

Planning Applications Committee 27 June 2018



Working in Partnership



Time and venue

5.00 pm in the Council Chamber - County Hall, St Anne's Crescent, Lewes

Membership:

Councillors Sharon Davy (Chair); Councillor Jim Sheppard (Deputy-Chair); Liz Boorman, Stephen Catlin, Graham Amy, Peter Gardiner, Vic Ient, Tom Jones, Tony Rowell, Richard Turner and Linda Wallraven

Quorum: 5

Published: Friday, 15 June 2018

Agenda

1 Minutes (Pages 1 - 4)

To confirm and sign the minutes of the previous meeting held on 6 June 2018 (attached herewith).

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/18/0331 - Land north of Chapters, Bishops Lane, Ringmer, East Sussex (Pages 5 - 28)**
- 7 LW/18/0060 - 179 South Coast Road, Peacehaven, East Sussex, BN10 8NR (Pages 29 - 36)**
- 8 LW/18/0246 - 4 Strawlands, Plumpton Green, East Sussex, BN7 3DB (Pages 37 - 44)**
- 9 LW/18/0234 - 2 Ambleside Avenue, Telscombe Cliffs, East Sussex, BN10 7LS (Pages 45 - 48)**
- 10 LW/18/0297 - Land adjacent to 39 Ashington Gardens, Peacehaven, East Sussex (Pages 49 - 52)**
- 11 LW/18/0299 - Land adjacent to 11 Ashington Gardens, Peacehaven, East Sussex (Pages 53 - 56)**

Planning applications within the South Downs National Park

- 12 SDNP/18/00841/HOUS - The Poplars, Lewes Road, Newhaven, BN9 9AD (Pages 57 - 66)**
- 13 SDNP/18/02027/FUL - 35 Friars Walk, Lewes, BN7 2LG (Pages 67 - 74)**
- 14 SDNP/18/00449/LIS - 2 Abinger House, Abinger Place, Lewes, East Sussex, BN7 2QA (Pages 75 - 82)**
- 15 SDNP/17/05211/FUL - Court Farm, Keymer Road, Ditchling, East Sussex (Pages 83 - 96)**

Non-planning application related items

- 16 Confirmation of an Article 4 direction, withdrawing permitted development rights for changes of use from office to residential and light industrial to residential in key areas identified in Newhaven (Pages 97 - 166)**
Report of Director of Regeneration and Planning.
- 17 Enforcement monitoring (Part A) (Pages 167 - 170)**
Report of Director of Regeneration and Planning.
- 18 Enforcement monitoring (Part B) (Pages 171 - 174)**
Report of Director of Regeneration and Planning.

19 Written questions from councillors

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

20 Date of next meeting

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 18 July 2018 in the Council Chamber, County Hall, St Anne's Crescent, Lewes, BN7 1UE, commencing at 5:00pm.

General information

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; and
- 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.

Information for the public

Accessibility: Please note that the venue for this meeting is wheelchair accessible and has an induction loop to help people who are hearing impaired. This agenda and accompanying reports are published on the Council's website in PDF format which means you can use the "read out loud" facility of Adobe Acrobat Reader.

Filming/Recording: 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.

Public participation: There will be an opportunity for members of the public to speak on an application on this agenda where they have registered their interest with the Planning department by 12:00pm on the day before the meeting.

Information for councillors

Disclosure of interests: Members should declare their interest in a matter at the beginning of the meeting.

In the case of a disclosable pecuniary interest (DPI), if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation).

Councillor right of address: If members have any questions or wish to discuss aspects of any application listed on the agenda they are requested to contact the Planning Case Officer prior to the meeting.

A member of the Council may ask the Chair of a committee or sub-committee a question on any matter in relation to which the Council has powers or duties or which affect the District and which falls within the terms of reference of that committee or subcommittee.

A member must give notice of the question to the Head of Democratic Services in writing or by electronic mail no later than close of business on the fourth working day before the meeting at which the question is to be asked.

Democratic Services

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Planning Applications Committee

Minutes of meeting held in Council Chamber - County Hall, St Anne's Crescent, Lewes on 6 June 2018 at 5.00 pm

Present:

Councillor Sharon Davy (Chair)

Councillors Liz Boorman, Stephen Catlin, Peter Gardiner, Tony Rowell, Richard Turner, Linda Wallraven and Jackie Harrison-Hicks

Officers in Attendance:

Steve Howe (Specialist, Planning), Jennifer Norman (Committee Officer) and Joanne Stone (Lawyer)

11 Minutes

The minutes of the meeting held on 16 May 2018 were submitted and approved, and the Chair was authorised to sign them as a correct record.

12 Apologies for absence/declaration of substitute members

Apologies for absence had been received from Councillors G Amy, V Ient and T Jones. Councillor Harrison-Hicks declared that she was acting as substitute for Councillor Amy for the duration of the meeting.

13 Declarations of interest

Councillor Harrison-Hicks declared a non-prejudicial interest in agenda item 6 (planning application LW/18/0026) and agenda item 8 (planning application LW/18/0097) as she was a member of Peacehaven Town Council's Planning Committee and a Peacehaven Town Councillor representing Peacehaven's East Ward

14 Urgent items of business

The Chair had agreed, in accordance with Section 100B(4)(b) of the Local Government Act 1972, that the supplementary report to the Planning Applications Committee be considered as a matter of urgency in order that the Committee could take its decisions based on the most recent information which was available (a copy of which is published to the website).

15 Petitions

There were none.

16 LW/18/0026 - 194 South Coast Road, Peacehaven, East Sussex, BN10 8JJ

Kingsley Roger Jones spoke for the proposal.

Resolved:

That planning application LW/18/0026 for demolition of existing bungalow and erection of 3 storey block of flats comprising three x 1 bedroom and six x 2 bedroom units be approved, subject to the conditions set out in the main report, and the following additional condition:

“No development shall take place until details of electric vehicle charging points have been submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be installed in accordance with the approved details prior to the first residential occupation of the development hereby permitted and retained as such thereafter.

Reason: To encourage the uptake of electric vehicles in the interests of reducing harmful emissions and minimising the impact of the development on the nearby Air Quality Management Areas in both Newhaven and Rottingdean, in accordance with policies CP9, CP13 and CP14 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework 2012.”

(Note: Cllr Harrison-Hicks declared a non-prejudicial interest in this item as she was a member of Peacehaven Town Council’s Planning Committee and a Peacehaven Town Councillor representing Peacehaven’s East Ward. She therefore took part in the consideration, discussion and voting thereon.)

17 LW/18/0100 - 4 Ashurst Avenue, Saltdean, East Sussex, BN2 8DR

Patrick Doddy spoke against the proposal.

Resolved:

That planning application LW/18/1010 for proposed roof conversion to include re-pitched roof with front, side and rear gables be approved, subject to the conditions set out in the report.

18 LW/18/0097 - 109 Sutton Avenue, North Peacehaven, East Sussex, BN10 7QJ

Resolved:

That planning application LW/18/0097 for replacement of existing brown timber windows with new white PVCu, double-glazed units, and the existing brown timber glazed and louvred doors with new GRP Laminated units with double-glazing and metal louvres be approved, subject to the conditions set out in the report.

(Note: Cllr Harrison-Hicks declared a non-prejudicial interest in this item as she was a member of Peacehaven Town Council's Planning Committee and that she was a Peacehaven Town Councillor representing Peacehaven's East Ward. She therefore took part in the consideration, discussion and voting thereon.)

19 Outcome of appeal decisions from 1 May to 24 June 2018

Resolved:

That the report which detailed the outcome of appeal decisions from 1 May to 24 June 2018, be noted.

20 Written questions from councillors

There were none.

21 Date of next meeting

Resolved:

That the next meeting of the Planning Applications Committee that is scheduled to be held on Wednesday, 27 June 2018 in the Council Chamber, County Hall, St Annes Crescent, Lewes, BN7 1UE, commencing at 5:00pm, be noted.

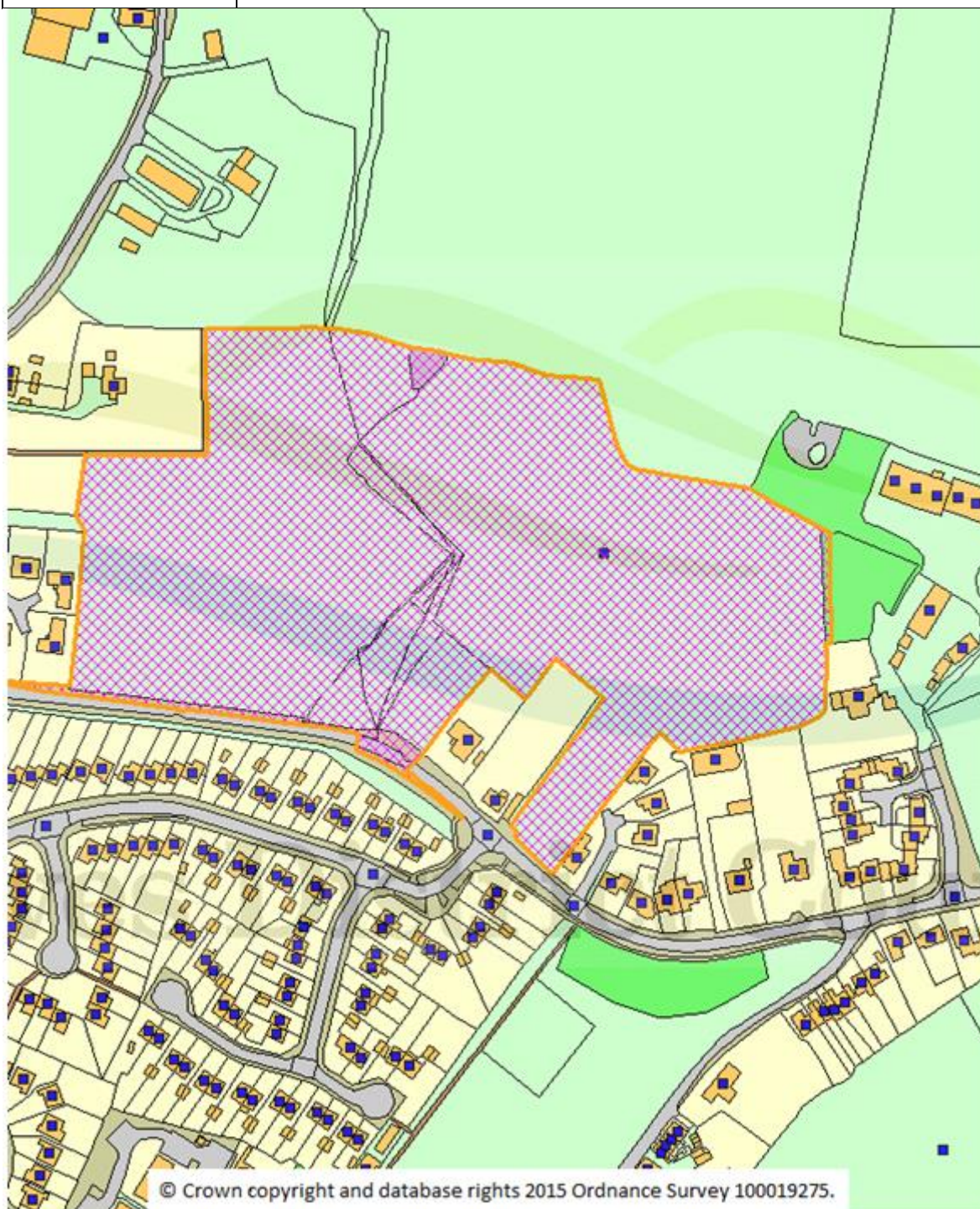
The meeting ended at 5.50 pm

Councillor Sharon Davy (Chair)

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Agenda Item 6

APPLICATION NUMBER:	LW/18/0331		
APPLICANTS NAME(S):	Bovis Homes South East Limited	PARISH / WARD:	Ringmer / Ouse Valley & Ringmer
PROPOSAL:	Approval of Reserved Matters Application for Application for approval of the Reserved Matters following Outline Permission LW/14/0127 (Allowed on Appeal) for the erection of up to 110 dwellings relating to appearance, landscaping, layout and scale (resubmission of application LW/17/0045)		
SITE ADDRESS:	Land North Of Chapters Bishops Lane Ringmer East Sussex		
GRID REF:	TQ 44 12		



1. SITE DESCRIPTION / PROPOSAL

SITE DESCRIPTION

1.1 The application site is located on the north side of Bishop's Lane, which is a relatively quiet rural lane, without pavements or street lighting, on the edge of Ringmer. The site is approximately 4.4ha in size and is made up of two fields known as Bishops Field (on the west) and Potters Field (on the east). The fields are divided by a dog-leg hedge, which also contains trees including two protected oaks (TPO No. 3 of 2013) as well as a public footpath through the site (public footpath no. 22).

1.2 Established hedgerows and trees surround the site, albeit that these are reduced in height to the rear of Orchard House and the western side of Kerridge. The site is relatively flat and beyond the hedges and their immediate environs the land has been used for rough grazing. A partly culverted watercourse crosses the site from southwest to northeast.

1.3 There is residential development to the south and west with residential and commercial development to the east. Much of the residential development is relatively modern, comprising both large dwellings in spacious plots and the higher density 'Delves' estate on the southern side of Bishop's Lane, opposite the application site.

1.4 In January 2016 following the refusal of application LW/14/0127 and a Public Inquiry, the Secretary of State granted outline planning permission for the development of this site with up to 110 houses to include affordable housing, access and public open space. The only matters that the Secretary of State determined were the principle of development and the means of access. All other matters were reserved for future consideration and this application now seeks approved of those matters.

1.5 Spatial Policy 6 of the adopted Join Core Strategy - Land north of Bishops Lane, Ringmer - allocated the site for residential development of approximately 110 dwellings. Development will be permitted subject to compliance with the Core Delivery Policies of this plan as well as more site specific criteria.

1.6 One half of the application site, Bishop's Field, is allocated for 50 new dwellings by the Ringmer Neighbourhood Plan (RES6), adopted in 2016. The garden to Chapters is allocated to 4 dwellings (RES7), east of Chapters 6 dwellings (RES30) and Potters Field is allocated for 30 dwellings (RES31).

PROPOSAL

1.7 The residential development of the site, together with the access, has previously been established by outline application LW/14/0127, which although refused permission by the local planning authority, was allowed at appeal by the Secretary of State.

1.8 The current application seeks approval of the reserved matters, which include appearance, landscaping, layout and scale.

1.9 The proposals constitute a revised scheme following the refusal of application LW/17/0045, which also sought approval for these reserved matters.

1.10 The proposed layout has been guided by the pattern of surface water flooding and drainage which characterises the location and the presence of an established hedgerow, ditch and public footway which wends its way through the site from north to south.

PLANNING HISTORY

1.11 LW/17/0045 - Application for approval of the Reserved Matters following Outline Permission LW/14/0127 (Allowed on Appeal) for the erection of up to 110 dwellings relating to appearance, landscaping, layout and scale. Refused 21 September 2017 for the reasons given below, and currently subject of a live planning appeal:-

1. The proposed layout would result in an unacceptable impact on neighbouring occupiers resulting in a loss of privacy and general loss of amenity through over- looking, overbearing and overshadowing, contrary to Policy ST3 of the Lewes District Local Plan.
2. It is considered that the design and appearance of the proposed housing units, through their uniformity and lack of varied vernacular detailing, fails to respect and positively contribute to the character of the wider village, contrary to Policy CP11 of the Lewes District Local Plan Core Strategy, Paragraph 64 of the NPPF, and Policy 9.1 of the Ringmer Neighbourhood Plan.
3. The developer has failed to show that they have worked positively with the local community and those likely to be affected by the development (residents and parish council) in the development of the scheme and the design of the units, or taken account of those view in order to influence the design of the scheme, contrary to paragraph 66 of the NPPF.
4. The development fails to make adequate parking provision, especially for the smaller units (1 bed), and is therefore contrary to Policy ST3 of the Lewes District Local Plan and Policy 8.3 of the Ringmer Neighbourhood Plan.
5. The scheme as submitted fails to make adequate provision for the retention and enhancement of the central hedgerow as required by condition 1 of the Inspectors decision, contrary to Policy ST3 of the Lewes District Local and CP10 of the Lewes District Local Plan Core Strategy.
6. The proposed mix and size of the proposed residential units fails to meet the needs of the local community contrary to Policy CP2 of the Lewes District Core Strategy, Policy 9.7 of the Ringmer Neighbourhood Plan, and Paragraph 50 of the NPPF.

2. RELEVANT POLICIES

LDLP: – RNP41 – Policy 4.1-Planning Boundary

LDLP: – RNP410 – Policy 4.10-Biodiversity

LDLP: – RNP62 – Policy 6.2-Affordable Units

LDLP: – RNP63 – Policy 6.3-Respect the Village Scale

LDLP: – RNP81 – Policy 8.1-Traffic Generaion

LDLP: – RNP82 – Policy 8.2-Road Safety/Congestion

LDLP: – RNP83 – Policy 8.3-Off-Road Parking

LDLP: – RNP85 – Policy 8.5-Safe Pedestrian Route

LDLP: – RNP811 – Policy 8.11-mains drainage & sewerage

LDLP: – RNP91 – Policy 9.1-Design, Massing and Height

LDLP: – RNP92 – Policy 9.2-Housing Densities

LDLP: – RNP93 – Policy 9.3-Materials

LDLP: – RNP94 – Policy 9.4-Housing Space Standards

LDLP: – RNP95 – Policy 9.5-Footpaths and Twittens

LDLP: – RNP96 – Policy 9.6-Hard and Soft Landscaping

LDLP: – RNP97 – Policy 9.7-Types of Residential Dev

LDLP: – SP1 – Provision of Housing and Employment Land

LDLP: – SP2 – Distribution of Housing

LDLP: – SP5 – Land North of Bishops Lane

LDLP: – CP1 – Affordable Housing

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – CP10 – Natural Environment and Landscape

LDLP: – CP11 – Built and Historic Environment & Design

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

LDLP: – CP13 – Sustainable Travel

LDLP: – CP14 – Renewable and Low Carbon Energy

LDLP: – CT01 – Planning Boundary and Countryside Policy

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

3. PLANNING HISTORY

LW/14/0127 - Erection of up to 110 dwellings to include affordable housing, access and public open space - **Refused**

LW/15/0152 - Erection of up to 110 dwellings to include affordable housing, access and public open space (resubmission of LW/14/0127) - **Refused**

LW/17/0045 - Application for approval of the Reserved Matters following Outline Permission LW/14/0127 (Allowed on Appeal) for the erection of up to 110 dwellings relating to appearance, landscaping, layout and scale - **Refused**

APPEAL/15/0001 - Erection of up to 110 dwellings to include affordable housing, access and public open space - **Allowed**

APPEAL/18/0006 - Application for approval of the Reserved Matters following Outline Permission LW/14/0127 (Allowed on Appeal) for the erection of up to 110 dwellings relating to appearance, landscaping, layout and scale - **Appeal In Progress**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Ringmer Parish Council – Objection on the following grounds:

- Street lighting.
- Light pollution.
- Loss of hedge.
- Replacement hedge.

Positive outcomes since the first application was submitted:

1. Ringmer Parish Council considers there to be an improvement of the design of housing and the feel of the site.
2. The proportion of housing seems to be acceptable

However, Ringmer Parish Council would like to see the 44 affordable houses proposed which are shared as the same model to be considered. The 1 bedroomed apartments are not family orientated. It would be more acceptable to the Parish Council if the ratio of shared equity were to increase of these apartments.

Considerations for reserved matters and or conditions for imposing:

- The drainage be given due consideration.
- The LEAP be reconsidered. The Parish Council agree that it would be more prudent to provide a contribution to the play area on the Village Green.

4.2 Tree & Landscape Officer Comments – No objection. Full details will be reported at Planning Applications Committee.

4.3 Natural England – No comment

4.4 ESCC Rights Of Way – More details requested.

4.5 ESCC Highways – No objection to the proposal in principle subject to amended plans being submitted to include:

- Slight alterations to the unallocated parking spaces
- Improvements to the emergency access layout to be in accordance with the details agreed with the s278.
- Swept path analysis provided for emergency vehicles using the Emergency Access point.
- Street lighting plan to be withdrawn and details to be submitted through condition

The full response is available to view on the application file on the website.

4.6 ESCC SUDS – No objection.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 North Ringmer Residents' Group raises objections to the proposed development. The full comment can be read on the application file and is summarised below:

- NRRG is generally pleased that this new application for reserved matters approval addresses a number of the failings of the previous scheme.
- Poor access to A26.
- SuDS not yet agreed.
- Removal of hedgerow.
- Unsatisfactory community engagement.
- Unacceptable affordable housing split of 50/50.
- Street lighting.
- The location of the significant medieval kiln archaeological remains has not been shown.
- The electricity substation has been relocated from the west end of the site 8 metres from the boundary with 4 Norlington Court to the east end 4 metres from the boundary with Pippins.
- Repetitive use of standard designs .
- The drawings do not show the extent of access roads and footpaths to be adopted
- Market housing still includes 5 x 5-bed houses. These are specifically contrary to the policy of the Neighbourhood Plan and were not in the outline approval indicative layout.
- No Landscape Management Strategy or details of the Management Company.

5.2 Representations have been received from Kerridge; Orchard House; 5, 37 and 47 Christie Avenue; 4 Norlington Court; no address given x 2; and 24 Delves Way [Lewes], objecting to the application for the following reasons:-

- Building in Countryside.
- Out of Character.
- Layout is out of keeping.
- Over-development.
- Contextual Significance.
- Conservation Significance.
- Contrary to Policy.
- Not Sustainable.
- Effect on AONB.
- Loss of Open Space.
- Loss of Trees.
- Effect on Wildlife.
- Highway Hazards.
- Inadequate Access.
- Traffic Generation.
- Traffic on A259.
- Parking Issues.
- Loss of Light.
- Overbearing Building/Structure.
- Overlooking, Loss of Privacy.
- Overshadowing.

- Noise and Disturbance.
- Smell/Fumes.
- Support Application.
- Lack of Infrastructure such as schools and doctors' surgeries.
- Flooding.
- Drainage.
- Insufficient Information.
- Effect on Town Centre Viability.
- Comprehensive programme of community engagement.
- Ringmer does not need 1-bed flats.
- Affordable homes for local people.
- Insufficient ecological assessment.
- Inadequate boundary fencing.
- S106 contribution should be made to existing LEAP on the village green.

6. PLANNING CONSIDERATIONS

Introduction

6.1 Notwithstanding the comments received as part of the current application, it should be noted that when the previous application LW/17/0045 was determined, the principle of development, flood risk, drainage, ecology and impact on wildlife, traffic generation and lack of infrastructure such as schools and GP surgeries, were not cited as reasons for refusal.

6.2 It should be noted however, that the developer will make a substantial financial payment through the Community Infrastructure Levy, should the proposals be approved. The CIL monies paid by the developer can be used for community infrastructure projects, and 25% will be given to Ringmer Parish Council.

6.3 In principle, the proposed development of the site by way of 110 new dwellings has previously been established, together with the access to the site, at the time the Secretary of State allowed the appeal against the local authority's refusal of application LW/14/0127.

6.4 The proposal includes a 400m² Local Equipped Area of Play (LEAP) as required by the legal agreement associated with the outline. This is designed for younger children and will contain a variety of play equipment. The LEAP is within walking distance of all the properties on the site. The LEAP play area will be suitably contained through provision of fencing as well as providing ancillary landscaping, seating and a bin. The LEAP is located in the north-eastern corner of the site just north of a group of houses which provides appropriate surveillance of the play area.

6.5 In view of the above, the sole matters that can reasonably be considered as part of the current application are whether the revisions to the proposals have addressed each of the six reasons for the refusal of the previous application, LW/17/0045, in a satisfactory manner.

First reason for refusal

1. *The proposed layout would result in an unacceptable impact on neighbouring occupiers resulting in a loss of privacy and general loss of amenity through over- looking, overbearing and overshadowing, contrary to Policy ST3 of the Lewes District Local Plan.*

Kerridge

6.6 The revised layout now means the nearest properties to this neighbouring property will be smaller terraced and semi-detached homes either side-on or at an angle to the plot of Kerridge. These smaller homes have reduced massing and depth compared with the apartment buildings (type N and R) previously proposed near this neighbour.

6.7 In addition, the turning head to plots 36-39 has been moved away from Kerridge and the border planting/landscaping increased to 4-5m width, creating a more extensive buffer and providing a high level of physical separation between the proposed development and Kerridge.

6.8 The proposed development should not result in loss of privacy or an over-bearing impact on occupants of Kerridge.

1 and 5 Potters Field

6.9 The smaller semi-detached houses at plots 56-57 have been re-positioned to line up with the side elevation of 1 Potters Field to minimise the impact on the front garden and the view into the Potters Field cul-de-sac.

6.10 The gap between 1 Potters Field and plot 56 has been increased to 7m and a 2m to 2.5m high evergreen hedge along the common boundary will help to soften and minimise the appearance of the development as viewed from Potters Field. Similarly plot 53 is further from the side of 5 Potters Field and an evergreen hedge will be planted alongside the common boundary.

6.11 Being House Type S, plots 53-55 and 56-57 have hipped roofs, thereby reducing the impact of massing and bulk on residents in Potters Field.

Norlington Court

6.12 Previously, the electricity sub-station for the application site was proposed near to the boundary with 4 Norlington Court. The sub-station has now been relocated to the eastern side of the site to be near the pumping station.

6.13 There will be a significant area of landscape together with boundary planting and trees between properties in Norlington Court and the proposed new dwellings.

Orchard House

6.14 Orchard House is situated on land behind South Norlington House and is positioned close to the boundary of the application site. In order to address this, the applicant has engaged with the neighbouring resident and increased the landscape buffer between Orchard House and plots 60 and 68 from 8.5m to 10m. This landscaped area will not form communal amenity space. It will be enclosed by hedge planting and accessed solely for maintenance via a gate.

Second reason for refusal

2. *It is considered that the design and appearance of the proposed housing units, through their uniformity and lack of varied vernacular detailing, fails to respect and positively contribute to the character of the wider village, contrary to Policy CP11 of the Lewes District Local Plan Core Strategy, Paragraph 64 of the NPPF, and Policy 9.1 of the Ringmer Neighbourhood Plan.*

6.15 The layout has been revised and now comprises seven distinct areas of housing divided by residential/private shared surface access roads off the main spine road, these secondary roads not to be adopted. The properties are no longer so regimentally aligned and linear and the parcels of land have been re-shaped around the edges to create a more natural and organic layout that should be well-integrated with the character of housing in Ringmer village and more appropriate to the edge of settlement context of the application site. The existing hedgerows and trees within the site have been used to guide the proposed layout and will provide attractive features within the development, which also respect and link to the past.

6.16 Connectivity and pedestrian routes through the site have been improved and the more space has been given over to the existing hedgerow through the site, which will be retained. The pedestrian routes connect with Bishop's Lane allowing convenient journeys into the village centre and the existing public footpath will be retained and will facilitate access to the wider countryside to the north of the application site.

6.17 Policy 6.3 of the RNP states that all new proposals for development within or extending the village planning boundaries should respect the village scale. Only developments that respect the village scales appropriate to Ringmer village or the Broyleside will be permitted.

6.18 Policy 9.1 goes on to say that new development should be of high quality and should be designed to fit in with its surroundings. To achieve this, applicants should give careful consideration to the height, massing and scale of a proposal. Houses of more than two storeys are generally inappropriate in a village setting. A degree of design variety within a development is essential but it must take into account the design and detailing of adjacent buildings and the spatial, visual and historical context in which it resides.

6.19 Policy 9.3 states that the preferred external materials for houses are subdued red brick and tile, with roof pitches close to 45 degrees. White render or clapboard and flint walling are also acceptable but should not predominate. Dark grey slates on shallower roof pitches are also acceptable. Materials for other building types should be appropriate for their use and location (see NPPF para.28 for rural employment buildings).

6.20 The application proposes 29 different designs, finishes and details based on 15 categories of building form and scale. These are described below and are considered to be varied approach to the development for 110 residential units, whilst maintaining a degree of cohesion in the character of the scheme as a whole. The proposals are considered compliant with policies 6.3, 9.1 and 9.3 of the RNP.

House Type A (two variations)

- Detached, two storey, pitched roof with gable ends.
- Painted render over brick plinth x 1.
- Facing brick x 1.
- Two ground floor bay windows.

House Type B (two variations)

- Detached, two storey, gable fronted.
- Shiplap cladding to first floor of gable front x 1.
- Tile hung gable front x 2.
- Ground floor bay window.

- Facing brick.

House Type C (two variations)

- Detached, two storey, pitched and hipped roof.
- Integral garage.
- Large and small gables to front elevation.
- Facing brick.
- Brick gables x 3.
- Tile hung gables x 2.

House Type D (two variations)

- Detached, two storey, pitched roof with gable ends.
- Porch roof.
- Two storey bay shiplap x 1.
- Two storey bay tile hanging x 8.

House Type E (three variations)

- Detached, two storey, pitched roof with gable ends.
- Centre porch.
- Brick detail over windows.
- Facing brick walls x 3.
- Render walls x 4.
- Casement windows x 3.

House Type F

- Detached, two storey, half hipped roofs.
- Porch overhang.
- Facing brick.

House Type G (two variations)

- Detached, two storey, pitched roof.
- Front gable.
- Facing brick x 7.
- Shiplap gable x 2.

House Type H

- Semi-detached.
- Tile hung gables x 6.

House Type J (two variations)

- Detached, two storey.
- Two shiplap bays with gable tops x 1.
- Two rendered bays with gable tops and detailed windows x 6.

House Type K (four variations)

- Semi-detached.
- Porch overhangs.
- Facing brick x 2.
- Shiplap first floors x 2.
- Tile hung first floor x 2.
- Porch variation x 2.

House Type L

- Terrace of three houses.

House Type M

- Semi-detached.
- Porch canopies.
- Detailed windows.

House Types N and R (two variations)

- Tile hanging to first floor x 6.
- Gable and half hip façade.
- Type R to being larger and containing six residential units.

House Type P

- Half dormer windows.
- Shiplap first floor.
- Carports on ground floor.

House Type S (three variations)

- End of terrace and semi-detached.
- Pitched and hipped roof.
- Pitched porch canopy.
- Half hipped gable fronts.

Third reason for refusal

3. *The developer has failed to show that they have worked positively with the local community and those likely to be affected by the development (residents and parish council) in the development of the scheme and the design of the units, or taken account of those views in order to influence the design of the scheme, contrary to paragraph 66 of the NPPF.*

6.21 In accordance with the local planning authority's statement of community involvement and national best practice guidance, the applicant has undertaken a programme of consultation to engage with local residents and elected representatives.

6.22 The steps taken include a leaflet drop and invitation to a public exhibition that was held in Ringmer Village Hall on Wednesday 7th March 2018. 606 households were invited and 125 people attended the exhibition. A total of 31 feedback forms were received and the feedback was taken into consideration by the applicant and used to inform revisions to the proposed development.

6.23 Full details of the public consultation and measures to involve the community are described in the Statement of Community Involvement submitted with the application.

6.24 The applicant has met with the occupiers of Orchard House, one of the neighbouring properties which is very close to the site boundary, and agreed to extending the proposed 8.5m buffer zone/amenity space to 10m. This buffer zone will have a gated access for maintenance only and will not be used as a amenity space. The buffer zone will provide sufficient separation between Orchard House and the proposed houses (Plots 60 and 68) in the interests of safeguarding residential amenity.

6.25 Correspondence on the application file indicates a relatively open dialogue between some neighbouring residents and the applicant.

6.26 The above demonstrates that the applicant has made efforts to engage and involve the community in the formulation of the proposals, gathering information as to what is important to local people and ways in which the scheme could be improved, such as altering the relationship with neighbouring homes in the interests of safeguarding amenity, relocated the electricity substation and seeking to preserve and protect the hedgerow through the application site.

Fourth reason for refusal

4. The development fails to make adequate parking provision, especially for the smaller units (1 bed), and is therefore contrary to Policy ST3 of the Lewes District Local Plan and Policy 8.3 of the Ringmer Neighbourhood Plan.

6.27 Policy 8.3 of the Ringmer Neighbourhood Plan states that all new development in Ringmer must make adequate provision for off-road parking for the numbers and types of vehicles likely to be attracted by the development. Parking for new development in the countryside should be appropriately located or screened to minimise landscape impact. New residential development should include off-road parking provision at the following minimum ratios:

- 1 parking space per 1-2 bed home designed specifically for older residents.
- 2 parking spaces per 1-3 bed home.
- 3 parking spaces per 4 bed or larger home.

6.28 The highway authority raises no objection to the planning application and the amount and type of parking proposed is in accordance with the County Council's parking standards of October 2017 whilst at the same time preventing an over-abundance of hard surfacing within the site, that would be detrimental to the character and appearance of the development and meeting the objectives of encouraging residents to use other methods of transport to the private car where appropriate and practical.

6.29 The highway authority has requested some minor amendments to the location of unallocated parking spaces and the applicant has submitted a revised layout plan accordingly. Furthermore, additional details of the emergency access have been provided so that the proposed layout drawing accords with the S278 Agreement with the highway authority.

Fifth reason for refusal

5. The scheme as submitted fails to make adequate provision for the retention and enhancement of the central hedgerow as required by condition 1 of the Inspectors

decision, contrary to Policy ST3 of the Lewes District Local and CP10 of the Lewes District Local Plan Core Strategy.

6.30 The layout has been revised to pull back the residential access roads and indeed the proposed houses, from the lower length of hedgerow and the adjacent ditch. Protections measures can be put in place during construction to ensure the hedgerow and ditch are not damaged.

6.31 The middle length of hedge is shown to be retained along with the two protected oak trees.

6.32 The top length of hedge will also be retained (behind Plots 91-94) with only a small section removed to allow vehicular access into the site via the spine road.

Sixth reason for refusal

6. The proposed mix and size of the proposed residential units fails to meet the needs of the local community contrary to Policy CP2 of the Lewes District Core Strategy, Policy 9.7 of the Ringmer Neighbourhood Plan, and Paragraph 50 of the NPPF.

6.33 The scheme includes 44 affordable housing units of which 36% will be 1-bed, 59% 2-bed and less than 5% 3-bed. Of the 66 market housing units proposed, 21% will be 2-bed, 33% 3-bed, 38% 4-bed and just over 7% 5-bed.

6.34 Paragraph 50 of the NPPF states that in order to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should plan for a mix of housing based on current and future demographic trends, markets trends and the needs of different groups in the community.

6.35 Core Policy 2 of the Council's adopted Joint Core Strategy states that development proposals must provide a range of dwelling types and sizes to meet the identified local need. This will generally include 1 and 2 bedrooms homes. The wording to "generally include" hints at some flexibility in that it may not necessary "exclude" other sizes of dwelling. In addition, policy CP2 states that account should also be given to the existing character and housing mix in the vicinity of the application site.

6.36 Policy 6.2 of the RNP states that the 240 housing units to be developed in Ringmer to 2030 should include at least 80 affordable units. Where new affordable housing is included within a market development the majority of the new units shall be 2-bed or 3-bed houses suitable for young families.

6.37 Policy 9.7 goes on to say that larger developments (20 units or more) should be mixed, but with a high proportion of 2-3 bed houses suitable for young families. They should include some 1-2 bed starter homes and smaller homes built to Lifetime Homes standards for the elderly and disabled. Proposals for sheltered housing, self-build schemes, flats or large houses will be considered on their merits.

6.38 Overall, 56 of the 110 new homes will be 1-bed and 2-bed, representing 51% of the whole development. This should be sufficient to meet the requirements of RNP policy 9.7.

6.39 Also, 64 of the 110 new homes will be 2-bed and 3-bed properties, representing 58% of the scheme as a whole. This is considered to meet the requirements of policy 6.2 of the RNP which requires the majority of new units to be 2-bed or 3-bed homes.

6.40 None of the affordable homes will have 4-bedrooms or 5-bedrooms. This element of the proposals, 30 units representing 27% of the scheme overall, is considered acceptable insofar as Core Policy 2 of the Joint Core Strategy includes the wording "account should also be given to the existing character and housing mix in the vicinity of the application site."

6.41 In terms of the distribution of the affordable units across the site, they are interspersed with market housing in three areas: to the east and west of the central landscaped area and near the eastern boundary of the application site. This arrangement is considered to acceptably integrate the proposed units within the overall development, ensuring it will be indistinguishable from the market housing.

Lighting

6.42 The applicant has submitted amended plans which remove all street lighting from the proposed development. Policy 4.11 of the RNP states that new development, especially new development in the countryside, should minimise additional light pollution, through careful design, location and inclusion of mitigation measures if necessary.

Space Standards

6.43 Using the Technical Housing Standards - Nationally Described Space Standard March 2015 the gross internal floor areas of each property are contained in the below table. For some of the smaller units of accommodation the properties will be just below the suggested standard but this is marginal and the proposed layouts indicate good circulation space and living areas.

Property Type	Bedrooms	Persons	Internal Floor Area	National Space Standard
A	5	10	185	128
B	5	9	163	128
C	4	7	145	115
D	4	6	124	106
K	2	4	79.2	79
L	2	4	79.2	79
M	3	4	93	84
N	2	4	79	79
R	1	2	50	50
S	2	4	79	79

(Table 1)

CP14 Energy Statement

6.44 The applicant has submitted a Sustainability and Energy Statement in line with the requirements of Core Policy 14 of the Joint Core Strategy. The properties will be constructed to a satisfactory level of energy efficiency and conservation.

