

Planning Applications Committee

31 October 2018



Working in Partnership



Time and venue:

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

Membership:

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

Quorum: 5

Published: Monday, 22 October 2018

Agenda

1 Minutes (Pages 1 - 4)

To confirm and sign the minutes of the previous meeting held on 19 September 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/18/0506 - Land between 107 and 109 North Way, Seaford (Pages 5 - 12)**
- 7 LW/18/0745 - Unit 2, Railway Road, Newhaven, East Sussex, BN9 0AY
(Pages 13 - 18)**

Planning applications within the South Downs National Park

- 8 SDNP/18/03889/FUL - Malling Community Centre, Spences Lane, Lewes,
BN7 2HQ (Pages 19 - 26)**

Non-planning application related items

- 9 Written questions from councillors**

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

- 10 Date of next meeting**

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 21 November 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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Working in Partnership



Planning Applications Committee

Minutes of meeting held in the Council Chamber, County Hall, St Anne's Crescent, Lewes on 19 September 2018 at 5.00 pm

Present:

Councillor Sharon Davy (Chair)

Councillors Jim Sheppard (Deputy-Chair), Liz Boorman, Stephen Catlin, Vic lent, Tony Rowell, Richard Turner and Linda Wallraven

Officers in attendance:

Andrew Hill (Specialist, Planning), Jennifer Norman (Committee Officer) and Joanne Stone (Lawyer, Planning)

74 Minutes

The minutes of the meeting held on 29 August 2018 were submitted and approved, and the Chair was authorised to sign them as a correct record.

75 Apologies for absence/Declaration of substitute members

Apologies for absence had been received from Councillors Graham Amy and Tom Jones.

76 Declarations of interest

There were none.

77 Petitions

There were none.

78 LW/17/0593 - Asylum Wood, Greenhill Way, Haywards Heath, West Sussex

Resolved:

That outline planning application LW/17/0593 for the development of up to 375 new homes, a 2 form entry primary school with Early Years provision, a new burial ground, allotments, Country Park, car parking, 'Green Way', new vehicular accesses and associated parking and landscaping - only means of access determinable be approved, subject to the completion of the s106 agreement and the release of the substantive decision by Mid-Sussex District Council, the conditions set out in the report and supplementary report and the following additional conditions:

1. That condition 7 be amended to include specific reference to planting between the burial ground and the school;
2. That an informative be added to ensure that Wivelsfield Parish Council (WPC) are included and consulted upon the contents and preparation of the open space management plan and the allocation of plots within the allotments; and
3. That officers write a letter on behalf of the Committee and WPC to Mid Sussex District Council to ensure that issues such as air quality, sustainable transport, car charging, renewable energy and wider environmental issues are comprehensively addressed and considered within the reserved matter application. Also that LDC are fully consulted and involved in the development of the external design/appearance of the school.

The Committee also indicated its intention that the reserved matters application (in so far as it affects the district of LDC) be determined by the Planning Applications Committee, rather than under delegated powers.

79 Outcome of appeal decisions from 19 August to 07 September 2018

Resolved:

That the report which detailed the outcome of appeal decisions from 19 August to 07 September 2018, be noted.

80 Written questions from councillors

There were none.

81 Date of next meeting

Resolved:

That the next meeting of the Planning Applications Committee that is scheduled to be held on Wednesday, 10 October 2018 in the Council Chamber, County Hall, St Anne's Crescent, Lewes, commencing at 5:00pm, be noted.

