8. 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 Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

9. All soft landscape works shall be carried out in accordance with the approved details and in accordance with BS 8545: 2014 Trees: from nursery to independence in the landscape - Recommendations. The works shall be carried out prior to the use of any part of the development or in accordance with a programme submitted to and approved in writing with the Local Planning Authority.

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

10. If within a period of 5 years from the date of planting any tree (or tree planted in replacement for it) dies, is removed or becomes seriously damaged or diseased it shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written approval to any variation.

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

11. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the development is brought into use. Development shall be carried out in accordance with the approved details.

Reason: To enhance the general appearance of the development having regard to \*\*\*\* of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

12. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all areas of open space and woodland shall be submitted to and approved in writing by the local planning authority prior to the first use of the development hereby approved, and shall be carried out as approved.

Reason: In the interests of the long term amenity of the wider 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.

13. No external lighting shall be installed on the school building or on any part of the site hereby approved for parking, allotments, burial ground, the roadway or the open space unless those details have first been submitted to and approved on writing by the Local Planning Authority.

Reason - To protect residential amenity and the character of the wider countryside 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. The development hereby approved shall not be carried out until a Preliminary Ecological Appraisal has been carried out and the development shall not be brought into use until the recommendations including ecological enhancements and mitigation measures identified have been approved in writing by the Local Planning Authority and have been carried out in accordance with the approved details.

Reason: To comply with wildlife legislation and to safeguard and enhance the ecological value and quality 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.

15. The development hereby approved shall not be carried out until the details of measures to prevent contamination of the allotments from the burial ground have been submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into use until the approved measures have been carried out in accordance.

Reason: To prevent contamination of the allotment land 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.

16. No works associated with the implementation of this permission shall take place outside 0800 hours to 1800 hours Mondays to Fridays and 0830 hours to 1300 hours on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

Reason: In the interests of local amenity 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.

17. During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Planning Authority, and used on all vehicles leaving the site to prevent contamination and damage to the adjacent roads.

Reason: In the interests of local highway conditions and 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.

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

(a) A site investigation scheme, based on Preliminary Environmental Risk Assessment report (Ref: WIE10247-101-R-1-1-3-PERA dated December 2016 ) already submitted to provide further information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

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

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

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

Reason: To ensure that risks from 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].

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

Reason: To ensure that risks from 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].

20. 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 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].

## **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>
Flood Risk Assessment	30 June 2017	
Other Plan(s)	12 July 2017	02-353-200/D
Other Plan(s)	30 June 2017	02-353-214
Location Plan	30 June 2017	02-3530222/A
Flood Risk Assessment	30 June 2017	APPENDIX 1 -4
Additional Documents	30 June 2017	COMMUNITY STMNT PARTS 1-4
Additional Documents	30 June 2017	CONTAMINATION RISK PARTS 1-7
Additional Documents	30 June 2017	DRAFT HEAD OF TERMS
Additional Documents	30 June 2017	EIA
Additional Documents	30 June 2017	ENV STATEMENT VOL 2
Additional Documents	30 June 2017	ENV STATEMENT VOL 3 PARTS 2 -28
Other Plan(s)	30 June 2017	P05/A
Other Plan(s)	30 June 2017	PARAMETER PLANS 1 -5
Planning Statement/Brief	30 June 2017	PARTS 1 - 3
Design & Access Statement	30 June 2017	PARTS 1-12
Illustration	30 June 2017	PERSPECTIVE VIEWS AA
Illustration	30 June 2017	PERSPECTIVE VIEWS BB

Illustration	30 June 2017	PERSPECTIVE VIEWS CC
Additional Documents	30 June 2017	RESIDENTIAL TRAVEL PLAN
Additional Documents	30 June 2017	SCHOOL TRAVEL PLAN PARTS 1 & 2
Additional Documents	30 June 2017	TRANSPORT ASSESSMENT PARTS 1- 5

Report to **Planning Committee**  
Date **10 January 2018**  
By **Director of Planning**  
Local Authority **Lewes District Council**  
Application Number **SDNP/17/05815/HOUS**  
Applicant **Mr D Ling**  
Application **Increase in the length of the existing rear extension, addition of a second storey over, installation of a bike shed and a wooden gate in front garden and internal alterations**  
Address **16 St Annes Crescent  
Lewes  
East Sussex  
BN7 1SB**

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

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## **Executive Summary**

### **1 Site Description**

1.1 No 16 St Annes Crescent is a four storey dwelling (lower ground floor, ground floor, first and second floors) which forms part of a terrace of similar dwellings within Lewes Conservation Area and Article 4 Area. The dwellings are characterised by narrow elevations with deep front gardens, and tightly constrained rear gardens which are overlooked by the rear elevations of dwellings along the southern side of Western Road to the rear (north).

### **2 Proposal**

2.1 This application is submitted following the refusal of two applications earlier this year: SDNP/17/02835/HOUS - Two storey rear extension, installation of a bike shed and a wooden gate in front garden and internal alterations, and SDNP/17/02836/HOUS - Three storey rear extension, installation of a bike shed and a wooden gate in front garden and internal alterations.

2.2 The works proposed as part of this current application are similar to the previous application for a two storey extension, including the extension of the lower ground floor (basement) area, but slightly reduced in height and depth, with the installation of a bike shed and wooden gate remaining unchanged.

2.3 As submitted under SDNP/17/02835/HOUS the proposal included a 3m deep x 2.27m wide extension at first floor, over the existing 1.95m deep x 2.27m wide ground floor projection, with the overall height being 5.67m. **Page 40 of 66** His revised scheme proposes a decrease in depth of the first floor element by 0.53m - to 2.47m, providing a new bathroom; an increase in the depth of the existing ground floor element by 0.52m to match the overall 2.47m depth, providing a new



shower; and the reduction in overall height of the extension by 0.62m - to 5.05m. The lower ground floor, adjacent to the rear light well will be extended out to a depth of 1.95m x 2.27m wide to provide a utility room.

2.4 The bike shed will be constructed from timber, and will also incorporate a bin store. It will be 2.88m wide x 1.66m deep x 1.5m high and will be situated behind the evergreen hedge which forms the front boundary. The solid timber gate will have a curved top, and be approximately 2m high.

### 3 Relevant Planning History

SDNP/17/02835/HOUS - Two storey rear extension, installation of a bike shed and a wooden gate in front garden and internal alterations, refused 4th August 2017 under delegated powers.

SDNP/17/02836/HOUS - Three storey rear extension, installation of a bike shed and a wooden gate in front garden and internal alterations, refused 4th August 2017 under delegated powers.