6.45 In addition, the applicant is committed to providing charging point for electric vehicles, in order to reduce emissions and use of fossil fuels. In this regard a condition is recommended in order to secure the details.

Affordable Housing and S106 Obligations

6.46 It is noted from the applicant's submissions that they are now seeking to amend the tenure mix of the affordable housing to a 50:50 split. This will require an amendment to the original Section 106 agreement. Core Policy 1 of the JCS notes that:

6.47 "The guideline affordable housing tenure split will be 75% affordable rented and 25% intermediate (shared ownership). The local planning authority will negotiate the appropriate tenure split on a site by site basis based upon the latest evidence of needs in the site locality."

6.48 The policy clearly therefore allows for flexibility in this respect and such details are usually left for officers to resolve with the applicants post resolution when the final details of the S106 are agreed. However, the Council's Strategic Policy Officer has confirmed that he is generally satisfied with a tenure split of 50:50, affordable rented: intermediate (shared ownership), for this development.

6.49 Criteria viii) of policy SP6 requires contributions to be made towards off-site infrastructure arising from and related to the development, to include off-site highway improvements being made to the Earwig Corner junction as well as in the immediate vicinity of the site.

6.50 On the basis that the outline application was approved after the Council adopted its CIL Charging Schedule the applicants will be required to make a significant CIL contribution (circa. £1.3 million). This money will be put towards Infrastructure Projects identified in the Council's Regulation 123 list, which sets out possible projects on which CIL funds can be spent on. This includes but is not limited to capital improvements in healthcare facilities, outdoor sports facilities, and the expansion of Ringmer Library.

6.51 The outline application also secured, by way of the Section 106 agreement a number of highway works that include:

- Works to Earwig Corner (the junction of the A26 and B2192), including signalisation, a new right turn lane and street lighting;
- Realignment of the Ham Lane/Norlington Lane junction;
- Improvements, including street lighting, to the junction of Bishops Lane and the B2192;
- A new controlled crossing on the B2192 close to The Forge; and
- Two new bus stops on Lewes Road near its junction with Bishops Lane.

6.52 It is understood that the new controlled crossing on the B2192 is likely to be brought forward by CALA homes who are developing The Forge site further along Bishops Lane. The other remaining items will still however be secured by the S106.

Conclusion

6.53 The principle of the development at this site by way of 110 new homes has previously been established by the Secretary of State at appeal. In addition, matters including the access, surface water drainage and highway safety have each been considered and held to be acceptable.

6.54 Following the refusal at Planning Applications Committee of the previous application for approval of reserved matters (LW/17/0045) the current application incorporates revisions which are considered to represent a significant improvement and which address each of the six reasons for the refusal of the previous application.

6.55 In view of this it is considered that the proposed development is acceptable and accordingly approval is recommended subject to the necessary variation of the Section 106 Agreement.

7. RECOMMENDATION

In view of the above approval is recommended.

The application is subject to the following conditions:

1. The glazing in the first floor westerly facing window of plot 98 (House Type A) and the easterly facing first floor window of plot 60 (House Type S) shall be in obscured glass and the windows shall be non-opening unless the parts of the window(s) that can be opened are a minimum of 1.7m in height above the internal finished floor level of the rooms served by those windows and shall be maintained as such thereafter.

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

2. The connection of this development to the public sewerage system can be carried out only on completion of the public sewerage network improvement works scheme, which introduces the online storage in order to avoid the overall increase of flows to wastewater treatment works and no dwelling shall be occupied unless and until the Local Planning Authority has been provided with evidence to demonstrate this is the case.

Reason: To ensure that the scheme is satisfactorily drained and to accord with policy SP6 of the Joint Core Strategy.

3. Prior to the occupation of the last dwelling a Local Equipped Area for Play (LEAP) shall be provided on site in accordance with details (siting and equipment) to be submitted to and approved by the Local Planning Authority.

Reason: To ensure that adequate play space is provided on site in accordance Policy SP6 of the Joint Core Strategy and Policy RES19 of the Lewes District Local Plan.

4. A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas (including the LEAP), other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan 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.

5. No development shall take place until a schedule of all external materials and finishes including the fenestration; hard surfaces; roof materials and external finishes to the walls, have been submitted to and approved in writing by the Local Planning Authority. The details shall be in broad conformity with the submitted Design & Access Statement. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policy ST3 of the Lewes District Local Plan, policy CP11 of the Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

6. Details of the proposed electricity sub-station (to include details of expected noise levels and possible mitigation) shall be submitted to any approved by the Local Planning Authority prior to any works in conjunction with this installation commence. The works shall thereafter be carried out in accordance with the approved details.

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.

7. Details of the proposed foul water pumping station (to include details of expected noise levels and possible mitigation) shall be submitted to any approved by the Local Planning Authority prior to any works in conjunction with this installation commence. The works shall thereafter be carried out in accordance with the approved details.

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.

8. Arboricultural Method Statement & Tree Protection Measures

a) No development shall take place until an arboricultural method statement, to include details of all works within the root protection area, or crown spread [whichever is greater], of any retained tree, has been submitted to and agreed in writing by the District Planning Authority. Thereafter, all works shall be carried out and constructed in accordance with the approved details and shall not be varied without the written consent of the District Planning Authority.

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 site clearance operations, site preparation and subsequent development operations and up until completion and full occupation of the buildings for their permitted use within 2 years from the date of the 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.

d) No development shall take place, including site clearance or installation of temporary plant or structures associated with the construction of the development, until full details of the measures to be implemented in order to safeguard and protect the hedgerows to be retained have been submitted to and approved in the writing by the local planning authority.

Reason: To enhance the general appearance of the development and in the interests of preserving the amenity of 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.

9. No development shall take place until full details of both hard and soft landscape works, including particular details of tree/hedge planting and boundary treatment to the south east corner of the site (to the north of Orchard House and Pippins) and routing of the informal footpath around the north edge of the site, have been submitted to and approved in writing by the Local

Planning Authority and these works shall be carried out as approved. If within a period of five years from the date of the planting any tree, or any tree planted in replacement for it, is removed, uprooted destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To enhance the general appearance of the development and to protect residential 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.

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

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety.

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

Reason: To secure safe and satisfactory means of vehicular access to the site during construction.

12. No development shall take place, including demolition, on the site until an agreed pre-commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.

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

13. The existing public right of way (footpath Ringmer 22) across the site shall not be altered or impeded unless and until legally stopped up or diverted. The alignment of any public right of way shall be protected by being clearly demarcated, signed and fenced, as may be approved in writing by the Local Planning Authority, throughout the course of construction and for the lifetime of the development thereafter.

Reason: In the interests of amenity and accessibility in accordance with Core Policies 10 and 13 of the Lewes District Local Plan Part One: Joint Core Strategy, and having regard to the National Planning Policy Framework.

14. Works to construct the new houses hereby permitted shall not commence until the new estate road[s] have been completed to base course level, together with the surface water and foul sewers and main services, to the approval of the local planning authority.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large.

15. The new estate road[s] shall be designed and constructed to a standard appropriate to subsequent adoption as [a] publicly maintained highway.

Reason: In the interests of highway safety and for this benefit and convenience of the public at large.

16. No development shall take place until details of electric vehicle charging points have been submitted to and approved in writing by the local planning authority. The electric vehicle charging points shall be installed in accordance with the approved details prior to the first residential occupation of the development hereby permitted and retained as such thereafter.

Reason: To encourage the uptake of electric vehicles in the interests of reducing harmful emissions in accordance with policies CP9, CP13 and CP14 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to 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. All waste material 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.

4. The applicant is advised to enter into a Section 59 Agreement under the Highways Act, 1980 to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The applicant is advised to contact the Transport Development Control Team (01273 482254) in order to commence this process.

5. East Sussex County Council as Highway Authority seeks to adopt estate roads deemed to be of public benefit. The residential roads within this site serve will form part of a waste collection route, therefore ESCC expects to adopt the spine road and associated footways and verge in accordance with the guidance in Manual for Streets and the ESCC Local Design Guide. The applicant should make early contact with Transport Development Control 01273 482254 to agree the highway design and progress a s38 Road Adoption agreement.

6. It is advised that where an arboricultural method statement is required to satisfy a condition of planning consent it must be submitted prior to demolition, clearance or development works and be detailed, site specific, prepared by a qualified and experienced arboriculturist and in line with BS5837:2010 - 'Trees in relation to design, demolition, and construction - Recommendations'. The statement should include: method of demolition of structures and removal of surfaces within protected zone round retained trees and hedges; method of driveway construction and hard surfacing within protected zones around retained trees and hedges; locations, dimensions, and methods of installation of new drains, ditches, soak-aways, utility runs and other excavations within protected zone around retained trees and hedges, site set up including the position of all site huts, material storage areas, cement mixing and plant and equipment storage areas, design and construction of building foundations within protected zone

around retained trees and hedges, and arrangements for supervision by the project arboriculturist which shall include timing and methods of site visiting and record keeping, including updates and procedures for dealing with variations and incidents. In this case, given the hydrology and soil type of the area the method of protection of proposed tree planting areas during construction and prior to landscape operations.

7. The applicant is advised to enter into a Section 38 legal agreement with East Sussex County Council, as Highway Authority, for the proposed adoptable on-site highway works. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that any works commenced prior to the Sec 38 agreement being in place are undertaken at their own risk.

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

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

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Design & Access Statement	3 May 2018	DAS_REV A_LOW RES_PART 6
Proposed Elevation(s)	8 June 2018	CB_45_110_SUB_01
Landscaping	8 June 2018	01C
Landscaping	8 June 2018	02C
Landscaping	8 June 2018	03C
Landscaping	8 June 2018	04C
Landscaping	8 June 2018	05C
Technical Report	8 June 2018	07 LEAP DETAILS
Other Plan(s)	8 June 2018	REFUSE VEHICLE TRACKING
Other Plan(s)	8 June 2018	FIRE TENDER TRACKING
Other Plan(s)	8 June 2018	REMOVALS TRACKING
Other Plan(s)	8 June 2018	PRIVATE VEHICLE TRACKING
Planning Statement/Brief	16 May 2018	COMMUNITY INVOLVEMENT

Proposed Floor Plan(s)	12 April 2018	A P02
Proposed Elevation(s)	12 April 2018	A E01
Proposed Floor Plan(s)	12 April 2018	A P01
Proposed Elevation(s)	12 April 2018	A E02
Proposed Elevation(s)	12 April 2018	B E01
Proposed Elevation(s)	12 April 2018	B E02
Proposed Floor Plan(s)	12 April 2018	B P01
Proposed Elevation(s)	12 April 2018	C E01
Proposed Elevation(s)	12 April 2018	C E02
Proposed Floor Plan(s)	12 April 2018	C P01
Proposed Elevation(s)	12 April 2018	D E01
Proposed Elevation(s)	12 April 2018	D E02
Proposed Floor Plan(s)	12 April 2018	D P01
Proposed Elevation(s)	12 April 2018	E E01
Proposed Elevation(s)	12 April 2018	E E02
Proposed Elevation(s)	12 April 2018	E E03
Proposed Floor Plan(s)	12 April 2018	E P01
Proposed Elevation(s)	12 April 2018	F E01
Proposed Floor Plan(s)	12 April 2018	F P01
Proposed Elevation(s)	12 April 2018	G E01
Proposed Elevation(s)	12 April 2018	G E02
Proposed Floor Plan(s)	12 April 2018	G P01
Proposed Elevation(s)	12 April 2018	H E01
Proposed Floor Plan(s)	12 April 2018	H P01
Proposed Elevation(s)	12 April 2018	J E01
Proposed Elevation(s)	12 April 2018	J E02
Proposed Floor Plan(s)	12 April 2018	J P01

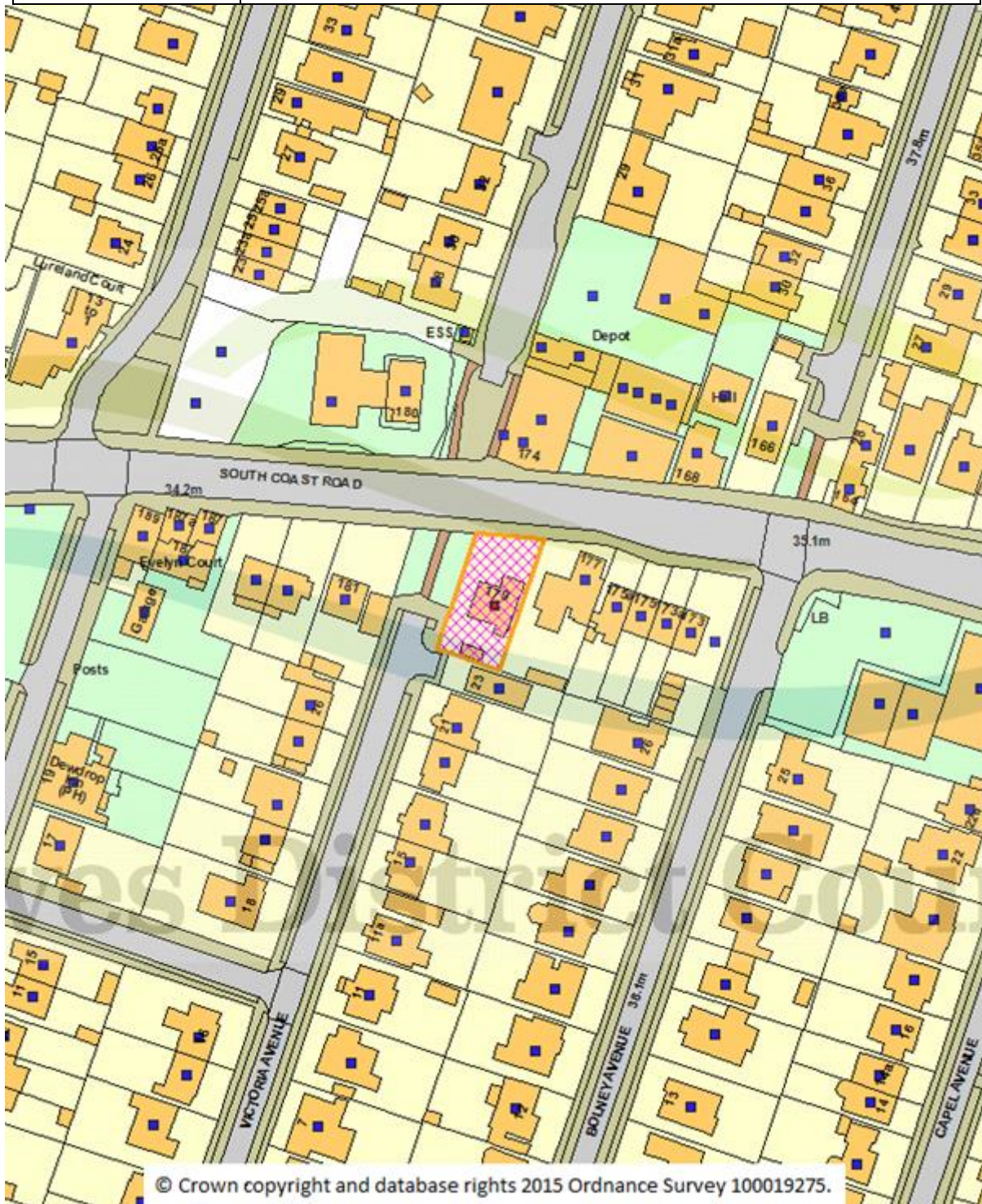
Proposed Elevation(s)	12 April 2018	K E01
Proposed Elevation(s)	12 April 2018	K E02
Proposed Elevation(s)	12 April 2018	K E03
Proposed Elevation(s)	12 April 2018	K E04
Proposed Floor Plan(s)	12 April 2018	K P01
Proposed Elevation(s)	12 April 2018	L E01
Proposed Floor Plan(s)	12 April 2018	L P01
Proposed Elevation(s)	12 April 2018	M E01
Proposed Floor Plan(s)	12 April 2018	M P01
Proposed Elevation(s)	12 April 2018	NR E01
Proposed Floor Plan(s)	12 April 2018	NR P01
Proposed Elevation(s)	12 April 2018	R E01
Proposed Floor Plan(s)	12 April 2018	R P01
Proposed Elevation(s)	12 April 2018	P E01
Proposed Floor Plan(s)	12 April 2018	P P01
Proposed Elevation(s)	12 April 2018	S E01
Proposed Elevation(s)	12 April 2018	S E02
Proposed Floor Plan(s)	12 April 2018	S P01
Proposed Elevation(s)	12 April 2018	S E03
Proposed Floor Plan(s)	12 April 2018	S P02
Proposed Elevation(s)	12 April 2018	S E04
Proposed Floor Plan(s)	12 April 2018	S P03
Proposed Elevation(s)	12 April 2018	S E05
Proposed Floor Plan(s)	12 April 2018	S P04
Proposed Elevation(s)	12 April 2018	S E06
Proposed Floor Plan(s)	12 April 2018	S P05
Proposed Elevation(s)	12 April 2018	GAR 01
Proposed Floor Plan(s)	12 April 2018	GAR 01

Proposed Elevation(s)	12 April 2018	GAR 02
Proposed Floor Plan(s)	12 April 2018	GAR 02
Proposed Elevation(s)	12 April 2018	GAR 03
Proposed Floor Plan(s)	12 April 2018	GAR 03
Proposed Elevation(s)	12 April 2018	GAR 04
Proposed Floor Plan(s)	12 April 2018	GAR 04
Proposed Elevation(s)	12 April 2018	GAR 05
Proposed Floor Plan(s)	12 April 2018	GAR 05
Additional Documents	12 April 2018	ENERGY _SUSTAINABILITY
Additional Documents	12 April 2018	PARKING CALCULATOR
Additional Documents	12 April 2018	DRAINAGE CALCULATOR
Additional Documents	12 April 2018	ECOLOGY SUMMARY
Design & Access Statement	12 April 2018	DAS_REV A_LOW RES_PART 1
Design & Access Statement	12 April 2018	DAS_REV A_LOW RES_PART2
Design & Access Statement	12 April 2018	DAS_REV A_LOW RES_PART 3
Design & Access Statement	12 April 2018	DAS_REV A_LOW RES_PART 4
Design & Access Statement	12 April 2018	DAS_REV A_LOW RES_PART 5
Design & Access Statement	12 April 2018	DAS_REV A_LOW RES_PART 7
Design & Access Statement	12 April 2018	DAS_REV A_LOW RES_PART 8
Flood Risk Assessment	12 April 2018	FLOOD STUDY REPORT -1
Flood Risk Assessment	12 April 2018	FLOOD STUDY REPORT -2
Flood Risk Assessment	12 April 2018	FLOOD STUDY REPORT -3
Flood Risk Assessment	12 April 2018	FLOOD STUDY REPORT -4
Flood Risk Assessment	12 April 2018	FLOOD STUDY REPORT -5

Illustration	12 April 2018	CB_45_110_BL_STREET SCEN
Illustration	12 April 2018	CB_45_110_CA_STREET SCEN
Illustration	12 April 2018	CB_45_110_GE_STREET SCEN
Illustration	12 April 2018	CB_45_110_VISUAL BOOKLET
Proposed Layout Plan	12 April 2018	CB_45_110_001
Proposed Layout Plan	12 April 2018	CB_45_110_012
Location Plan	12 April 2018	CB_45_110_000
Other Plan(s)	12 April 2018	CB_45_110_003
Other Plan(s)	12 April 2018	CB_45_110_005
Other Plan(s)	12 April 2018	014B VISIBILITY SPLAYS
Other Plan(s)	12 April 2018	CB_45_110_002
Other Plan(s)	12 April 2018	CB_45_110_004
Other Plan(s)	12 April 2018	CB_45_110_007
Other Plan(s)	12 April 2018	CB_45_110_008
Other Plan(s)	12 April 2018	CB_45_110_009
Other Plan(s)	12 April 2018	CB_45_110_010
Other Plan(s)	12 April 2018	CB_45_110_011
Other Plan(s)	12 April 2018	CB_45_110_006
Planning Statement/Brief	12 April 2018	
Tree Statement/Survey	12 April 2018	ARBORICULTURAL STATEMENT

Agenda Item 7

APPLICATION NUMBER:	LW/18/0060		
APPLICANTS NAME(S):	Farrington Property Developments Ltd	PARISH / WARD:	Peacehaven / Peacehaven East
PROPOSAL:	Planning Application for Demolition of existing property and erection of 3 storey block of flats comprising three x 2 bedroomed flats and two x 1 bedroomed flats		
SITE ADDRESS:	179 South Coast Road Peacehaven East Sussex BN10 8NR		
GRID REF:	TQ 41 00		



1. SITE DESCRIPTION / PROPOSAL

1.1 The site is a bungalow located at the corner of South Coast Road and Victoria Avenue, on the south side of the South Coast Road.

1.2 To the west is the grass area and path linking Victoria Road with the South Coast Road, beyond which are bungalows (181-185 South Coast Road). Adjacent to the site to the east is a two-storey building which includes The Pantry Cafe on the ground floor with residential above (no.177 South Coast Road). This building has a first floor side dining room window facing the site. There are two-storey houses beyond.

1.3 To the north, across South Coast Road, are two-storey buildings with the Deja Vu cafe and shops on the ground floor and flats above, and the BP petrol filling station. To the south is a wide area of predominantly bungalows fronting Victoria Avenue and nearby residential roads, right down to The Promenade.

1.4 The proposal involves the demolition of the existing bungalow and its replacement with a three-storey building comprising five flats. The flats would be three x two-bed and two x one-bed. The building would be positioned forward towards the South Coast Road, with five parking spaces behind (accessed from the end of this part of Victoria Avenue). The building itself would be dug into the site, with the ground floor about half-a-storey below the level of South Coast Road.

1.5 The building would feature a two-storey eaves at the sides and front, with a full three storey form at the rear. The top floor flat would therefore be partly within the roof space, served by rooflights at the front and east side, dormers on the west side and windows and a small balcony on the full height rear wall.

1.6 The external materials would give a contemporary character to the building, including brickwork and cladding.

2. RELEVANT POLICIES

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

LDLP: – CP11 – Built and Historic Environment & Design

3. PLANNING HISTORY

LW/17/0465 - Demolition of existing property and erection of 3 storey block of flats comprising 3 x two bedroomed flats and 3 x one bedroomed flats - **Refused**

LW/18/0060 - Demolition of existing property and erection of 3 storey block of flats comprising three x 2 bedroomed flats and two x 1 bedroomed flats -

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Peacehaven Town Council – Objection

4.2 Environmental Health – No contaminated land conditions, but recommends standard conditions.

4.3 ESCC Archaeologist – No objection.

4.4 Environmental Health – No objections, but recommends standard conditions.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

20 representations from local residents have been received objecting to the application. The main planning grounds of objection are:

- Overdevelopment. The building is too big for the plot, too high and infringes the front building line.
- Overshadowing and loss of privacy to no. 177 and to properties behind the building in Victoria Avenue;
- Lack of parking, with overspill parking onto Victoria Avenue. Victoria Avenue is already congested and drivers (including emergency vehicles) have difficulty getting along it;
- The extra traffic in Victoria Avenue raises serious safety concerns, with both young children and elderly residents residing in the road;
- Contrary to the NPPF - this should be an attractive building with a fewer number of flats, but is a 'lump' of a building;
- The building would be unattractive and is out of character in the locality;
- Extra congestion on the A259;
- Lack of local infrastructure, including GP's and school places;
- Planning decisions should have a positive effect on towns. making them desirable places to live, for future prosperity and sustainability.
- The proposal is hardly different from the previous, refused, application;
- Overlooking from balconies at the rear of the building;

6. PLANNING CONSIDERATIONS

6.1 A previous planning application, LW/17/0465 for a three-storey block of six flats on the site, was refused under delegated powers in August 2017. That application was for a three-storey flat roof building with five parking spaces to the rear. The reasons for refusal were:

1. The excessive height and bulk of the building, set too far forward, with the flat roof out of keeping with adjacent development, and the design resembling a 'brick box'. The building was therefore out of place, incongruous and out of keeping with neighbouring buildings.
2. Loss of privacy to residents through overlooking from the second floor windows, and loss of light and outlook to 177 South Coast Road.
3. Shortfall of readily useable parking spaces, leading to overspill parking in the locality.

6.2 The building has been re-designed, with a reduced number of flats (from six to five) and an embedded on-site parking layout.

Effect on character of locality

6.3 The submitted plan shows that the height would be just below that of the houses at 173-175A South Coast Road to the east of the site (beyond 177 which is a lower building but still two-storey). To the west 181-185 South Coast Road are bungalows, but they are

across the grass link between Victoria Avenue and South Coast Road. The site is at a lower level than the two-storey development on the north side of South Coast Road, and three-storey development beyond the BP filling station to the west. There is a mix of development along the South Coast Road, and it is considered that the proposed building would fit into this context.

6.4 Behind the application site (to the south) are bungalows fronting Victoria Avenue, but the relationship between those properties and the proposed three-storey building would be no different than at other locations along South Coast Road where buildings of similar heights exist, and is considered to be acceptable.

6.5 The inclusion of the eaves at two-storey height at the front and sides of the proposed building would, it is considered, mean that the building would be of a scale which is satisfactory when viewed along the South Coast Road.

6.6 The building would still be set forward on the site, like the refused proposal, and there are other buildings similarly sited along this part of the South Coast Road, such as at 187-189 to the west. While the previous application was refused partly on grounds that the building was set forward, the reduction in eaves height is significant in reducing the effect of the building on the main road.

Effect on neighbours

6.7 Previously proposed balconies in the rear elevation have mainly been omitted from the current proposal, which now proposes Juliette balconies at first floor level in the rear elevation and a single small open balcony at third floor level facing down Victoria Avenue. Some overlooking from the back of the proposed flats to, particularly, the gardens of the Victoria Avenue bungalows would occur, but in this built-up location it is not considered would justify refusal of the application on that ground.

6.8 The relationship of the building to 177 South Coast Road is similar to that which was refused. 177 South Coast Road has 'The Pantry' cafe at ground floor level, with a flat above. The flat has a first floor side window facing the site, but is to a dining room. The dining room also has a front window, so does not wholly rely on the side window for light. The window is approximately 2.8m off the side boundary with the site. The previous application was refused, partly on grounds of loss of light to that window, but with the current proposal the eaves line is at two-storey level (the plans indicate about half-way up the level of the dining room window) before the roof of the new building would pitch away up towards the ridge. While some loss of sunlight through this window and outlook would undoubtedly occur, the distance of the window off the boundary, the re-designed roof, and the fact that the dining room also has a front window indicates that, on balance, the application is acceptable in relation to that dining room window.

6.9 The proposed building would have side (secondary) kitchen/dining and narrow lounge and bedroom windows on the side facing no. 177, which would be obscure glazed and non-opening (except for fanlights). This would prevent overlooking into the dining room window of no. 177 referred to above.

6.10 The proposed building would be next to a parking area to the rear of no. 177, beyond which is the garden to no. 177. The relationship of the building to that garden is considered to be acceptable.

Parking

6.11 Five parking spaces would be provided for the five flats, with access off the end of Victoria Avenue. Victoria Avenue can be heavily parked and the concern of local residents about the ability of vehicles to travel along it is understood, but it is not considered that traffic generation from the five flats would materially add to existing access and parking conditions in the road. Although only a minor adjustment compared to the previously refused layout has been made, the parking layout now shows that the spaces would be readily useable.

6.12 The proposal is considered to be acceptable.

7. RECOMMENDATION

7.1 That planning permission, on balance, be granted.

The application is subject to the following conditions:

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

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

2. Development shall not begin until details of finished floor levels in relation to the existing ground levels have been submitted to and approved by the Local Planning Authority. The works shall then be carried out in accordance with these details.

Reason: In the interest of residential amenity and the character of the locality having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected within and, where necessary, around the perimeter of the application site. The boundary treatment shall be completed in accordance with the approved details prior to the occupation of the dwelling units hereby permitted and retained as such thereafter.

Reason: To enhance the general appearance of the development having regard to retained policy ST3 of the Lewes District Local Plan, Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

4. Prior to the first residential occupation of the development hereby permitted, the car and cycle parking areas shall be provided in accordance with the approved plans and shall be retained thereafter for parking purposes.

Reason: In the interests of amenity and sustainability and to provide sufficient off-street car parking for the approved development, 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.

5. All windows in the east elevation (excluding the roof lights) shall be obscure glazed and non-opening (except any fanlights to the windows which shall be obscured glazed but may be

openable). The windows shall be maintained as such, including with any replacement glazing in the future.

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

6. Notwithstanding anything contained in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any amendment or replacement thereof), prior to the commencement of any building or engineering operations for the development, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority. The CEMP shall include the following information and the development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority:-

- 1) the temporary arrangements for access and turning for construction traffic together with reinstatement as necessary at the end of each construction period;
- 2) the size of vehicles (contractors and deliveries);
- 3) the routing of vehicles (contractors and deliveries) and traffic management (to allow safe access and turning for construction vehicles);
- 4) the temporary arrangements for parking of vehicles associated with deliveries, site personnel, operatives and visitors;
- 5) a contractors' parking and Travel Plan;
- 6) facilities for the loading and unloading of plant and materials;
- 7) the location(s) for storage of plant and materials used during construction;
- 8) the location(s) of any site huts/cabins/offices
- 9) details of temporary lighting during construction;
- 10) details of the proposed security arrangements for the site including temporary site security fencing and site hoardings;
- 11) details of the precautions and facilities put in place to guard against the deposit of mud and substances from the application site on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed in order to be free of mud and similar substances prior to entering the public highway;
- 12) details outlining the proposed range of dust and dirt control measures and noise mitigation measures during the course of construction of the development, having regard to Section 61 consent under the Control of Pollution Act 1974;
- 13) details of off-site monitoring of the CEMP; and
- 14) assurance that the construction will be undertaken in accordance with the Considerate Constructor's Scheme.

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

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

INFORMATIVE(S)

1. The Local Planning Authority has acted positively and proactively in determining this application by 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.

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

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Street Scene	11 June 2018	726 PP 06D
Proposed Floor Plan(s)	11 June 2018	726 PP 06D
Proposed Elevation(s)	6 June 2018	SKETCH 4 ELEVS
Proposed Section(s)	11 June 2018	726 PP 06D
Proposed Roof Plan	11 June 2018	726 PP 06D
Other Plan(s)	17 April 2018	726/PP/07A
Location Plan	11 June 2018	726 PP 01
Survey Plan	19 January 2018	1:100
Street Scene	19 January 2018	8326-ELEV
Other Plan(s)	11 June 2018	726 PP 07D

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Agenda Item 8

APPLICATION NUMBER:	LW/18/0246		
APPLICANTS NAME(S):	ABM Building Services Ltd	PARISH / WARD:	Plumpton / Plumpton Street E.Chiltington St John W
PROPOSAL:	Planning Application for Erection of one x three bedroom detached dwelling		
SITE ADDRESS:	4 Strawlands Plumpton Green East Sussex BN7 3DB		
GRID REF:	TQ 36 16		



1. SITE DESCRIPTION / PROPOSAL

1.1 This application proposes the subdivision of 4 Strawlands and the construction of a two storey detached three bedroom dwelling on the eastern half of the existing plot.

1.2 Strawlands is located in Plumpton Green off the eastern side of Station Road. It is an unadopted single width track comprising three pairs of semi-detached two storey houses and a detached dwelling. The character of the houses is a mixture of early Victorian, inter-war and 1980's.

1.3 The application site is a rectangular plot situated at the far eastern end of Strawlands. It measures around 24m in length by 7m wide. The proposed dwelling would be stepped back by around 1.8m from the principle elevation of the existing dwelling with a gap of around 0.7m left between the existing and proposed dwellings. A distance of 1m would be kept between the eastern elevation and proposed boundary defining the curtilage of the proposed plot.

1.4 The proposed dwelling would have a footprint measuring 3.1m wide by 5.7m deep although this includes a single storey lean-to measuring approximately 1.2m deep. The proposed dwelling would be pitched from front to back with its ridgeline orientated on an east- westerly axis to match the existing dwelling at 4 Strawlands. The proposed dwelling would have a single flat roofed dormer on the rear elevation of the sloping plane of the roof. The materials are to match the existing dwelling and would comprise brickwork at ground floor and rendered walls above. The fenestration would comprise aluminium casements.

1.5 A 1.8m high close boarded fence would be installed around the perimeter of the site. A covered bin store and cycle storage would be provided within the rear garden.

1.6 It is proposed to hard surface the front garden areas of the existing and proposed dwellings to provide off street parking for four vehicles across the frontages of both properties.

2. RELEVANT POLICIES

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

LDLP: – CP11 – Built and Historic Environment & Design

Plumpton Neighbourhood Plan: Policy 2 – New Build Environment and Design

3. PLANNING HISTORY

None

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Plumpton Parish Council – The Planning Committee does not support this planning application, on the grounds of:

1. Inadequate parking and access.
2. The design and materials are out of keeping with existing surrounding development.
3. Cramped development by reason of proximity and the density is inappropriate to the rural setting.
4. Privacy. The top floor dormer window overlooks the properties at Nos 3 & 4 Strawlands and properties in the adjoining Woodgate Meadow.

4.2 Environmental Health – No objections subject to the recommendation of planning conditions in relation to hours of construction work.

4.3 Environmental Health – No objection subject to the recommendation of planning conditions in relation to land contamination.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

A letter of objection has been received from the occupants of a nearby household in Strawlands. Their concerns have been summarised as follows:

- Lack of parking and loss of parking to the existing dwelling. There is no on-street parking in Strawlands which is an unadopted private single width track. Due to the restricted width there would be no room for manoeuvrability. There is no space at the end of the road for parking/turning, as the applicant states. The land referred to is privately owned and notwithstanding this forms part of a permission for the development of 12 homes.
- Overlooking and a loss of privacy to 3 and 4 Strawlands and Woodgate Meadow from the proposed dormer window
- Cramped and overdeveloped by reason of proximity to existing adjacent and proposed development
- The proportions of the proposed dwelling are contrived to make it fit onto the application site. It is narrower than existing adjoining properties and the roof pitch is higher. Also, the proposed dwelling would be set further back than the existing building line to facilitate parking. The materials are also different, slate instead of clay roof tiles.

6. PLANNING CONSIDERATIONS

6.1 The issues for consideration are (1) principle (2) impact on character and appearance of the locality (3) impact on living conditions and (4) highways including parking and access.

Principle

6.2 For the purposes of planning policy, the site is located within the planning boundary where the principle of new development is acceptable subject to satisfying the relevant development plan policies (ST3 of the Lewes District Local Plan and CP11 of the Joint Core Strategy).

6.3 For information, the eastern boundary of the application site adjoins the SHLAA designated land at Plumpton Green which is suitable, available and achievable for housing development. There is a live outline (with all matters reserved) planning application (LW/18/0259) on this land (0.7 ha) to the north east of Wells Close, proposing 12 dwellings (one and two bed units designed for older people) as designated within policy 5.2 of the adopted Plumpton Neighbourhood Plan.

6.4 The proposed plot no 2 as illustrated on the indicative block plan drawing (080318/02) of application LW/18/0259, proposes a bungalow of single storey height with a shallow pitched roof, adjoining the boundary of the application site. However, this is an outline application proposal which cannot prejudice the proposed development under this application.

Character and Appearance

6.5 Policy ST3 of the Lewes District Local Plan states that development should respect the overall scale, height, massing, alignment, site coverage, density, landscaping, character rhythm and layout of neighbouring buildings and materials should be of a quality, type, colour and design which is appropriate to the character of the local area.

6.6 It is considered that the proposed dwelling would be of similar bulk, form and proportions to existing dwellings in Strawlands. Its principle elevation fronting onto the unadopted road would be set back slightly from the existing building line but this would not be materially harmful to the street scene especially given that it would be at the far eastern end of Strawlands and the siting of dwellings along this road are slightly staggered and varied in terms of the shape of their footprints and spacing between and around them.

6.7 The size of the proposed plot and site coverage is narrow but comparable to that existing at the western end and first property in Strawlands. It would leave a space of at least 1.4m between the existing and proposed western elevation and maintain a gap of 1m between its eastern elevation and the proposed boundary fence. It would not therefore be materially harmful to the character and appearance of the area by reason of being overdeveloped and cramped.

6.8 The proposed concrete tiled roof and brick and render elevations are also considered to be appropriate to the local vernacular of nearby existing dwellings within the immediate vicinity. The existing dwelling has a pea shingle rendered first floor. However, it is not considered necessary to replicate this detail, given that this is of its time and the proposed dwelling is modern and is detached and set back in the street scene.

Living conditions

6.9 The occupants of a nearby property has expressed concerns over this application in relation to overlooking and a loss of privacy to 3 and 4 Strawlands and Woodgate Meadow from the proposed dormer window.

6.9 The relationship of the proposed dormer window with existing adjoining properties is no more harmful than other existing first/second floor rear windows on properties in a built up residential area. There is a 25m distance between the proposed rear dormer window and rear garden boundary of the nearest property (No. 16) in Woodgate Meadow. This is a more than acceptable relationship in a built up residential area. It is therefore considered that there would be no material harm for the occupants of adjoining or nearby properties by reason of overlooking and a loss of privacy.