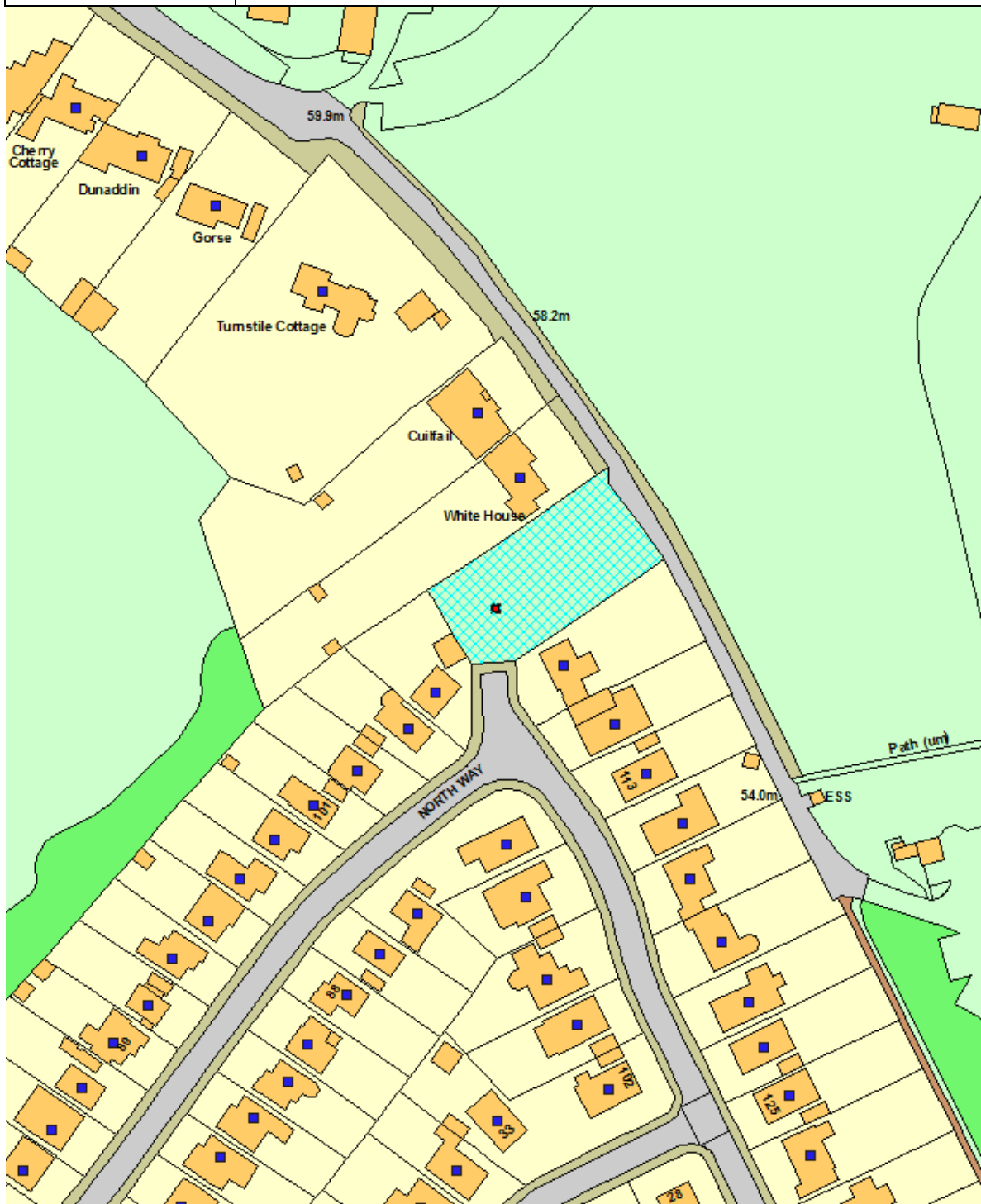
The meeting ended at 6.10pm.