### 4 Consultations

#### 4.1 Parish Council Consultee

4.2 Members considered comments from a near neighbour of this application and re-iterated their comments made on 25th July 2017

4.3 *'Members heard the concerns of a neighbouring householder, who cited several aspects of the proposed development which would be detrimental to everyday use and enjoyment of her home and were believed to represent overdevelopment of the site.'*

4.4 *The size and positioning of proposed extension would severely compromise the already limited light available due to the orientation of the properties. This already necessitated the use of artificial light in some rooms throughout the day. The building would be overbearing and dominate her small garden, and alter the look of the Crescent. There were serious concerns over the effect on the structural integrity of adjoining properties, due to the proposed removal of internal elements. Issues also giving cause for concern included the inflationary effect on the property value and the wider implications for affordability in the area. Members concurred with these points and OBJECT to the proposals; suggesting that the application should be called-in for consideration by the District Planning Committee.'*

4.5 It was noted that the overall works proposed seem smaller, but more alterations were planned to lower levels, and these caused concern. The neighbour reported that some work appeared to be underway, and reported movement in her property which had caused a window pane to break. Other neighbours cited the effects on the green infrastructure of the area, and Members saw some merit in these arguments.

4.6 It was agreed that Cllr Catlin would seek to have this application called-in for scrutiny by Lewes District Council's Planning Committee.

#### 4.7 LE - Design and Conservation Officer

4.8 Comments from previous applications are still relevant, i.e. no observations.

### 5 Representations

5.1 At the time of writing, three letters of objection have been received from the next door neighbour (No. 17), No. 110 Western Road, and No. 13 St Annes Crescent.

5.2 The letter from the occupiers of No. 17 is available to view on the South Downs National Park website, but is summarised thus:

- Issues regarding loss of light - "Light is already restricted due to the congested site and any further diminution of light to our back windows is unreasonable. Our main light

comes from the west for most of the working day. Lack of light results regrettably in the use of electric lights inside.

- Basement - a main living and working room; our existing tiny window is already affected by the existing extension- heightening this in any way will exacerbate this.
- First floor - a living room with light also already affected by the existing extension - the same will apply.
- Second floor - is the only back room with a larger window with at present unimpaired light - this may be slightly affected.
- Garden - our limited amount of sunlight would be further reduced by this application, with respect also to drying washing, flowering plants etc - see ecological effects.
- Outside - enclosure and lack of sunlight on the back of the house causes damp problems - every bit of sunlight and circulating air is necessary to keep the back walls dry.
- As an artist I am extremely anxious about loss of light, once gone from these buildings it will never be easily reclaimed by future generations."

5.3 In addition, the letter takes issue with loss of garden space; potential for overlooking from the rear facing window; structural concerns; precedent; access during construction works and ongoing maintenance; disruption during development.

5.4 One letter, from 110 Western Road to the rear (north) cites loss of light to their kitchen extension, and loss of a valuable wildlife corridor as grounds for objection, with the objection from No. 13 St Annes Crescent citing loss of light, loss of green infrastructure and potential structural damage as grounds for objection.

5.5 Friends of Lewes have objected to the gate and bike shed, considering them to be, "unsympathetic to the site and its local context".

## 6 Planning Policy Context

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **Lewes District Local Plan (2003)** and the following additional plan(s):

- Lewes District Council - The Core Strategy (Local Plan Part 1) 2014
- SDNPA Partnership Management Plan 2014

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:

- NPPF07 - 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 Local Plan (2003)** are relevant to this application:

- H5 - Within / Affecting Conservation Area
- RS13 - All Extensions
- ST3 - Design, Form and Setting of Development

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

- CPI1 - Built and Historic Environment and Design

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

### Partnership Management Plan

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

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

### The Draft South Downs National Park Local Plan

The South Downs Local Plan: Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 26<sup>th</sup> September to 21<sup>st</sup> November 2017. After this period, the next stage in the plan preparation will be the submission of the Local Plan for independent examination and thereafter adoption. Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the NPPF, which confirms that weight may be given to 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 earlier planning application incorporating a rear two storey extension (SDNP/17/02835/HOUS) was refused for the following reasons:

8.2 *"The proposed two storey extension would result in an overbearing and dominant structure that would result in loss of light and overshadowing to the adjacent dwelling, No. 17 St Annes Crescent, to the detriment of the residential amenities of the occupiers thereof. Accordingly the proposal is considered to be contrary to Policies RES13 and ST3 of the Lewes District Local Plan."*

8.3 *"As a result of the restricted open space to the rear of the dwelling, the proposed two storey extension would result in overdevelopment to the detriment of the character of the existing dwelling and wider terrace. Accordingly the proposal is considered to be contrary to Policies RES13 and ST3 of the Lewes District Local Plan."*

8.4 Consequently, this planning application should be assessed on whether or not the above points have been addressed sufficiently enough to warrant a recommendation of approval.

8.5 Policy RES13 (Extensions) of the Lewes District Local Plan states that all extensions and alterations will be required to, *"(c) ensure that any extension to the rear of the building should not excessively enclose or seriously affect the daylight in an adjoining owners nearest habitable room or garden. Extensions should generally be restricted to within a line drawn from the mid-point of the nearest ground floor window opening to a habitable room of neighbouring properties. The line should be projected at 60 degrees and 45 degrees for single and double storey extensions respectively. With respect to two storey extensions usually a distance of at least one metre will be required between the extension and a boundary to prevent the creation of a terraced appearance"*. The refused application fell foul of this 45 degree rule. However, the reduction in depth of this revised proposal has brought the proposed rear elevation within these parameters. However, this does not automatically render the proposal acceptable as the restricted space and layout at the rear of the properties is also a determining factor.

8.6 As stated earlier, the proposed extension has been reduced in depth by 0.53m from the original submission, with the ground floor extension being increased in depth by 0.52m to provide an aligned rear elevation. This is coupled with a reduction in overall height of 0.62m. The adjacent dwelling to the north-east (No. 17) is effectively the last dwelling in this terrace as, although joined at the front to No. 18, Nos 18 to 24 are tilted away from Nos 1 to 17. This means that the potential for overshadowing and loss light is partially mitigated by the more open eastern boundary between Nos. 17 and 18, addressing the first reason for refusal, and the objections of the next door neighbour.

8.7 The adjacent dwelling to the west (No. 15), and No. 13 have first floor extensions of a similar size to the proposed, although these are of an indeterminate age and may not have required planning permission at the time of construction. As the proposed is similar in dimensions to other extension, it is considered an objection on grounds of character cannot be maintained and the second reason for approval has been addressed.