6.10 It should also be noted that windows in the first floor side elevations will have obscure glazing as stated in the design and access statement.

Parking and access

6.11 The agent has submitted an amended site plan drawing (No. A01) which illustrates off street parking for the provision of two cars on a hard surfaced area in front of the existing and proposed dwelling. The agent has confirmed in writing that vehicles can turn using forward and reverse gears and that the adjacent dwellings have less hardstanding than what is being proposed. It is clear that the space to be hard surfaced will be tight in practice, but nevertheless, it is considered worthy to give the applicant the benefit of doubt, and it should also be noted that it would be difficult to sustain a reason for refusal on this ground and unlikely to be able to successfully defend on appeal on this unadopted road.

Conclusion

6.12 Overall, it is considered that this application is acceptable and is therefore recommended for approval.

7. RECOMMENDATION

That permission be GRANTED.

The application is subject to the following conditions:

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

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

2. Development shall not begin until details of finished floor levels in relation to the existing ground levels have been submitted to and approved by the Local Planning Authority. The works shall then be carried out in accordance with these details.

Reason: In the interest of residential amenity and the character of the locality having regard to policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

3. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

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

4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the policy ST3 or in accordance with the programme approved in writing with the Local Planning Authority.

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

5. 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-E of Schedule 2, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to policy ST3 of the Lewes District Local Plan, CP11 of the Joint Core Strategy, Policy 2 of the Plumpton Neighbourhood Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

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

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

7. 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 preliminary risk assessment which has identified:

(i) all previous uses

(ii) potential contaminants associated with those uses

(iii) a conceptual model of the site indicating contaminants, pathways and receptors

(iv) potentially unacceptable risks arising from contamination at the site.

(b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(c) The site investigation results and the detailed risk assessment (b) 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.

(d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) 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].

8. 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].

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

2. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	21 May 2018	A 01 SITE PLANS
Proposed Block Plan	21 May 2018	A 01 SITE PLANS
Proposed Layout Plan	21 May 2018	A 01 SITE PLANS
Proposed Block Plan	21 May 2018	A 01 LOCATION
Existing Elevation(s)	20 March 2018	A 01 EXIST ELEVATIONS
Design & Access Statement	20 March 2018	
Other Plan(s)	20 March 2018	FLOOD MAP PLANNING
Additional Documents	11 April 2018	LAND CONTAMINATION
Location Plan	21 May 2018	A 01 SITE PLAN
Proposed Block Plan	21 May 2018	A 01 SITE PLAN
Proposed Layout Plan	21 May 2018	A 01 SITE PLAN
Proposed Block Plan	5 June 2018	A01 AMENDED PARKING
Proposed Floor Plan(s)	20 March 2018	A01 FLOOR AND SECTIONS
Proposed Section(s)	20 March 2018	A01 FLOOR AND SECTIONS

Proposed Elevation(s)

20 March 2018

A01 PROPOSED ELEVATIONS

Agenda Item 9

APPLICATION NUMBER:	LW/18/0234		
APPLICANTS NAME(S):	Mr Orford And Ms Meagher	PARISH / WARD:	Telscombe / East Saltdean & Telscombe Cliffs
PROPOSAL:	Planning Application for Demolition of existing garden room/home office, sub-division of plot and erection of a detached two bedroom bungalow with associated hard/soft landscaping		
SITE ADDRESS:	2 Ambleside Avenue Telscombe Cliffs East Sussex BN10 7LS		
GRID REF:	TQ 40 01		



1. SITE DESCRIPTION / PROPOSAL

1.1 The site is the end part of the rear garden of 2 Ambleside Avenue, which is occupied by a single storey building described as a "garden room/home office" in the application.

1.2 The proposal is to replace the single storey building with a two-bed bungalow. The bungalow would have a kitchen/dining/living area, two double bedrooms (one with en-suite) and separate bathroom, and would have a pitched roof . A garden would be provided at the side of the bungalow, which would be about 63 sq.m. On-site parking for one car would be provided.

1.3 Access would be from a surfaced access way which links Ambleside Avenue and Central Avenue, which already serves parking areas for nearby Norleen Court and Channel Grange.

2. RELEVANT POLICIES

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

LDLP: – ST04 – Design, Form and Setting of Development

LDLP: – CP11 – Built and Historic Environment & Design

3. PLANNING HISTORY

LW/87/0348 - Outline application for one detached bungalow and garage on land to rear of 2 Ambleside Avenue. - **Refused**.

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Telscombe Parish Council – Objection on the following grounds:

- Ambiguity of the plans - the plans include a detached 3 bedroom bungalow and a semi-detached chalet bungalow with 2 bedrooms in each property
- The lack of parking available for the new property/properties
- There being no back garden for the semi-detached chalet bungalows
- The amenities issues for the local residents - the potential of overlooking the properties nearby (semi-detached property), the increase of parking and access issues of the access road

4.2 Environmental Health – No objections, with standard conditions.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 Occupier of 4 Ambleside Avenue (next to the site) objects on grounds that the proposal is contrary to government policy to prevent 'garden grabbing'. The dwelling would be close to the garden boundary, would cause overshadowing and substantial loss of privacy. The proposal is overdevelopment of a small area of garden. The shed/office on the site is different in character and stature to the proposed bungalow.

6. PLANNING CONSIDERATIONS

6.1 The site has had a refusal of permission for a bungalow before. This was LW/87/0348, an outline application for 'one detached bungalow and garage', which was refused in 1987 for the following reasons:

"The proposed development would constitute an undesirable form of backland development without proper road frontage and would have a detrimental effect on the amenities and privacy of the adjoining residential properties.

The means of access is restricted and unsuitable to serve further development by reason of its inadequate width and unmade condition."

6.2 Pre-application advice back in 2013 and in August 2017 (following which this application was submitted), set out the planning officer's view that a new application for a bungalow would be likely to be refused. It was not considered that the 1987 reasons for refusal would be overcome.

6.3 Telscombe Town Council object to the application, and the neighbouring occupier (whose garden would be adjacent to the proposed bungalow) also objects.

6.4 The applicant's agent was advised that the application was considered to be unacceptable and was given the opportunity to withdraw the application. In response, the agent said his client did not wish to withdraw the application, and felt that a similar approval was granted for 2 Telscombe Cliffs Way (LW/17/0320), wherein "A large section of the donor property garden was used and the access track is unmade".

6.5 In the circumstances, as a matter of discretion by the planning officer, having regard to the comments of the applicant, this application is reported to the Committee for a decision.

6.6 The LW/17/0320 Telscombe Cliffs Way case has some similarities to the current application, in that a bungalow was approved at the end of the rear garden of 2 Telscombe Cliffs Way, served by an unmade track leading up the side of the property. However, it does not necessarily follow that approval of that application should mean an approval is granted on the current application, as each case must be considered on its own planning merits. The Telscombe Cliffs case was for a building with a reduced profile adjacent to the neighbouring garden, was further away (about 20m compared to 8m) from the neighbouring property itself and was lower (with a shallower roof). In addition, Telscombe Town Council supported the application and there were no objections from local residents.

6.7 On the current site, the access way has been surfaced since the refusal of LW/87/0348, and it is now considered that the access (which, as indicated above, already serves other parking areas) is acceptable. However, the proposal is considered to be overdevelopment (with a building of excessive footprint size compared to amenity space and the footprint size of other dwellings in the locality), and unneighbourly (with overshadowing of the garden of 4 Ambleside Avenue and obtrusiveness next its rear garden). The excessive footprint of the building appears to partly be derived from a generous hallway (about 1.9m wide) and kitchen/dining/living area (of nearly 44 sq.m). On its merits, the application is considered to be contrary to the Council's planning policy and unacceptable.

7. RECOMMENDATION

7.1 That planning permission be refused.

Reason(s) for Refusal:

1. The proposal would constitute overdevelopment of the site, with a building of excessive footprint in relation to the level of amenity space on the site and out of keeping with the scale of existing development in the locality. The proposed building would also cause overshadowing and be unduly obtrusive to occupiers of 4 Ambleside Avenue (including from excessive height), with consequent reduction in the living conditions of those occupiers. The proposal would be contrary to Policies ST3 and ST4 of the Lewes District Local Plan, and CP11 of the Joint Core Strategy.

INFORMATIVE(S)

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Design & Access Statement	16 March 2018	
Location Plan	16 March 2018	LP01
Proposed Layout Plan	16 March 2018	PL01
Proposed Floor Plan(s)	16 March 2018	PL02
Proposed Roof Plan	16 March 2018	PL03
Proposed Elevation(s)	16 March 2018	PL04
Proposed Elevation(s)	16 March 2018	PL05
Proposed Section(s)	16 March 2018	PL06
Existing Layout Plan	16 March 2018	S01
Existing Floor Plan(s)	16 March 2018	S02
Existing Roof Plan	16 March 2018	S03
Existing Elevation(s)	16 March 2018	S04
Existing Elevation(s)	16 March 2018	S05

Agenda Item 10

APPLICATION NUMBER:	LW/18/0297		
APPLICANTS NAME(S):	Lewes District Council	PARISH / WARD:	Peacehaven / Peacehaven East
PROPOSAL:	Planning Application for Three new 1 bedroom bungalows with car parking each plus 1 additional visitor parking space		
SITE ADDRESS:	Land Adjacent To 39 Ashington Gardens Peacehaven East Sussex		
GRID REF:	TQ 42 00		



1. SITE DESCRIPTION / PROPOSAL

1.1 The site is a grassed area adjacent to 39 Ashington Gardens. The site backs onto the Tudor Rose Mobile Home Park, separated by a line of bushes. The land slopes up from 39 Ashington Gardens.

1.2 The proposal is for a staggered terrace of three bungalows with a row of 4 parking spaces adjacent to serve the development. The bungalow would be cut into the sloping land, and would be one-bed. The bungalows would be finished in brick and cedar cladding, with an aluminium finish to the shallow pitched roof.

2. RELEVANT POLICIES

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

LDLP: – CP11 – Built and Historic Environment & Design

3. PLANNING HISTORY

None.

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Environmental Health – No objections but recommends standard conditions.

4.2 Environmental Health – No contaminated land objections but recommends standard conditions

4.3 ESCC Highways – No comment.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

None.

6. PLANNING CONSIDERATIONS

6.1 The character of the locality is residential. The bungalows would result in a reduction in the area of grass open space, but the development would constitute an efficient use of land within the Planning Boundary, by helping to meet housing needs. Beyond the parking spaces the open grass area would continue.

6.2 The bungalows would be in keeping with the form of nearby development in the locality and would, it is considered, fit in well with the layout and appearance of the locality.

6.3 The bungalows would be built next to 39 Ashington Gardens, with the nearest bungalow angled slightly towards the common boundary with no. 39. The orientation of the properties would not, however, lead to any loss of light, outlook or privacy to no. 39. No other properties in the locality would be directly affected.

6.4 The proposal is considered to be acceptable. As the application is fully detailed, no conditions are considered necessary.

7. RECOMMENDATION

7.1 That planning permission be granted.

INFORMATIVE(S)

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Tree Statement/Survey	11 April 2018	
Design & Access Statement	11 April 2018	
Existing Layout Plan	11 April 2018	001
Proposed Elevation(s)	11 April 2018	014
Proposed Elevation(s)	11 April 2018	015
Location Plan	11 April 2018	016
Proposed Floor Plan(s)	11 April 2018	018
Other Plan(s)	11 April 2018	020
Survey Plan	11 April 2018	TCP
Survey Plan	11 April 2018	TPP

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APPLICATION NUMBER:	LW/18/0299		
APPLICANTS NAME(S):	Lewes District Council	PARISH / WARD:	Peacehaven / Peacehaven East
PROPOSAL:	Planning Application for Three new 1 bedroom bungalows and car parking spaces for each bungalow		
SITE ADDRESS:	Land Adjacent To 11 Ashington Gardens Peacehaven East Sussex		
GRID REF:	TQ 42 00		



1. SITE DESCRIPTION / PROPOSAL

1.1 The site is a grassed area at the rear of back of 29-35 Downland Avenue, and adjacent to 11 Ashington Gardens. The site is therefore 'backland', and does not have road frontage. The site backs onto open land, to the north of the Tudor Rose Mobile Home Park. The land slopes up behind 29-35 Downland Avenue.

1.2 The proposal is for a staggered terrace of three bungalows cut into the sloping land. The front corner of the end bungalow would be close to the rear garden of 45 Downland Avenue. The bungalows would each be one-bed. The bungalows would be finished in brick and cedar cladding, with an aluminium finish to the shallow pitched roof.

1.3 In the application, three new parking spaces are proposed on an open grassed area at the front of 31 Ashington Gardens. They would be accessed off the entrance to an existing communal parking area. At the time of writing, however, these parking spaces are being reviewed as they encroach onto a grass setting of 19-29 Ashington Gardens, and are subject to a local objection. An update on this will be given at the Committee meeting.

2. RELEVANT POLICIES

LDLP: – CP11 – Built and Historic Environment & Design

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

3. PLANNING HISTORY

None.

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Environmental Health – No contaminated land objections, but recommends standard conditions.

Environmental Health – No objections, but recommends standard conditions.

ESCC Highways – No comment.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

None.

6. PLANNING CONSIDERATIONS

6.1 The character of the locality is residential. The bungalows would result in a reduction in the area of grass open space, but the development would constitute an efficient use of land within the Planning Boundary, by helping to meet housing needs.

6.2 The bungalows would be in keeping with the form of nearby development in the locality and would, it is considered, fit in well with the layout and appearance of the locality. They would, however, be in a backland position, on higher land than 29-35 Downland Avenue in front of them. Although the bungalows would be relatively prominently positioned, the front windows would be to the bathroom and kitchen of each one, with the bedroom

and living windows at the rear. This arrangement would mean overlooking would not be significant.

6.3 The proposal is considered to be acceptable. As the application is fully detailed, no conditions are considered necessary.

7. RECOMMENDATION

7.1 That planning permission be granted.

INFORMATIVE(S)

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Design & Access Statement	11 April 2018	
Existing Layout Plan	11 April 2018	001
Location Plan	11 April 2018	009
Proposed Floor Plan(s)	11 April 2018	010
Proposed Elevation(s)	11 April 2018	011
Proposed Elevation(s)	11 April 2018	012
Proposed Section(s)	11 April 2018	013
Other Plan(s)	11 April 2018	020

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Report to **Planning Applications Committee**
Date **27 June 2018**
By **Director of Planning**
Local Authority **Lewes District Council**
Application Number **SDNP/18/00841/HOUS**
Applicant **Mr and Mrs Appleton**
Application **Alterations and extension of existing roof to create a partial first floor and roof terrace, alterations to the existing ground floor accommodation and a change in external materials to render and timber cladding**
Address **The Poplars
Lewes Road
Newhaven
BN9 9AD**

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

Executive Summary

Approval is recommended.

1 Site Description

1.1 The application site is occupied by a detached bungalow dwelling with a C-shaped footprint which is understood to have been built in the 1990s. The property is set back from the road and has a double garage and parking area in front. The site is adjacent to Lewes Road Cemetery and is located within the South Downs National Park. It is one of a small number of dwellings sited around the cemetery.

1.2 The plot is reasonably deep and the property has a long back garden. The site is outside of the defined Planning Boundary of Newhaven. The property is not listed or located in a Conservation Area.

1.3 The dwelling has a traditional form utilising pitched and hipped roofs and facing brick walls.

2 Proposal

2.1 The aim of the proposal is to extend the existing building to create a partial first floor, with the rationalisation of the existing ground floor accommodation and rejuvenation of the existing exterior in order to create a more contemporary four bedroom dwelling.

2.2 The existing property has four bedrooms together with the living areas on the ground floor. As part of the proposals the ground floor will be reconfigured with two bedrooms and a games room. At first floor level two bedrooms both with en-suites and dressing rooms are proposed. A roof terrace is proposed off the front bedroom on the first floor.

2.3 The detached garage in front will be converted into an office and it will be re clade in timber and the pitched roof replaced with a mono-pitch roof.

2.4 The proposed development will see all of the pitched and hipped roofs removed from the property and replaced with a modern flat roof including a raised lantern light feature. The first floor element will have a mono-pitch roof with an overhang sheltering the roof terrace to bedroom four. The external walls will be predominantly finished in timber cladding and flint, both of which are natural and traditional materials.

2.5 The converted garage/office will also have its pitched roof removed and replaced with a matching mono-pitch roof, and it will be re-modelled with timber clad external walls.

2.6 External materials and finishes are proposed to include powder coated aluminium doors and window frames; mono-pitch sedum roof with bronze metal edging and frame; flat roof of single ply membrane with metal frame coloured edging; flint, painted render and stained timber cladding to the external walls.

3 Relevant Planning History

None.

4 Consultations

Parish Council Consultee

Objection on the grounds that the proposal is out of keeping with the area and does nothing to enhance the rural surroundings.

5 Representations

5.1 A representation has been received from Grafton, Lewes Road, in support of the application for the following reasons:

- Good design
- Wood cladding will fit in well with the surroundings
- Grass roof is a nice addition

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
- South Downs National Park Local Plan - Submission 2018
- 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.

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:

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:

- ST3 - Design, Form and Setting of Development
- RS14 - Extensions In The Countryside

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

- CP10 - Natural Environment and Landscape
- CP11 - Built and Historic Environment and Design

The following policies of the **South Downs National Park Local Plan - Submission 2018** are relevant to this application:

- Strategic Policy SD5 - Design
- Development Management Policy SD31 - Extensions to existing dwellings, and provision of annexes and outbuildings

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

- General Policy 50

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 50

The Draft South Downs National Park Local Plan

The South Downs Local Plan: Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 26th September to 21st November 2017, and the responses considered by the Authority. The Plan was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It 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. Based on the current stage of preparation, and given the relative age of the **saved policies within the Lewes District Local Plan (2003)**, the policies within the **Submission South Downs Local Plan (2018)** are currently afforded **considerable** weight, depending on the level of objection received on individual policies.

The following policies are of particular relevance to this case:

- Strategic Policy SD5 - Design
- Development Management Policy SD31 - Extensions to existing dwellings, and provision of annexes and outbuildings

8 Planning Assessment

8.1 The main considerations in the determination of the application include the design and appearance of the proposed extension, and the impact on neighbour amenity.

8.2 The objection from Newhaven Town Council and the letter in support of the proposals from the immediate neighbour of the application site are acknowledged and have been taken into consideration.

PRINCIPLE AND DESIGN

8.3 The footprint of the dwelling and garage, and their siting within the plot, will remain as existing, and despite the additional floor area provided by the first floor accommodation, the removal of the pitched roofs to the property will reduce the massing and height at first floor level resulting in a low profile building that will not be unduly dominant or excessively enlarged.

8.4 The flat and mono-pitch roof and design detailing is considered to be modern and innovative whilst retaining a traditional element through use of natural materials that are employed historically in buildings within the South Downs National Park.

8.5 The visual impact of the development from outside the application site will be relatively understated, although the dwelling is visible from within the adjoining cemetery.

AMENITY

8.6 There are no immediate neighbouring homes to the application site except for Grafton. A letter of support has been received from this property. Grafton is some distance from the application site and it is noted that the design of the scheme is such that habitable room windows, outlook and roof terraces are generally directed southwards across the adjoining cemetery. For these reasons it is not considered that the proposals will overlook or overshadow neighbouring properties or have a significant adverse impact on residential amenity.

9 Conclusion

9.1 In view of the above approval is recommended.

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. No development shall take place until details of the external materials and finishes of the development hereby permitted, to include (but not be limited to) samples and product information, have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details and retained as such thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the locality in accordance with retained policies ST3 and RES14 and Core Policies 10 and 11 of the Lewes District Local Plan Part One: Joint Core Strategy; policies SD5 and SD31 of the South Downs National Park Local Plan Submission Version 2018; and having regard to National Planning Guidance contained in the National Planning Policy Framework 2012.

2. No development shall take place until details of the hard and soft landscaping associated with the development hereby permitted have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details and retained as such thereafter, unless otherwise agreed in writing by the local planning authority. All hard surfaces should be either permeable materials to allow for natural soakage of surface water into the land or direct surface run-off to soakaways within the application site.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the locality as well as managing and mitigating flood risk, in accordance with retained policy ST3 and Core Policies 10, 11 and 12 of the Lewes District Local Plan Part One: Joint Core Strategy; policies SD5 and SD31 of the South Downs National Park Local Plan Submission Version 2018; and having regard to National Planning Guidance contained in the National Planning Policy Framework 2012.

3. No development shall be carried out until a Construction Traffic Management Scheme has been submitted to and approved by the Local Planning Authority. This shall include details of the locations for the parking of contractors' and delivery vehicles, and the locations for the stationing of plant/machinery and materials clear of the public highway, and provision for wheel-washing facilities within the application site.

Reason: In the interests of highway safety having regard to retained retained policy ST3 and Core Policies 11 and 13 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

4. Notwithstanding the provisions of the Town and Country (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development as described in Schedule 2, Part 1, Classes A (with the exception of replacement of existing windows/doors) B or C, other than hereby permitted, shall

be undertaken unless the Local Planning Authority otherwise agrees in writing in an application on that behalf.

Reason: Further extensions, alterations and a more intensive development of the site would be likely to adversely affect the appearance and character of the development, the wider South Downs National Park landscape, and neighbour amenity, having regard to retained policies ST3 and RES14 and Core Policies 10 and 11 of the Lewes District Local Plan Part One: Joint Core Strategy; policies SD5 and SD31 of the South Downs National Park Local Plan Submission Version 2018; and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

5. 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.

6. Notwithstanding the provisions of the Town and Country (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows or other openings, other than hereby permitted, shall be constructed at first floor level (or above) on the north-facing flank elevation of the dwelling unless the Local Planning Authority otherwise agrees in writing in an application on that behalf.

Reason: In the interests of safeguarding neighbour privacy and amenity, having regard to retained policies ST3 and RES13 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

7. The narrow windows at first floor level on the north facing flank elevation of the development hereby permitted shall be obscure glazed [to a minimum privacy level rating of 3] and retained as such thereafter.

Reason: To protect the privacy and residential amenity of the neighbouring property having regard to retained Policies ST3, RES13 and CPI 1 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.

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: Chris Wright
Tel: 01273 471600
email: Christopher.wright@lewes-eastbourne.gov.uk

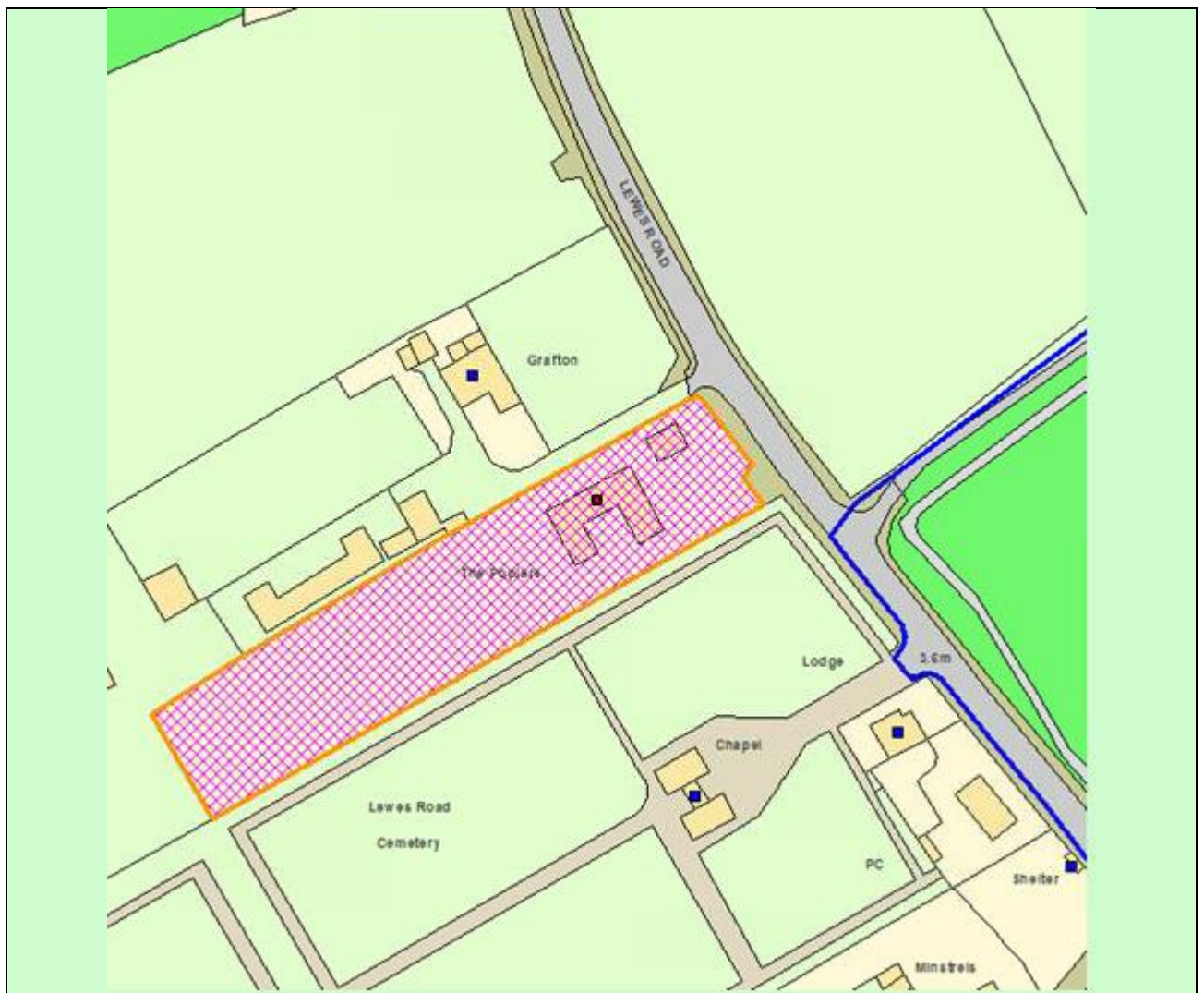
Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

Appendix I

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date on Plan	Status
Plans - LOCATION PLAN	1683-P-101		13.02.2018	Approved
Plans - BLOCK PLAN	1683-P-102		13.02.2018	Approved
Plans - EXISTING SITE PLAN	1683-P-103		13.02.2018	Approved
Plans - EXISTING GROUND FLOOR PLAN	1683-P-104		13.02.2018	Approved
Plans - EXISTING ELEVATIONS	1683-P-105		13.02.2018	Approved
Plans - EXISTING SECTIONS	1683-P-106		13.02.2018	Approved
Plans - EXISTING ELEVATIONS	1683-P-107		13.02.2018	Approved
Plans - PROPOSED SITE PLAN	1683-P-108		13.02.2018	Approved
Plans - PROPOSED GROUND FLOOR PLAN	1683-P-109		13.02.2018	Approved
Plans - PROPOSED FIRST FLOOR PLAN	1683-P-110		13.02.2018	Approved
Plans - PROPOSED NORTHEAST ELEVATION	1683-P-111		13.02.2018	Approved
Plans - PROPOSED SOUTHEAST ELEVATION	1683-P-112		13.02.2018	Approved
Plans - PROPOSED SOUTHWEST ELEVATION	1683-P-113		13.02.2018	Approved
Plans - PROPOSED NORTHWEST ELEVATION	1683-P-114		13.02.2018	Approved
Plans - PROPOSED SECTIONS	1683-P-115		13.02.2018	Approved
Plans - PROPOSED SECTION	1683-P-116		13.02.2018	Approved
Plans - SKETCH VIEW 1	1683-P-118		13.02.2018	Approved
Plans - SKETCH VIEW 2	1683-P-119		13.02.2018	Approved
Plans - PROPOSED GARAGE ELEVATIONS	1683-P-120		13.02.2018	Approved
Application Documents - DESIGN & ACCESS STATEMENT			13.02.2018	Approved

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

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Report to **Planning Applications Committee**
Date **27 June 2018**
By **Director of Planning**
Local Authority **Lewes District Council**
Application Number **SDNP/18/02027/FUL**
Applicant **Mr Templar**
Application **Four single glazed steel windows to the north and east elevations to be replaced with white factory finished timber sash windows with the introduction of 14mm Slimline glazing in 16 pane sliding sash units**
Address **35 Friars Walk
Lewes
BN7 2LG**

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

Executive Summary

1 Site Description

1.1 The application building, more commonly known as 'The Turkish Baths', dates from 1862. It is unlisted. It has had a variety of alternative uses, and is currently owned by Lewes District Council who used it as a printing works for several years. The building is currently empty.

1.2 The building occupies a wedge-shaped plot within Lewes Conservation Area, on the junction between Styles Field, Friars Walk and Broomans Lane. It is a prominent feature in the landscape, with a small grassed area, public bench, shrubs, and a Himalayan birch (*Betula utilis 'jacquemontii'*) to the southern boundary.

2 Proposal

2.1 Planning permission is sought for the replacement of the existing Crittall metal framed windows to the east and north elevation with timber framed Slimlite double glazed 16 pane sliding sash windows. The proposal has been submitted by Lewes District Council, hence the need for committee determination.

2.2 This current proposal is an amendment to the existing consent for the replacement of windows and refurbishment of the Crittall windows granted under SDNP/17/03937/FUL.

3 Relevant Planning History

SDNP/17/03937/FUL - Renewal of selected windows - Approved 23rd November 2017.

SDNP/16/06363/FUL - Renewal of windows, formation of new external door opening and level access paving/path - Withdrawn 6th March 2017.

4 Consultations

Parish Council Consultee

Members generally welcome this application

LE - Design and Conservation Officer

No objection.

5 Representations

None at time of writing.

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)
- South Downs National Park Local Plan - Submission 2018
- National Planning Policy Framework

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.

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:

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:

- CPI1 - Built and Historic Environment and Design

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

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

The following policies of the **South Downs National Park Local Plan - Submission 2018** are relevant to this application:

- Strategic Policy SD5 - Design
- Development Management Policy SD15 - Conservation Areas

The following policies of the **National Planning Policy Framework** 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 26th September to 21st November 2017, and the responses considered by the Authority. The Plan was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It 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. Based on the current stage of preparation, and given the relative age of the **saved policies within the Lewes District Council - The Core Strategy (Local Plan Part 1) 2014**, the policies within the **Submission South Downs Local Plan (2018)** are currently afforded **considerable** weight, depending on the level of objection received on individual policies.

The following policies are of particular relevance to this case:

- Strategic Policy SD5 - Design
- Development Management Policy SD15 - Conservation Areas

8 Planning Assessment

8.1 Permission was granted for the refurbishment of the Crittall windows, but their replacement with timber sashes will match other windows in the building. The site is located within Lewes Conservation Area, so the comments of the Design and Conservation Officer (DCO) are a material consideration in the determination of this application due to the potential impact of the proposal on the character and setting of the Conservation Area.

8.2 As stated earlier in this report, the DCO has raised no objections to the proposal, and has not recommended any conditions. However, specific details are required relating to the cill extensions, and a relevant condition is recommended.

8.3 No comments from other interested parties have been received at time of writing, but the Planning Committee will be updated regarding any observations submitted.

8.4 It is considered the proposed works will not adversely impact the character of the building, and the wider Conservation Area will not be harmed by these minor works. This is in accordance with Policy H5 (Development within or Affecting Conservation Areas).

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. Notwithstanding the details shown on drawing No. 2701 details of the specific cill extension option shall be submitted to and approved in writing by the local planning authority.

Reason: To protect the character and setting of the building and wider Conservation Area having regard to policy H5 of the Lewes District Plan.

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 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: Mrs Alyson Smith
Tel: 01273 471600
email: alyson.smith@lewes-eastbourne.gov.uk

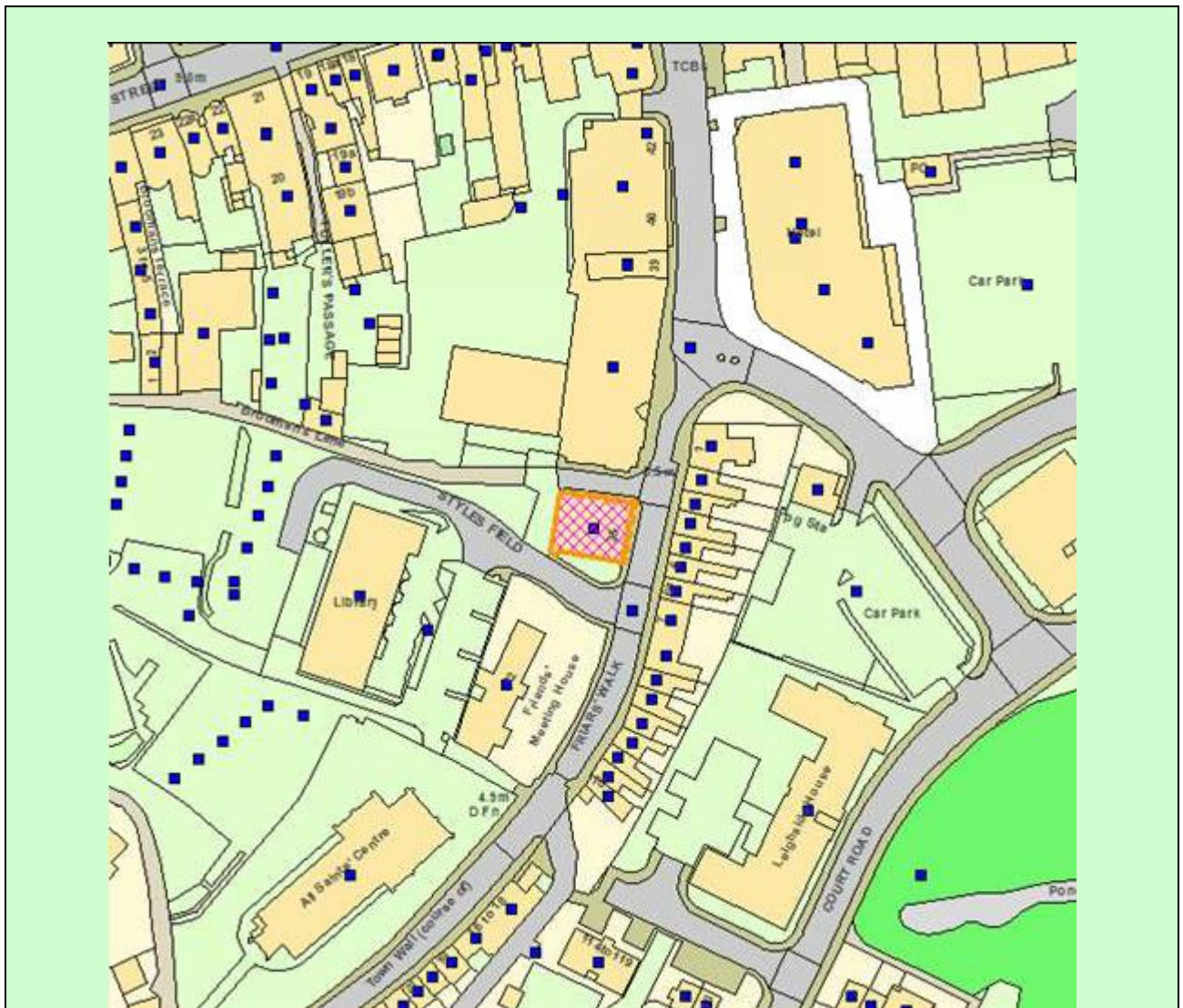
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Site Location Map



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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 - PLANS & DETAILS			16.04.2018	Approved
Plans - LOCATION PLAN	649 - 001		16.04.2018	Approved
Plans - EXISTING ELEVATIONS	649 - 002		16.04.2018	Approved
Plans - PROPOSED ELEVATIONS	649 - 003		16.04.2018	Approved
Plans - WINDOW DETAILS	649 - 004		16.04.2018	Approved
Application Documents - HERITAGE STATEMENT			16.04.2018	Approved
Application Documents - DESIGN & ACCESS STATEMENT			16.04.2018	Approved
Application Documents - FLOOD RISK ASSESSMENT			16.04.2018	Approved

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

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Report to **Planning Applications Committee**
Date **27 June 2018**
By **Director of Planning**
Local Authority **Lewes District Council**
Application Number **SDNP/18/00449/LIS**
Applicant **Mr E Beckley**
Application **Replacement of a 'Crittal' window in kitchen with steel 'Crittal' style window**
Address **2 Abinger House
Abinger Place
Lewes
East Sussex
BN7 2QA**

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

Executive Summary

1 Site Description

1.1 The application property is a ground floor flat located within a Grade II listed building on the east side of Abinger Place. The property is within the Conservation Area.

2 Proposal

2.1 The proposal is for the replacement of a 'Crittal' window in kitchen with a steel 'Crittal' style window.

3 Relevant Planning History

None.

4 Consultations

LE - Design and Conservation Officer

The application seeks consent to replace the Crittal window to the rear of the property. No objections are given in principal for the replacement of this window, providing it is replaced with a Crittal window of a similar design and not a UPVC window.

Parish Council Consultee

No comment

5 Representations

None received.

6 Planning Policy Context

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

- Lewes District Local Plan (2003)
- South Downs National Park Local Plan - Submission 2018

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.

The Planning (Listed Buildings and Conservation Areas) Act 1990 refers to the general duty as respects Listed buildings and Conservation Areas. Section 66 of the Act sets the general duty as respects listed buildings in exercise of planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires that "special attention shall be paid to the desirability of preserving or enhancing the character of that area".

