

Supplementary report to the Planning Applications Committee on 4 September 2024

- A. **Agenda Item 11 - LW/23/0304 - Land between Beach Road and Transit Road, Newhaven (Pages 35 - 86)**
 - B. **Agenda Item 12 - SDNP/23/04864/FUL - 56 Lewes Road, Ditchling, East Sussex, BN6 8TU (Pages 87-118)**
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- A. **Agenda Item 11 - LW/23/0304 - Land between Beach Road and Transit Road, Newhaven (Pages 35 - 86)**

Change Officer Recommendation

“That the planning application LW/23/0304 for demolition of existing former Port Office building and the erection of 126 dwellings and Class E commercial uses (154m²) at ground floor level, associated ground level parking, landscaping and access arrangements - be deferred without public speaking or debate to a future meeting of the Committee.

Reason: It is the procedural (Development Management Procedure Order 2015) and policy, (National Planning Policy Framework 2023) duty of the Local Planning Authority (LPA) to “work positively and proactively” to achieve sustainable development.

Both the applicant and the LPA have agreed the importance of ensuring a full Applicant response to submitted noise objections, highlighted on 2nd September, in order to explore further, and deal with noise mitigation. The Applicant has provided the LPA with an appropriate “extension of time”. Officers support this deferral to ensure that when Planning Committee comes to make a decision on the application, it can consider all relevant matters and be sure of making a sound decision.”

- B. **Agenda Item 12 SDNP/23/04864/FUL – 56 Lewes Road p87-118**

The following condition and plan to be added:

- 1) Condition added:

Sustainable Construction 2

Within one calendar month of the first residential occupation of any part of the development hereby permitted, detailed information in a Post Construction Stage Sustainable Construction Report demonstrating how the development has been carried out in accordance with all of the

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requirements set out in Condition No. 11 (above) shall be submitted to, and approved in writing by, the Local Planning Authority. This documentary evidence shall include, but not be limited to, As Built SAP 10 assessments, photographic evidence of materials etc and other assessments.

Reason: To ensure the development demonstrates a high level of sustainable performance to address mitigation of, and adaptation to, predicted climate change.

2) Plan added:

Drawing no: 20A, PROPOSED PLOT 3 ROOF PLAN & SECTIONS.

3) A representation has been received from Cllr Makepeace, as follows:

“I am a Ward Councillor for Priory Ward Lewes. There have been three recent permissions granted for considerable refurbishment works on three properties very close together in the historic Town Centre.

50 High Street, now Domino's pizza

55 High Street, The White Hart

187 High Street, The Tourist Information Office and building.

To my knowledge none of these permissions have Construction and Environmental Management Plans, which made it difficult to support residents who were disturbed by early morning and weekend noise.

Could I ask that if the application for the Market Tower is approved, that a condition limiting work to the usual hours and not at weekends is applied, as this is also a residential part of town.

I take this opportunity to remind the Committee to consider CEMPs on developments in residential areas.”

Officer Response

A CEMP condition cannot be imposed on an application for listed building consent as these applications relate only to the historic fabric of the listed building. Noise nuisance is covered separately by the Environmental Protection Act 1990 so members of the public are still afforded protection from statutory nuisance, as set out in the Act, even in the absence of a CEMP condition.

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Control over working hours goes beyond the scope of consideration of a listed building consent application under sections 16 and 17 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

An Informative will therefore be added:

“The applicant is hereby advised that, in the interests of being neighbourly and minimising potential disturbance to neighbouring residents and occupiers, the hours of works should be limited to between the hours of 0800 and 1800 Mondays to Fridays and from 0830 until 1300 on Saturdays, with no works in association with this listed building consent being carried out on Sundays or on Bank/Statutory Holidays.”

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