8.8 The objections of local residents are noted, and the issue of loss of light is addressed above. However, the loss of any green corridor is not an issue in this case as the footprint of the dwelling is only increased by 1.18 sqm. Regarding loss of light to the kitchen extension at No. 110 Western Road, it is difficult to see how this is a potential issue, compromised as it is at present by the extremely large and deep rear extension at Nos 106 - 108 Western Road adjacent. Issues regarding structural matters raised by the occupiers of No. 17 are not planning matters and should be addressed under Party Wall legislation. An informative setting this out is recommended. It is considered the insertion of a window in the rear elevation will have no greater impact from overlooking than the existing first floor rear window. In addition, the window serves a bathroom and is not classed as a 'habitable' room.

8.9 The previous comments of the Design and Conservation Officer (DCO) are just as valid for this proposal. The position of the extension at the rear of the property means the proposal is not visible from the public realm. Therefore, the only element of the scheme that may have an impact on the Conservation Area is the bike shed and wooden gate to the front garden. The DCO had no observations to make on the proposal. In addition, the shed will be tucked behind the coniferous front hedge which will provide a year-round screen.

8.10 It is considered the proposal has addressed the issues raised within the previously refused applications. Although there are issues with the constrained dimensions of the rear elevations and rear amenity space, it is considered the proposal has gone some way to reduce any adverse impact on the adjoining dwellings and that, on balance, planning permission should be granted.

## 9 Conclusion

9.1 That planning permission be granted.

## 10 Reason for Recommendation and Conditions

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

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

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

### 2. Approved Plans

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

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

3. 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.

4. Construction work shall be restricted to the hours of 0800 to 1800 Monday to Fridays and 0830 to 1300 on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

Reason: In the interest of residential amenities of the neighbours having regard to Policy ST3; of the Lewes District Local Plan.

## 11. Crime and Disorder Implications

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

## **12. Human Rights Implications**

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

## **13. Equality Act 2010**

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

## **14. Proactive Working**

The Local Planning Authority has acted positively and proactively in determining this application by 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: Mrs Alyson Smith  
Tel: 01273 471600  
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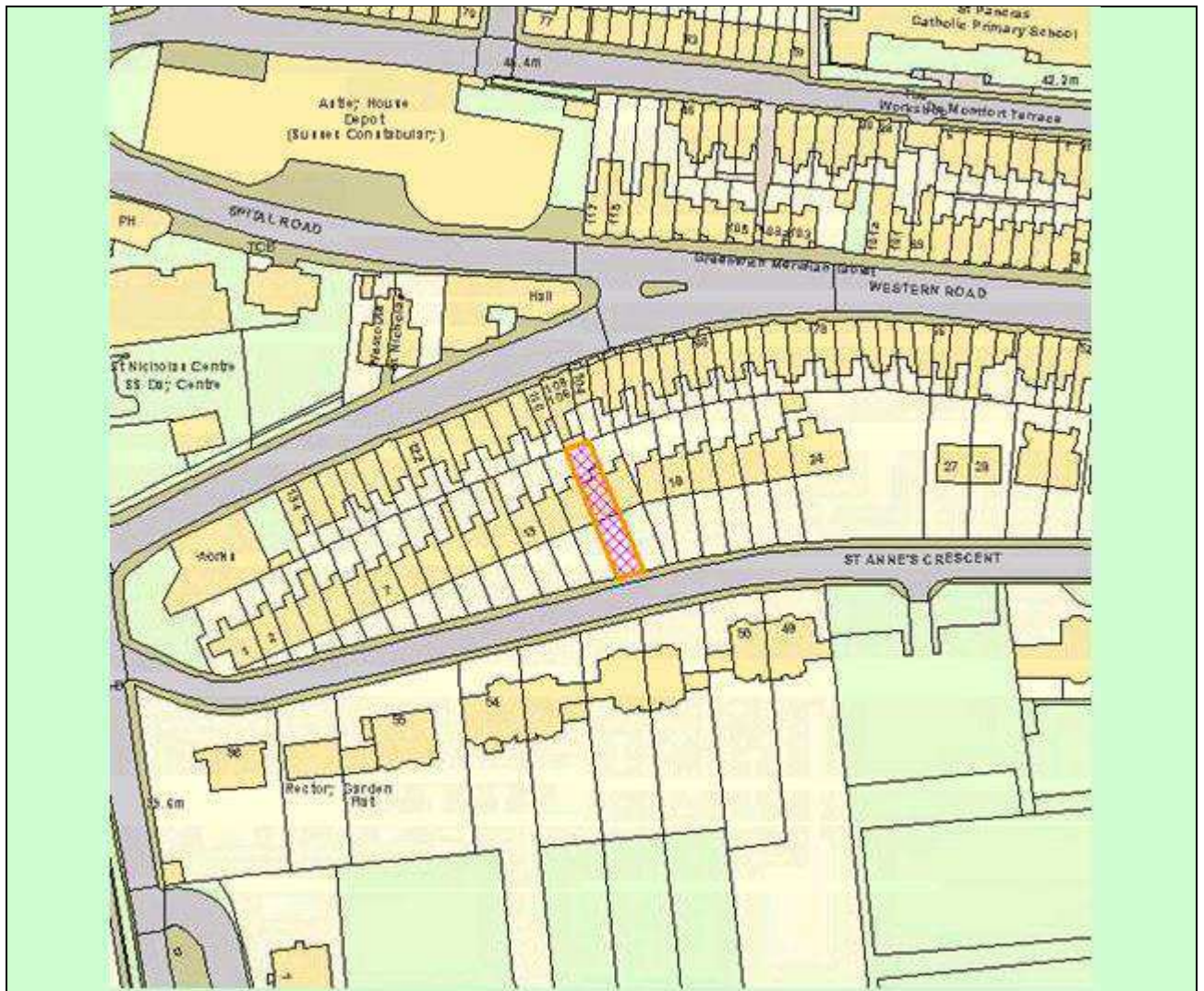
Appendices Appendix 1 - Site Location Map  
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