National Planning Policy Framework (NPPF)

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

NPPF - Requiring good design.

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

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

- CP11 - 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
- H5 - Within / Affecting Conservation Area

The following policies of the **South Downs National Park Local Plan - Submission 2018** are relevant to this application:

- Strategic Policy SD5 - Design
- Strategic Policy SD12 - Historic Environment
- Development Management Policy SD13 - Listed Buildings

Partnership Management Plan

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

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

The Draft South Downs National Park Local Plan

The South Downs Local Plan: Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 26th September to 21st November 2017, and the responses considered by the Authority. The Plan was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It 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. Based on the current stage of preparation, and given the relative age of the **saved policies within the Lewes District Council - The Core Strategy (Local Plan Part 1) 2014**, the policies within the **Submission South Downs Local Plan (2018)** are currently afforded **considerable** weight, depending on the level of objection received on individual policies.

The following policies are of particular relevance to this case:

- Strategic Policy SD5 - Design
- Strategic Policy SD12 - Historic Environment
- Development Management Policy SD13 - Listed Buildings

8 Planning Assessment

8.1 The application property is a ground floor flat located within a Grade II listed building on the east side of Abinger Place. The property is within the Conservation Area. The proposal is for the replacement of a 'Crittall' window in kitchen with steel 'Crittall' style window.

8.2 The window to be replaced is at the rear of the building in a non-original extension of the main building. The flat cannot be viewed from the public realm or wider conservation area.

8.3 The Design and Conservation Officer was consulted and has no objections.

8.4 It is considered that the proposed works do not detrimentally impact on the character and historic fabric of the property and the conservation area, in accordance with Policies ST3 (Design, Form and Setting of Development), H2 (Listed Buildings) and H5 (Conservation areas) of the Lewes District Local Plan and SD5 (Design), SD12 (Historic Environment) and SD13 (Listed Buildings) of the South Downs Local Plan (Pre-submission).

8.5 The development has also been considered against the relevant policies in the Joint Core Strategy which has been adopted by the South Downs National Park. The Core Strategy is the pivotal planning document until 2030, forming Part 1 of our Local Plan and sets out the over-arching strategies that all other planning documents will need to be in conformity with. This proposal is considered to accord with Core Policy 11 Built and Historic Environment and Design.

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

9 Conclusion

9.1 It is recommended listed building consent be granted.

10 Reason for Recommendation and Conditions

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

1. Approved Plans

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

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

2. 3 year time expiry listed building

The works hereby consented shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with the provision of Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

11. Crime and Disorder Implications

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

12. Human Rights Implications

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

13. Equality Act 2010

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

14. Proactive Working

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Tim Slaney
Director of Planning
South Downs National Park Authority

Contact Officer: Matthew Kitchener (Lewes DC)
Tel: 01273 471600
email: matthew.kitchener@lewes-eastbourne.gov.uk

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Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date on Plan	Status
Application Documents -	HERITAGE STATEMENT		04.05.2018	Approved
Plans -	WINDOW ELEVATION	BECKLEY 1496-01	11.05.2018	Approved
Plans -	LOCATION PLAN		13.04.2018	Approved
Plans -	WINDOW SECTIONS AND ELEVATIONS		13.04.2018	Approved
Application Documents -	WINDOW BROCHURE		13.04.2018	Approved
Application Documents - Site Photographs	PHOTOS		13.04.2018	Approved

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

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Report to **Planning Applications Committee**
Date **27 June 2018**
By **Director of Planning**
Local Authority **Lewes District Council**
Application Number **SDNP/17/0521 I/FUL**
Applicant **Mr D Gorringe**
Application **Erection of a feed storage barn**
Address **Court Farm
Keymer Road
Ditchling
East Sussex**

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

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

Executive Summary

This application proposes the erection of an agricultural feed storage barn. It would measure 20.7m by 42m with an overall height of 6.6m above ground level to match the height of existing barns it would sit alongside and to the south of. The proposed materials will be finished in colours to match existing buildings and the proposed building will be accessed from the existing track off Keymer Road. It is considered that there is a genuine agricultural need for this building and of this scale and that its visual effect in the wider landscape would not be materially harmful to the strategic gap between the settlements of Ditchling and Keymer.

1 Site Description

1.1 The application site known as Court Farm is located off the northern side of Keymer Road (B2116), which for the purposes of planning policy, is just beyond the western side of the planning boundary for Ditchling, as defined in the Lewes District Local Plan.

1.2 The site currently comprises a dwelling (granted planning permission for an agricultural worker under SDNP/14/0371 I/FUL) and two agricultural portal framed buildings for cattle. Ditchling Pumping Station fronts onto the B2116 adjacent to the application site access and adjoining the site to the east.

1.3 The site is located within the South Downs National Park.

2 Proposal

2.1 The application proposes the construction of an additional barn for the storage of hay. The application is the subject of amended drawings to reduce its height and physical impact in the

surrounding countryside. The proposed barn, as amended, now measures 42m by 20.7m with an eaves height of 4.25m and measuring 6.6m to the ridge. This is the same as existing livestock buildings it would sit alongside and parallel to, although it would be sited 14m to the southern side of existing cattle barns. The proposed building would have a steel frame, with corrugated clad sides and sliding doors to the eastern end of the building. The barn would be covered with a green roofing sheet and have grey PVC downpipes.

2.2 The proposed building would be sited on an existing hard surfaced area and accessed via the existing track leading off the B2116.

2.3 The accompanying amended drawings (02, 04 and 05) provide details of the design and dimensions. The floor space of 869sq.m will provide the desired storage space for the applicant to be able to store fodder and bedding for up to 90 head of cows in calf or calved, which are currently stored outside at Court Farm, Ditchling. The building will also provide storage for farm machinery, which is currently outside.

2.4 Because of this lack of dry storage, some of the bedding and feed is damp, which increases the risk of mycotoxins and respiratory problems often associated with feeding cattle damp fodder, as well as bedding them on damp straw. This site is primarily used for calving, so maintaining good health standards is especially important for these animals.

2.5 The application is accompanied by a landscape and visual impact assessment.

Background

2.6 The applicant has over 40 years of farming experience and owns some 37 ha of land but farms six holdings with land totalling around 570ha. The applicant envisages that a minimum of 750 bales of barley straw and 300 bales of hay will be needed to feed and bed 60 head of suckler cows during calving at Court Farm.

2.7 The applicant feeds the suckler cows hay and straw which there is little information about although he believes this to be most cost effective method. To obtain a figure for the quantity of feed required, figures in relation to feeding suckler cows on grass silage have been taken from the Agriculture and Horticulture development board. In relation to the areas needed for storage, information has been relied upon from Agricultural Budgeting and Costings book 85th Edition November 2017.

2.8 The amount of usable space (excluding one bay measuring 6m wide needed for the storage of machinery) needed by the applicant for feed and bedding requirements is 3,024 cubic metres and the applicant therefore considers the barn of 3,131 cubic metres (volume measured to the eaves height and excludes storage of the machinery area) is the minimum desired and is appropriate and necessary.

3 Relevant Planning History

SDNP/12/02668/CND. Variation of condition 5 of planning approval LW/09/0609 (Creation of cattle yard comprising of one steel frame building, hardstanding and associated landscaping) to allow cows of all ages to be accommodated in the yard. Refused 26.12.12

SDNP/14/03711/FUL. Erection of agricultural dwelling. Refused 05.11.2014. Allowed on appeal 03.06.2015.

4 Consultations

4.1 Parish Council Consultee

The Parish Council objects to this application. The applicant states that the barn is required to store feed and bedding to service the calving facilities on site. However,

there are no cattle or calves on site and so the purpose of the building has not been proven. There has been no agricultural need established for a feed shed to service calves which are not present, and local evidence points to them having never been present on site. The application is incomplete, there is no site plan showing all of the buildings on site. This application represents incremental development in the strategic gap. The Council would expect this application to be called in by the SDNP. It is recommended that an article 4 Direction is made at this site.

4.2 Agricultural Appraisals - David Hall and Co

There is a genuine need for the proposed building and its desired size.

Please see the planning assessment.

ORIGINAL COMMENTS:

I refer to your instructions to undertake an agricultural appraisal on the need for an agricultural building at Court Farm, Ditchling. I have undertaken a site visit and discussed the proposed development with the applicant and his agent.

The Agricultural Enterprise.

The applicant operates a large agricultural enterprise at Court Farm in Ditchling, Waterhall Farm and Patcham Court Farm on the outskirts of Brighton and Lower Wapses Farm in Twineham. The land at Court Farm and Lower Wapses Farm is owned by the applicant. The land at Waterhall Farm and Patcham Court Farm is rented from Brighton and Hove City Council under tenancy agreements. The total land area farmed by the applicant extends to approximately 550 hectares (1360 acres).

The agricultural enterprise undertaken by the applicant is the breeding and fattening of a large cattle herd extending to approximately 300 cows with young stock aged between 6 and 24 months reared to fattening weight. The applicant also keeps a sheep flock.

I previously provided an agricultural appraisal on 30 July 2013, in response to a planning application for an agricultural workers dwelling, ref. no. SDNP/12/01754/FUL. The size of farming enterprise, comprising land area farmed, and the numbers and type of livestock kept, is (more or less) the same as when I submitted my report in July 2013.

The Property.

Court Farm, Ditchling comprises agricultural land and buildings extending in all to 37.2 hectares (92 acres). Please note the land area detailed in the report accompanying the application is incorrect. The land has been owned by the applicant since the mid 1990's.

Since acquiring the land at Court Farm the applicant has constructed two buildings specifically for housing cattle during the winter months and a dwelling house for occupation by an agricultural worker. The dwelling house is nearing completion and will soon be ready for occupation.

Proposed Development.

The applicant proposes to construct another agricultural building close to the two livestock buildings for the storage of cattle bedding and feed. The proposed building will cover an area of 30 metres x 21 metres and will be constructed of a steel frame with corrugated clad sides, with sliding doors to the eastern elevation.

The proposed building will be accessed via the existing access road from the public road to the livestock buildings.

1. The proposed agricultural building is to be located on land used to operate an existing agricultural trade or business. The agricultural enterprise being operated by the applicant appears to be well managed, utilising modern machinery and equipment.

2. The two existing agricultural livestock buildings were utilised at the time of my inspection. They currently house cattle for fattening during the winter months. Normal agricultural practice is for the cattle to graze pasture land during the summer months of grass growth. During the winter some of the applicant's herd are housed inside the two buildings. When the livestock buildings are vacated in the spring time, the buildings are cleared of built up farm yard manure which is then spread upon farmland as natural manure to fertilise the land.

3. The presence of cattle housed in the livestock barns requires straw and hay to be stored nearby and ready to be used in the buildings. Both straw and hay should ideally be housed under cover in order that its quality does not deteriorate in inclement weather. For the above reason I consider that an additional agricultural building is reasonably necessary for agricultural purposes.

4. The report accompanying the application has not detailed the quantity of straw, hay and other feed required to feed and bed down the cattle housed in the two livestock buildings. For that reason, I do not consider there is sufficient justification for the size of building proposed.

5. The straw and hay storage requirements are as follows;
750 bales of straw @ 200 kg = 150 tons @ 17 cu. ms. per ton = 2550 cu ms.
300 bales of hay @ 300 kg = 90 tons @ 8 cu. ms. per ton = 720 cu. ms.
Total space requirement for straw and hay = 3270 cu ms.

6. The minimum size of storage barn to accommodate agricultural machinery and all the straw and hay required each year for the cattle kept at Court Farm would be approximately 3882 cu. ms. Based on these calculations I consider the building is large enough to accommodate all that is required to operate the livestock enterprise at Court Farm.

4.3 LE - Environmental Health

No objections to the proposal but would recommend a condition in relation to the construction of working hours.

4.4 LE - Tree & Landscape Officer

Comments awaited.

5 Representations

Six letters of objection have been received from 4 households as well as The Ditchling Society. Their concerns have been summarised as follows:

- Inaccurate drawings failing to show a dwelling and barn with roof lights.
- Cattle have not been seen at this site
- There is evidence of bales of hay covered in plastic being stored at the site
- The existing second barn could be used to store machinery and feed and there is no need for the proposed building
- Unsightly and visually intrusive in the surrounding SDNP countryside
- Given the flooding problem in the locality there is concern that the building will be constructed higher than is proposed (on a chalk base like those existing).
- The proposed development is of an excessive scale and together with existing buildings, cumulatively constitutes an overdevelopment of the site.

- Installation of many roof lights will contravene the dark skies policies of the SDNPA.
- Encroachment and erosion of the green space between Keymer and Ditchling.
- Exacerbate existing flooding problem.
- Health hazard from the smell and noise of cattle.

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):

- South Downs National Park Local Plan - Submission 2018
- SDNPA Partnership Management Plan 2014

Other plans considered:

- Ditchling, Westmeston & Streat 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:

- NPPF03 - Supporting a prosperous rural economy
- NPPF11 - Conserving and enhancing the natural environment

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

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

- CTI - Planning Boundary and Key Countryside

- ST3 - Design, Form and Setting of Development

Partnership Management Plan

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

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

- General Policy I
- General Policy 3
- Farming Policy I3

The Draft South Downs National Park Local Plan

The South Downs Local Plan: Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 26th September to 21st November 2017, and the responses considered by the Authority. The Plan was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It 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. Based on the current stage of preparation, and given the relative age of the **saved policies within the Lewes District Local Plan (2003)**, the policies within the **Submission South Downs Local Plan (2018)** are currently afforded **considerable** weight, depending on the level of objection received on individual policies.

The following policies are of particular relevance to this case:

- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD8 - Dark Night Skies

8 Planning Assessment

8.1 The main issue of the proposed development is the effect on the character and appearance of the Keymer Road area between Ditchling and Keymer, and the landscape character of the South Downs National Park. Other issues include impact on nearby residential properties and highways.

Policy

8.2 "Paragraph 28 of the National Planning Policy Framework (NPPF) promotes the development and diversification of agricultural and other land-based rural businesses."

8.3 The application site is classified as being grade 3 agricultural land which is the best and most versatile agricultural land (annex 2 of the NPPF).

8.4 Paragraph 112 of the NPPF states that LPA's should use poorer quality land in preference to that of higher quality for significant development. In other words, the land (on which the application site falls) should be given priority for agricultural purposes over and above any other development. However, this is notwithstanding the great weight that should be given to conserving landscape and scenic beauty in National Parks (para 115).

The Appeal for consideration of an agricultural workers dwelling

8.5 The appeal is considered to be fundamental to the consideration of this application which granted permission for an agricultural workers dwelling by the Planning Inspectorate in June 2015. Obtaining planning permission for essentially a new dwelling in the countryside is extremely difficult to achieve. However, the applicant successfully demonstrated (under the revoked Annex A to planning Policy Statement 7 'Sustainable Development in Rural Areas') that it met functional and financial tests to prove that the holding was on a firm financial footing to avoid the risk of the business failing but a permanent dwelling remaining. It concluded that there was a proven case for a permanent agricultural dwelling at Court Farm.

8.6 The appeal decision also commented on third party representation with regards to whether or not farming activities were taking place at the holding, and in turn, whether there was a need for full time residency and a permanent dwelling at Court Farm. The Inspector noted that the applicant farms other land in the area, this holding being acquired on it being split from a larger farm on the retirement of the then farmer. The applicant supplied livestock movement records to show animals being on the holding and there were found to be good reasons why cattle were kept within East Sussex as a lower TB risk area. The Inspector considered this to be in accordance with the National Farmers Union and para 28 of the National Planning Policy Framework and the National Park aims and objectives. It was therefore considered that full time residency would further the aims of the effective use of land for agriculture and food production.

8.7 The above clearly demonstrates that there is a bone fide cattle operation and agricultural functional need at Court Farm.

Consultee comments from the agricultural advisor

8.8 The independent agricultural advisor re-inspected the site and read the accompanying report submitted with the application and prepared by Batchellor Monkhouse. He concluded that an additional agricultural building is reasonably necessary for agricultural purposes and that the building is large enough to accommodate all that is required to operate the livestock enterprise at Court Farm.

8.9 His comments are available for review at 4.2 of this report.

8.10 On the basis of the above comments, the information submitted in the report is accepted in good faith and it is considered that the applicant has provided satisfactory information necessary to justify the need for the proposed livestock building.

Character and Appearance

8.11 Policy CT1 that provides for agricultural uses states that the retention of the open character of the countryside is of heightened importance where it separates settlements and prevents their coalescence. It goes on to say that development may not be acceptable where its scale would significantly erode the gap. Saved Local Plan Policy ST3 sets criteria for development including the effect on the character and appearance of the area, landscape features and space around buildings. Joint Core Strategy Policy 8 seeks to promote a connected network of multi-functional green infrastructure by protecting and enhancing open spaces.

8.12 The site is within the South Downs National Park, a designation referred to in paragraph 115 of the Framework as requiring great weight to be given to the conservation of the landscape. The South Downs Partnership Management Plan sets out at General Policy 1 the aim of conserving and enhancing the natural beauty and special qualities of the landscape and its setting,

in ways that allow it to continue to evolve and become more resilient to the impacts of climate change and other pressures, and Farming Policy 13 states that the financial viability of farm businesses will be supported through appropriate infrastructure and diversification developments, in particular, encouraging those that will support sustainable farming. The group overseeing the emerging Neighbourhood Plan point to widespread support for maintaining the gap between Ditchling and Keymer.

8.13 Figure 3.7/1 in the adopted Neighbourhood Local Plan shows that there is a key view at point 8 which is from the Roman Road across the clay vale to the escarpment of the Downs. The NLP states that this area of low weald plays a critical role in providing visual and physical separation between Ditchling and adjacent settlements of Keymer (in this case) and it is essential to maintain its distinctiveness and the visual identity of villages either side (policies CONS 6 and 7). It draws upon the SDNPLP which also supports the conservation and enhancement of the open and undeveloped nature of existing gaps between settlements.

8.14 As part of the application the applicant was asked to submit a Landscape and Visual Impact Assessment. The assessment has been carried out by a Landscape Architect and provides a suitable commentary on the landscape character, viewpoints and the sensitivity of receptors.

8.15 The LVIA has considered the effects on visual amenity from 15 viewpoints. These are as follows;

1. The entrance to court farm
2. From Keymer Road in three places
3. From Silverdale Gardens
4. From public footpath 47b in four places
5. From public footpath 46a
6. From public footpath 46d
7. From the Oldland Windmill
8. From St Margaret's Church
9. From Ditchling Beacon, and
10. From near Burnthouse Bostall

8.16 A summary of the anticipated effects on visual amenity is that *"the site is located to the south of existing agricultural buildings. There is a swathe of native woodland and scrub to the north of these buildings. The existing buildings and vegetation is an effective screen to the north of the proposed building, reducing the effect on views from the north, even from the close proximity of public footpath 47B"* (Although it would be around 206m away). *"The site is also well screened from more distant receptor viewpoints to the north at Lodge Hill and at Oldland.*

8.17 *The proposal site cannot be seen from publicly accessible locations within Ditchling Conservation Area. There is no anticipated effect on the view gained from the Church of St Margaret which is gained from a raised knoll within the Conservation Area with the greatest sensitivity in relation to the proposal site.*

8.18 *The effect on views from the scarp of the South Downs is negligible and difficult to discern with the naked eye. Intervening hedgerows and trees would screen most of the proposed building.*

8.19 *The effects on view are assessed as being no greater than minor from all viewpoints with the exception of View 1, gained from the entrance at a gap in the hedgerow allowing views onto the proposal site. The view could be glimpsed by passing motorists and pedestrians. This view does not contain any significant heritage or landscape features and the proposal would not detract from visual amenity in the wider landscape.*

8.20 *The LVIA recommended mitigation for effects on visual amenity to retain the existing surrounding vegetation. The recent hedgerow to the south of the proposal site should be retained and allowed to reach a mature height of 3m or greater.*

8.21 *The building should be constructed with materials of a natural colour. Cement fibre sheeting is available in a dull grey or anthracite colour and metal sheeting should be coloured in an olive green colour to match existing buildings and harmonise with the surrounding natural landscape.”*

8.22 The applicant was asked to amend the height of the proposed building reducing it by 2m to be no higher than existing barns it would be sited next to. In doing so, this has increased the footprint but it is considered that this is an improvement and in accordance with officer advice to reduce its visual prominence in the wider landscape.

8.23 The SDNPA Link Officer has also suggested a planning condition for tree/vegetation planting to further reduce the visual impact of the proposed building in respect of the views from Silverdale Gardens and Keymer Road (3) as identified in the LVIA.

8.24 The SDNPA Link Officer has also commented on the dark night skies policy and the need for preservation of the dark skies at night. This issue has been raised with the applicant given that the proposed building has 14 roof lights on both its north and southern elevations (drawing no. GP02). The applicant has confirmed that he does not wish to create additional light spillage in the SDNP but does require a light source within the barn for operational purposes. The applicant considers that the skylights are paramount to provide enough natural light into the building. Internal artificial lighting would only be required in the case of an emergency and the applicant will accept any planning condition subject to planning permission being granted, to minimise artificial lighting.

8.25 It is considered that the proposed building has been sited to minimise the effect on visual amenity within the wider landscape. Its siting has been carefully considered consolidating its footprint with other existing agricultural buildings and within proximity to utilise the existing access track. Its height has been reduced to match existing barns that it would be adjacent to and it would be set back and behind a hedgerow when viewed from Keymer Road. It could only be glimpsed by passers' by. The materials would also be restricted to ensure its appearance harmonises with its rural surroundings.

8.26 A planning condition requesting the details of levels can also be included as part of any planning permission to ensure the building is constructed at the approved height.

8.27 Given this is the case, it is considered that the proposed agricultural building is acceptable within its context in this location and would not result in material and demonstrable harm to the open character and this otherwise important gap between settlements.

Living conditions for the occupants of nearby dwellings

8.28 It is considered that the proposed barn would not cause any material harm to the living conditions of residential properties within the locality. The nearest properties are situated to the west at Silverdale and are over 100m away to their rear garden boundaries.

8.29 In terms of noise, Court Farm has an existing agricultural use. The planning statement accompanying the application, states that at present cows are brought to Court Farm a couple of days prior to calving. They are fed hay, silage and haylage and are bedded on straw, all currently stacked on the farm. Therefore, it is not envisaged that the proposal of a livestock building would increase vehicle movements and the generation of additional noise and a disturbance in this respect.

8.30 Any noise and smell generated from the cattle would not constitute planning grounds for refusal and is expected in such a location with this existing use.

Highways

8.31 The access was approved under the appeal for the proposed agricultural workers dwelling. This is considered to be satisfactory to serve the proposed building. It is considered that the proposed building would not result in any material harm by way of increased traffic

movements. The applicant has confirmed that any traffic movements involving the tractor and movement of feed will be negligible if not fewer than the existing set up.

9 Conclusion

9.1 Overall, it is considered that the proposed development is acceptable and should be granted planning permission. The independent agricultural advisor has concluded that there is a genuine agricultural need for the building and of the size desired. With the mitigation measures in place it is considered that the building will not materially harm the open character of the low weald and what is considered to be an important strategic gap between settlements of Ditchling and Keymer.

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. No development shall commence until details/samples of all external materials have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with that approval.

Reason: To conserve the landscape character of the countryside in accordance with policies ST3 of the Lewes District Local Plan, CPI0 of the Joint Core Strategy, GPI of the South Downs National Park Partnership Management Plan, SD4 and SD5 of the South Downs Local Plan and CONS 6 and CONS7 of the Ditchling, Streat & Westmeston Neighbourhood Plan and the National Planning Policy Framework.

4. Development shall not begin until details of finished floor levels in relation to the existing ground levels have been submitted to and approved by the Local Planning Authority. The works shall then be carried out in accordance with these details.

Reason: In the interest of residential amenity and the character of the locality having regard to policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

5. No lighting shall be installed either internally or externally without the details first submitted to and approved in writing by the Planning Authority.

Reason: In accordance with the dark night skies policy to preserve the character and appearance of the countryside in accordance with policies GP3 of the South Downs Partnership Management Plan, SD8 of the South Downs Local Plan, CPI0 of the Joint Core Strategy, CONS8 of the Ditchling, Streat & Westmeston Neighbourhood Plan and the National Planning Policy Framework.

6. 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 CPI0 of the Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

7. 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 and maintained thereafter. The details shall include planting specifically tailored to mitigate the development hereby permitted from views 3 and 13(3) as specified in the Landscape Visual Impact Assessment. The hedgerow to the south should be retained and allowed to reach a height of 3m or more.

Reason; To enhance the general appearance of the development having regard to policy ST3 of the Lewes District Local Plan, CPI0 of the Joint Core Strategy, GPI of the South Downs National Park Partnership Management Plan, SD4 and SD5 of the South Downs Local Plan and CONS 6 and CONS7 of the Ditchling, Streat & Westmeston Neighbourhood Plan and to comply with the National Planning Policy Framework.

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 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

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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
Reports -	214FD/LVIA/01	Part I	19.03.2018	Approved
Reports -	214CFD/LVIA/A	Appendix A	09.03.2018	Approved
Plans -	GP02		09.03.2018	Approved
Plans -	GP03		09.03.2018	Approved
Plans -	GP04		11.06.2018	Approved
Plans -	GP05		11.06.2018	Approved
Plans - location			13.06.2018	Approved
Plans - block			13.06.2018	Approved
Application Documents - Planning Statement			11.06.2018	Approved
Plans - LANDSCAPE AND VISUAL IMPACT ASSESSMENT			19.03.2018	Approved
Plans - LANDSCAPE AND VISUAL IMPACT ASSESSMENT			09.03.2018	Approved

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

- Report to:** Planning Applications Committee
- Date:** 27th June 2018
- Title:** Confirmation of an Article 4 direction, withdrawing permitted development rights for changes of use from office to residential and light industrial to residential in key areas identified in Newhaven.
- Report of:** Ian Fitzpatrick, Director of Regeneration and Planning
- Ward(s):** Newhaven Valley and Newhaven Denton & Newhaven Meeching Wards
- Purpose of report:** To report the representations received during the consultation period and to seek approval to confirm the Article 4 direction to withdraw permitted development rights in the areas of Newhaven identified in Appendices 1 and 2.
- Officer recommendation(s):**
- (1) The Planning Applications Committee is asked to consider the representations received between 3rd November and 22nd December 2017 and agree to the following recommendations:**
 - (2) That the Council proceeds to confirm the implementation of the Article 4 direction made on 3rd November 2017.**
 - (3) To note the Article 4 direction will come into effect 5th November 2018, but that this remains subject to potential modification or cancellation by the Secretary of State.**

Reasons for recommendations:

The withdrawal of permitted development rights will help to protect key existing and future employment space from being converted into residential development through the prior approval process, which will help the Council to retain greater control over the planning process. Any applicants seeking to convert light industrial or office space into residential would still be able to apply for a change of use through the regular planning applications process.

This is especially important for those sites located within Newhaven Enterprise Zone, as losing those areas to residential use through the prior approval process would undermine the principles of the Enterprise Zone, which is strongly focused on job creation and the provision of new commercial floorspace to support growth of the sub-regional economy.

A public consultation was held between 3rd November 2017 and 22nd December 2017. Eight responses were received, of which seven (87.5%) were in support of the proposed Article 4 direction.

Contact Officer(s):

Name: Alec Fuggle
Post title: Regeneration Project Manager
E-mail: alec.fuggle@lewes-eastbourne.gov.uk
Telephone number: 01273 085459

1 Background

1.1 On 11th October 2017 Planning Applications Committee (See Appendix 5) approved the recommendation to make an Article 4 direction to withdraw permitted development rights for changes of use from light industrial and office to residential in key areas in Newhaven.

1.2 Following the Committee resolution, the Article 4 direction was made on 3rd November 2017. Notice of the impending coming into force date, subject to consultation and confirmation, was given as 5th November 2018.

1.3 Following the making of the Article 4 direction, affected property owners/occupiers and the Secretary of State were notified and representations were invited between 3rd November and 22nd December 2017.

The Committee are now asked to consider any representations received and to decide whether the Article 4 direction should be confirmed.

2 Introduction

2.1 In May 2013, the Government introduced a new permitted development right to allow the change of use from office B1(a) to residential C3. These rights were made permanent in April 2016. This means that applicants must seek prior approval from the Council, but only for specified elements to ensure that the

development is acceptable. In determining a prior approval application, the Council only considers the impacts of the proposed development on:

- Transport and Highways
- Contamination
- Flood Risk
- Noise

2.2 In April 2016, the Government also introduced a new permitted development right to allow the change of use from light industrial B1(c) to residential C3 will come into force for a temporary period of 3 years starting from 1st October 2017. This will be restricted to buildings with an existing gross floorspace of less than 500m².

3 Public Consultation

3.1 A public consultation was held between 3rd November and 22nd December 2017 on the proposed implementation of the Article 4 direction for selected sites in Newhaven. The consultation was open to the public and was advertised in a variety of ways including leaflets, website updates and in the local newspaper.

3.2 We received eight representations either by letter or through the contact form on the Newhaven EZ website. Of the eight representations, seven (87.5%) were considered to be in support of the proposed Article 4 direction with one against.

3.3 The sole objection was submitted by the managing agent for the Bevan Funnell site as they believe the buildings are coming to the end of their economic life. The site is within the Newhaven EZ. As such, it is anticipated that the site will focus on employment uses. However, the implementation of an Article 4 direction does not prohibit a change of use to residential, it simply requires the change of use to be carried out through the full planning process. Moreover, it is likely that if the buildings are coming to the end fo their economic life they are unlikely to be suitable for conversion.

3.4 One representation was supportive of the Article 4 direction but also outlined some concerns relating to the impact of light industrial development on air and noise pollutions as well as the need for a careful balance of housing and employment growth. This is in line with LDC's stated objectives for Newhaven.

3.5 Of the remaining six representations, five identified the importance of the Newhaven EZ as a strong reason for supporting the proposed Article 4 direction. This reflects the importance of the Bevan Funnell site highlighted earlier. Additionally four responses recognised the need for appropriate policy designations to enable business growth. Furthermore, the Article 4 direction was felt important to Newhaven's future for the following reasons:

- The high level of demand for office space in Newhaven.
- The importance of balancing housing need with protecting employment space to ensure that Newhaven does not become a dormitory commuter town.
- A need to assess applications for conversion of existing employment space into residential development through the full development

management process.

3.6 One representation was received after the consultation period had finished. The representation was not taken into account as the consultee failed to provide a valid reason for why the representation was submitted considerably late.

3.7 All eight representations can be found in the Appendices of the updated evidence base which was submitted to the Secretary of State in January. The updated evidence base can be found in Appendix 4.

4 Existing Evidence Base

4.1 In April 2017, the Council commissioned Lichfield's Planning and Development Consultancy to undertake an update to the existing Employment Land Review. The update was focused on Newhaven, with a view to providing an evidence base to assess the need for the implementation of an Article 4 direction.

4.2 More than 3,500m² of office space has been lost to residential in Newhaven under permitted development rights since 2015. This indicates that, when considered against the overall office market in Newhaven, the town has been disproportionately affected by permitted development rights.

4.3 Approximately 40% of all B use class space in Lewes District is concentrated in Lewes. This includes just under 23% of all light industrial B1(c) space. The new permitted development rights introduced in 2016 to allow the change of use from light industrial to residential means that Newhaven's crucial light industrial space is at risk of being devastated.

4.4 Having reviewed the Lichfield's report, Officers consider that there is clear evidence to support the implementation of an Article 4 direction in Newhaven to protect office and light industrial use.

5 Implications

5.1 Losing office and light industrial space to residential under permitted development rights could:

- Create problems for businesses forced to vacate premises, with no guarantee that they will be able to find alternative premises in Newhaven.
- Mean residential units may be created in potentially unsustainable locations.
- Mean residents may suffer unsatisfactory living conditions, which would result in residents then looking to the Council to remedy the harm. This may create added costs and bureaucracy for the Council, as well as an adverse impact on existing business activity.
- Reinforce adverse commuting patterns, with a consequential impact on the local transport infrastructure.
- Reduce the potential rateable income to the Council, albeit this would be offset through an increase in Council Tax.

6 Financial appraisal

- 6.1 The cost of implementing and publicising the Article 4 direction was less than £5,000 and was met from the existing Regeneration budget.
- 6.2 Applications for planning permission which would have previously been permitted prior to an Article 4 direction coming into force, are entitled to apply for planning permission without paying the prior approval planning application fee.
- 6.3 From 2nd August 2017 to 2nd May 2018, the Council charged a total of £96 for prior notification fees from office to residential.
- 6.4 In 2020 business rates will be devolved to local government. This is intended to act as an incentive to attract businesses and bring forward business premises. If business premises are lost through change of use to residential, the Council's income from business rates will fall.
- 6.5 There could also be financial implications for the Council as a landowner with an interest in several of the sites proposed, as the making of an Article 4 direction could have implications on the value of the Council's property assets.
- 6.6 These implications have been assessed by Officers, and it has been agreed that the implementation of an Article 4 direction will provide long-term benefits for Newhaven and its economy; this outweighs the Council's role as a local landowner.
- 6.7 Fundamentally, removing permitted development rights will not affect the ability to develop alternative uses. The Article 4 direction will help the Council to retain greater planning control as the Local Planning Authority. This will help the Council to plan new development more effectively. As such, it is considered that the cost to retain this greater control is justifiable.

7 Legal implications

- 7.1 The making of an Article 4 direction is required to be made pursuant to the Town & Country Planning Act 1990 (as amended) and the General Permitted Development Order (2015) ("GPDO").
- 7.2 An Article 4 direction cannot come into force on the date specified in the notice unless it has been confirmed by the Council (Paragraph 1(7), Schedule 3, GPDO 2015). The approval of the Secretary of State is not required.
- 7.3 When deciding whether or not to confirm the Article 4 direction, the Council must take into account any representations it receives during the representation period (paragraph 1(9), Schedule 3, GPDO 2015).
- 7.4 Following confirmation, the Council must:
- Give notice of the confirmation and the date the Article 4 direction comes into force to affected owners and occupiers in the same way as required for the notification of the making of the direction.
 - Send a copy of the Article 4 direction to the Secretary of State.
- 7.5 The Secretary of State can make a direction cancelling or modifying any non-

emergency Article 4 direction made by an LPA at any time before or after its confirmation.

7.6 The full legal description of the Article 4 direction:

To confirm the implementation of the Article direction to withdraw permitted development rights for the change of use of a building and any land within its curtilage from a use class falling within Class B1(c) (light industrial) or Class B1(a) (office) of the Town and Country Planning (Use Classes) (Amendment) (England) Order to a use class falling within C3 (dwellinghouses) of that Schedule being development comprised within class PA of part 3 of schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This will only be applicable to those sites identified in Appendices 1 and 2.

8 Risk management implications

- 8.1 A Risk Management Assessment was carried out in September 2017 in accordance with the Checklist for Decision Makers for the Planning Applications Committee Report dated 11th October 2017. This assessment can be found in the appendices of the previous Planning Applications Committee report in Appendix 5.

9 Equality analysis

- 9.1 On 28 April 2016, an Equality Screening was conducted as part of the proposal for the Newhaven Enterprise Zone, which was subsequently approved by Cabinet. This screening noted that:

“Between 20 January and 2 February 2016, an Equality Analysis was undertaken on this proposal. Due regard was given to the general equalities duties and the likely impact of the decision on people with protected characteristics, as set out in the Equality Act 2010.

The assessment identified that no major changes are required. The EA demonstrates the project is robust, there is little potential for discrimination or adverse outcomes, and opportunities to promote equality have been taken.”

- 9.2 The proposed implementation of the Article 4 direction is primarily focused on sites within the Newhaven Enterprise Zone and there is little potential for additional discrimination or adverse outcomes to arise. A separate screening for this proposal has therefore not been undertaken. A copy of the original Equality Analysis for the Enterprise Zone is available from the report author on request.