Councillor Sharon Davy (Chair)

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Agenda Item 6

APPLICATION NUMBER:	LW/18/0506		
APPLICANTS NAME(S):	Seaford Town Council	PARISH / WARD:	Seaford / Seaford North
PROPOSAL:	Modification of Planning Obligation for Amendment to planning obligation S/106/1291 to cease the use of the land as 'children's play area'		
SITE ADDRESS:	Land Between 107 And 109 North Way Seaford East Sussex		
GRID REF:			



1. SITE DESCRIPTION / PROPOSAL

SITE DESCRIPTION

The application site is a plot of amenity land situated in the north-west corner of North Way, between nos. 105 and 107 North Way, and adjacent to White House, a property in Firle Road. There is a golf course on the eastern side of Firle Road, and this marks the edge of the South Downs National Park. The application site is on the edge of, but contained within, the defined Planning Boundary for the town of Seaford. The housing in North Way is relatively recent, having been built through the mid to late 1980s. Prior to this the location was countryside.

The space has a public footpath running through it (Footpath 77), the route of which is alongside the western and northern boundaries of the site. This is confirmed both by the ESCC Public Rights of Ways map, and the two directional public footpath sites within the site. However, pedestrian desire lines have worn a path diagonally across the site because this is the shorter and more direct route from North Way to Firle Road.

The site is predominantly grass, with a planted boundary to Firle Road. The houses on the southern side of Firle Road are within a designated Area of Established Character (H12).

The land is some 49m across and 23.5m in width, having a rectangular shape. The site area is some 1057 square metres. The submitted plan is in accordance with the plan attached to the S.52 Agreement.

PROPOSAL

The application site is subject to a S.52 obligation requiring the land to be used as a Children's Play Area. This requirement dates back to the time that North Way was developed for housing and S.52 was in the Town and Country Planning Act 1971, which is now superseded by S.106 of the Town and Country Planning Act 1990.

The application is a formal request to the district council to remove this restriction on the land use in order for an application for development of the site with 3 houses, submitted in tandem, can be determined.

PLANNING HISTORY

LW/18/0589 - Outline application for the erection of 3 detached dwellings. Under Consideration

LW/17/0968 - Outline application for the erection of 3 detached dwellings. Application Returned

LW/85/1291 - Approval of Reserved Matters (LW/83/0590) for the erection of nine detached three-bedroom houses, five detached three-bedroom bungalows and seven detached two-bedroom bungalows together with garages on plots 141-154 and 201-207. Approved 20 November 1985. *This is the decision to which the S.52 Agreement is attached.*

LW/85/0514 - Approval of Reserved Matters (LW/83/0590) for the erection of two three-bedroom detached houses and one two-bedroom detached bungalow together with three garages on plots 140, 208 and 200 Blatchington Green (Now 095 and 088 North Way and 033 Lucinda Way) and construction of estates roads. Approved 10 May 1985.

LW/83/0590 - Outline application for residential development. Restrictive Planning Condition. No 13. Approved 9 August 1983. *Condition 18 requires pedestrian links between the development and Firle Road.*

S/57/0027 - Outline application for residential development. Refused 25 March 1957.

S/53/0090 - Outline application for residential development. Part Approved/Part Refused. See Plan - Sections B, C, D, E & F Approved, Sections A & G Refused. Split Decision 30 November 1953.

2. RELEVANT POLICIES

LDLP: – CT01 – Planning Boundary and Countryside Policy

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

LDLP: – CP8 – Green Infrastructure

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP7 – Infrastructure

3. PLANNING HISTORY

LW/17/0968 - Outline application for the erection of 3 detached dwellings -

LW/18/0506 - Amendment to planning obligation S/106/1291 to cease the use of the land as 'children's play area' -

LW/18/0589 - Outline application for the erection of 3 detached dwellings -

4. REPRESENTATIONS FROM STANDARD CONSULTEES

5. REPRESENTATIONS FROM LOCAL RESIDENTS

A large number of representations have been received for local people, including a petition containing over 300 signatories with the following preamble:

We demand Seaford Town Council withdraws its application to develop Blatchington Green (land between 107 and 109 North Way, Seaford) and to commit to preserving the site in its present use as a green open space.