## Appendix I

### Site Location Map



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

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

Plan Type	Reference	Version	Date on Plan	Status
Plans - EXISTING ELEVATIONS, SECTIONS, LOCATION AND BLOCK	633/100 C		13.11.2017	Approved
Plans - EXISTING LOWER GROUND, GROUND, FIRST, SECOND FLOOR & ROOF PLAN	633/101 B		13.11.2017	Approved
Plans - EXISTING PARTIAL SIDE (EAST) ELEVATION & SECTION C-C	633/102 A		13.11.2017	Approved
Plans - PROPOSED ELEVATIONS, TYPICAL SECTION A-A & PARTIAL SECTION B-B	633/200 E		13.11.2017	Approved
Plans - PROPOSED FLOOR PLANS & ROOF PLAN	633/201 F		13.11.2017	Approved
Plans - PROPOSED SECTION B-B	633/202 E		13.11.2017	Approved
Application Documents -	HERITAGE STATEMENT		13.11.2017	Approved
Application Documents -	INSTALLATION INSTRUCTIONS		13.11.2017	Approved

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



Report to **Planning Committee**  
Date **10 January 2018**  
By **Director of Planning**  
Local Authority **Lewes District Council**  
Application Number **SDNP/17/00071/FUL**  
Applicant **Mr D Lewis**  
Application **Demolition and partial demolition of 4 existing buildings and provision of additional car parking spaces**  
Address **Sussex Police Headquarters  
Church Lane  
South Malling  
Lewes  
BN7 2DZ**

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**Recommendation:** That the application be **Approved for the reasons and subject to the conditions set out in paragraph 10 of this report and subject to the completion of a S106 agreement with obligations relating to:**

- 1. A bus shelter to be provided at the bus stop on southern side of Church Lane in conjunction with the Lewes Town Council.**
- 2. A Travel plan in accordance with ESCC guidelines.**

**This is to ensure that other non-car modes of transport are provided for users of the site in accordance with the objectives of Policy CPI3 of the Joint Core Strategy and the NPPF.**

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### **Executive Summary**

Following the re-organisation of Sussex Police's occupation of this site and the introduction of staff from East Sussex Fire and Rescue, staff numbers at the site have increased staff by approximately 250. In order to try and address known parking issues on and around the site, this application seeks planning permission for the demolition and part demolition of four existing buildings and the provision of additional 204 parking spaces.

Whilst the proposals will result in the reduction/removal of a small number of trees and areas of soft landscaping and will also introduce a number of parking spaces to the rear of residential properties in Queens Road, the limited negative impact in terms of visual amenity and on the living conditions of the neighbouring occupiers are considered to be significantly outweighed by the provision of additional on-site parking that will help alleviate the parking issues that are currently being experienced on surrounding residential streets.

No significant harm will be caused to the setting of the listed buildings and in fact a small improvement will be brought about through the removal of the modern addition to "The Club".

Whilst the longer term benefits sought by ESCC to encourage staff to use alternative means of transport would be welcomed, on the basis that staff numbers at the site have already increased and will remain as

such regardless of the outcome of this application, it is considered that securing the additional on-site parking, with some improvements to alternative means of transport can be accepted as proposed.

The application is therefore considered to be acceptable and accords with Policies ST3 and H2 of the Local Plan and Policies CPI 1 and CPI 3 of the Joint Core Strategy.

## **I Site Description**

- 1.1 Sussex Police Headquarters are located to the north east of Lewes town centre, to the north of Church Lane. In total the site extends to some 10 hectares, and consists of a number of offices and operational buildings, along with existing areas of parking and soft landscaping.
- 1.2 There is a single point of access to the site off Church Lane, where there is a barrier controlling entry/exit to the site.
- 1.3 There are a number of trees protected by Tree Preservation Orders on the site, the majority of which are located around Malling House at the southern end of the site. There are also three group orders protecting the woodland along the northern boundary of the site, a band of trees running through the centre of the site and an area at the south east corner of the site.
- 1.4 Malling House sits within the site at its southern end. This is a Grade I listed building. Adjacent this is a Grade II listed building and the boundary wall surrounding Malling House is also listed in its own right (Grade II).
- 1.5 The site has been used as a police headquarters for many years, the initial use of the site in this manner pre-dating the 1947 Town and Country Planning Act.
- 1.6 In terms of planning policy the site falls within, but at the very edge of the planning boundary of Lewes as defined by the Lewes District Local Plan. It also falls within the South Downs National Park.

## **2 Proposal**

- 2.1 Planning permission is sought for the demolition and part demolition of four existing buildings and the provision of additional parking spaces.
- 2.2 The application has been submitted following the re-organisation of Sussex Police's occupation of the site and the introduction of staff from East Sussex Fire and Rescue, increasing staff numbers by approximately 250. This has been carried out without the provision of any additional floorspace and has not resulted in any change of use at the site; it has simply been achieved through better use of the existing floorspace.
- 2.3 Nonetheless this has resulted in higher parking demand at the site which is already known to be at capacity and spills out onto the neighbouring and nearby residential streets.
- 2.4 At present parking facilities on the site are spread across the site and include a three storey multi storey car park. A total of 599 spaces are currently provided, comprised of 589 standard spaces and 10 disabled/accessible bays.
- 2.5 In order to increase parking on site this application seeks the demolition of three buildings, "H" Block, Firearms and the Old Squash Court, and the partial demolition of The Club (this is the Grade II listed building). Removal of these buildings, along with the re-organisation of existing parking across the site, allows the increase of parking on the site by some 252 spaces.
- 2.6 Part of the provision of new parking originally involved the creation of a new area of parking to the immediate south of Malling House. However following objections from the Council's Design and Conservation Officer, this area has been removed from the proposals.

2.7 The application therefore proposes a total of 204 new parking spaces.

### 3 Relevant Planning History

3.1 The application site has an extensive planning history the full details of which can be viewed on file. Of most relevance to the determination of this application are the following:

SDNP/17/00051/FUL - Alterations to the existing single storey 'gatehouse' building, creation of 8 visitors parking bays (including 1 disabled parking bay), and new area of paving to provide both pedestrian access and cycle parking for 4 bicycles - Approved

SDNP/15/04937/FUL - Proposal for new and additional to existing car parking spaces, a new access point, and the demolition of 'H' Block/Firearms, Driving School and Old Squash Court - Application withdrawn

LW/04/2115 - Provision of 35 temporary car parking spaces on re-inforced turf - Refused

LW/04/1132 - Extension of car park to provide 20 additional spaces - Approved

LW/02/1911 - Renew wire mesh fence in two locations, 'B' Dog Field, 'C' Communications Building. Fence to be 2.4m high and provision of road ramps and electric gates with CCTV camera control at entrance (gates to match existing balustrade fence) - Approved

LW/96/0111 - Formation of grasscrete surfacing for vehicle storage facilities on former allotment - Approved

LW/79/0966 - Erection of communications and photographic complex including radio mast (60 metres) and 107 car spaces - Approved

N/55/0874/3364 - Planning and Building Regulation Application for ten garages and parking area. - Approved

N/54/0787/3202 - Planning and Building Regulations Application for workshop and garages - Approved

### 4 Consultations

#### 4.1 LE - Design and Conservation Officer

4.2 Concern is raised over aspects of the proposed works. The parking area shown as 'V' on the submitted Proposed Siteplan drawing no. 7590-301-01, revision A is of specific concern. The works are considered to compromise the setting of Malling House, a grade I listed building, and the wall surrounding Malling House and garden wall to west of Malling House, which are a grade II listed, harming their special interest.