10 Appendices

- Appendix 1 – Article 4 direction table of sites
- Appendix 2 – Article 4 direction maps
- Appendix 3 – Procedure for making a non-immediate Article 4 direction

- Appendix 4 – Evidence base 23rd January 2018
- Appendix 5 – Planning Applications Committee Report 11th October 2017

Appendix 1 - Article 4 direction table of sites

Article 4 Site	Enterprise Zone	Permitted Development Rights to be removed
Avis Way (Excluding Playing fields, but including Estate Road)	Partially included	Light Industrial
Beach Road Trading Estate	No	Light Industrial
Bevan Funnell (South Factory site only)	Partially included	Light Industrial
Denton Island	No	Light Industrial + Office
Eastside North	Yes	Light Industrial + Office
Eastside South	Yes	Light Industrial
Railway Road Industrial Estate (Excluding the Parker Pen site)	No	Light Industrial + Office
Town Centre	Yes	Office

Appendix 2 – Article 4 direction site maps

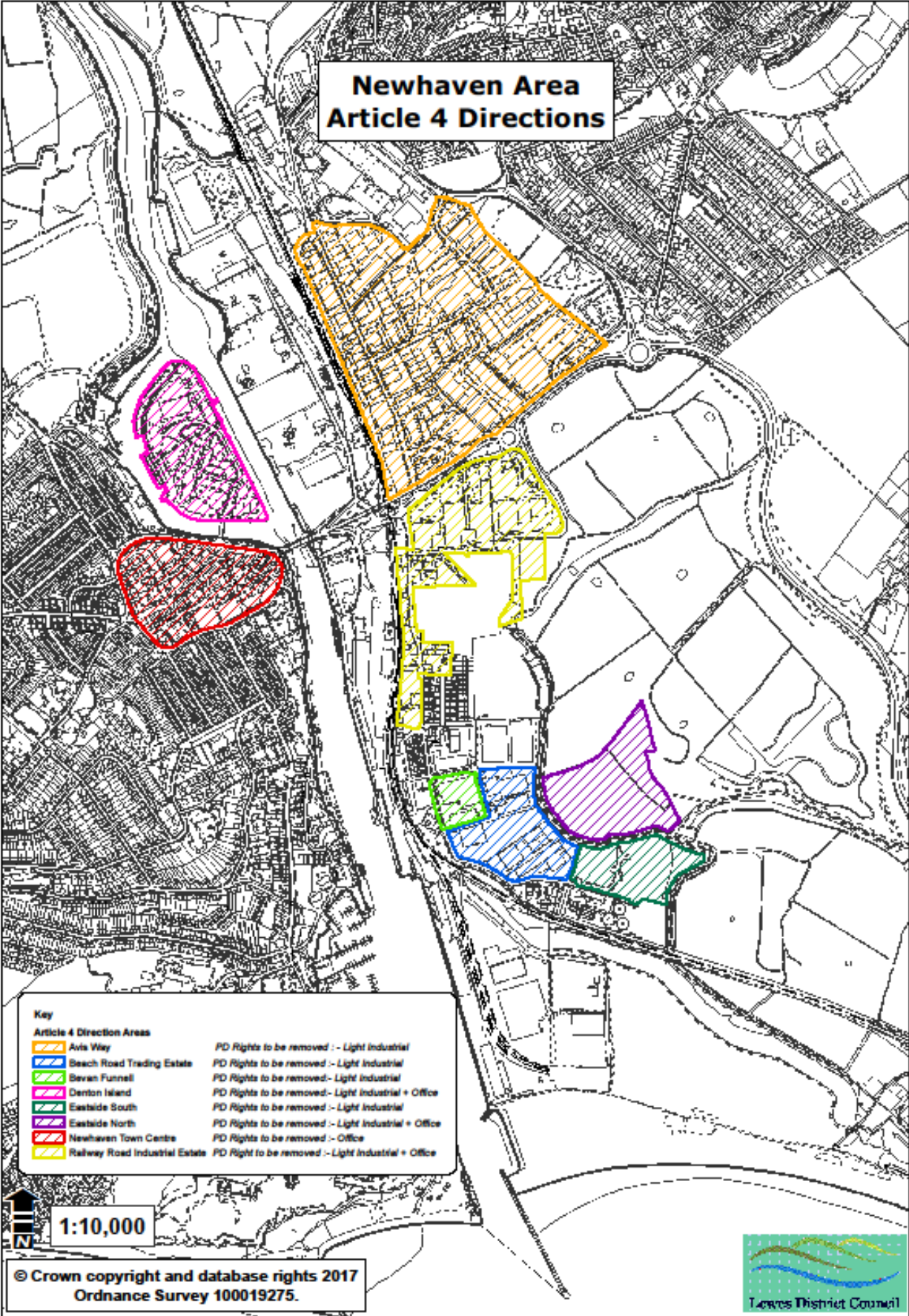


Figure 1 – Newhaven Article 4 directions

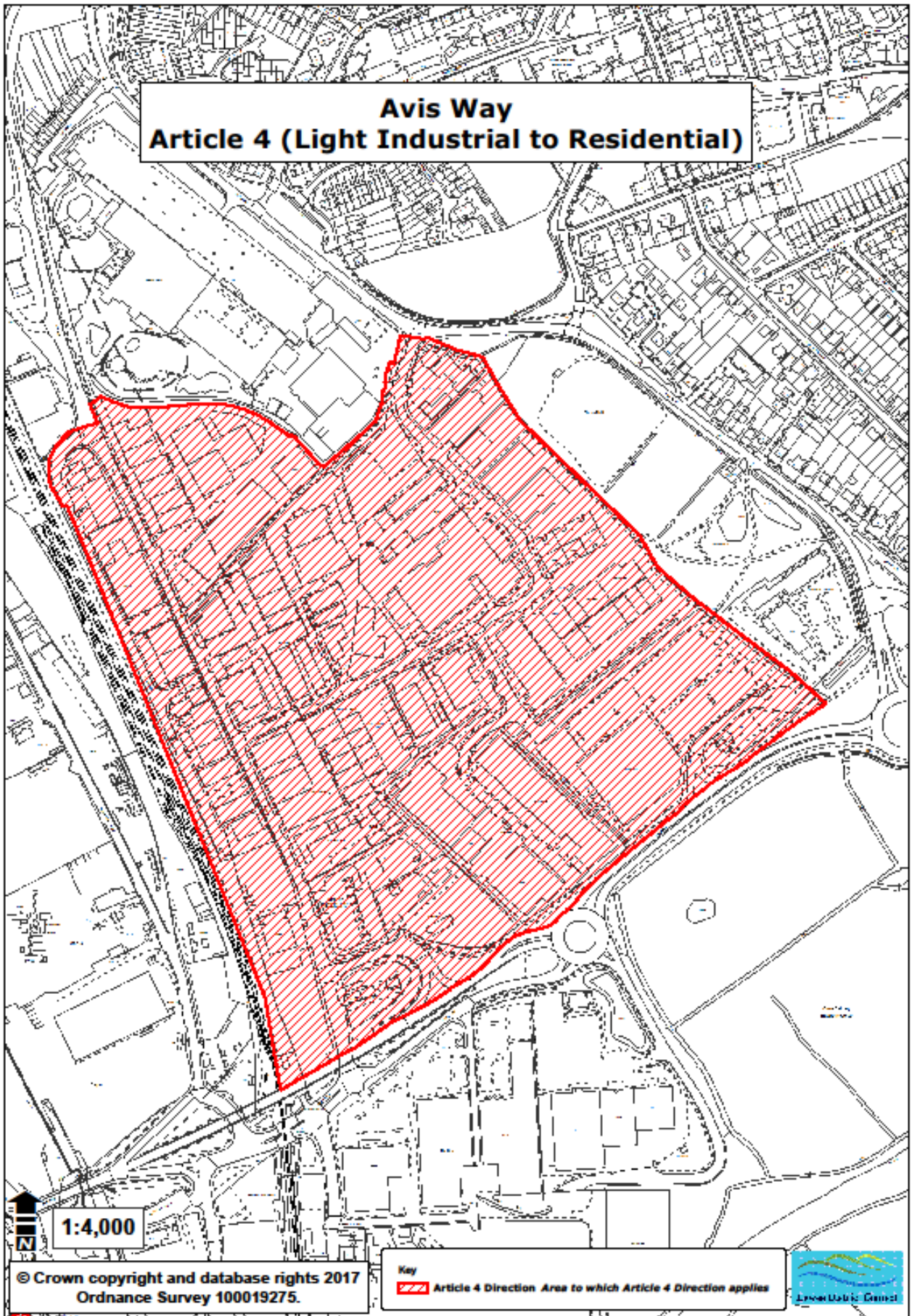


Figure 2 - Avis Way

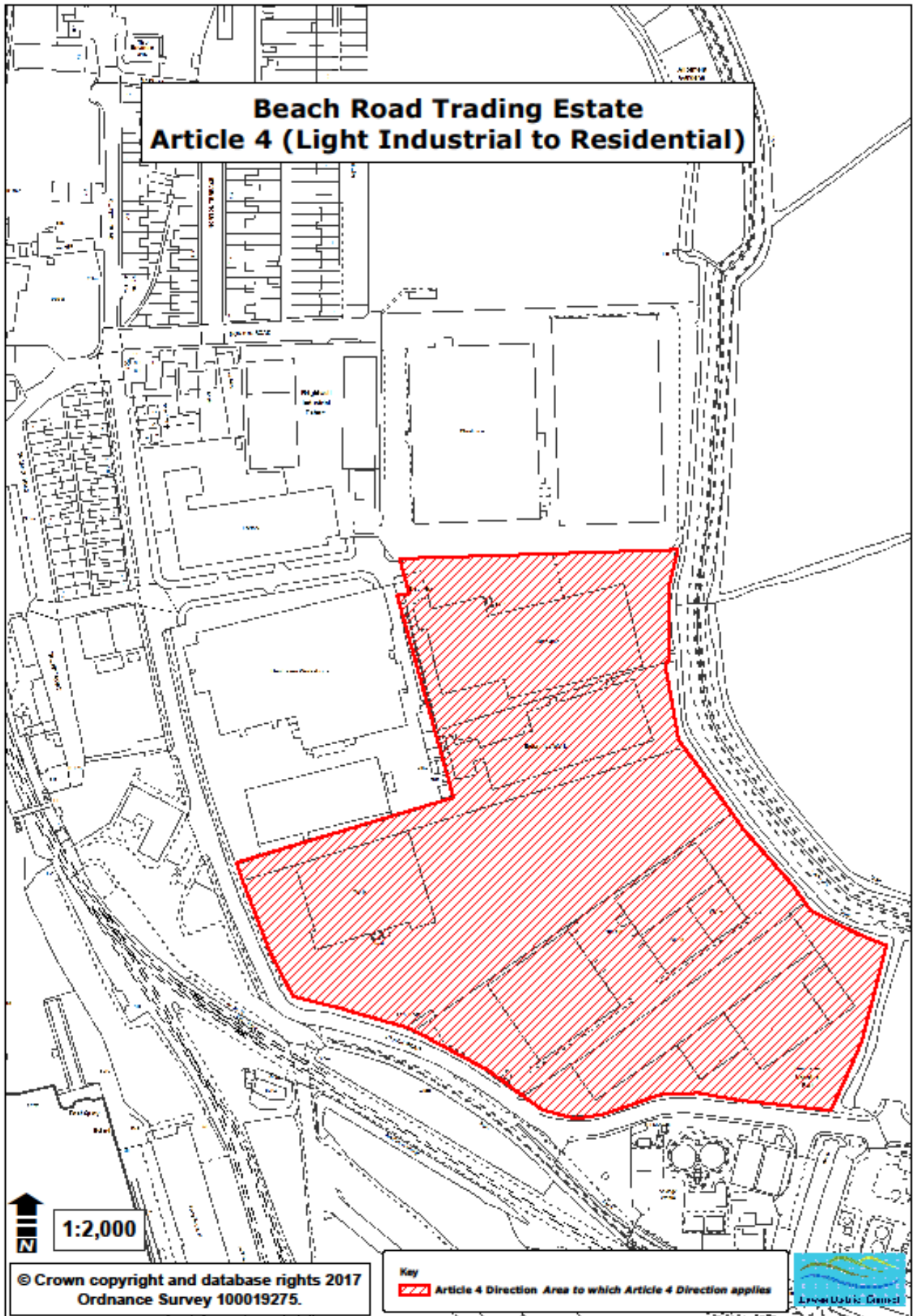


Figure 3 - Beach Road Trading Estate

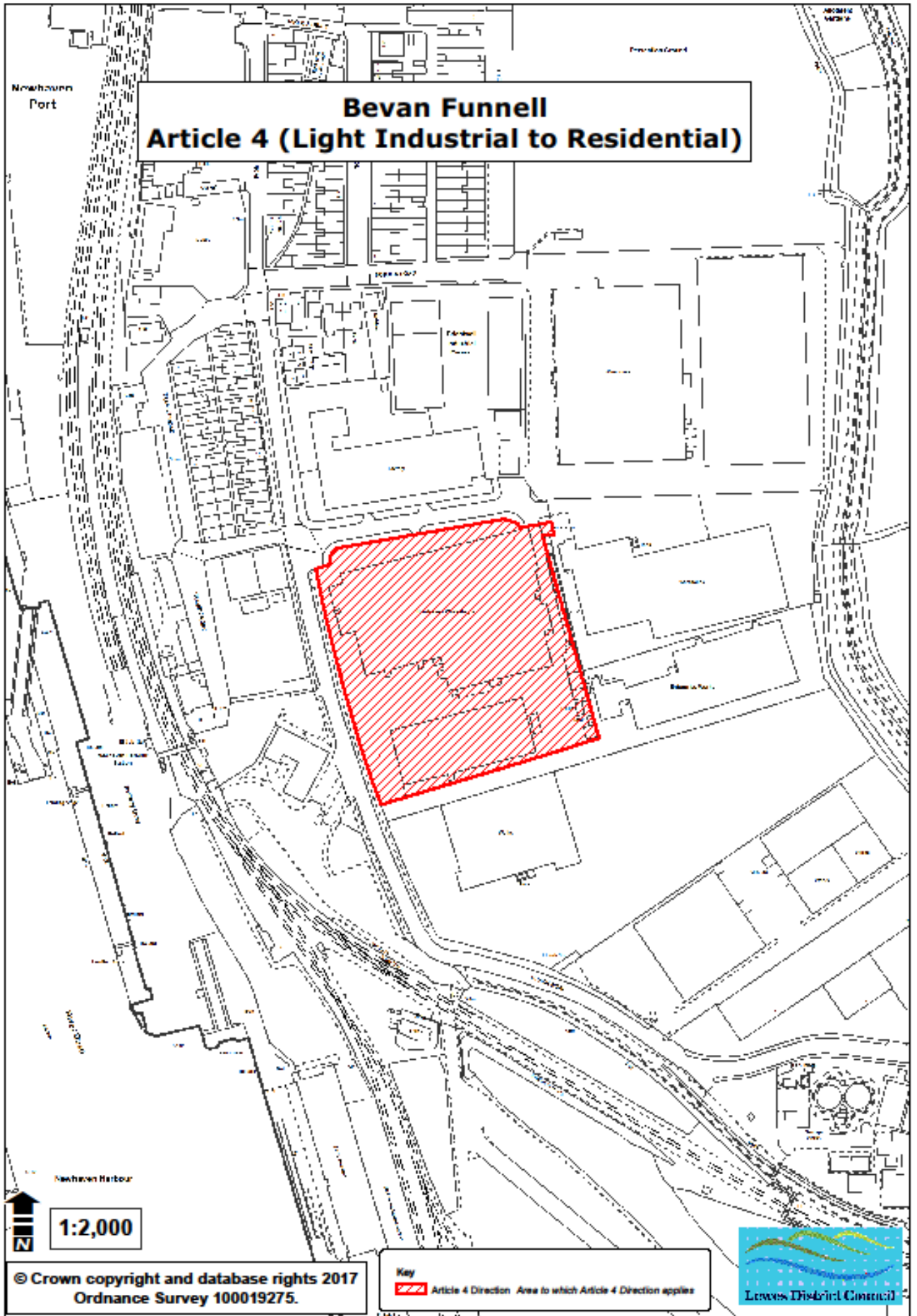


Figure 4 - Bevan Funnell

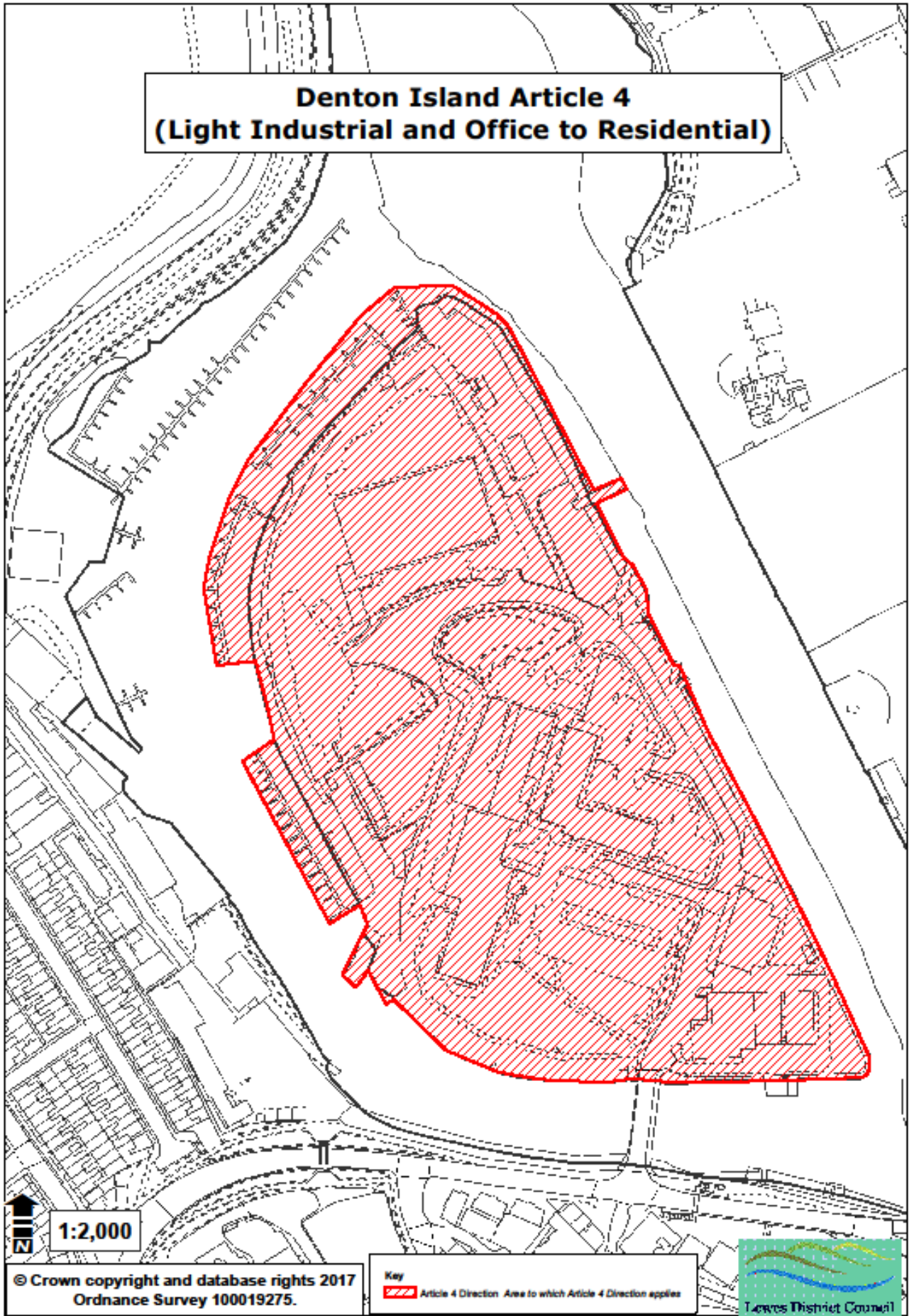


Figure 5 - Denton Island

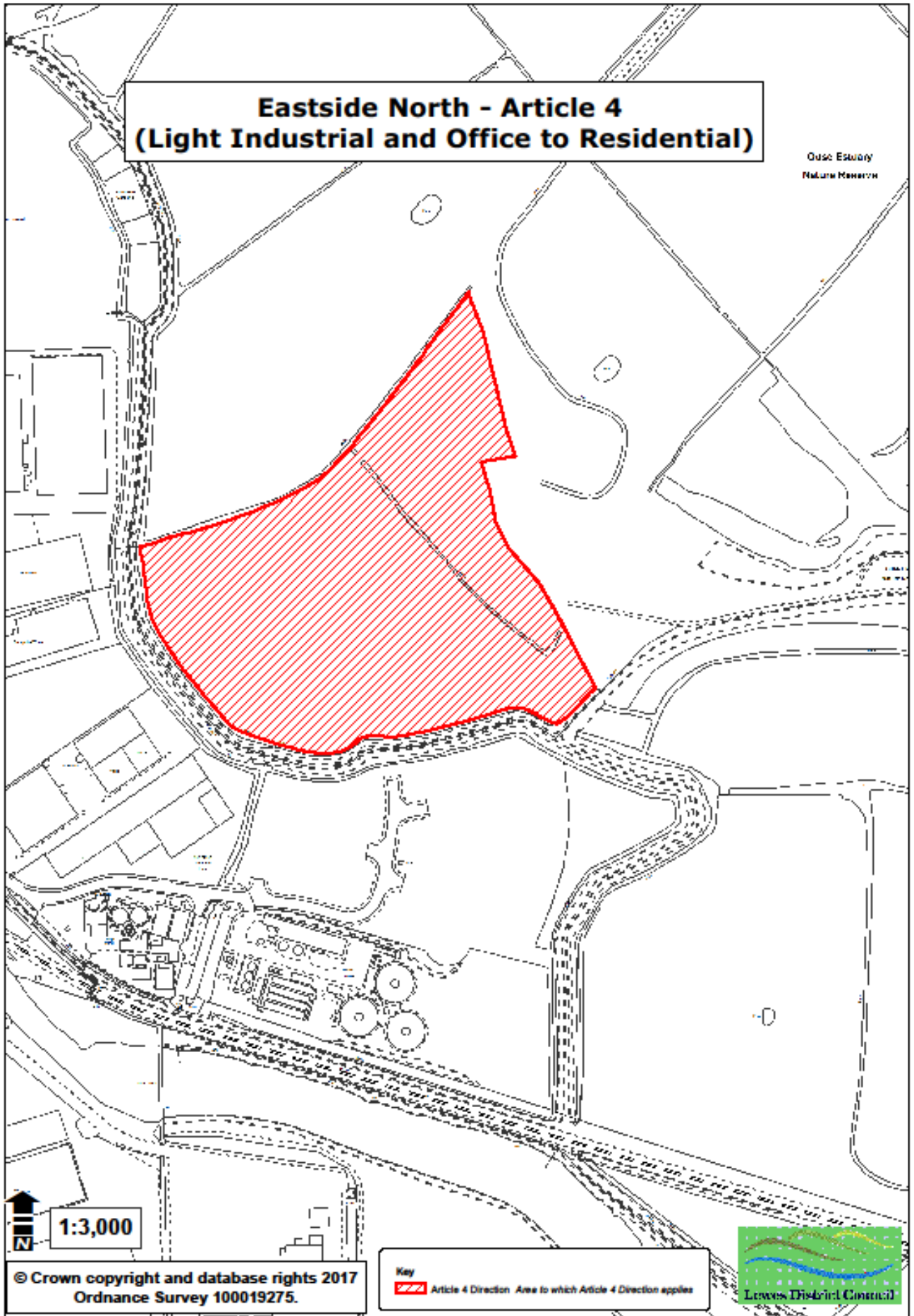


Figure 6 - Eastside North

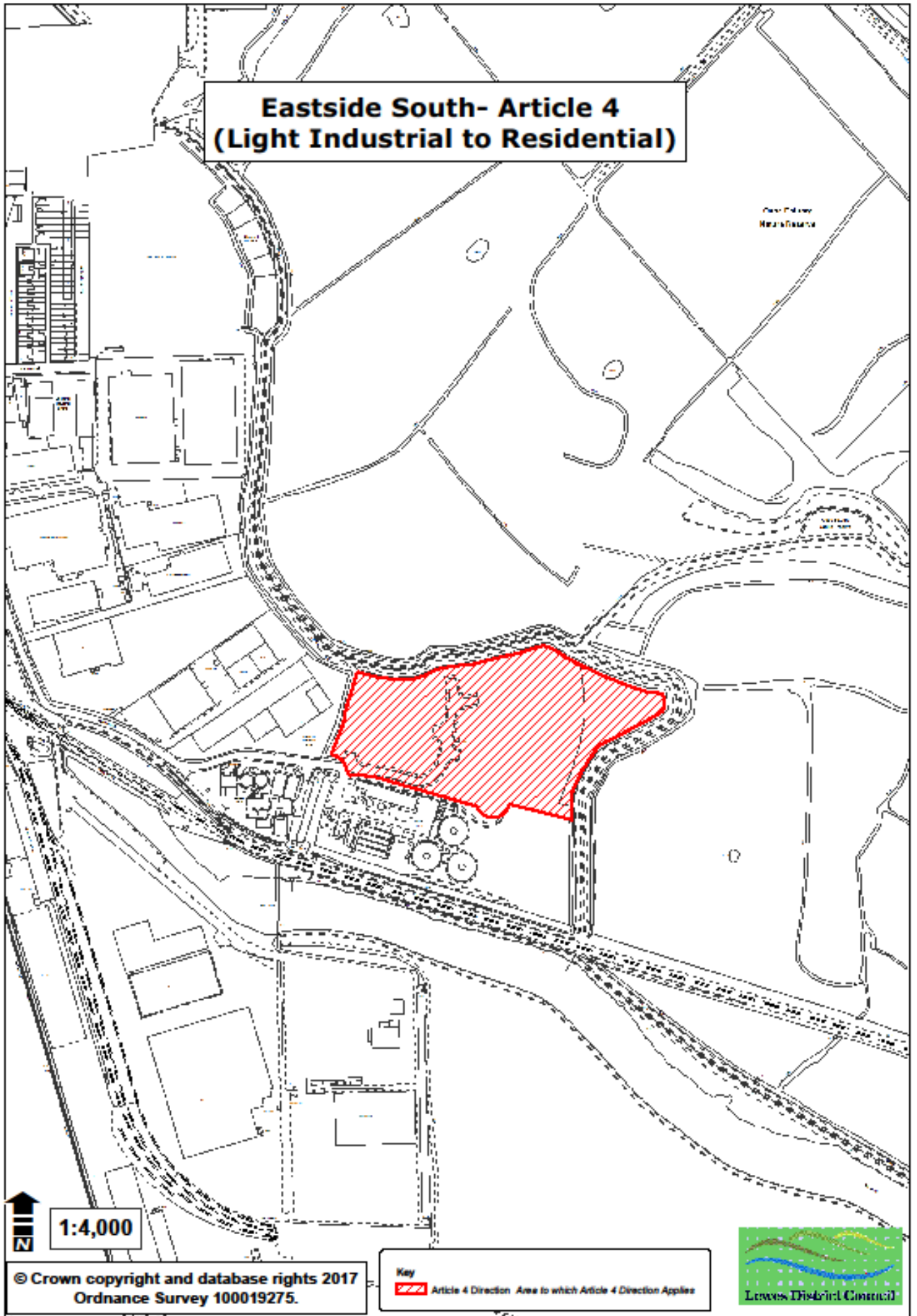


Figure 7 - Eastside South

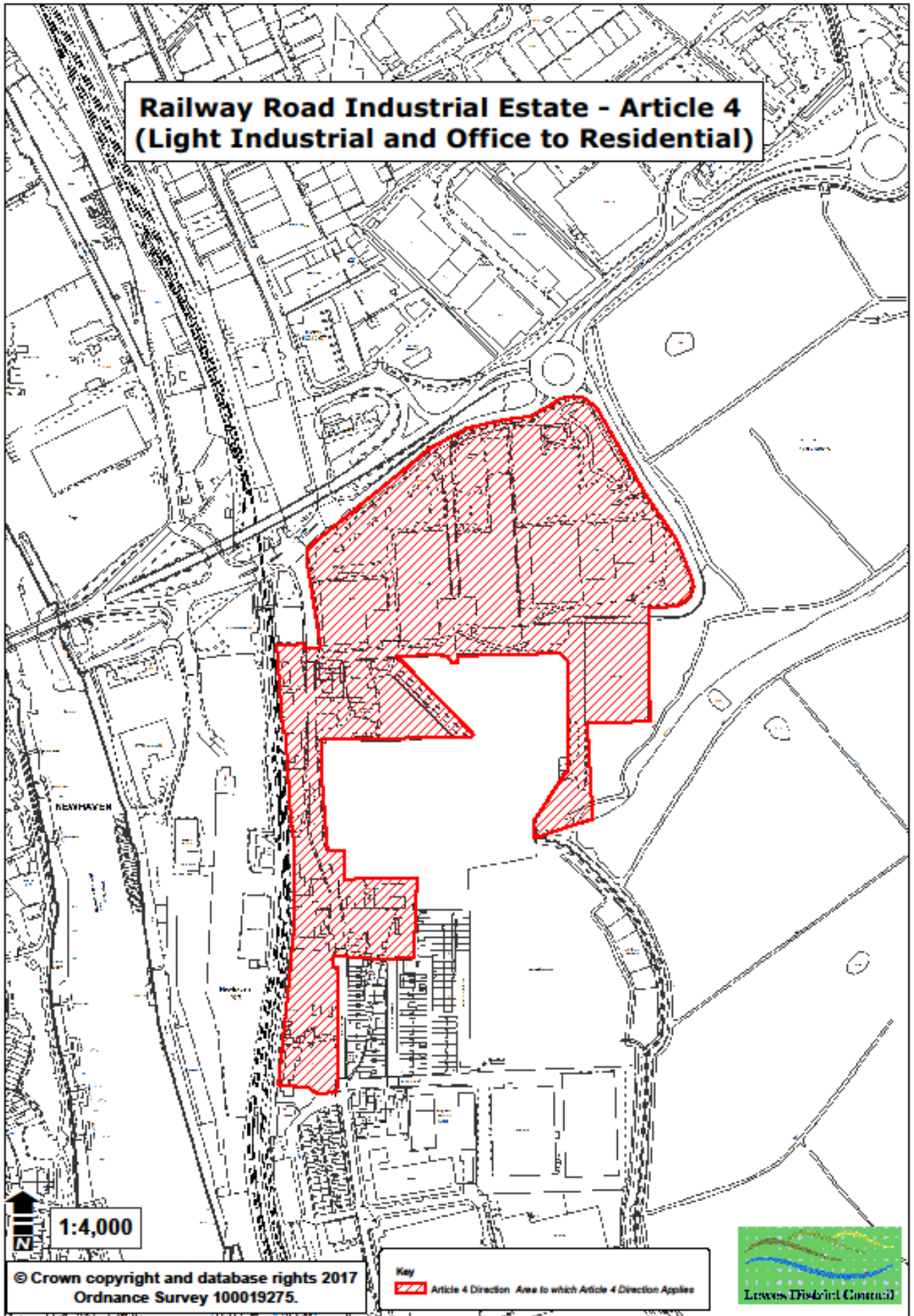


Figure 8 - Railway Road Industrial Estate

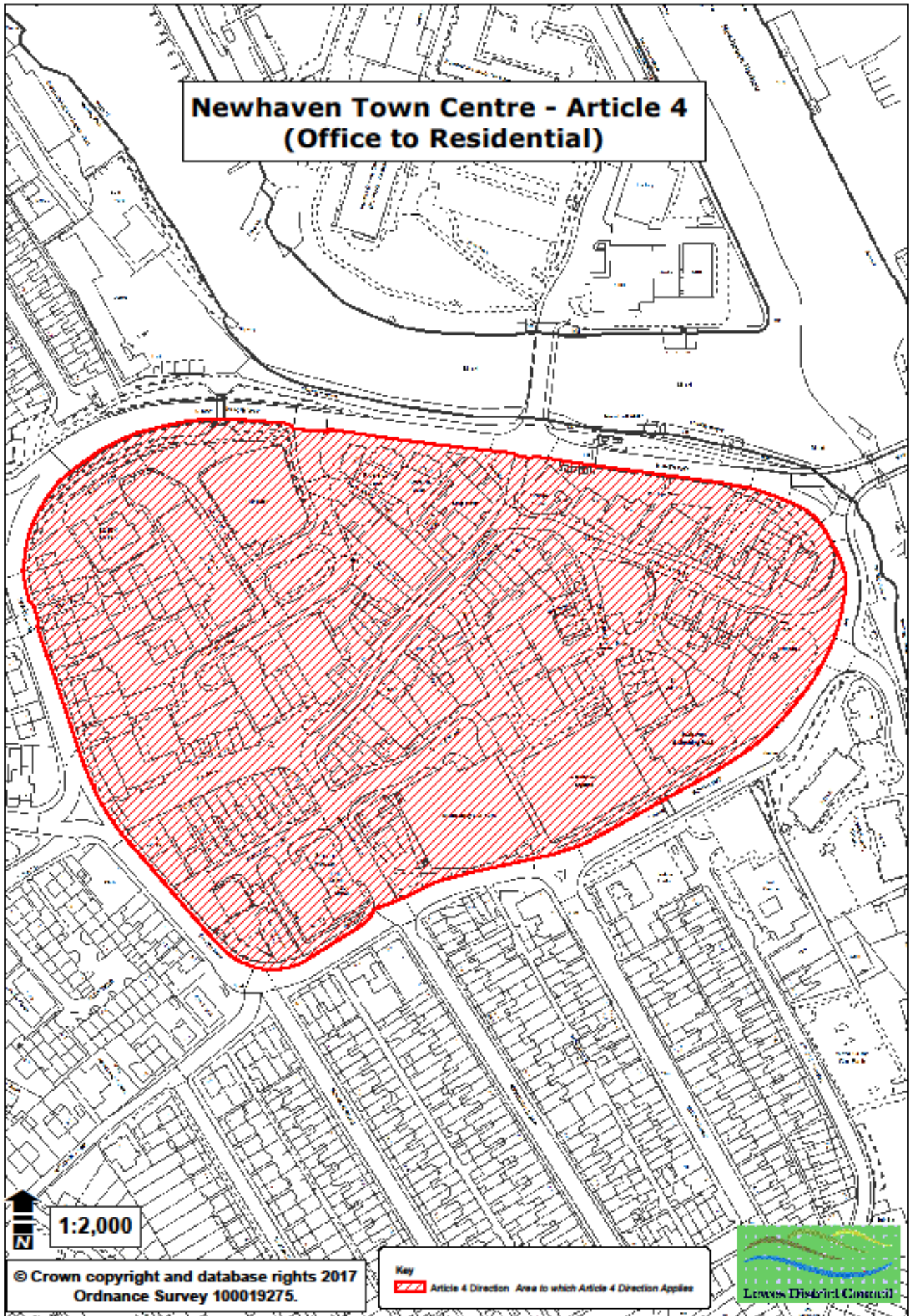


Figure 9 - Town Centre

Appendix 3 – Procedure for making a Non-Immediate Article 4 direction

1.1.1.1 Notice

1. Notice must be given as soon as possible after a direction has been made:
 - a. By local advertisement (e.g. local newspaper);
 - b. By site display for at least six weeks;
 - i. If the direction relates to an area, the notice must be displayed at no fewer than two locations within that area; or
 - ii. If the direction relates to a particular site, the notice must be displayed at that site.
 - c. By serving the notice on the owner and occupier of every part of the land within the area or site to which the direction relates.
 - i. A LPA does not need to serve notice on owners and occupiers should it be considered impracticable owing to difficulties identifying and locating owners and occupiers within the area. This sub-paragraph does not apply if the owner or occupier is a statutory undertaker or the Crown.

Although it is not a statutory obligation to publish a notice of the Article 4 direction on the LPA's website it is considered good practice.

2. The notice must:
 - a. Include a description of the development, area or site to which the direction relates and a statement of the effect of the direction;
 - b. Specify that the direction is made under Article 4(1) of *The Town and Country Planning (General Permitted Development) (England) Order 2015*;
 - c. Name a place where a copy of the direction and a copy of the map defining the area or site to which the direction relates may be seen at all reasonable hours;
 - d. Specify a period of at least 21 days, stating the date on which the period begins, within which any representations concerning the direction may be made to the LPA;
 - e. Specify the date on which it is proposed that the direction will come into force, which must be at least 28 days and no longer than two years after the start date from which representations to a local authority can be made.

3. A LPA must send a copy of the direction and the notice, including a copy of the map defining the area or site to which it relates, to the Secretary of State on the same day that notice of the direction is first published or displayed. This should be sent to the National Planning Casework Unit:

ncpu@communities.gsi.gov.uk

5 St Philip's Place
Colmore Row
Birmingham
B3 2PW

Because it may not be possible to send a copy of the publicity notices on the same day as those affected by the direction are notified, it is acceptable to send a copy of the notices as will be published. It should be noted, however, that 'the Secretary of State does not have to approve Article 4 directions and will only intervene when there are clear reasons for doing so'.

4. On making a direction, a district planning authority must also give notice of it to the county planning authority, where this applies.
5. LPA must take 'reasonable steps' to protect notice on display. Where a notice given by site display is, without any fault or intention of the LPA, removed, obscured or defaced before the period [specified in 2(iv) above] has elapsed, the authority is treated as having complied with the requirements of [2(iv)] if it has taken reasonable steps to protect the notice, including, if required, its replacement.
6. The direction comes into force in the date specified in 2(v), but only if it is confirmed by the LPA in accordance to below.

1.1.1.2 Confirmation

7. To confirm a direction, a local authority must take into account any representations received during the period specified in 2(iv).
8. A local authority must not confirm a direction until after the expiration of:
 - a. A period of at least 28 days following the latest date on which any notice relating to the direction was served or published; or
 - b. Such longer period as may be specified by the Secretary of State following the notification by the LPA to the Secretary of State of the direction.
9. After confirming a direction, a local authority must, as soon as possible:

- a. Give notice of the confirmation and the date on which the direction will come into force; and
- b. Send a copy of the confirmed direction to the Secretary of State.

1.1.1.3 Cancelling a Direction

National Planning Practice Guidance states that an Article 4 direction 'can remain in place permanently once it has been confirmed'. However, as noted above, it stresses that planning authorities should regularly monitor directions to ensure that the reasons for their implementation remain valid and that directions should be cancelled if they are no longer necessary.

1.1.1.4 Modifying a Direction

To modify an Article 4 direction, a local authority must cancel the current direction and prepare a replacement. A LPA cannot modify or cancel a direction made by the Secretary of State¹.