For over thirty years residents have enjoyed Blatchington Green as a green open space. The near final draft of the local Neighbourhood Plan identified this area of Seaford has less than the recommended number of green open spaces. The Council should remove its notice prohibiting ball games and encourage the community to take a lead in site management. The site provided an important habitat for wildlife and protected species, including a safe corridor between the South Downs National Park and Seaford Gardens, school playing fields and other spaces towards Blatchington Pond.

Individual objections have been received from 116, 128 (Orchard House), 130 (White House) Firle Road; 85 Lexden Road; 17, 18, 22 The Ridings; 24, 59, 61, 78, 92, 97, 98, 101, 102, 103, 105, 107, 109, 121, 122, 134 North Way; 17 Lucinda Way; and 81 Dawley Road (Hayes), commenting as follows:-

Over development
Out of keeping
Out of character
Contextual significance
Conservation significance

Within the conservation area
 Building in countryside
 Outside Planning Boundary
 Three properties will appear incongruous
 Cramped appearance
 Bungalow built on similar site nearby is out of keeping and has not been sold
 Disproportionately small gardens for large properties
 Inadequate amenity for future occupants
 Distress for local residents
 Adverse effect on quality of life
 Loss of light
 Overlooking, loss of privacy
 Overshadowing
 Overbearing building/structure
 Noise and disturbance
 Smell/fumes
 Breaches Firle Road building line
 No garages
 Shared driveway
 Inadequate access
 Increased volume of traffic
 Traffic generation
 Increased traffic due to expansion of Cradle Hill School
 Heavy lorries using estate roads for site access
 Increased parking
 Public footpath will need to be diverted
 Access to Firle Road from North Way should be retained and accessible to the elderly and those using electric buggies
 Contrary to Seaford Neighbourhood Plan
 Loss of open space
 Essential for the health, exercise and well-being of children
 Effect on wildlife
 Loss of trees
 Drainage
 Historical significance
 Perpetuity is defined as something lasting forever
 Contradicts policies identifying need for more open space in Local Plan and Neighbourhood Plan
 Used by walkers to access surrounding fields
 Used by dog-walkers to access countryside
 Should be decided by local referendum
 Will block easement/right of way for access to back garden of neighbouring property
 Covenant on the land restricting development to one dwellinghouse
 Insufficient information
 Lack of infrastructure
 Not sustainable
 Applicant's interpretation of the Law of Property Act is wrong
 Residents regularly played rounders on the land
 Seaford Town Council has not properly maintained the land
 Invalid consultation and assessment by Seaford Town Council

6. PLANNING CONSIDERATIONS

Legal Implications

A section 52 planning obligation entered into, on or before, 25 October 1991 may be modified or discharged by:

i) agreement (at any time) between the local planning authority and the person or persons against whom it is enforceable.

ii) an application to the Upper Tribunal (Lands Chamber) pursuant to Section 84 of the Law of Property Act 1925 ("S.84 LPA'25").

S.84 of the Law of Property Act 1925 deals with all types of restrictive covenants affecting land and sets out the potential grounds upon which the Upper Tribunal may decide to modify or discharge an agreement. These include:-

1. The covenant is obsolete by reason of changes in the character of the property or the neighbourhood or other circumstances of the case which Upper Tribunal may deem material,
2. There is agreement to the discharge or modification between all those with the benefit of the restriction,
3. The restriction restricts a reasonable use of the land and confers no practical benefit of substantial value or advantage on the persons entitled to the benefit of it (or is contrary to the public interest) and the loss of the covenant can be compensated in money, or
4. No injury will be caused to those entitled to the benefit of the covenant by reason of its discharge or modification.

Should Members of the Planning Applications Committee consider it appropriate to discharge the section 52 planning obligation, a deed of discharge will be entered into pursuant to Section 111 of the Local Government Act 1972 and Section 1 of the Local Government Act 2000.

Planning Assessment

This application has attracted many objections from local residents and these are acknowledged and have been taken into consideration. Clearly the open space is of great value to local people.