4.3 The wider setting of the listed building has already been significantly compromised by modern buildings and parking areas, the lawn to the south of Malling House, where parking area 'V' is located, is one of the few undeveloped areas on the site. Section 6.16 of the Archaeological Report confirms this, stating 'Malling House was originally built in a country setting, within formally landscaped grounds. Although the main outlook of the house was to the east, where its driveway approached the front of the house, the south and west sides of the house were also clearly important as they contained its gardens, and the presence of the niche and gazebo in the walls in the southwest corner of the garden confirm this importance. The west part of the gardens have already been built on, leaving just the gardens to the south of the building, and the approach from the east, as its remaining formalised setting.'

4.4 It also notes within section 6.17 'The construction of Car Park V will have a significant impact on the setting of Malling House, as it will remove a considerable part of the large terraced lawn, leaving intact just the lawn enclosed by the driveway and the wooded garden to the

southwest. Although the proposed car park will have no direct physical impact on the potentially Listed wall that bounds the west side of the lawn, nor on its end niche and the Listed gazebo to its west, it will effectively remove the garden setting in which they were designed to play a prominent part. The setting of a manor house in a landscaped garden is to a great extent still retained today when viewed from the entrance to the east of the house and from within the grounds. To some extent this also applies from the south, although the view is partly obscured as the gardens are at a higher level than the adjacent road. Although the car park is proposed to be set back from the road, right up against the modern patio beside the house, both the cars and people in the proposed car park may still be seen from the road, thus impacting on the setting from this direction.'

4.5 Section 6.18 of the Archaeological Report notes, 'As far as the view out from the building is concerned, there are multiple windows in the south wall of the house, which were clearly designed to take in both the longer views across the river valley, and also the immediate views into the adjacent landscaped gardens. The construction of this car park will have a significant impact on the setting of house and garden when looking out from this side of the house.'

4.6 Section 7.4 states, 'It is clear that the construction of Car Park V will have a significant negative impact on the setting of the Listed Building of Malling House and the structural features surrounding the garden, including the listed gazebo, and the retaining walls with its niche. The house, garden and associated features were designed to be seen as a single cohesive setting, which the placing of this car park will impair. It will also significantly damage the inward and outward looking views of the house. It is, therefore, recommended that Car Park V should not be built.'

4.7 It is clear that advice within the applicant's Archaeological Report has not been taken. The statements made within this report are agreed with. No further argument has been put forward to justify this element of the proposed works. It is considered this lawn makes a significant contribution to the garden setting of the listed buildings and needs to be retained. While it is noted there are parking issues within the site and immediate surrounding residential area this is not considered to justify the proposed works. It is not considered the public benefits of the proposal outweigh the harm to the listed buildings and their setting. This aspect of the application needs to be amended to address this concern or refused.

4.8 There is a modern extension to the rear of Building 13, a former mid-late 17th century stables. It should be noted as this addition is attached listed building consent will be required for these works. The works are considered an enhancement to the setting of the listed building, which will remove the visual clutter of built forms and create open space around it. While this will be replaced by parking area 'C', this is an improvement to the existing setting.

4.9 The Archaeological Report makes reference to the Old Squash Court, shown as Building 15 within the submitted plans, its interest is described as is its current poor condition. This building is not considered to be of significant heritage interest and its demolition is considered acceptable. The proposed works are not objected to.

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

4.11 A detailed desk - based assessment submitted with the application concludes that groundworks associated with the proposed development have the potential to expose / disturb below ground archaeological features of Roman, medieval and post-medieval date. Furthermore this report suggests that a former squash court will require standing building recording prior to demolition.

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

#### **4.13 LE - Tree & Landscape Officer**

4.14 The tree report appears to be incomplete and does not provide an arboricultural impact assessment in relation to the layout of the new car parking spaces relating to areas Q, S, L and J. The report also does not appear to specifically mention the presence of protected trees subject to a tree preservation order, and it appears to have missed out at least one protected tree (T1 of the Order - an Ash) - this may be to do with changes in the proposed layout since the report was compiled in Feb 2016.

4.15 The tree report does not make clear which trees are to be removed as part of the development proposals and there is no tree impact assessment and tree protection plan or method statements to consider.

4.16 Overall, however, subject to the proviso that additional information is submitted as required (see suggested planning conditions), I have no substantive objections to raise about the proposal.

#### **4.17 Southern Gas Networks - Standard guidance**

#### **4.18 ESCC - Highways**

4.19 This HT401 is issued in response to the original application which includes a Transport Statement dated March 2017, travel plan and parking surveys.

4.20 I have no objection to the proposed development and recommend highway conditions being attached to any planning permission.

#### **4.21 South East Water - comments awaited.**

#### **4.22 Parish Council Consultee**

4.23 Members note that there are fewer parking spaces in this application than in an application that was submitted and then withdrawn in 2015. However, members welcomed the general improvement and increased parking.

#### **4.24 Historic England - South East Region**

4.25 Malling House is a grade I listed mansion, thought to date possibly to the mid seventeenth century, with an eighteenth century refronting. It has been significantly extended to the west, and its setting compromised by development associated with its current use as the Sussex Police Headquarters.

4.26 Historic England has not had the opportunity to visit the site to assess the scheme, and we are therefore relying on the Desk Based Assessment provided with the application, along with the photographs provided. The buildings proposed for demolition do not appear to be significant historically and we do not therefore wish to object to their loss. We do however have some concerns with the proposed car park 'V' to be sited to the south of the grade I listed building. The setting of the mansion has already been compromised by later additions, however something like its historic setting has been maintained by keeping the areas south and east of the listed building free from visual clutter associated with the current use, and surrounded by green landscaped terraces or lawns.