1.1.1.5 Role of the Secretary of State

Subject to certain exceptions, the Secretary of State has the power to make a direction modifying or cancelling a direction made by a LPA at any time before or after its confirmation. The Secretary of State must notify a LPA as soon as is practicable after making a direction, and the local authority is responsible for notifying those affected by the direction.

¹ Department for Communities and Local Government (2012) *Replacement Appendix D to Department of the Environment Circular 9/95: General Development Consolidation Order 1995*, 5.

**The Town and Country Planning (General Permitted
Development) (England) Order 2015**

Newhaven Town

Ref: PCU/A4D/P1425/78184



Lewes District Council



Newhaven
Enterprise Zone

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- Appendix G – Representation from Harold Warren (17 December 2017)
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1. Introduction

1.1 Overview

This short document sets out the core evidence base supporting the proposed implementation of an Article 4 Direction to withdraw permitted development rights for selected sites in the town of Newhaven in East Sussex.

National planning policy guidance notes that the use of Article 4 Directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area.

This document seeks to place this proposal within the local and regional policy context, as well as strategic objectives and Enterprise Zone designation to identify the strength of evidence to demonstrate that permitted development rights pose a serious threat to the wellbeing of Newhaven.

This evidence is further supported by the correspondence attached as Appendices from key local and sub-regional stakeholders.

1.2 Background

Newhaven is a small, but significant, port town on the East Sussex coast and has a population of just over 12,000 people.

Newhaven is identified for the highest level of housing growth to 2030 within the Lewes District Local Plan Part 1 (Core Strategy). It is essential to support growth in both housing and employment space to ensure sustainable communities, assisting in changing commuting patterns and relieving pressure on existing transport infrastructure.

The latest data² indicates that Newhaven accommodates around 5,450 jobs, representing 14.6% of all jobs in Lewes District. The number of jobs in the town increased by 270 between 2009 and 2015, although the proportion of jobs in the town fell slightly from 15.5%. This highlights that other areas within the Lewes District have experienced proportionally greater job growth over this period.

Newhaven, however, plays a particularly significant role in accommodating the employment space required by growing businesses across the district. Newhaven is the location for approximately 40% of all B use class space in the Lewes District which, when compared against the proportion of district jobs locally, emphasises the importance of retaining significant employment space within the town.

1.3 Newhaven Enterprise Zone

Enterprise Zones (EZ's) are a central pillar of the Government's long-term plan to rebalance the economy. In total, the Government is investing £330 million to support EZ's drive growth of local economies.

In November 2015, eight key strategic sites (covering 79ha) in Newhaven were designated as an EZ. The EZ is a collaboration led by Lewes District Council and Coast to Capital Local Enterprise Partnership and formally came into being on 1 April 2017.

Over the next 25 years, it is anticipated that the EZ will create around 55,000m² of new commercial floorspace, refurbish a further 15,000m² of existing commercial floorspace and create / sustain up to 2,000 full-time equivalent (FTE) jobs.

² Lewes District Employment Land Review Update, July 2017

2. Evidence Base

2.1 Introduction

In this chapter we seek to outline how the proposed implementation of an Article 4 Direction accords with the local and sub-regional policy and strategic context, as well as the evidence that has underpinned this proposed implementation.

2.2 Local Strategic & Policy Context

The Lewes District Local Plan Part 1 was adopted by Lewes District Council in May 2016. This strategic policy document acknowledges the importance of Newhaven's economic role and potential to drive growth across the district to 2030. In particular, Section 4 outlines a vision for Lewes District and specifically covers Newhaven:

“By 2030, Newhaven will have undergone significant regeneration and developed and strengthened its economic base. The town will have become the focus for enterprise and training within the district, with links to the two universities in Brighton... The regeneration of Newhaven will have resulted in a revitalised and more accessible town centre, with an improved public realm and a greater range of uses and activity, including those to meet local needs.”

This is reflected in the plans for the EZ and the recently announced plans³ for the regeneration of Council-owned land within Newhaven Town Centre that incorporates both commercial floorspace and new residential development, reflecting a wider strategy to create more sustainable communities within coastal areas of the Lewes District in particular.

Housing Growth

As referred to earlier, Newhaven is identified for the highest level of housing growth over the Plan period. Between 2010 and 2030, Newhaven is forecast to deliver almost 28% of all planned housing across the Lewes District⁴. This is significantly higher than the other key urban areas, including Lewes Town (19%), Seaford (9%) and Peacehaven & Telscombe (20%).

Alongside this housing growth, there is a need to intensify existing economic uses and support diversification to maximise growth opportunities in Newhaven. This is critical to prevent Newhaven from becoming a commuter / dormitory town with even higher commuting outflows to larger destinations nearby (eg. Brighton and Eastbourne) than is already currently occurring. To this end, the proposed implementation of an Article 4 Direction is vital in ensuring space for growth in both housing and employment space to create a truly sustainable community, meeting the overall aims of the NPPF and alleviating the serious threat posed by permitted development rights in the town.

Employment Land Review

In 2010, an Employment Land Review was published for Lewes District. This was subsequently updated in 2012 and informed the production of the Local Plan Part 1.

Subsequently, in early 2017, Lewes District Council commissioned Lichfield's to prepare an updated Employment Land Review for Newhaven. This was with a view to informing the Council's approach to employment land in the town and to review the evidence in respect of the potential to implement an Article 4 Direction across selected sites.

This review provided additional evidence on Newhaven's employment land supply, an assessment of its fitness for purpose, a quantitative assessment of future employment land needs for Newhaven

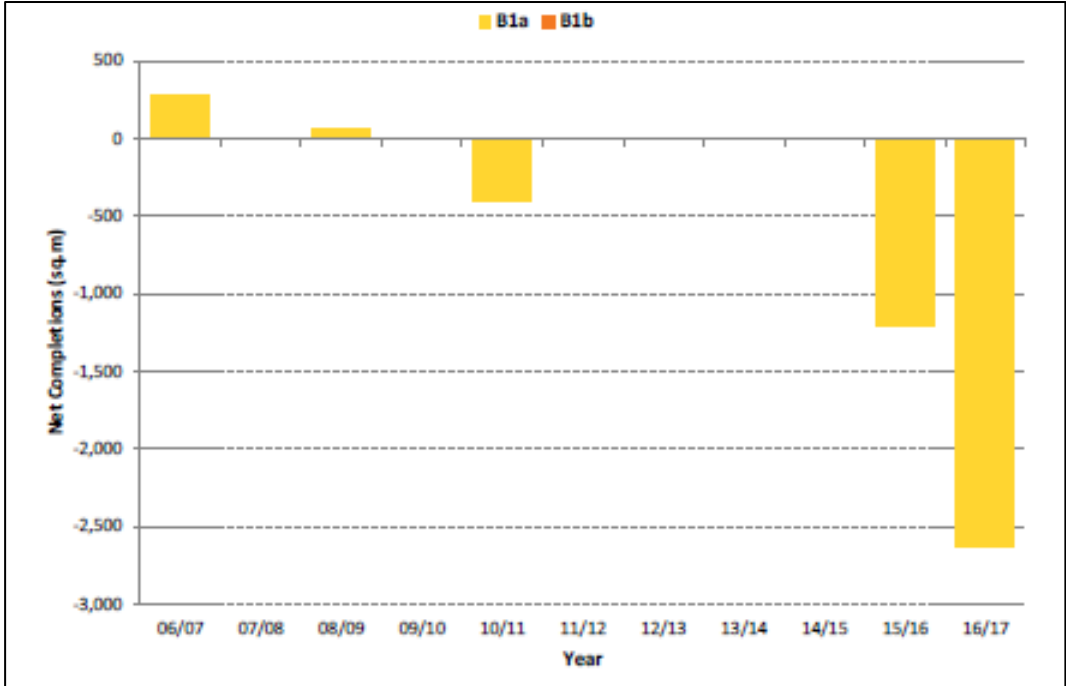
³ http://www.theargus.co.uk/news/15649160. Vibrant_transformation_plans_for_rundown_port/

⁴ Lewes District Local Plan Part 1, May 2016 (Table 5, Page 53)

and the identification of a portfolio of sites that meet local and strategic planning objectives, serving the needs of businesses and the local economy.

Between 2006 and 2017, just under 550m² of gross office space was developed per annum across Lewes District. This growth has not kept pace with demand, nor the overall reduction in the amount of office space in Newhaven. The graph below shows the net amount of office floorspace developed in Newhaven over the same period. There has been an overall reduction in the amount of office space in Newhaven, mirroring the picture across the wider District.

Figure 1: Net Completions of Office Space in Newhaven 2006-2017

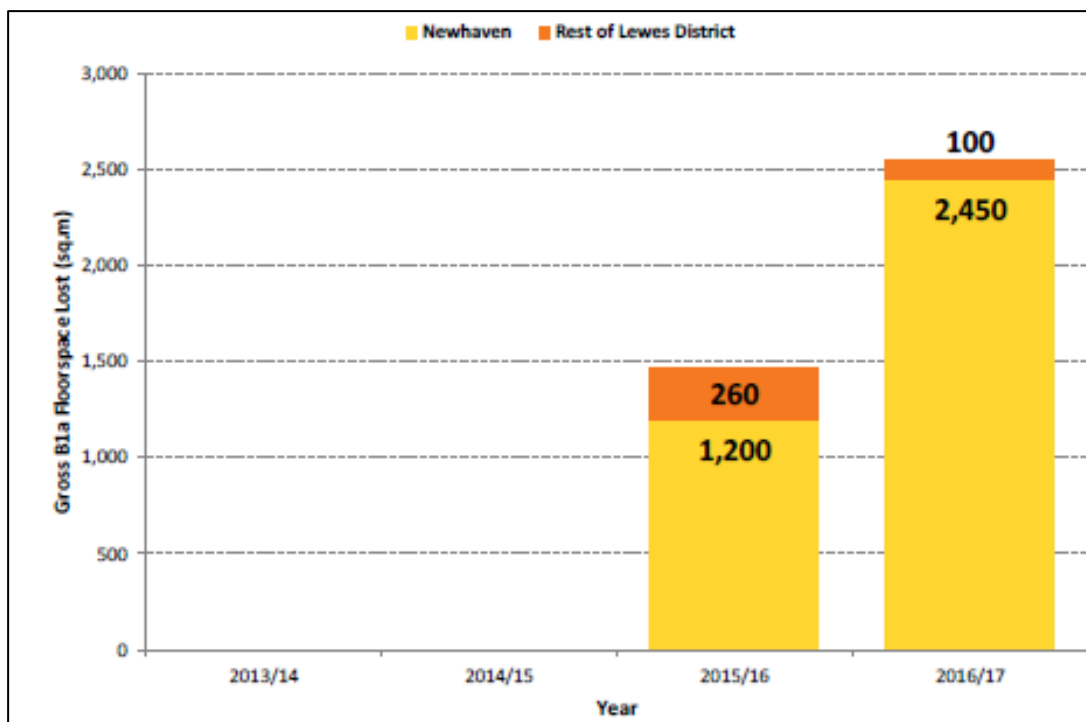


Source: Lewes District Council monitoring data / Lichfield’s analysis

As shown, since the expansion of permitted development rights, Newhaven has seen a significant fall in the provision of office space. On this basis, it is critical to ensure that the limited remaining provision of office space in Newhaven benefits from appropriate safeguarding via the implementation of the proposed Article 4 Direction.

Moreover, since the introduction of the (originally temporary) permitted development rights to allow change of use from office to residential, Newhaven has suffered disproportionately when compared to the wider Lewes District. The graph below shows the level of office to residential floorspace conversions that have occurred since 2013.

Figure 2: Office Space Converted under PD 2013-2017



Source: Lewes District Council monitoring data / Lichfield's analysis

As shown, around 91% of all converted floorspace has been within Newhaven. This indicates that, when considered against the overall office market in Newhaven, the town has been disproportionately affected by the permitted development rights and associated loss of office space. This highlights the need to protect the wellbeing of the area through the removal of national permitted development rights.

Newhaven Enterprise Centre

The Newhaven Enterprise Centre opened in 2007 on Denton Island – one of the eight sites covered by the proposed Article 4 Direction – and offers a range of flexible office and workshop space for business start-ups, micro and small businesses.

Since opening, the Centre has seen extremely high levels of demand, indicating that there is significant latent demand for small-scale modern office space in the town. This demand led to a successful bid to the Coastal Communities Fund in 2013, which included a substantial extension to the existing Centre. This has, again, far exceeded expectations of demand.

Appendix A contains a letter from the Manager of the Newhaven Enterprise Centre highlighting the strength of demand for office space and the waiting list for such flexible workspace in Newhaven at the current time, as well as emphasising the opportunity to capture growing businesses seeking to move on and create additional employment – in line with the overall aim for the Newhaven EZ.

Newhaven Enterprise Zone

As highlighted in Section 1.3, Newhaven is the focus of ambitious regeneration and economic growth plans being led by Lewes District Council in collaboration with Coast to Capital Local Enterprise Partnership.

Five of the sites proposed for the Article 4 Direction lie within the Enterprise Zone – Avis Way, Eastside North, Eastside South, Town Centre and Bevan Funnell (South). The focus of the EZ is on employment growth, economic intensification and the creation of sustainable job opportunities for local residents.

Without sufficient control of employment space through the full development management process, the identified outcomes will be more challenging to achieve and represents a serious threat to the area's economic wellbeing as well as a missed opportunity. This is highlighted by use of permitted development rights on the Bevan Funnell (North) site which has substantial knock-on implications for surrounding industrial sites, further eroding the available employment space in Newhaven and impacting on the aims of the EZ.

2.3 Sub-Regional Strategic & Policy Context

Newhaven (and the wider Lewes District) lies within two Local Enterprise Partnerships (LEP's), South East LEP (SELEP) and Coast to Capital LEP (C2C).

South East LEP

SELEP's existing Strategic Economic Plan identifies that Newhaven has substantial capacity for growth, with a 'Clean Tech and Maritime Growth Corridor' linked to delivery of more than 5,000 jobs and almost 1,900 homes.

This emphasis on 'clean, green and marine' accords directly with the implementation of EZ status in Newhaven, with a focus on developing a higher-value economic role for the town linked to the new University Technical College (UTC@harbourside) that opened in September 2015, as well as the Operations and Maintenance Base for the Rampion Offshore Wind Farm (currently under construction at East Quay).

Within this focus, it is clear that there is a drive to create more sustainable communities through appropriate provision of both housing and employment space. Without careful planning through the development management process, there is a significant risk that economic growth is stymied due to higher land and property values associated with residential development.

Coast to Capital LEP

The EZ is a collaboration led by Lewes District Council and C2C. Both parties, together with the partner organisations represented on the EZ Programme Board (including East Sussex County Council, Newhaven Town Council and BEIS), recognise the importance of planning effectively for new development.

This is reflected in C2C's current Strategic Economic Plan which identifies Newhaven as a 'Key Opportunity Area' linked to the establishment of an Enterprise Zone.

Indeed, Appendix 9 to C2C's SEP notes that the EZ *"seeks to accelerate Newhaven's transition from an economy based on low-value manufacturing and processing linked to the Port, to a new and higher-value economic role, based on the town's recognised potential to support technology-led business growth."*

Furthermore, *"Newhaven has been identified as a key economic growth point in Coast to Capital... there is an urgent need to update Newhaven's current stock of business accommodation to re-orientate the property offer away from traditional manufacturing space to higher quality, more flexible workspace, capable of attracting higher value productive and office-based businesses."*

This gradual shift towards increasing demand for higher quality and more flexible workspace is reflected by demand at the Newhaven Enterprise Centre on Denton Island (one of the eight sites affected by the proposed Article 4 Direction). A letter from the Centre management is attached as Appendix A to this report, which reflects the increasing demand for modern commercial premises in Newhaven and the surrounding areas.

Greater Brighton City Region

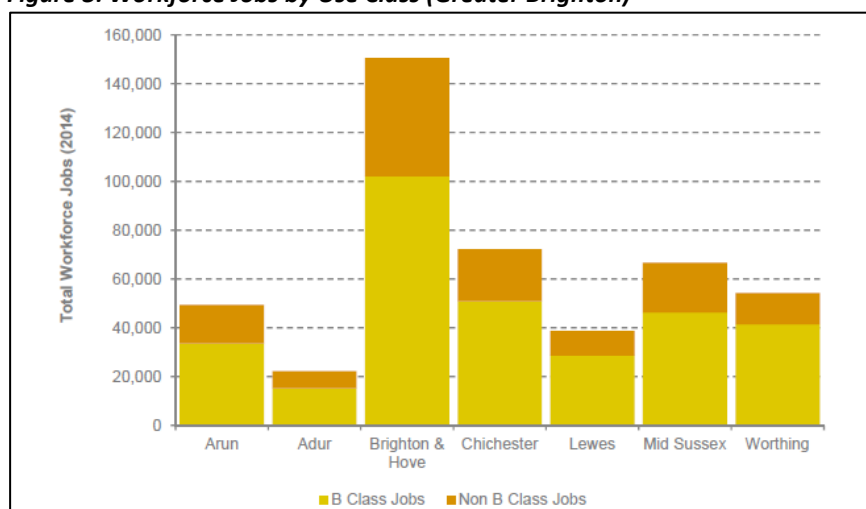
One of the key premises behind Enterprise Zone designation is that the additionality generated by this intervention is supporting greater economic growth across the Greater Brighton City Region through positive displacement, thereby creating additional employment and GVA throughout Greater Brighton. Newhaven is therefore a critical part of the growth potential of the City Region, offering space for both housing and employment space to support the over-heating Brighton & Hove city economy.

This is supported by published evidence⁵. Paragraph 6.10 notes that Greater Brighton must meet the space needs of key sectors and growing businesses. Paragraph 6.12 goes further noting that:

“This presents an immediate opportunity for locations such as Adur, Worthing and Lewes (particularly Newhaven) which have close functional relationships with Brighton & Hove and are an obvious next ‘stepping stone’ for any businesses needing to expand outwards.”

⁵ [Greater Brighton & Coastal West Sussex Background Paper 1: Economy, May 2015](#)

Figure 3: Workforce Jobs by Use Class (Greater Brighton)



Source: NLP May 2015

Furthermore, in proportionate terms, Lewes District has the 2nd highest share of total jobs (74%) in B Class sector activities across the seven authorities within Greater Brighton and Coastal West Sussex. This reflects a strong tendency towards office and industrial-based employment in the local economy.

2.4 Commuting Patterns

Lewes District sees a daily outflow of commuters for work purposes. Overall, a net outflow of 5,514 commuters is seen due to the limited employment opportunities available within the area. Newhaven is currently the key employment area of the district and the limited availability of suitable office and industrial premises is exacerbated by the use of permitted development rights to convert suitable employment sites to residential without recourse to the full development management process.

The table below shows the distance travelled to work by location. As this demonstrates, almost ¾ of Newhaven's residents of working age commute up to 30km to their place of work, with a high proportion commuting at least 10km (compared to regional and national averages). This is unsustainable and a key part of the EZ is around ensuring sufficient employment opportunities for local residents.

Distance Travelled to Work	% of Residents by Location				
	England & Wales	South East Region	East Sussex County	Lewes District	Newhaven
Work mainly at or from home	10.4	11.9	14.1	14.1	8.5
Less than 10km	52.1	46.9	43.9	37.5	44.4
10 – 30km	21.1	20.7	19.8	27.3	29.9
30km +	8.0	11.6	11.8	11.2	8.1
Other	8.4	8.9	10.4	9.9	9.2

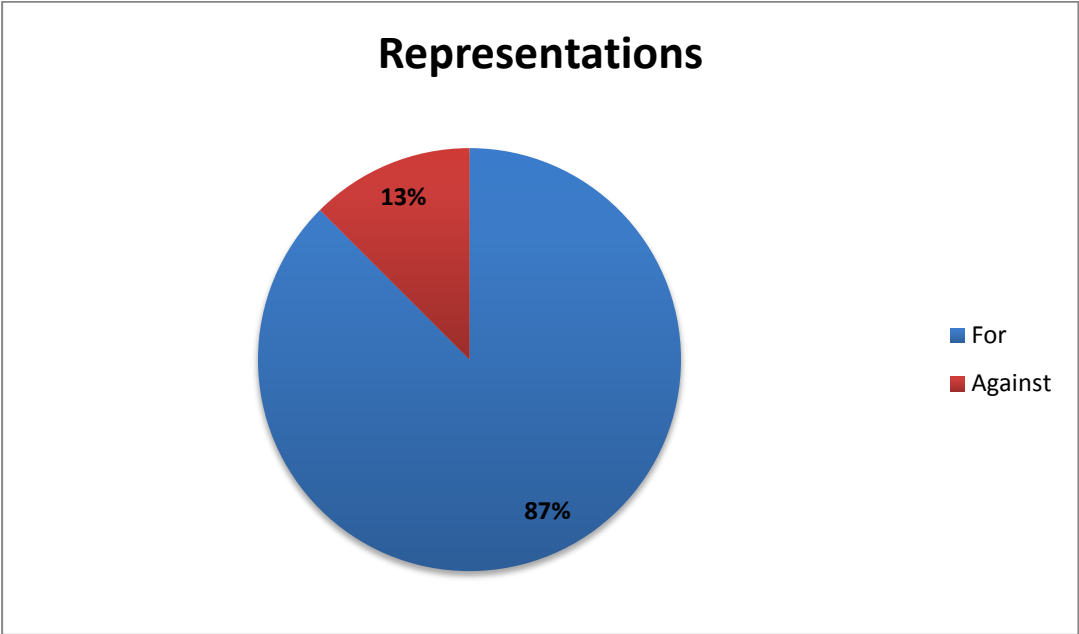
Source: 2011 Census / East Sussex in Figures

On this basis, the proposed implementation of an Article 4 Direction is vital to local economic wellbeing and to alleviate further capacity issues on local and regional transport infrastructure which would otherwise pose a serious threat to effective regeneration.

2.5 Consultation

A public consultation was held between 3rd November and 22nd December. During this time we received eight representations either by letter or through the contact form on the Newhaven EZ website.

Figure 4: Summary of Consultation Period for Proposed Article 4 Direction



The sole objection was submitted by the managing agent for the Bevan Funnell site as they believe that the buildings are coming to the end of their economic life and that the site is suitable for low cost housing. It should be noted that this site is within the Newhaven EZ. As such, it is expected that the site will focus on employment uses, which reflect the site’s location in a primarily commercial locality, as well as the principles of the EZ.

One representation was received from a resident of Newhaven supporting the proposed Article 4 direction as well as outlining some concerns. The response outlines the need for Newhaven to remain a place for growth as the reason for supporting the proposal. The response also highlighted some areas of concern including the impact of light industrial development on air and noise pollution and the need for a careful balance of housing and employment growth. This is in line with Lewes District Council’s stated objectives for Newhaven as a sustainable location to live, work and visit.

Of the remaining six representations, five identified the importance of the Newhaven EZ as a strong reason for supporting the proposed Article 4 directions. This reflects the importance of the Bevan Funnell site highlighted earlier. Additionally four responses recognised the need for appropriate policy designations to enable business growth. Furthermore, Article 4 Directions were felt important to Newhaven’s future for the following reasons:

- The high level of demand for office space in Newhaven.
- The importance of balancing housing need with protecting employment space to ensure that Newhaven does not become a dormitory commuter town.
- A need to assess applications for conversion of existing employment space into residential development through the full development management process.

All representations can be found in the Appendices.

3. Summary

In conclusion, this document sets out the robust evidence base that has been assembled in determining the need for the proposed Article 4 Direction for selected sites in Newhaven.

It is clear from the foregoing that there is a real opportunity – through Newhaven Enterprise Zone – to grow the local economy, creating employment opportunities and fostering innovation and an entrepreneurial culture. This is in line with the recently published Industrial Strategy White Paper.

It is recognised that there is a pressing need for more affordable housing – not just in Newhaven but across the wider Lewes District. This is acknowledged and is reflected by Newhaven having almost one-third of all planned housing growth within the lifespan of the Local Plan Part 1. Without sufficient employment space, however, this is likely to lead to greater levels of out-commuting and will not lead to inclusive and sustainable growth.

It is on this basis that Lewes District Council has proposed the implementation of an Article 4 Direction to remove permitted development rights for conversion from office to residential on selected sites in Newhaven. It is considered that the removal of national permitted development rights is necessary to protect the wellbeing of the area, with evidence supporting the serious threat that permitted development rights pose to local economic growth in Newhaven.

The public consultation ended on 22nd December 2017 with 87% of responses supporting the proposal for an Article 4 Direction in Newhaven. Given the overwhelmingly positive nature of the responses, Lewes District Council considers that this demonstrates the strength of our evidence base and further justifies the proposed implementation of an Article 4 Direction as set out in our original submission.

Appendix A – Letter from Newhaven Enterprise Centre (8 December 2017)



Letter for support for Article 4

Denton Island, Newhaven
East Sussex, BN9 9BA
Tel: 01273 615250
Fax: 01273 615251
Email: newhaven@basepoint.co.uk
www.basepoint.co.uk

8th December 2017

Dear sirs,

I am writing this letter in support of Lewes District Council's application for Article 4 direction in the Newhaven area.

I believe there is a strong demand for office's and workshop units in Newhaven. I manage the Newhaven Enterprise Centre, a business centre based on Denton Island with 19,000 sq. ft. of office and light industrial workshop units equating to 60 self-contained units in total. Due to demand the centre was extended in April 2016 from 13,000 sq. ft. equalling 46 individual units, prior to the extension the centre was consistently at capacity. As of today, the centre is almost at capacity again with 98% occupancy and a contract due to be signed for our last remaining unit by 18th December. On top of our high occupancy levels we have a healthy waiting list for both office and workshop units, which we are currently unable to house within the centre.

With our largest unit totalling 850 sq. ft., we often find that when businesses outgrow the centre there is no move-on facility or space within Newhaven, thus meaning businesses are relocating out of the area to find suitable office or workshop space. From speaking with licensees within the centre, move-on space would be a welcome addition to Newhaven. We currently have at least three units who are rapidly growing and soon to outgrow the centre, businesses which would like to continue to operate from Newhaven. We could potentially lose these businesses from the area as their current search for suitable space has been unsuccessful.

Based on the level of enquiries we receive, the centres consistently high occupancy levels and the lack of suitable move-on space from the centre, I believe there is a demand for both office and workshop units within Newhaven.

Kind regards,

A handwritten signature in black ink, appearing to be "Abigail Burgess".

Abigail Burgess
Centre Manager



Appendix B – Letter from East Sussex County Council (24 November 2017)

Communities, Economy & Transport

James Harris
Assistant Director, Economy

County Hall
St Anne's Crescent
Lewes
East Sussex
BN7 1UE

Tel: 0345 60 80 190
Fax: 01273 479536
www.eastsussex.gov.uk



Sent by email

Alec Fuggle
Regeneration Project Manager
Lewes District Council

24 November 2017

Dear Alec,

Thank you for consulting East Sussex County Council on the proposed Article 4 Directions for the Enterprise Zone sites in Newhaven. The County Council, in its remit as the relevant Highways Authority, Lead Local Flood Authority, Waste and Minerals Planning Authority and as a member of the Enterprise Zone Board, wish to support the proposed Article 4 Directions in Newhaven.

The proposals are clearly supported by the evidence presented within the Employment Land Review Update, prepared by Lichfields, and are considered to complement the ambitions of the Enterprise Zone. We are of the view that the removal of the relevant permitted development rights, and the making of planning decisions based on up-to-date development plan policies, will allow for a thorough and holistic approach to be taken on the matters of employment land/premises provision, and housing land supply in the town.

In addition, the requirement for planning permission to be sought for a change of use from light industrial/office to residential enables matters such as the highway impacts and local flood risk implications to be given full consideration, and be appropriately planned for, when considering proposals that would have previously benefited from the permitted development rights.

Yours sincerely

A handwritten signature in black ink, appearing to read "James Harris".

James Harris
Assistant Director - Economy

Tel: 01273 482158
james.harris@eastsussex.gov.uk



Appendix C – Letter from Team East Sussex (13 December 2017)

Team East Sussex
Local Growth Board
to the South East LEP



Team East Sussex Secretariat
c/o Economic Development (West-B)
East Sussex County Council
St. Anne's Crescent
Lewes
BN7 1UE

Mr Peter Sharp
Head of Regeneration
Lewes District & Eastbourne Borough Councils
Southover House
Southover Road
Lewes
BN7 1AB

13 December 2017

Dear Peter,

Article 4 Directions for the Enterprise Zone sites in Newhaven

Thank you for your recent letter on the proposed Article 4 Directions for the Enterprise Zone sites in Newhaven. I appreciate the opportunity to respond on behalf of Team East Sussex.

As you're aware, Team East Sussex (TES) is the business-led federated sub-board for East Sussex of the South East LEP, with representatives covering Chambers of Commerce and FSB, plus the third sector, higher and further education, arts and culture, skills and employment, construction, and each of the District, Borough and County Councils. You're also aware of the remit and significance of Local Enterprise Partnerships, tasked by the government to increase economic prosperity and growth within their areas.

Having considered your proposals and discussed this with the TES Board, we share your concerns over the change in rules governing permitted development to allow offices to change to residential without planning permission, now extended to light industrial premises of over 500m². This is pertinent to Newhaven in particular, which is of enormous economic importance to the businesses of East Sussex with its recently acquired Enterprise Zone status. The requirement for housing is of course clear, but to do so at the expense of accessible cost-effective business space will in our view have a negative economic effect in the long term.

We agree with your recommendation that these permitted development rights should be withdrawn. This would enable Lewes District Council to control residential development far more effectively through the full development management process to ensure there is both sufficient housing and adequate business employment space across the area.

On behalf of Team East Sussex, and as agreed by the TES Board at our meeting on 11 Dec 2017, I'd like to offer my support to Lewes District Council's proposal to implement an Article 4 Direction in Newhaven.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Graham Peters'.

Graham Peters DL
Chairman, Team East Sussex

Appendix D – Letter from Locate East Sussex (14 December 2017)

Peter Sharp
Head of Regeneration
Lewes District Council
Southover House
Southover Road
Lewes
BN7 1AB



Ocean House
87-89 London Road
St Leonards-on-Sea
East Sussex
TN37 6LW

t. 0300 3435749
e. philip.johnson@locateeastSussex.org.uk



14 December 2017

Dear Peter

As you are aware, over the past year we have been receiving an increasing number of significant enquiries from individuals and companies that are considering Newhaven as a business location. The announcement of the Enterprise Zone has added to this interest and following recent conversations with Lewes District Council, we will be devoting further time and resource to promoting the town and Enterprise Zone to companies within East Sussex and beyond in particular into Brighton, Hove, Shoreham on Sea, East Grinstead, Haywards Heath and Burgess Hill.

This is a critical time for Newhaven. The granting of Enterprise Zone status and support that is being given to business is sending out a very positive signal and will be attracting companies to the town, as well as creating much-needed employment opportunities. This focus is also helping with our wider remit of promoting East Sussex as a place for growing companies to consider as a location. Locate East Sussex is already involved with two companies looking to move to new premises at Eastside South, one of which is new to the town.

Locate East Sussex is fully supportive of Lewes District Council's plans to secure an Article 4 direction to enable the local planning authority to withdraw PDRs including changes of use from an area or a particular property. The sites identified for removal of Permitted Development Rights are certainly amongst those with potential for encouraging business growth. Removal of PDRs would allow the current levels of interest the time necessary to result in the full utilisation of the existing commercial space.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Philip Johnson'.

Philip Johnson
Director



SOUTH EAST INVEST: Inward investment for East Sussex and Essex
Part funded by the 2014 to 2020 European Regional Development Fund Programme

Appendix E – Letter from Coast to Capital LEP (21 December 2017)



Arun House
Hurst Road
HORSHAM
West Sussex
RH12 2DN

21 December 2017

Dear Peter,

Article 4 Directions in Newhaven

Coast to Capital is writing in support of the consultation on article 4 directions to remove permitted development rights in Newhaven.

Our partnership with Lewes District Council successfully bid for an Enterprise Zone across eight sites in Newhaven which formally launched on 1 April 2017. Enterprise Zones are designated areas across England that provide tax breaks and additional support for new businesses. The project aims to facilitate the economic regeneration of Newhaven and shift the town to a higher value economy over the next 25 years. As part of this bid a vision for the development and regeneration of the town was set out which sees Newhaven as having the potential to be the fastest growing business location in the South East.

Coast to Capital sees the Enterprise Zone as a key part of our strategy for growth in the local region and the refurbishment and development of new employment space in Newhaven is central to making this happen. Limited employment space, particularly space where businesses can grow, is severely limited in Coast to Capital region and is a key challenge we will be addressing in our new Strategic Economic Plan.

Protecting the employment space available in Newhaven will ensure local businesses have the space to start, grow, employ local people, drive the local economy, and contribute to the regeneration of the town. Coast to Capital has previously supported article 4 directions in Manor Royal to protect the major business park in the region and we believe protecting employment space in Newhaven is just as important.

Coast to Capital supports Lewes District Council in its actions to restrict permitted development rights in Newhaven and we will continue to work in partnership to ensure the success of the Enterprise Zone and Newhaven town.

Yours sincerely

Jonathan Sharrock
Chief Executive

Appendix F - Representation from Lewes District Council (7 November 2017)

Name: Bee Lewis

Email Address: bee.lewis@lewes-eastbourne.gov.uk Postal Address: Lewes District Council Southover House Southover Road Lewes BN7 1AB

Representation: The creation of the Newhaven Enterprise Zone is a catalyst for real change within Newhaven, with the chance to lever in additional investment and create sustainable industry and jobs.

While there is pressure to provide housing, it's also important to recognise that without jobs, Newhaven's growth will stagnate. It is therefore important to strike a balance between housing need and protecting brownfield sites from conversion to residential.

I support the proposals to protect the sites identified within the Enterprise Zone from conversion to residential. Without such protection, indications are that in 15-20 years, there will be a shortage of employment space.

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This e-mail was sent from a contact form on Newhaven Enterprise Zone (<http://newhavenenterprisezone.com>)

Appendix G – Representation from Harold Warren (17 December 2017)

Name: Harold Warren
Email Address: hcnqwarren@gmail.com
Postal Address: 81 Chapel Street
Newhaven
BN9 9QD

Representation: I have some concerns. While Newhaven is a working port there is also a push for a significant increase in housing. Obviously in the 21st century, from history, the detrimental impact of certain industry on the physical health and well being of nearby residents is well known.

I believe it is important for Newhaven to remain a growth place for certain clean tech industry and office space, employment etc.. So for this reason I support the proposed change. However, I remain very skeptical as to what would be considered light industry in the future. High tech, renewable energy related industries should be welcomed. Recently I recall seeing something someplace saying that Newhaven could become the "clean-tech hub of the UK". The establishment of UTC Harbor side and the wind farm support facility currently under construction are welcome developments to Newhaven in achieving such a respectable designation.

Anything "light industry" adding additional air pollution given the already excessive pollution levels in certain parts of Newhaven, but not limited to these areas, should be avoided. Already there are, at times, a strong noxious smell from the ferry in the harbor when the ferry is sitting there running.

Regarding noise pollution - when the scrap metal ships are being loaded throughout the night it is almost impossible for many near by residents to sleep as the metal is being loaded into the ship accompanied by continuous very loud banging metal through the whole of the night. Has there been any consideration in this proposal regarding future additional noise pollution and any permissible work hours? As for right now there appears to be none.

I often feel there are conflicting agendas underway for Newhaven. There is the push - and existing plans for much needed new housing development. There is also the push to preserve the employment opportunities in Newhaven and welcome new business offering employment growth. There is also a push for heavy industry as well which is seen with the proposed Conway cement plant and block works plant out at the end of the harbor. All of these agendas, at time competing, simply cannot co-exist in the 21st century in a small town like Newhaven with 12k+ residents.

I am truly concerned that if this Article 4 direction is put in place without firm permissible development guideline attached it yet again opens the door for potential even-more increased negative impact on the health and well-being of not only the current residents of Newhaven and the surrounding area but also future residents being brought into the surrounding area with the high level of proposed new housing, some of which is already underway.

I very much look forward to hearing back from the council regarding my concerns expressed in this message and I remain available for further discussions.

Regards,
Harold Warren

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This e-mail was sent from a contact form on Newhaven Enterprise Zone (<http://newhavenenterprisezone.com>)

Appendix H – Representation from Graham Bell (22 December 2017)

Name: Graham Bell

Email Address: graham.bell@elite-foods.co.uk Postal Address: Beven Property Management Ltd Good Food House , Pine close , Avis Way , Newhaven BN9 0DH

Representation: As managing agent for the owners of the Beven Funnell site we wish to object to the inclusion of this site for Article 4 directions as the buildings on the site are coming to the end of their economic life and this particular site on Beach Road would lend itself to be very suitable for low cost housing .

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This e-mail was sent from a contact form on Newhaven Enterprise Zone (<http://newhavenenterprisezone.com>)

Appendix 5 – Planning Applications Committee Report 11th October 2017

Agenda Item No:

Report No:

Report Title: **Implementing Article 4 directions to withdraw the permitted development rights granted by Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in key areas identified in Newhaven**

Report To: **Planning Committee** **Date:** **11 October 2017**

Cabinet Member: **Cllr Tom Jones**

Ward(s) Affected: **Newhaven Valley and Newhaven Denton & Meeching Wards**

Report By: **Nazeya Hussain, Director of Strategy, Regeneration & Planning**

Contact Officer(s)-

Alec Fuggle

Name(s): **Regeneration Project Manager**

Post Title(s): Alec.fuggle@lewes-eastbourne.gov.uk

E-mail(s): **01273 085459**

Tel No(s):

Purpose of Report:

To seek approval to implement Article 4 directions to withdraw Permitted Development rights in the areas identified in Appendices A and B. This will mean that for changes of use from office to residential and light industrial to residential, a full planning application is required as opposed to a, more streamlined, prior approval application.