Firstly, it must be clarified that this application is solely for the removal of the S.52 planning obligation from the land. There is a separate planning application for re-development of the site with 3 houses (ref. LW/18/0589) and as such residents' comments on the design, appearance, parking and traffic impact will carry greater weight in the determination of that separate application.

The S.52 Agreement attached to the approval of the reserved matters application LW/85/1291, states at clause 5. of the Schedule:

"Between the dates of the completion of the laying out of the green land as a children's play area and in accordance with Clauses 1-4 hereof until the date that the ownership of the green land is conveyed to the Council in accordance with Clause 6 hereof the Owner shall maintain the said play area to the satisfaction of the Council's Head of Leisure and Recreation and shall cause the same to be available without charge to (inter alia) any residents of houses constructed on the red land for use as a play area."

This area has been laid to grass, and has not been host to play equipment (ref. Memo dated 17th March 1989). The land was handed over to Lewes District Council on 22nd

March 1989 and subsequently passed to Seaford Town Council on 17th June 2002 under the council's devolution programme.

It is understood that the land has been mown on occasion, and it provides an important thoroughfare for pedestrians and cyclists between North Way and Firle Road.

In terms of its function, the properties in North Way have private back gardens which residents and their visitors use as private amenity space. The application site is overgrown in places and its primary function appears to be as a link between North Way and Firle Road, providing access to the golf course and to the wider South Downs National Park and countryside. This function is safeguarded by the public footpath designation through the site, the official route of which is not diagonally across the land.

The land has no play equipment and has an uneven and overgrown surface. There is a sign within the space prohibiting the playing of ball games although residents have provided anecdotal evidence of the space being used for informal children's play such as rounders games. At the time of the site visits, of which there have been more than one, there has been no evidence of the land being used, or having been used, as a play area.

Public Footpath

The current application is only for the removal of the S.52 Obligation and is not proposing to develop the land (this aspect is subject to a separate application).

The proposed removal of the S.52 Obligation has no bearing on the public footpath designation which crosses the site. It applies solely to the requirement for the land to be kept as open amenity space. The public right of way will be retained.

Planning Policy Position

In terms of planning policy and the objectives of the adopted Lewes District Local Plan Part One: Joint Core Strategy, the loss of the green space may be considered to conflict with those aims. Seaford has a significant shortage of children's play space when compared to the Council's approved standards and planning applications to develop existing children's play areas are likely to be resisted unless alternative suitable provision is made elsewhere, in accordance with Core Policies 7 (criterion 1) and 8 (criterion 4) of the Lewes District Local Plan Part 1: Joint Core Strategy, adopted in May 2016.

Core Policy 7 (2) states that proposals involving the loss of sites used for the provision of community facilities or services should be resisted unless an alternative facility of equivalent or better quality to meet community needs is available or will be provided in an accessible location within the same locality. Core Policy 8 (4) states that development that would undermine the functional integrity of the green infrastructure network or would result in the loss of existing green spaces, unless either mitigation measures are incorporated within the development, or alternative and suitable provision is made elsewhere in the locality, should be resisted.

The removal of the S.52 Obligation will not help to meet these policy objectives.

7. RECOMMENDATION

The land was originally intended to be a children's play space, and not necessarily required as a green space for the purposes of adding value to the character, layout and appearance of the housing development in North Way.

The land is part of the green infrastructure within Seaford, a town which has a shortage of such spaces measured against the adopted standards contained in the Joint Core Strategy, and in terms of planning policy the proposed removal of the S.52 Obligation should be resisted.

Turning to the considerations under the Law of Property Act, the S.52 Obligation may be considered obsolete as the space does not appear to continue to provide a useable area for outdoor play. However, the Obligation is not considered to be obsolete in so far as the land confers value as part of the green infrastructure and does benefit local residents, evidenced by the comments received from third parties that it remains an informal play space.