4.27 Where harm would arise from development within the setting of a designated heritage asset, it should be clearly and convincingly justified (NPPF para 132). We can see no such justification for the harmful effects associated with this element of the proposal and think that car park 'V' should be omitted. We would encourage the applicant to think about the development needs at this site and ways in which the setting of the listed buildings on the site could be enhanced over the medium to long term, a policy aspiration of the NPPF (paragraph 137).

#### **4.28 Recommendation**

4.29 Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 132, 137 of the NPPF.

4.30 In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

4.31 Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

## 5 Representations

### 5.1 One letter of objection from 110 Queens Road:

"The area behind and beside the current car park area located on the northwest side of the gravel area, currently fenced and next to a row of garages is now undeveloped and fenced. If developed, it violates the reasons for planning permission within the park. There are many mature healthy trees which would be destroyed, small animals - hedgehogs, mice, toads and their food sources would be gone. Their habitat would be destroyed, the protection for the River Ouse bank gone. The lighting required would be disruptive to the existing adjacent homes. The traffic at all times would subject the adjacent homes to loss of privacy, light pollution and change the course of rain run off distribution. The area is now a sanctuary for foxes, pheasants and nanny types of nesting birds. The habitats that are to be protected by the South Downs National Park are disappearing at a alarming rate and once gone are gone forever for the future generations"

## 6 Planning Policy Context

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

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

Other plans considered:

- None

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.

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:

- NPPF07 - 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 1) 2014** are relevant to this application:

- CPI3 - Sustainable Travel
- CPI1 - 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
- H2 - Listed Buildings

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

- General Policy 9
- Transport Sector Policy 39

#### 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
- Transport Sector Policy 39

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

The South Downs Local Plan: Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 26<sup>th</sup> September to 21<sup>st</sup> November 2017. After this period, the next stage in the plan preparation will be the submission of the Local Plan for independent examination and thereafter adoption. Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the NPPF, which

confirms that weight may be given to policies in emerging plans following publication unless other material considerations indicate otherwise. Based on the current stage of preparation, along with the fact that the policies are compliant with the NPPF, the policies within the Pre-Submission Local Plan referenced are currently afforded some weight.

## **8 Planning Assessment**

### Visual impact

- 8.1 The majority of the works proposed by this application are internal to the site and will not therefore be widely seen in the general street scene.
- 8.2 The most prominent/public alterations are to the front of the site at the entrance where 8 new parking spaces are proposed next to the gate house. These space have however already been approved by virtue of the approval of application SNDP/17/00051/FUL.
- 8.3 To the immediate east of the gate house a further 7 parking spaces are proposed which will require the removal of a small area of grassed lawn. This frontage is the main public vantage point of the site and the loss of more of this grassed lawn is regrettable. However a good sized area of soft landscape will still be maintained. Whilst this will bring the visibility of parked cars slightly closer to the public domain, on the basis that the existing car park is already visible at this point it is not considered that this element of the proposals will result in significant visual harm to the wider street scene.
- 8.4 Furthermore on the basis that the proposed parking area will be seen against the back drop of the existing site and wider built up area, it is not considered that any notable harm will be caused to natural beauty of the wider national park.

### Neighbour amenity

- 8.5 The application site falls within a residential area, and is surrounded by residential dwellings on its eastern, western and southern sides.
- 8.6 Only one letter of objection has been received in relation to this application from the occupiers of 110 Queens Road. Queens Road lies to the north east of the application site and provides emergency access to the application site.
- 8.7 The largest single car park currently serving the site runs along the eastern side of the site sitting at 90 degrees to the Queens Road. As part of this proposal the existing car park will be reconfigured to increase the number of parking space available, and in addition it will be extended to the north with a small number of spaces introduced to the rear of 106 -112 Queens Road. At the moment whilst the applicants own this land, it is gated to prevent access and consequently is overgrown and slightly naturalised.
- 8.8 The occupier of 110 Queens Road is concerned that the introduction of parking in this area will be disruptive to the adjacent dwellings by virtue of noise, activity and lighting.
- 8.9 12 spaces are proposed in this area. The concerns of the neighbour are noted and understandable especially bearing in mind the 24 hour nature of the application site.
- 8.10 This is a relatively small number of additional spaces in very close proximity to a much larger car park where existing movements throughout the day will already occur. Whilst it is accepted that these new parking spaces will be directly to the rear of residential properties and will have some impact on the living conditions of the occupiers, the disturbance to the neighbouring residents needs to be balanced against the benefit of securing more onsite parking which in turn should relieve known on street parking issues in the surrounding streets.



- 8.11 As noted above there are two listed buildings on the application site, one is Grade I and the other is Grade II.
- 8.12 Part of the application proposals seek the demolition of part of the Grade II building in order to make way for new parking spaces. The element of the building that it is sought to remove is a modern addition to the building and its removal is considered an enhancement to the setting of the listed building due to the removal of the visual clutter of built forms and the creation of open space around it. Separate listed building consent will also need to be sought for these works, however no objection is raised to this element of the proposals.
- 8.13 As set out above, as originally submitted, the proposals sought the creation of a large area of parking to the front (south) of Malling House, the Grade I listed building. This was considered to cause significant harm to the setting of this listed building and was in conflict with the applicant's own Archaeological Report. Following an objection from the Council's Design and Conservation Officer this element of the proposals was removed from the application. With its removal the Design and Conservation Officer has no further concerns with the proposals. Its removal is also in line with the recommendations of Historic England.

#### Loss of trees/landscaping

- 8.14 The proposed extension of the car park towards the rear (north) of the site will result in the loss of a small number of trees (including a small number to the rear of 110 Queens Road).
- 8.15 As set out above the woodland to the north of the application site is protected by a woodland preservation order (TPO (No. 22) 1997) and a band of trees running north-south through the site are also protected by another group order (TPO (No. 49) 1998). The proposals would introduce new hard surfacing within close proximity of some of the trees protected by this order. However the proposed spaces all appear to fall outside of the root protection areas of the protected trees, with the exception of one and therefore on this basis no significant harm should be caused to the majority of specimens.
- 8.16 The Council's Tree and Landscape Officer was asked to comment on the application proposals and whilst he has noted that the submitted information does not make any specific mention of the protected trees, nor does it provide any tree impact assessment or tree protection or method statements, on the basis that this information can be secured by means of appropriately worded conditions, no substantive issues are raised in relation to the proposals.
- 8.17 With regard to the loss of the trees to the rear of 110 Queens Road, it is noted that these trees are all poor quality trees and therefore no objection is raised to their removal. The large band of protected trees beyond the application site should not be affected.
- 8.18 Whilst the loss of a small number of trees will clearly result in some loss of habitat for animals and birds, with the large band of more healthy and mature trees retained and protected by the TPO it is considered that this loss is insignificant.