The affected sites are identified in a table and maps in Appendices A and B of this report.

Cabinet Recommendations

On 28 April 2016, Cabinet approved the Newhaven Enterprise Zone report and agreed to the recommendations set out. The Enterprise Zone is a regeneration-led project for Newhaven and the report focused on the necessary steps to achieve success. Within the report, Article 4 directions were identified as a tool that could be used in order for the Enterprise Zone to meet the Council's ambition for Newhaven.

Officers Recommendation(s):

To note the Cabinet's ambition to regenerate Newhaven as set out in the Newhaven Enterprise Zone cabinet report (28/04/2016) which set out the ways in which this could be achieved. With this in mind it is suggested that the Committee agree to the following recommendations.

- 1** That the Planning Committee authorises the withdrawal of permitted development rights for the change of use of a building and any land within its curtilage from a use class falling within Class B1(c) (light industrial) of the Town and Country Planning (Use Classes) (Amendment) (England) Order to a use class falling within C3 (dwellinghouses) of that Schedule being development comprised within class PA of part 3 of schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This will only be applicable to the sites identified in Appendices A and B.
 - 2** That the Planning Committee authorises the withdrawal of permitted development rights for the change of use of a building and any land within its curtilage from a use class falling within Class B1(a) (office) of the Town and Country Planning (Use Classes) (Amendment) (England) Order to a use class falling within C3 (dwellinghouses) of that Schedule being development comprised within class PA of part 3 of schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This will only be applicable to the sites identified in Appendices A and B.
 - 3** That the Planning Committee notes that notice given for the Article 4 directions will be on 31 October 2017 and the Article 4 direction will come into force from 1 November 2018, subject to consultation and confirmation.
-

Reasons for Recommendations

- 1 The Council's Constitution requires Planning Committee to consider the implementation of Article 4 directions. This is because it is the policy of Cabinet to devolve matters of planning control to Planning Committee to decide upon. This decision will be a key aspect of LDC's options for the ongoing regeneration of Newhaven and will help to retain vital employment land for the future.
- 2 The withdrawal of permitted development rights will help to protect existing and future employment space from being converted into residential development through the prior approval process, and will help us to retain greater control over the planning process. Any applicants seeking to convert light industrial or office space into residential would still be able to apply for a change of use through the regular planning application process.
 - (a) This is especially important for those sites located within the Newhaven Enterprise Zone, as losing those areas to residential use through the prior approval process would undermine the principles of the Enterprise Zone, which is strongly focused on job creation and the provision of new commercial floorspace to support growth of the sub-regional economy.
- 3 It is considered vital that Newhaven has a strong portfolio of employment sites to attract investment into the area in order to maintain and grow resilience in our economy. The implementing of an Article 4 direction is a crucial part of ensuring Newhaven – and in the wider context, Lewes District – is able to retain and attract businesses and create and sustain employment opportunities.
- 4 No compensation is payable where the Council gives notice of the withdrawal between 12 months and 24 months in advance, hence the proposed commencement date of 1 November 2018.

Information

Permitted Development Rights

- 4.1 Under the Town and Country Planning Act 1990 (TCPA), planning permission is required for the carrying out of any development on land. The TCPA (General Permitted Development) Order 2015 allows certain development without the need for planning permission.
- 4.2 In May 2013, the Government introduced a new temporary permitted development right to allow the change of use from office (B1a) to residential (C3). These rights were made permanent in April 2016. This means that applicants must seek approval from the Council, but only for specified elements to ensure that the development is acceptable. In determining a prior approval application, the Council only considers impacts of the proposed development on:
 - (a) Transport and highways
 - (b) Contamination
 - (c) Flood risk
 - (d) Noise
- 4.3 Permitted development rights can only be withdrawn if significant adverse impact has been identified. Typically, obtaining planning permission requires additional key planning matters to be considered such as affordable housing and design standards.

- 4.4** In April 2016, the Government also introduced a new permitted development right to allow the change of use from light industrial (B1c) to residential (C3) will come into force for a temporary period of 3 years starting from 1 October 2017. This will be restricted to buildings with an existing gross floorspace of less than 500m².

Article 4 Directions

What is an Article 4 Direction and when can you use one?

- 4.5** The Council can, in exceptional circumstances, make an Article 4 direction that will remove permitted development rights within a designated area. The direction can cover a single building, street or neighbourhood.
- 4.6** As noted above, permitted development rights can only be withdrawn if there is reliable evidence that such rights would cause significant adverse impact to the local amenity, well-being or character of an area.
- 4.7** Article 4 directions must be made in accordance with the National Planning Policy Framework (NPPF). Paragraph 200 of the NPPF notes:
- “The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities).”*
- 4.8** An Article 4 direction does not prohibit development, but enables the Council to retain greater control over the planning process.

How long does an Article 4 direction last for?

- 4.9** Once an Article 4 direction comes into force, it remains in force indefinitely unless the direction is cancelled. An Article 4 direction cannot prevent development which has commenced or has already been carried out.
- 4.10** There is a requirement for the Council to monitor any Article 4 directions, to make sure that the original reasons under which the direction was made remain valid.

Compensation and Planning Fees

- 4.11** Compensation is only payable if an application for planning permission for certain development formerly permitted by the GPDO is made within 12 months of the Article 4 direction taking effect.
- 4.12** However, no compensation for the withdrawal of certain permitted development rights is payable if the Council gives notice of the withdrawal between 12 and 24 months in advance.
- 4.13** A full planning application, that is only required because an Article 4 direction is present, is completed in the usual way except no planning fee is payable.
- 4.14** The process for making and confirming a non-immediate Article 4 direction is summarised within Appendix D of this report.

Evidence Base & Strategic Context

Evidence Base

- 4.15** The latest data⁶ indicates that the town of Newhaven accommodated approximately 5,450 jobs in 2016, representing 14.6% of all jobs recorded in Lewes District.
- 4.16** From 2009 to 2015 the number of jobs in Newhaven increased by 270, although the town's proportion of district-wide jobs decreased slightly from 15.5% to 14.6%. This highlights that other areas of the district have experienced greater job growth between 2009 and 2015.
- 4.17** Newhaven, however, plays a particularly significant role in accommodating the District's factory (68.7%) and warehousing (55.9%) space, and is the location for approximately 40% of all B use class space in Lewes District.
- 4.18** Newhaven is heavily dependent on manufacturing development⁷, which employs over 1,000 people locally. The town is also dependent on retail (850 jobs), health (550 jobs) and transport & storage (500 jobs), which includes Port-related activities. Conversely, employment in professional and business services is relatively limited and these sectors are thus under-represented in Newhaven.

Strategic Context

- 4.19** Newhaven is identified in the Lewes District Local Plan 2010-2030 as a focus for enterprise and training within the district. Both the South East Local Enterprise Partnership (SELEP) and Coast to Capital (C2C) Local Enterprise Partnership identify Newhaven as a strategic growth location.
- 4.20** In particular, SELEP's Strategic Economic Plan notes that Newhaven has substantial capacity for growth, with a 'Clean Tech and Maritime Growth Corridor' estimated to deliver 5,225 jobs and 1,890 homes. Equally, the C2C Strategic Economic Plan identifies Newhaven as a 'Key Opportunity Area' linked to the establishment of the Enterprise Zone.

Newhaven Enterprise Zone

- 4.21** Newhaven Enterprise Zone is a collaboration between C2C and the Council, which formally commenced in April 2017. The Enterprise Zone comprises eight key sites and covers around 79 hectares of land.
- 4.22** Over the next 25 years, it is anticipated that the Enterprise Zone will create around 55,000m² of new commercial floorspace. It will refurbish a further 15,000m² of existing commercial floorspace, whilst creating and sustaining approximately 2,000 jobs.
- 4.23** Enterprise Zone status offers a range of benefits including:
- (a)** Business rates discount worth up to £275,000 per business over a maximum of five years
 - (b)** No pre-application charges for planning enquiries on employment-led schemes on the EZ sites

⁶ Lichfield Employment Land Review 2017

⁷ Cushman & Wakefield Newhaven EZ Implementation and Investment Plan 2017

- (c) Dedicated support and advice from C2C, as well as the Council's Regeneration team.

Employment Land Review Update

- 4.24** In April 2017, the Council commissioned Lichfield's to undertake an update to the existing Employment Land Review. This update was focused on Newhaven, with a view to providing an evidence base to assess the need for the implementation of Article 4 directions.
- 4.25** Having reviewed the Lichfield's report, Officers consider that there is clear evidence to support the implementation of Article 4 directions in Newhaven to protect office and light industrial use.
- 4.26** Appendix D contains an excerpt from the Lichfield's report, outlining the loss of office floorspace to residential in recent years with a particular focus on Newhaven. The full Employment Land Review update undertaken by Lichfield's is available for Committee Members on request.

Change of Use Implications

In summary, losing office and light industrial space to residential could:

- (a) Create problems for businesses forced to vacate premises, with no guarantee that they will be able to find alternative premises in Newhaven.
- (b) Mean residential units may be created in potentially unsustainable locations.
- (c) Mean residents may suffer unsatisfactory living conditions, which would result in residents then looking to the Council to remedy the harm. This may create added costs and bureaucracy for the Council, as well as an adverse impact on existing business activity.
- (d) Reinforce adverse commuting patterns, with a consequential impact on the local transport infrastructure.
- (e) Reduce the potential rateable income to the Council, albeit this would be offset through an increase in Council Tax.

Proposed Article 4 Directions

- 4.27** For the reasons evidenced above, Officers are recommending the withdrawal of permitted development rights for both light industrial and office to residential across the eight sites in Newhaven (as shown in Appendices A and B).
- 4.28** The proposal is to provide notice of a non-immediate Article 4 direction on 31 October 2017, subject to approval from the Council's Planning Committee.
- 4.29** The Article 4 direction will be implemented from 1 November 2018 subject to public consultation, which is expected to run for 8 weeks after the making of the direction.
- 4.30** By making a non-immediate direction with at least 12 months between giving notice and making the direction, no compensation will be payable.

- 4.31** However, non-immediate Article 4 directions run the risk of a longer period where permitted development rights remain active. This could result in an increased number of prior approval applications for conversions from office and light industrial to residential in the 12 months prior to the Article 4 direction coming into force – and subsequently an increased loss of employment land uses in Newhaven.
- 4.32** Five of the proposed ‘designated areas’ are fully or partially within the Newhaven Enterprise Zone, whilst all eight sites proposed are considered to be of significant employment importance, both in Newhaven and across the wider Lewes District. The presence of the Enterprise Zone emphasises Newhaven’s role as a key strategic area for business growth and investment.
- 4.33** By withdrawing permitted development rights, the Council can ensure that applications for change of use are assessed against the full development management policies as opposed to the limited prior approval criteria.
- 4.34** Additionally, the implementation of Article 4 directions will work in conjunction with the relevant development plans to provide a strong basis to protect and promote employment land in Newhaven.

Financial Appraisal

- 4.35** At this stage, it is very difficult to estimate the potential implications arising from the recommendations in this report. The cost of making the Article 4 direction will be met from the existing Regeneration budget; the cost is not expected to be more than £5,000.
- 4.36** Applications for planning permission which would have previously been permitted, prior to an Article 4 direction coming into force, are entitled to apply for planning permission without paying the prior approval planning application fee.
- 4.37** From 1 August 2016 to 1 August 2017, the Council charged a total of £80 for prior notification fees from office to residential and storage to residential. A table of all of the prior approval applications the Council has received since the change in permitted development rights came into force is included as an Appendix to this report.
- 4.38** The Article 4 direction could lead to an increase in the number of prior approval notices submitted by landowners seeking to beat the period within which the Direction will be in effect.
- 4.39** On balance, however, it is considered that the benefits outweigh the loss of this income.
- 4.40** Furthermore, in 2020 business rates will be devolved to local government. This is intended to act as an incentive to attract businesses and bring forward business premises. If business premises are lost through change of use to residential, the Council’s income from business rates will fall.
- 4.41** There are also costs associated with the implementation and publication of the Article 4 direction including:
- (a)** Advertising in the local press
 - (b)** Displaying site notices

- (c) Consultation with the public for a minimum of 21 days (although Officers are proposing a longer consultation period of 8 weeks to ensure that all views are captured).

- 4.42 There could also be financial implications for the Council as a landowner with an interest in several of the sites proposed, as the making of Article 4 directions could have implications on the value of the Council's property assets.
- 4.43 These implications have been assessed by Officers, and it has been agreed that the implementation of Article 4 directions will provide long-term benefits for Newhaven and its economy, which outweigh the Council's role as a local landowner.
- 4.44 Fundamentally, removing permitted development rights will not affect the ability to develop alternative uses. The Article 4 directions will help the Council to retain greater planning control as the Local Planning Authority. This will help the Council to plan new development more effectively. As such, it is considered that the cost to retain this greater control is justifiable.

Legal Implications

- 4.45 The making of an Article 4 Direction is required to be made under the terms of the Town & Country Planning Act 1990 (as amended). This includes consultation, advertising and a period for representations to be made.
- 4.46 If there are objections to the making of the Order, it will be necessary to hear those objections at an Inquiry. Once the Direction is confirmed, it will not come into force until after such date as prescribed in the Direction.
- 4.47 Legal Services can confirm it has had input into the contents of this report.

Risk Management Implications

- 4.48 A Risk Management Assessment has been carried out in accordance with the Checklist for Decision Makers. This assessment can be found in Appendix E.

Equality Screening

- 4.49 On 28 April 2016, an Equality Screening was conducted as part of the proposal for the Newhaven Enterprise Zone, which was subsequently approved by Cabinet. This screening noted that:

"Between 20 January and 2 February 2016, an Equality Analysis was undertaken on this proposal. Due regard was given to the general equalities duties and the likely impact of the decision on people with protected characteristics, as set out in the Equality Act 2010.

The assessment identified that no major changes are required. The EA demonstrates the project is robust, there is little potential for discrimination or adverse outcomes, and opportunities to promote equality have been taken."

- 4.50** The proposed Article 4 directions are primarily focused on sites within the Enterprise Zone. A separate screening for this proposal has therefore not been undertaken. A copy of the original Equality Analysis for the Enterprise Zone is attached as an Appendix.

Background Papers

- 4.51** Lichfield's, Employment Land Review Update 2017
- 4.52** Cushman & Wakefield, EZ Implementation and Investment Plan 2017
- 4.53** National Planning Policy Framework
- 4.54** National Planning Policy Guidance
- 4.55** Town and Country Planning (Compensation) (England) Regulations 2016
- 4.56** Town and Country Planning (General Permitted Development) (England) 2015

Appendices

- 4.57** The following documents are attached as an Appendix to this report:
- 4.58** Appendix A - Article 4 direction table of sites
- 4.59** Appendix B - Article 4 direction maps
- 4.60** Appendix C - Table of prior approval applications for office to residential in Newhaven
- 4.61** Appendix D - Extract from Lichfield's Report showing loss of office floorspace through permitted development rights
- 4.62** Appendix E - Equality analysis report
- 4.63** Appendix F - Procedure for making a non-immediate Article 4 direction
- 4.64** Appendix G - Risk management implications assessment

Appendix A - Article 4 direction table of sites

Article 4 Site	Enterprise Zone	Permitted Development Rights to be removed
Avis Way (Excluding Playing fields, but including Estate Road)	Partially included	Light Industrial
Beach Road Trading Estate	No	Light Industrial
Bevan Funnell (South Factory site only)	Partially included	Light Industrial
Denton Island	No	Office
Eastside North	Yes	Light Industrial + Office
Eastside South	Yes	Light Industrial
Railway Road Industrial Estate (Excluding the Parker Pen site)	No	Light Industrial + Office
Town Centre	Yes	Office