#### Highways implications

- 8.19 The proposed submissions have been considered by ESCC Highways Authority who have raised no objections to the proposal subject to a number of conditions and a Section 106 Legal Agreement securing improvements towards infrastructure in order to make the site accessible by alternative modes of transport. This consists of the provision of two new bus stops on Church Lane.
- 8.20 Whilst the increase to the level of parking on the site would still mean that the site, in terms of parking spaces per total number of staff employed would fall short of the recommended standard, the shift pattern of staff needs to be taken into consideration i.e. whilst the total number of staff employed at this site may be approximately 1300, they won't all be at the site at the same time. Notwithstanding this, owing to the known parking issues on surrounding streets it is important to try and encourage alternative means of accessing the site in order to relieve parking pressure at

the site, hence the County Council's request for the Section 106 Agreement to secure improved bus stops in the vicinity of the site and a Travel Plan.

- 8.21 The reduction in the proposed number of parking spaces, brought about by the removal of one of the areas of parking as set out above, also makes these particularly important elements to secure and are also considered to fall in line with the provisions of Core Policy 13 of the Joint Core Strategy which seeks to encourage sustainable means of transport.
- 8.22 Whilst the applicants initially indicated that they were happy to sign the Section 106 Agreement securing the provision of the two bus stops, subsequent correspondence has been received querying the necessity for the provision of the two bus stops. They have suggested that such improvements could be funded by the Community Infrastructure Levy (CIL) and that therefore to require them to provide them via a Section 106 would be unnecessary, unreasonable, and not in compliance with CIL Regulation 122. In their opinion:
- "It is unlikely that significantly more members of staff will be using the bus service, and certainly not enough to justify both these infrastructure improvements as requested by ESCC Highways. This bus service is not predominately for the use of police staff and has wider public benefits for the residents of the surrounding area which in our view should be supported by other funding sources and not solely from developer contributions."*
- 8.23 Additionally they have also subsequently confirmed that they have commenced a shuttle bus service from the site which is a free service for staff operating between the site and the train station to coincide with the train services.
- 8.24 In response ESCC has confirmed that whilst the CIL 123 list includes general bus stop improvements the Highway Authority can require individual requirements such as bus stop works, footways etc. provided they are directly related to a site. On the basis that the increase to parking at this site is required due to a considerable increase in staff relocating to this site, and that it will help to alleviate the parking issues by staff on the surrounding roads they still consider the Police should be encouraging staff to use alternative means of transport such as by bus, train etc. To encourage staff to use the public transport it is considered that the request for the bus stop improvements is justified under CIL 122 as it is directly related to this site.
- 8.25 However, in light of the commencement of the shuttle bus service they have confirmed that they would accept the shuttle bus service in lieu of one of the new bus stops, provided that the shuttle bus is secured in perpetuity through the Travel Plan and separately within the s106 agreement together with a new bus shelter opposite the main access.
- 8.26 Whilst the applicants have confirmed their appreciation for the reduction in the number of bus shelter improvements, and agree to this being secured in a S106 Agreement, on the basis that Sussex Police only contribute financially towards the shuttle bus service (which is funded jointed with East Sussex Fire and Rescue) they are unable to continue this service in perpetuity as part of a legal agreement as circumstances are likely to change in the future. What they have offered however is to agree to invest in the shuttle service for a period of 12 months and if successful to review annually.
- 8.27 East Sussex Highways Authority are not content with this proposal and have stated that they would only agree to the second bus stop being omitted if a shuttle bus is secured through the S106 and Travel Plan.
- 8.28 The intentions of ESCC Officers is understood and it clearly would be preferable to secure the shuttle bus in perpetuity, however the reality of the situation also needs to be taken into consideration i.e. the increase in staffing numbers at the site has already occurred and if this application were to be refused on the grounds that the applicants are not willing to agree to the provisions sought by ESCC there will be no improvement to on-site parking and the issue of parking on surrounding streets is not addressed at all. For this reason, whilst it would be preferable for longer term benefits to be secured through the S106 it is considered that the applicants offer to agree to fund just one bus stop on the southern side of Church Lane and a Travel Plan in accordance with ESCC guidance is acceptable.

## 9 Conclusion

- 9.1 Whilst the proposals will result in the reduction/removal of a small number of trees and areas of soft landscaping and will also introduce a number of parking spaces to the rear of residential properties in Queens Road, the limited negative impact in terms of visual amenity and on the living conditions of the neighbouring occupiers are considered to be significantly outweighed by the provision of additional on-site parking that will help alleviate the parking issues that are currently being experienced on surrounding residential streets. No significant harm will be caused to the setting of the listed buildings and in fact a small improvement will be brought about through the removal of the modern addition to "The Club". Whilst the longer term benefits sought by ESCC to encourage staff to use alternative means of transport would be welcomed, on the basis that staff numbers at the site have already increased and will remain as such regardless of the outcome of this application, it is considered that securing the additional on-site parking and with some improvements to alternative means of transport can be accepted as proposed.
- 9.2 The application is therefore considered to be acceptable and accords with Policies ST3 and H2 of the Local Plan and Policies CPI 1 and CPI3 of the Joint Core Strategy.

## 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 and subject to the completion of a S106 agreement with obligations relating to:

1. A bus shelter to be provided at the bus stop on southern side of Church Lane in conjunction with the Lewes Town Council.
2. A Travel plan in accordance with ESCC guidelines.

This is to ensure that other non-car modes of transport are provided for users of the site in accordance with the objectives of Policy CPI3 of the Joint Core Strategy and the NPPF.

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

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

### 2. Approved Plans

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

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

3. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework

4. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the

programme set out in the Written Scheme of Investigation approved under condition 3 to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework

5. 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,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and egress and routeing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- 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),
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

6. The car parking areas hereby approved shall be constructed and provided in accordance with the approved plans and thereafter shall 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.

7. Within three months of the date of this decision details of covered and secure cycle parking spaces shall be submitted to the Local Planning Authority for approval. These details shall include a timetable for the delivery of the cycle parking spaces which shall be 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 cycles.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies

8. No development related works (including demolition) shall take place on site until a tree impact assessment and site specific tree protection method statements, in accordance with the current British Standard 5837 detailing how unacceptable damage to both above and below ground parts of retained and protected trees will be avoided, shall be submitted to and approved in writing by the LPA.

The statements to include details of trees to be removed, those to be retained and new planting spaces, tree protective fencing, foundations and permeable hard surfaces within tree root protection areas including existing and finished levels, details of any service runs likely to affect tree roots and pruning works, as well as details of a scheme of supervision by a qualified tree specialist instructed by the applicant and approved by the LPA.

a) The approved method statements submitted in support of the application shall be adhered to in full in accordance with the approved plans and may only be modified subject to written agreement from the LPA.

b) This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction.

c) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner [during the development process and up until completion and full occupation of the buildings for their permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

Reason: To preserve trees on the site and in the interest of visual amenity and environment having regard to policy ST3 of the Lewes District Local Plan.

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

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

## **12. Human Rights Implications**

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

## **13. Equality Act 2010**

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

## **14. Proactive Working**

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

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

Contact Officer: 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 -	Archaeological Statement		16.03.2017	Approved
Plans - Proposed site plan	7590-301-02 B		13.06.2017	Approved
Plans - Existing site plan	7490-301-01 A		06.01.2017	Approved
Plans - Site Plan	7555-R-306-01 A		06.01.2017	Approved
Plans - Proposed site plan	7590-301-01 A		06.01.2017	Superseded
Plans - Tree Constraints Plan	L492TCP		06.01.2017	Approved
Application Documents -	BS5837 TREE REPORT		06.01.2017	Approved
Application Documents -	TRANSPORT STATEMENT		16.03.2017	Approved
Application Documents -	WORKPLACE TRAVEL PLAN		06.01.2017	Approved

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

**Agenda Item No:** 11 **Report No:** 177/17  
**Report Title:** Outcome of Appeal Decisions from 9<sup>th</sup> November to 1<sup>st</sup> December 2017  
**Report To:** Planning Applications Committee **Date:** 10 January 2018  
**Cabinet Member:** Cllr Tom Jones  
**Ward(s) Affected:** All  
**Report By:** Director of Service Delivery  
**Contact Officer(s):**  
**Name(s):** Mr Steve Howe and Mr Andrew Hill  
**Post Title(s):** Specialist Officer Development Management  
**E-mail(s):** [Steve.howe@lewes.gov.uk](mailto:Steve.howe@lewes.gov.uk) and [Andrew.hill@lewes.gov.uk](mailto:Andrew.hill@lewes.gov.uk)  
**Tel No(s):** (01273) 471600

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

<p>The Volunteer, 12 Eastgate Street, Lewes BN7 2LP</p> <p><b>Description:</b></p> <p><i>Section 73A retrospective application for the retention of a timber smoking shelter</i></p>	<p><b>Application No:</b> SDNP/17/01886/FUL</p> <p><b>Delegated Refusal</b></p> <p><b>Written Representations</b></p> <p><b>Appeal is dismissed</b></p> <p><b>Decision:</b> 1<sup>st</sup> December 2017</p>
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Robert Cottrill  
 Chief Executive of Lewes District Council and Eastbourne Borough Council





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## Appeal Decision

Site visit made on 14 November 2017

**by Richard Aston BSc (Hons) DipTP MRTPI**

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

**Decision date: 1<sup>st</sup> December 2017**

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**Appeal Ref: APP/Y9507/W/17/3181633**

**The Volunteer Public House, 12 Eastgate Street, Lewes, Sussex BN7 2LP**

- 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 Wendy Seals against the decision of South Downs National Park Authority.
  - The application Ref SDNP/17/01886/FUL, dated 4 April 2017, was refused by notice dated 23 May 2017.
  - The development proposed is described as 'Freestanding timber smoking shelter to front courtyard (partial retrospective)'.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The development applied for has been carried out and I have determined the appeal on this basis.

### Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the Lewes Conservation Area.

### Reasons

4. The appeal site consists of a small, open courtyard area to the side of The Volunteer Public House. It is located on a busy approach into the town centre and occupies a prominent location within the Lewes Conservation Area ('LCA'). Immediately abutting the building to the side and fronting onto Eastgate Street is No. 11, a 2 storey white rendered, Georgian/Victorian building.
5. The significance of the LCA appears to mainly derive from its historic plan form with the street pattern reflecting its Saxon, Norman and medieval history. The streets are narrow, twisting and undulating and there are many listed buildings of varying ages and periods lining them. The LCA is characterised by its intimacy, building heights, which are predominantly domestic in scale, with variations in design and styles. The historic groupings of listed and non-listed cultural, residential and commercial buildings of varying sizes, types and from different periods combine to form a tight urban grain with frequent plot divisions.
6. The appellant contends that the proposal has replaced an old established timber structure, is partially retrospective and has less of an impact. However,

I have not been provided with the details of that structure and even though a structure may well have existed, the combination of the materials<sup>1</sup>, appearance and size of the proposal before me sits in stark contrast to its surroundings. On this important approach into the historic town centre, the eye is unacceptably drawn to it and away from the historic vernacular which the LCA derives part of its significance from.

7. In particular, it masks 2 ground floor windows in the front elevation of No. 11 Eastgate Wharf. Although not a listed building, the symmetrical appearance of its fenestration is a key component of its architectural and historic value and its contribution to the significance of the LCA and overall, the structure is an unsympathetic and overly prominent addition that is detrimental to the visual interests of its surroundings. This harm could not be mitigated by a condition requiring the shelter to be painted or an alternative roof treatment.
8. For these reasons, the proposal fails to preserve the character or appearance of the LCA and therefore conflicts with Policies ST3 and H5 of the Lewes District Local Plan 2003. When read as a whole, these require development of a high quality of design that conserve or enhance the special architectural or historic character or appearance of the area.
9. In the context of Paragraph 134 of the National Planning Policy Framework ('the Framework') the harm is less than substantial. Consequently, it requires that I weigh any public benefits, including securing the assets optimum viable use against the less than substantial harm. The Planning Practice Guidance states that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in paragraph 7 of the Framework. Public benefits should flow from the proposed development and should be of a nature or scale to benefit the public at large and should not just be a private benefit.
10. I have had regard to the structures importance as a smoking shelter for customers of the public house. I also acknowledge that the proposal is a statutory requirement and complies with public health legislation. However, there is nothing before me to suggest the viability of the public house is at risk or overall, that there are any public benefits that outweigh the great weight that I give to the desirability of preserving or enhancing the character and appearance of the LCA. Accordingly, the proposal would also conflict with the heritage objectives of the Framework.

## **Conclusion**

11. For the reasons set out above, the proposal conflicts with the development plan, when read as a whole and the Framework. Material considerations do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

*Richard Aston*

INSPECTOR

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<sup>1</sup> Untreated timber and a corrugated sheet roof.