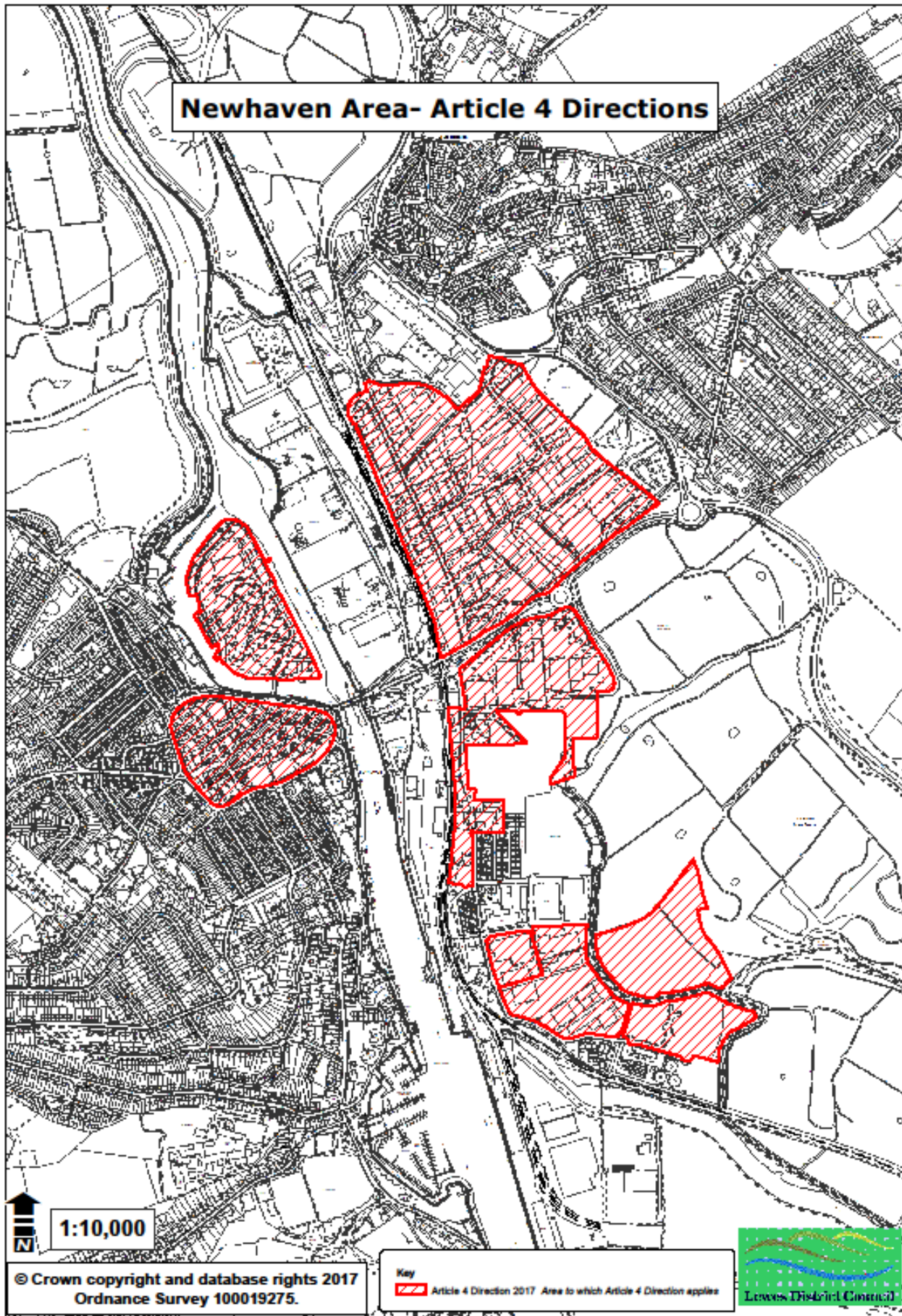


Figure 1 – Newhaven Article 4 directions

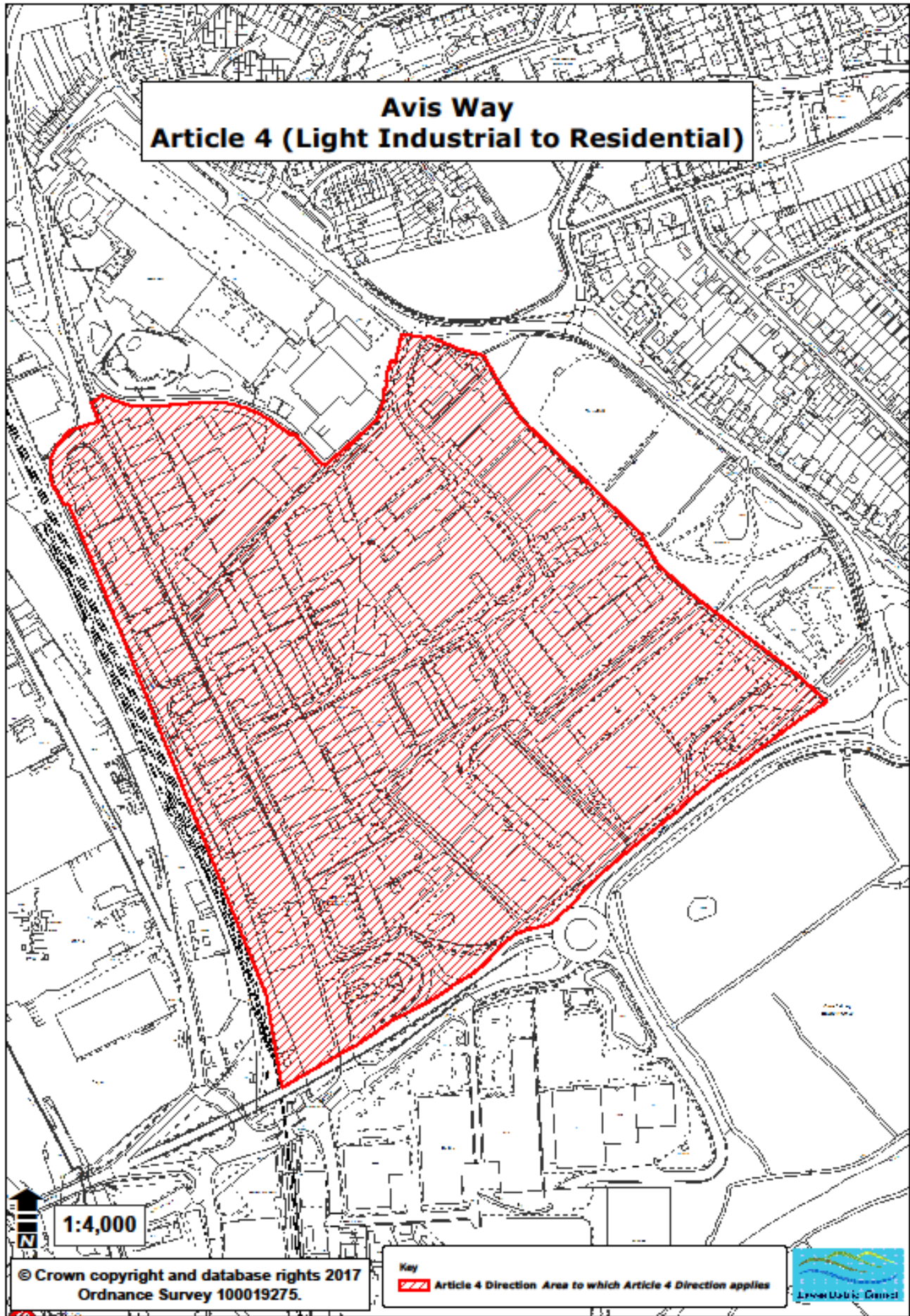


Figure 2 - Avis Way

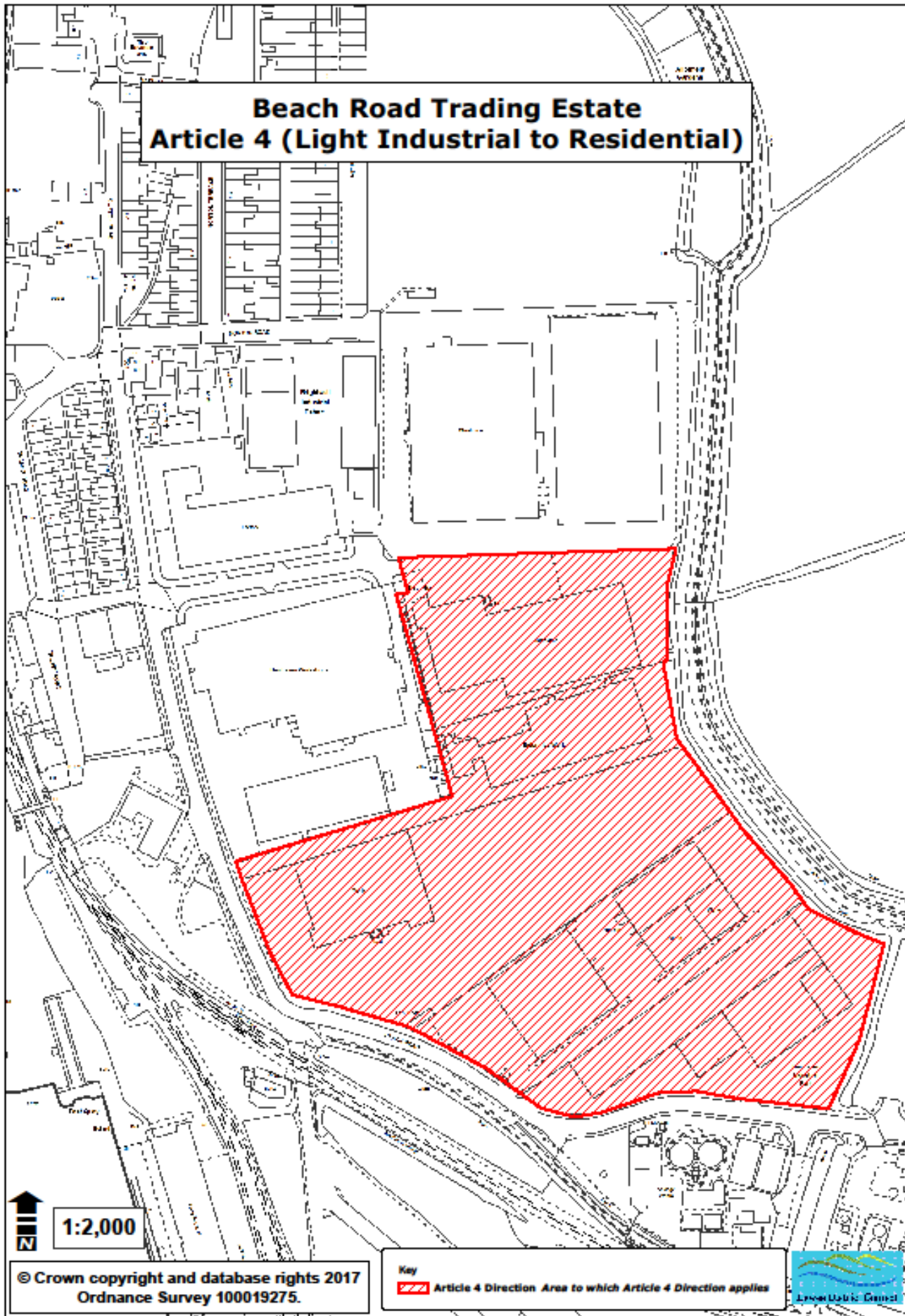


Figure 3 - Beach Road Trading Estate

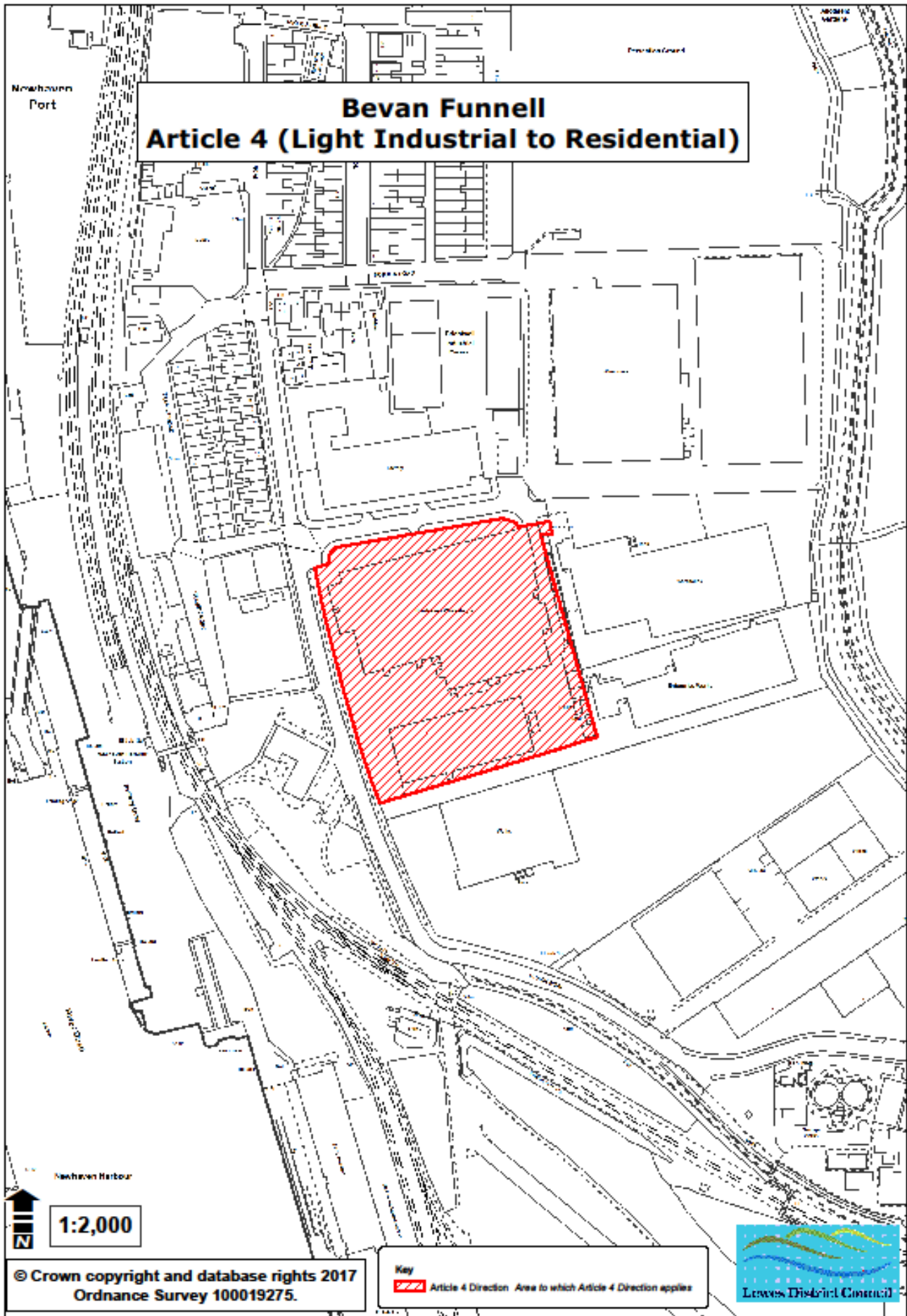


Figure 4 - Bevan Funnell

**Denton Island
Article 4 (Office to Residential)**

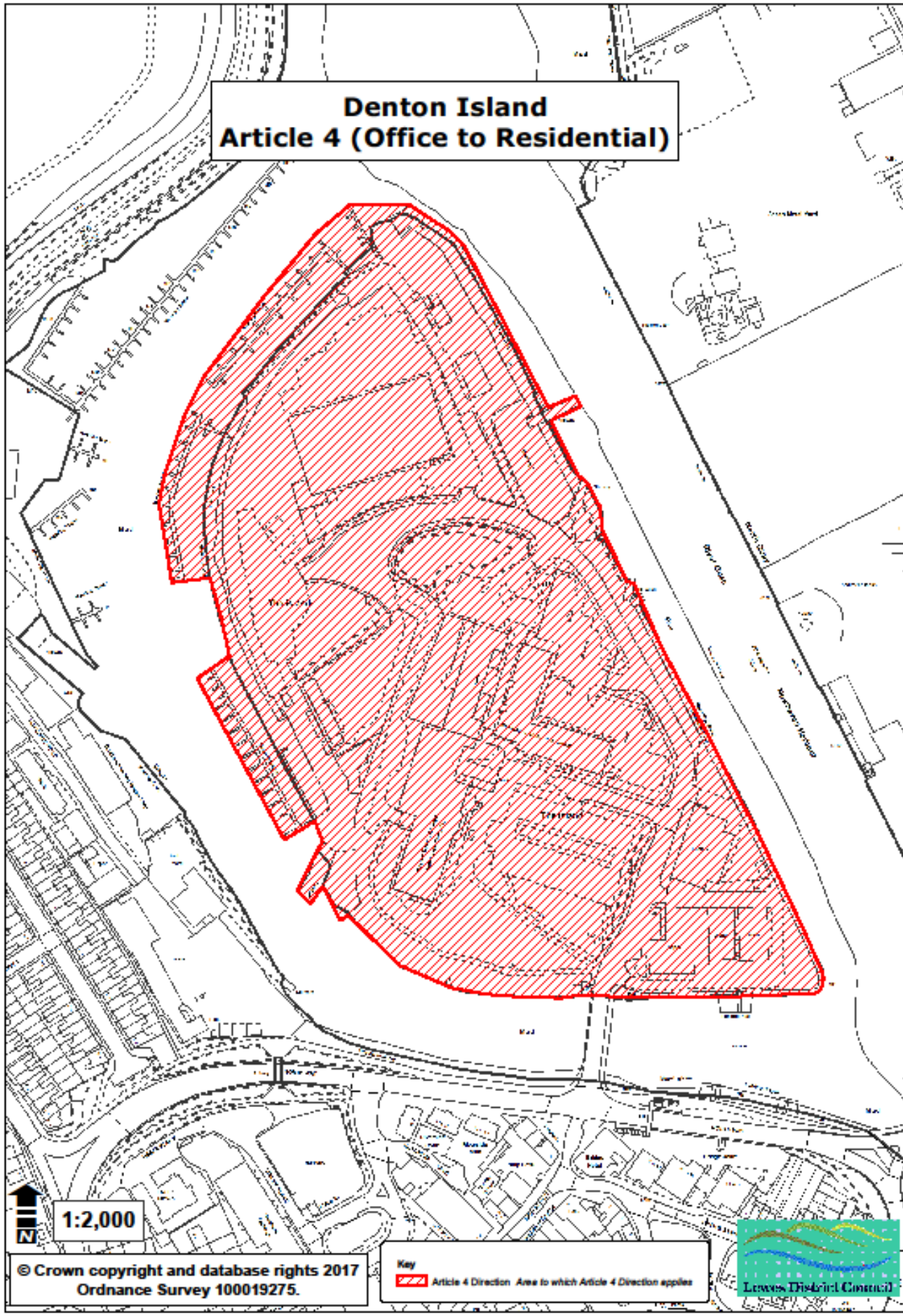


Figure 5 - Denton Island

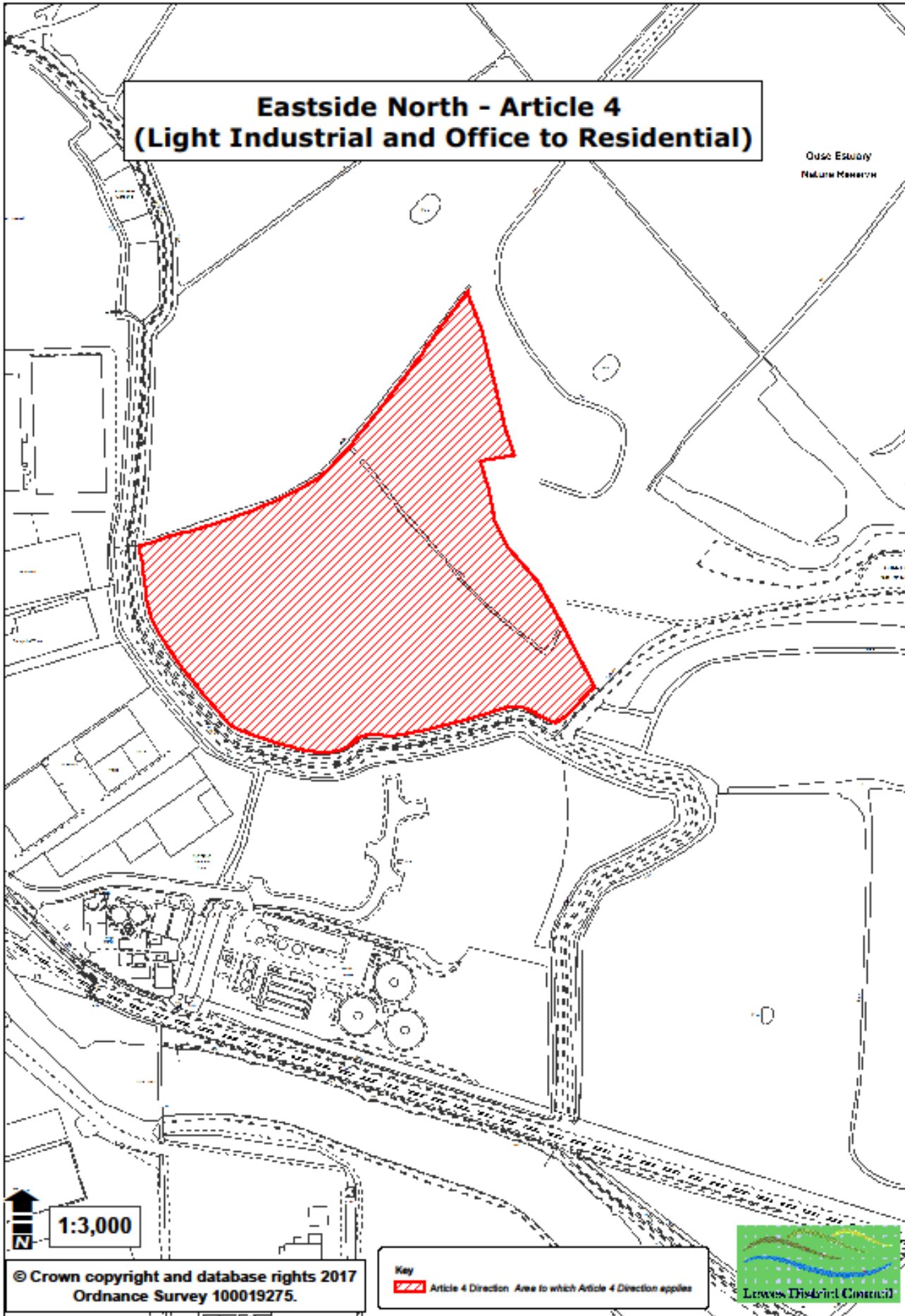


Figure 6 - Eastside North

**Eastside South- Article 4
(Light Industrial to Residential)**

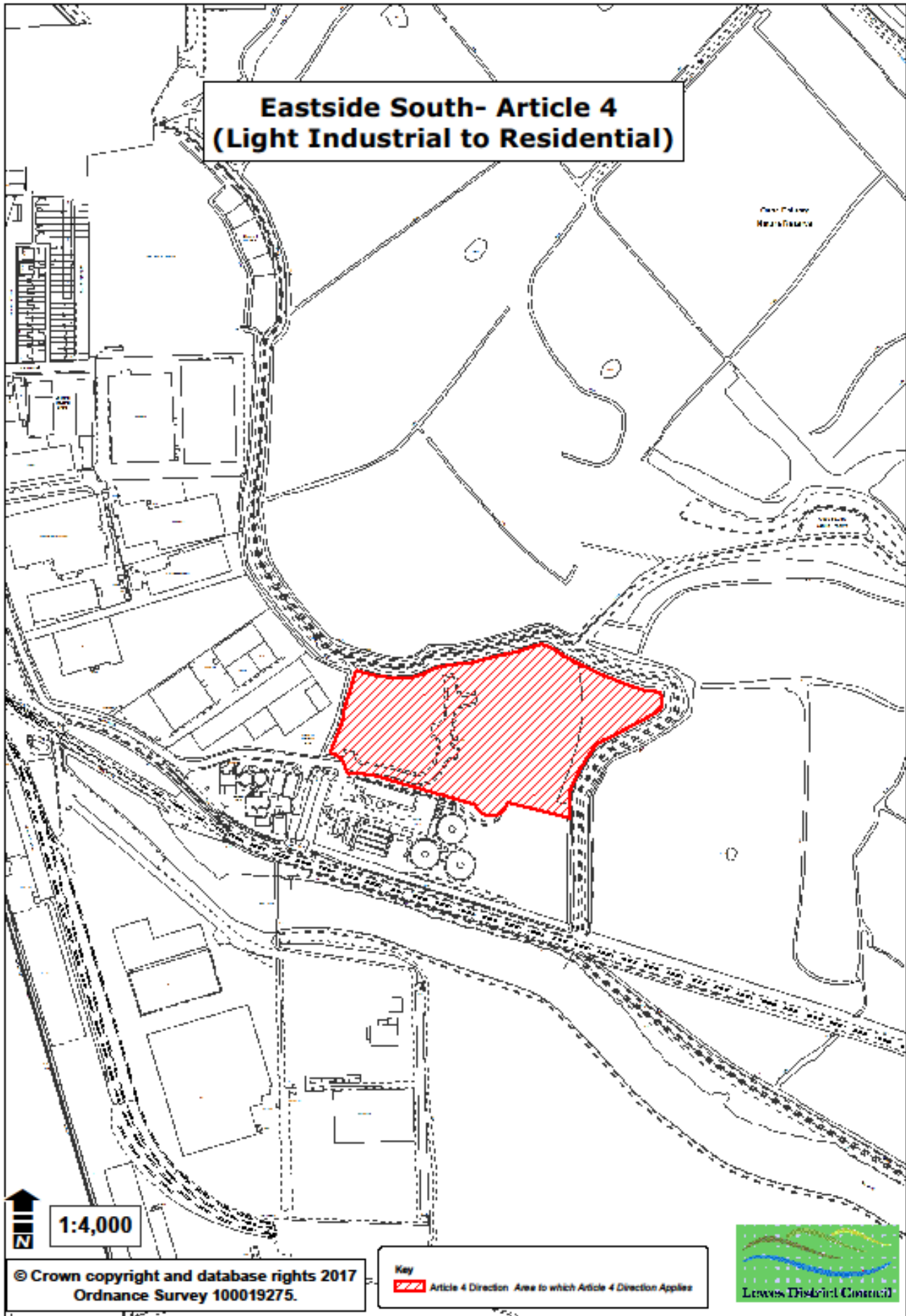


Figure 7 - Eastside South

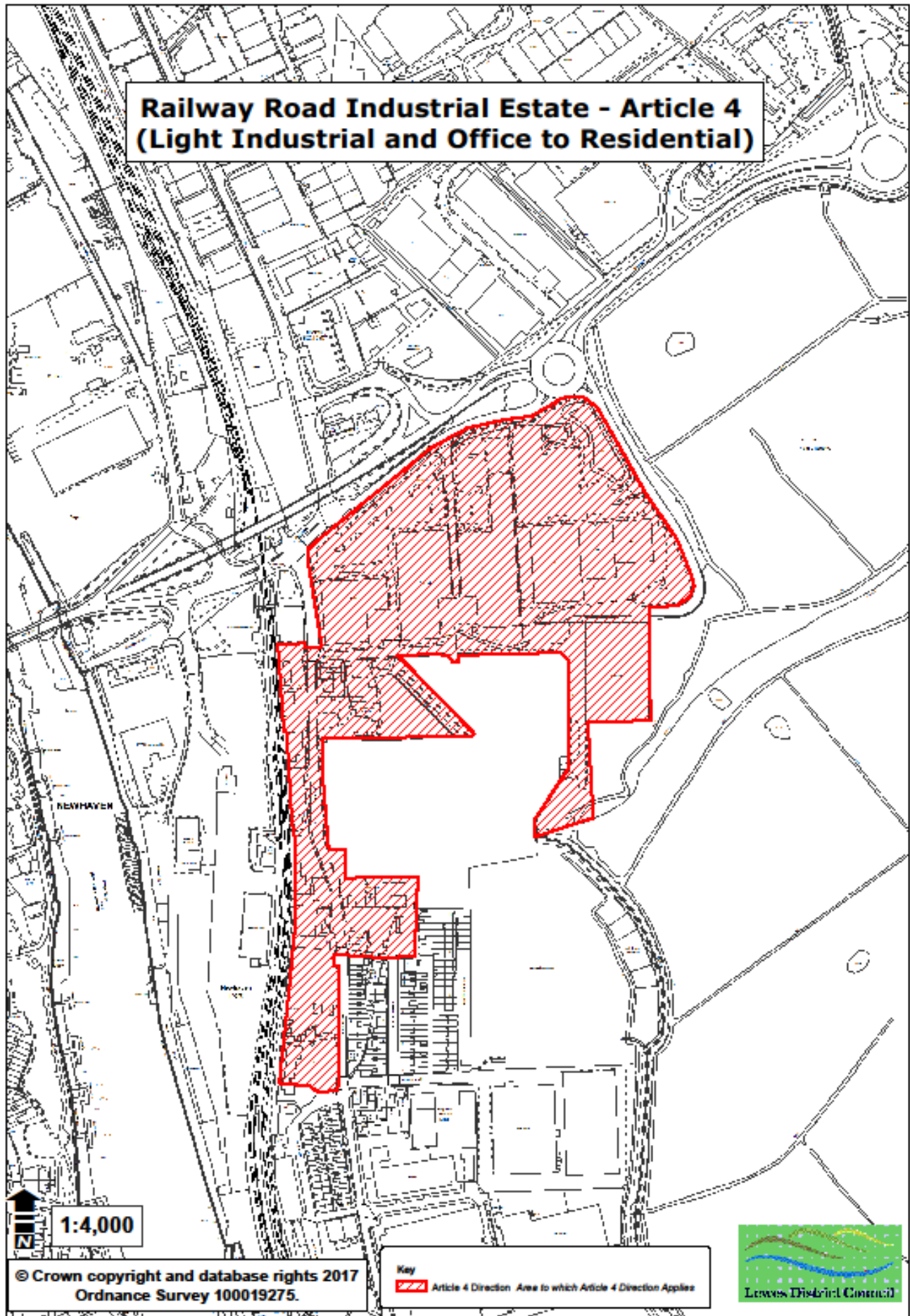


Figure 8 - Railway Road Industrial Estate

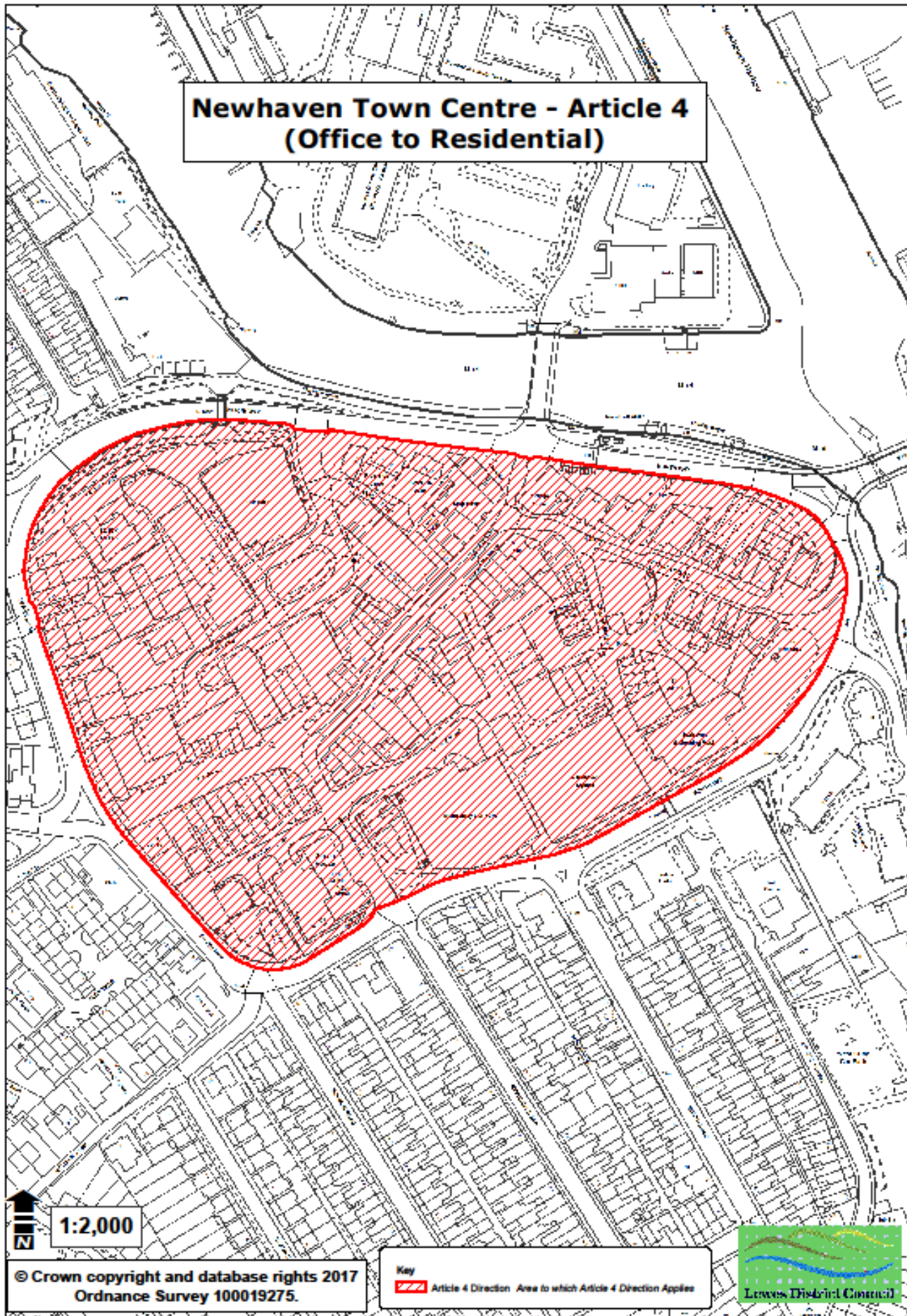
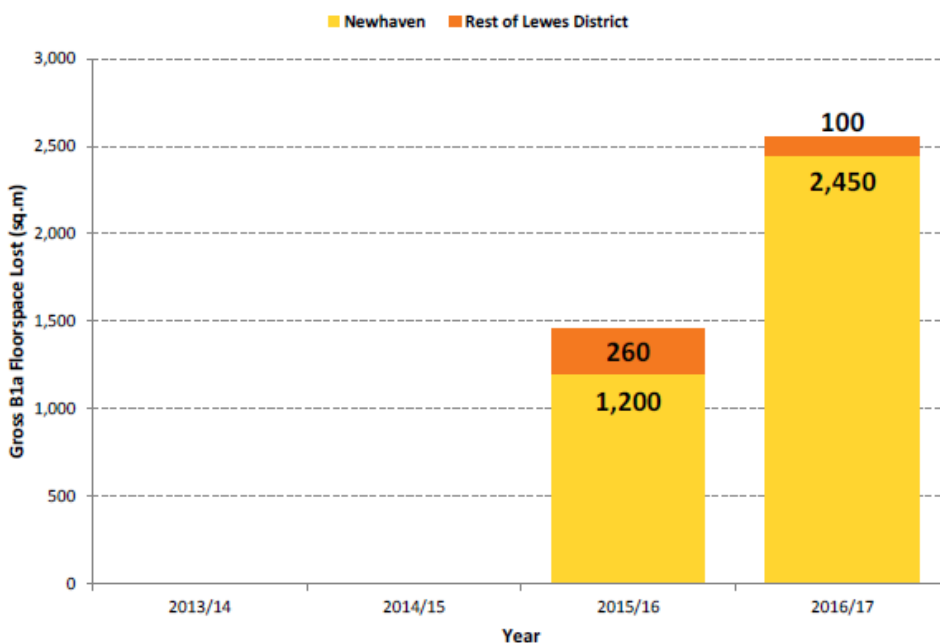


Figure 9 - Town Centre

Appendix C – Table of prior approval applications for office to residential in Newhaven

Application Number	Address	Date Recieved	Status
LW/16/0878	Unit 6, Kendall Court, Railway Road	05/10/2016	Prior Approval Approved
LW/16/0655	Unit 6, Kendall Court, Railway Road	01/08/2016	Application Withdrawn
LW/16/0434	Reprodux House, Norton Road	25/05/2016	Prior Approval Approved
LW/16/0397	23 Clifton Road	16/05/2016	Prior Approval Refused
LW/16/0268	Unit 4, Kendall Court, Railway Road	05/04/2016	Prior Approval Approved
LW/16/0025	Units 1 to 3, Kendall Court, Railway Road	04/01/2016	Prior Approval Approved
LW/15/0784	Units 1 to 3, Kendall Court, Railway Road	16/09/2015	Prior Approval Refused
LW/15/0511	5 Kendall Court, Railway Road	17/06/2015	Prior Approval Approved
LW/15/0417	Bevan Funnell House, Norton Road	19/05/2015	Prior Approval Approved
LW/13/0714	Units 1 to 3, Kendall Court, Railway Road	30/10/2013	Prior Approval Approved
LW/13/0586	1 to 3 Kendall Court, Railway Road	04/09/2013	Prior Approval Refused

Appendix D – Extract from Lichfield’s Report showing loss of office floorspace through permitted development rights



Source: Lewes District Council Monitoring Data / Lichfields analysis

2.41 Figure 2.17 shows that over the two most recent monitoring years, an average of just over 2,000 sq.m of office space has been converted under PDRs each year. The vast majority of converted floorspace (91.0%) has been within Newhaven. This indicates that, when considered against the overall office market in Newhaven, the town has been disproportionately affected by the PDR and associated loss of office space. The data also underlines a two year time lag between the PDR coming into force and conversions of office space actually taking place in the District.

2.42 The majority of this office space that has been lost to residential through PDR has been concentrated within a small number of large premises. For example, the vast majority of converted office premises in 2015/16 relates to Bevan Funnell House on Norton Road in Newhaven (accounting for a loss of 1,200sq.m) while 1,800sq.m of the 2,450sq.m total lost in 2016/17 in Newhaven related to Reprodex House on Norton Road. Beyond these premises, other conversions have been very small in scale and number.

Appendix E – Equality analysis report

Title:	EZ Newhaven
EA Lead :	Peter Sharp
EA Team:	Regeneration & Investment
Date Commenced:	20 January 2016
Target Completion Date:	2 February 2016
Reason for assessment:	Successful bid to establish an Enterprise Zone on eight specific sites across Newhaven

Context and Scope

1. What are the main purposes and aims of the service/project/decision?

The designation of eight strategic sites across Newhaven as an Enterprise Zone will facilitate the development and growth of the local economy, creating new employment opportunities and an increased level of business investment in the town. Enterprise Zone status also fits well with the wider business support activities undertaken by LDC's Regeneration and Investment team (see Equality Analysis on Business Support).

2. What effect does it have on how other organisations operate and what commitments of resources are involved?

The impact on other organisations will vary considerably. Different sites within the Enterprise Zone will come forward for development at different times over the 25-year lifespan of the Enterprise Zone. In addition, the majority of the sites included are not in LDC's ownership. This will limit the level of involvement that LDC can play in the development of such sites – at least above ensuring that the sites are allocated for intensification of employment uses.

3. How does it relate to the demographics and needs of the local community?

Newhaven has suffered from years of stagnation and decline, but retains substantial physical capacity for growth. Enterprise Zone designation has the potential to achieve high levels of additionality through accelerated development – bringing about a catalytic effect that supports increased high value business specialism and significant employment growth, as well as addressing the need for greater economic diversification.

Supported by Enterprise Zone designation, the development of the eight specific sites offers a tangible opportunity to upskill local residents. Newhaven is characterised by a lower than average skills profile, whilst Census 2011 data showed that local people are 40% more likely to have an unskilled or elementary occupation than the average resident of East Sussex.

Qualification Level	Newhaven	East Sussex	Greater Brighton
NVQ4+	18.4%	26.2%	32.1%
NVQ3	12.5%	12.0%	13.8%
Apprenticeship	3.6%	3.5%	3.0%
NVQ2	16.7%	16.8%	15.1%
NVQ1	18.3%	14.1%	12.9%
No Qualifications	25.8%	22.6%	18.3%
Other	4.6%	4.7%	4.8%

Source: Census 2011

Enterprise Zone designation will create new employment opportunities for local people, offering training and apprenticeships in high-growth sectors, as well as addressing the structural weaknesses in the town's employment and labour markets that have been identified by recent consultant's studies. The new UTC@harbourside further maximises the potential to upskill the local workforce and create new opportunities for local people.

4. How does it relate to the local and national political context?

The Enterprise Zone fits well with the wider context. Newhaven has long been recognised as a key 'Opportunity Area' in strategic documents prepared by key regional bodies including both Coast to Capital and South East Local Enterprise Partnerships. Furthermore, the Greater Brighton City Deal clearly identified Newhaven as an emerging hub for the Low Carbon and Environmental Goods (LCEGS) sector – focused on renewable technologies – noting that "*investment in Newhaven has started to pay dividends, with investor interest supporting the development of the renewable energy and clean-tech sector.*" Enterprise Zone designation offers the potential to capitalise on this emerging hub to deliver real growth and positive change for the town and its hinterland, through creating and sustaining a variety of employment opportunities for all local residents of working age.

5. Is there any obvious impact on particular equality groups?

Impact	Race (includes ethnic or national origins, colour, & nationality)			Disability (includes mental & physical)			Gender (includes gender reassignment)			Pregnancy (includes maternity & paternity)			Sexual Orientation (includes heterosexual, homosexual & bisexual)			Religion & Belief (includes all faiths, beliefs & agnostic)			Age (includes all age groups)		
	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None	Positive	Negative	None
Tick if relevant			X			X			X			X			X			X			X

6. How does it help us to meet our general duties under the Equality Act 2010?

The designation of an Enterprise Zone in Newhaven will create a higher level of inward investment, leading to an increased level of employment and training opportunities for local residents. However as noted in Q7, below, it would not be prudent to make assumptions at this stage.

7. What is the scope of this analysis?

The scope of this analysis is very difficult to accurately identify, as the Enterprise Zone does not officially start until April 2017. We cannot make assumptions on the type of businesses that may be attracted to the Enterprise Zone, nor the type and number of employment and training opportunities that these businesses may create.

Information gathering and research

8. What existing information and data was obtained and considered in the assessment?

See Q3, above

9. What gaps in information were identified and what action was undertaken/is planned to address them?

There are no gaps. The information available on employment and skills in Newhaven is comprehensive and so no actions are required to address.

10. What communities and groups have been involved and what consultation has taken place as part of this assessment?

Informal consultations have been held with key business networks and major local landowners. This includes Basepoint (managing agents for Newhaven Enterprise Centre), Newhaven Port & Properties, Avalon Properties and RBS. A detailed marketing / engagement plan will be produced over the coming months to ensure that all local businesses and residents are fully aware of the new Enterprise Zone and the opportunities that exist to develop the local economy to create new employment, business growth and training opportunities.

Analysis and assessment

11. What were the main findings, trends and themes from the research and consultation undertaken?

The key theme was that the Enterprise Zone bid was widely supported, with consultees recognising the potential economic opportunities afforded by designation.

12. What positive outcomes were identified?

No outcomes were identified.

13. What negative outcomes were identified?

No outcomes were identified.

Action planning

14. The following specific actions have been identified: *(see paragraph 25 of the guidance)*

Issue Identified	Action Required	Lead Officer	Required Resources	Target Date	Measure of Success
Lack of information concerning scale of opportunities created	Monitoring once EZ is in place	Peter Sharp	N/A	April 2020	Whether employment & training opportunities are available for all groups within the EZ.

Summary Statement


Between 20/01/16 and 02/02/16 Equality Analysis was undertaken by Peter Sharp on the successful bid to create an Enterprise Zone in Newhaven.

Due regard was given to the general equalities duties and to the likely impact of the project on people with protected characteristics, as set out in the Equality Act 2010.

The assessment identified:

*No major changes are required. The EA demonstrates the project is robust, there is little potential for discrimination or adverse outcomes, and opportunities to promote equality have been taken.

Approval

Director/Head of Service	Max Woodford – Head of Regeneration & Investment
Signed	
Dated	02/02/2016

Appendix F – Procedure for making a Non-Immediate Article 4 direction

1.1.1.6 Notice

10. Notice must be given as soon as possible after a direction has been made:
 - a. By local advertisement (e.g. local newspaper);
 - b. By site display for at least six weeks;
 - i. If the direction relates to an area, the notice must be displayed at no fewer than two locations within that area; or
 - ii. If the direction relates to a particular site, the notice must be displayed at that site.
 - c. By serving the notice on the owner and occupier of every part of the land within the area or site to which the direction relates.
 - i. A LPA does not need to serve notice on owners and occupiers should it be considered impracticable owing to difficulties identifying and locating owners and occupiers within the area. This sub-paragraph does not apply if the owner or occupier is a statutory undertaker or the Crown.

Although it is not a statutory obligation to publish a notice of the Article 4 direction on the LPA's website it is considered good practice.

11. The notice must:
 - a. Include a description of the development, area or site to which the direction relates and a statement of the effect of the direction;
 - b. Specify that the direction is made under Article 4(1) of *The Town and Country Planning (General Permitted Development) (England) Order 2015*;
 - c. Name a place where a copy of the direction and a copy of the map defining the area or site to which the direction relates may be seen at all reasonable hours;
 - d. Specify a period of at least 21 days, stating the date on which the period begins, within which any representations concerning the direction may be made to the LPA;
 - e. Specify the date on which it is proposed that the direction will come into force, which must be at least 28 days and no longer than two years after the start date from which representations to a local authority can be made.
12. A LPA must send a copy of the direction and the notice, including a copy of the map defining the area or site to which it relates, to the Secretary of State on the same day that notice of the direction is first

published or displayed. This should be sent to the National Planning Casework Unit:

ncpu@communities.gsi.gov.uk

5 St Philip's Place
Colmore Row
Birmingham
B3 2PW

Because it may not be possible to send a copy of the publicity notices on the same day as those affected by the direction are notified, it is acceptable to send a copy of the notices as will be published. It should be noted, however, that 'the Secretary of State does not have to approve Article 4 directions and will only intervene when there are clear reasons for doing so'.

13. On making a direction, a district planning authority must also give notice of it to the county planning authority, where this applies.
14. LPA must take 'reasonable steps' to protect notice on display. Where a notice given by site display is, without any fault or intention of the LPA, removed, obscured or defaced before the period [specified in 2(iv) above] has elapsed, the authority is treated as having complied with the requirements of [2(iv)] if it has taken reasonable steps to protect the notice, including, if required, its replacement.
15. The direction comes into force in the date specified in 2(v), but only if it is confirmed by the LPA in accordance to below.

1.1.1.7 Confirmation

16. To confirm a direction, a local authority must take into account any representations received during the period specified in 2(iv).
17. A local authority must not confirm a direction until after the expiration of:
 - a. A period of at least 28 days following the latest date on which any notice relating to the direction was served or published; or
 - b. Such longer period as may be specified by the Secretary of State following the notification by the LPA to the Secretary of State of the direction.
18. After confirming a direction, a local authority must, as soon as possible:
 - a. Give notice of the confirmation and the date on which the direction will come into force; and
 - b. Send a copy of the confirmed direction to the Secretary of State.

1.1.1.8 Cancelling a Direction

National Planning Practice Guidance states that an Article 4 direction 'can remain in place permanently once it has been confirmed'. However, as noted above, it stresses that planning authorities should regularly monitor directions to ensure that the reasons for their implementation remain valid and that directions should be cancelled if they are no longer necessary.

1.1.1.9 Modifying a Direction



To modify an Article 4 direction, a local authority must cancel the current direction and prepare a replacement. A LPA cannot modify or cancel a direction made by the Secretary of State⁸.

1.1.1.10 Role of the Secretary of State

Subject to certain exceptions, the Secretary of State has the power to make a direction modifying or cancelling a direction made by a LPA at any time before or after its confirmation. The Secretary of State must notify a LPA as soon as is practicable after making a direction, and the local authority is responsible for notifying those affected by the direction.

⁸ Department for Communities and Local Government (2012) *Replacement Appendix D to Department of the Environment Circular 9/95: General Development Consolidation Order 1995*, 5.

Appendix G – Risk management implications assessment

	Lewes District Council Online Forms	
Risk Management Checklist Reference: LDC77866		
Fields marked * are mandatory		
<h3 style="margin: 0;">Risk Management Checklist</h3>		
<h4 style="margin: 0;">Your Details</h4>		
Name*	Alec Fuggle	
Department*	Planning Services	
Telephone Number	01273 085459	
Contact Email	Alec.Fuggle@lewes.gov.uk	
Address*		
<h4 style="margin: 0;">The Report</h4>		
Report Title*	Article 4 directions to withdraw the permitted development rights granted by Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) in key areas identified in Newhaven.	
Report Author*	Alec Fuggle	
Meeting*	Planning Committee	
Date of Meeting*	20 Sep 2017	
<h4 style="margin: 0;">Questions Before Writing Your Report</h4> Questions to ask yourself before writing your report to Council, Cabinet, a Review Board or Committee:		
Am I preparing a report to the Planning Applications Committee that deals with an individual planning application?*	No	
Am I recommending the provision of a new service for the Council, the start of a new project or the set up of a partnership agreement with one or more organisations outside the Council?	No	
Am I recommending changes to the way an existing service or project is managed, operated or funded?	No	
Am I recommending a change of Council policy?	No	
Am I		

recommending a significant change to a Council core strategy or key service strategy?*	No
Am I reporting that a service is not meeting its service standards or objectives?*	No
Am I reporting that the Council may not be meeting its service standards or objectives?*	No
<p>There is no need to undertake a risk assessment. You should complete your report in the standard way without any mention of risk management.</p>	
Am I preparing a progress/update report that deals with targets not being met?*	No
Am I reporting that the Council may not be meeting its corporate objectives or responsibilities?*	No

Committee: Planning Applications Committee
Date: 27 June 2018
Department: Planning & Environmental Services
Subject: Enforcement Monitoring (Part A)

Purpose of Report This report provides an overview of enforcement matters throughout the Lewes District during the period 1 January 2018 – 31 March 2018. A separate report follows giving a detailed progress report for all cases where enforcement action has been commenced.

1 Complaints Received

1.1 A total of 47 complaints (15 of which are National Park (NP) cases) were received in the period, as follows:-

Alleged breaches of planning control	30	(15 NP cases)
Other complaints – Untidy sites, adverts etc.	2	(0 NP cases)

During this period the total number of cases disposed of was:- (16 of which were National Park (NP))	45	(16 NP cases)
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No breach found	10	(2 NP cases)
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Compliance achieved	11	(6 NP cases)
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No action to be taken	8	(8 NP cases)
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2 Enforcement Action Authorised

2.1 Section 215 Notices	1	(0 NP cases)
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2.2 Breach of Condition Notices	0	(0 NP cases)
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2.3 Enforcement Notices	0	(1 NP cases)
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2.4 Prosecution Proceedings	0	(0 NP cases)
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2.5 Stop Notices & Temporary Stop Notices	0	(0 NP cases)
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2.6 Planning Contravention Notices	0	(0 NP cases)
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3 Enforcement Notices Served etc.

3.1 Section 215 Notices	1	(0 NP case)
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3.2 Breach of Condition Notice	0	(0 NP case)
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3.3	Enforcement Notices	0	(0 NP case)
3.4	Prosecution Proceedings	0	(0 NP case)
3.5	Stop Notices & Temporary Stop Notices	0	(0 NP cases)
3.6	Planning Contravention Notices	0	(0 NP cases)

4 Retrospective Applications Submitted

4.1 Retrospective planning and Certificate of Lawful Use applications have been submitted in response to enforcement enquiries in respect of the following 15 sites:-

			Submitted following enforcement officer investigation
1	North End Barn, North End Lane, Hamsey – LW/17/1055 – Section 73A Retrospective application for the erection of a single storey 3 bay store		✓
2	Mobile Home, Downsview Farm, Laughton Road, Ringmer – LW/18/0059 – Retention of a mobile home for a minimum of three years		✓
3	St Helena Farm, St Helena Lane, Plumpton – LW/18/0061 – Section 73A Conversion of the north western extent of the barn for use as a brewery with associated officer (part section 73A retrospective)		✓
4	Tomkins farm, Cinder Hill, Chailey – LW/18/0115 – Section 73A Retrospective application for bunds for site wind sheltering		✓
5	2 Gerald Close, Seaford – LW/18/0169 – Variation and design changes to approved LW/10/1584		✓
6	The Bull Inn, 24 The Green, Newick – LW/18/0088 – Retention of trade kitchen refurbishment, new bar server and external redecoration scheme		✓
7	50 Polecat Cottages, Firle – SDNP/18/00234/LIS – Retention of PV solar panels on garage roof		✓
8	35 Hamsey Crescent, Lewes – SDNP/17/05703/HOUS – Section 73A Retrospective application for conversion of garage to habitable accommodation, demolition of front porch and rear lean-to WC, erection of single storey extensions to rear and side of garage, erection of single storey extension to front elevation, new first floor UPVC window		
9	Nought, South Way, Lewes – SDNP/18/00264/FUL – Section 73A Retrospective application for retention of dwelling as built, including discharge of previously imposed conditions		
10	48 Cliffe High Street, Lewes – SDNP/17/06268/FUL – Internal and external building alterations (part 73A retrospective)		✓

- 11 48 Cliffe High street, Lewes – SDNP/17/06269/LIS – Internal and external building alterations (part retention of) ✓
- 12 20 Friars Walk, Lewes - SDNP/18/00620/HOUS – Section 73A retrospective application for the retention of a roof light
- 13 Blackberry Wood, Streat Lane, Streat - SDNP/18/00032/FUL – Section 73A retrospective application for temporary retention of a structure built as a film set for a period until the ground will be firm enough to allow for its removal
- 14 The New Coach House, Malling Deanery, Church Lane, Lewes – SDNP/18/00480/HOUS – Section 73A retrospective application for the retention of a timber decking ✓
- 15 Mount Harry House, Ditchling Road, Offham – SDNP/18/00667/HOUS – Section 73A retrospective application for the retention of construction access for 3 years ✓

5 Contact Officer

The contact officer in connection with this report is Jennifer Baxter, Specialist Advisor (Planning Enforcement).

Ian Fitzpatrick,
Director of Regeneration and Planning
18/05/2018

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Committee: Planning Applications Committee
Date: 27 June 2018
Department: Planning & Environmental Services
Subject: Enforcement Monitoring (Part B)

This report details the cases which have had notices authorised and/or served within the quarter 1 January 2018 – 31 March 2018

Address/Breach	Current Position	SDNP area
<p>EAST CHILTINGTON</p> <p>Wootton Farm, Novington Lane, East Chiltington – SDNP/16/00462/COU</p> <p><u>Breach</u></p> <p>Unauthorised residential use of a mobile home</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Enforcement notice served in respect of the unauthorised siting and use of the mobile home. • Appeal lodged against the enforcement notice • Appeal dismissed and compliance period for enforcement notice upheld 	<p>✓</p>
<p>ITFORD</p> <p>YHA, Itford Farm, Itford – SDNP/16/00406/OPDEV</p> <p><u>Breach</u></p> <p>Unauthorised shower and WC cabin unit</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Enforcement notice served on 19.12.2017 following refusal of retrospective planning permission • 12 month compliance period 	<p>✓</p>

Address/Breach	Current Position	SDNP area
<p>KINGSTON</p> <p>Kingston Farm, The Street, Kingston – SDNP/17/00753/COU</p> <p><u>Breach</u></p> <p>Siting and use of unauthorised pizza van</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Enforcement notice pending service for the cessation of the use and removal of the unauthorised pizza van • Enforcement notice served • Appeal lodged against the enforcement notice 	✓
<p>LEWES</p> <p>The Volunteer, 15 Eastgate Street, Lewes SDNP/17/00131/OPDEV</p> <p><u>Breach</u></p> <p>Unauthorised smoking shelter</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Planning permission refused for the retention of the smoking shelter • Appeal against the refusal of planning permission dismissed • Enforcement notice pending service 	✓
<p>NEWHAVEN</p> <p>Foxhole Farm, Seaford Road, Newhaven SDNP/16/00444/BRECON</p> <p><u>Breach</u></p> <p>Unauthorised mobile home</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Planning permission for retention of mobile home refused and dismissed at appeal • Enforcement notice served for the unauthorised mobile home • Appealed lodged against the enforcement notice 	✓

Address/Breach	Current Position	SDNP area
<p>NEWHAVEN</p> <p>Land at Hawthorn Rise, Newhaven – EN/17/0103</p> <p><u>Breach</u></p> <p>Unauthorised siting of mobile home on the land</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Enforcement notice is drawn up and ready awaiting signing by legal services, notice requires the removal of the mobile home from the land • Enforcement notice served on 20.11.2017 to seek the removal of the mobile home • Mobile home removed, compliance achieved 	
<p>SEAFORD</p> <p>2 East Dean Rise, Seaford – EN/15/0094</p> <p><u>Breach</u></p> <p>Untidy front, side and rear garden</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Section 215 Notice served to clear the front, side and rear garden • Notice has not been complied with so direct action to clear the land is being discussed with legal services • Letter to owner advising that the Council is now considering direct action to seek clearance of the front, side and rear garden • Three quotes being obtained to take direct action to clear the garden 	

Address/Breach	Current Position	SDNP area
<p>SEAFORD</p> <p>Talland Parade, Seaford - EN/17/0036</p> <p><u>Breach</u></p> <p>Untidy site/scaffolding</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Section 215 Notice served • Appeal lodged with the Magistrates Court against the Section 215 Notice 	
<p>WIVELSFIELD</p> <p>More House Farm, Wivelsfield – EN/14/0214</p> <p><u>Breach</u></p> <p>Unauthorised summer house</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Enforcement notice served for the cessation of the summerhouse and the removal of the summerhouse from the land. • Appeal lodged against the enforcement notice • Appeal dismissed • Enforcement notice complied with and summer house removed 	

Contact Officer

The contact officer in connection with this report is Jennifer Baxter, Specialist Advisor (Planning Enforcement).

Ian Fitzpatrick,
 Director of Regeneration and Planning
 18/05/2018