Whilst there is an established need for new housing, this particular site continues to play an important role as green space and accordingly refusal of this application to remove the S.52 Obligation is recommended.

Reason(s) for Refusal:

1. The land is part of the green infrastructure and confers value to local residents within the locality and the town of Seaford, which is known to have a shortage of such spaces measured against the adopted standards contained in the Lewes District Local Plan Part One: Joint Core Strategy, and as such the removal of the S.52 Obligation should be resisted. In view of the this the proposals are contrary to the aims and objectives of Core Policies 7 and 8 of the Lewes District Local Plan Part One: Joint Core Strategy.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
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Agenda Item 7

APPLICATION NUMBER:	LW/18/0745		
APPLICANTS NAME(S):	Crossstone Urban Regeneration	PARISH / WARD:	Newhaven / Newhaven Denton & Meeching
PROPOSAL:	Planning Application for Replacement of the existing first-floor cladding, alterations and additions to the existing doors and windows to the ground and first-floor and omission of a small internal mezzanine area and removal of existing front and rear loading bay canopies		
SITE ADDRESS:	Unit 2 Railway Road Newhaven East Sussex BN9 0AY		
GRID REF:			



1. SITE DESCRIPTION / PROPOSAL

The application property is a commercial unit located on the east side of The Drove. The proposal is for the replacement of the existing first-floor cladding, alterations and additions to the existing doors and windows to the ground and first-floor and omission of a small internal mezzanine area and removal of existing front and rear loading bay canopies.

The existing industrial unit is constructed from a structural steel frame and finished externally with brick panels and grey sheet cladding. Although located on Railway Road the building is on a corner plot and can be readily viewed from surrounding roads including the A259 flyover where it rises up to cross the railway and river Ouse.

The unit was constructed in 1988 and has a current planning use within Classes A1 (Non-food retail), B1 (C) (Light-industry) and B8 (Storage and distribution). It is now proposed to freshen up the appearance of the property by replacing the cladding and also rearranging the layout and sizes of the windows and doors. The internal mezzanine area will also be removed as will the front and rear loading canopies. The applicant states that this will allow an enlarged mezzanine area to be added at a later date which will be the subject of a separate planning application. There will be no increase in the footprint of the building. Core Policy 4 (Encouraging Economic Development and Regeneration) of the Lewes District Joint Core Strategy supports the upgrading of existing employment sites for employment uses.

It is considered the proposal will result in the improvement of the appearance of the building and the upgrading of the unit to allow for its continued occupation, in accordance with Policies ST3 (Design, Form and Setting of Development) of the Lewes District Local Plan (Saved Policies) and CP4 (Encouraging Economic Development and Regeneration) and CP11 (Built and Historic Environment) of the Lewes District Joint Core Strategy.

2. RELEVANT POLICIES

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

LDLP: – CP4 – Economic Development and Regeneration

LDLP: – CP11 – Built and Historic Environment & Design

3. PLANNING HISTORY

LW/18/0745 - Replacement of the existing first-floor cladding, alterations and additions to the existing doors and windows to the ground and first-floor and omission of a small internal mezzanine area and removal of existing front and rear loading bay canopies -

LW/91/0560 - Change of use from restrictive to full B2 use. Restrictive Planning Conditions No. 1. - **Approved**

LW/76/0201 - Approval of reserved matters for timber workshop and store. (Outline permission LW/75/1087) - **Approved**

LW/75/1087 - Outline application for timber workshop and store - **Approved**

LW/79/0076 - Planning Application for a single storey office building and extension to workshop canopies, lean-to store and re-siting of existing office. - **Approved**

LW/87/0669 - Continued use for GRP Manufacture (Glassfibre).
Restrictive Planning Condition No.- 2 - **Approved**

LW/06/0654 - Erection of new fencing and gates to front boundary with Drove Road, rear boundary to Estate Road and neighbouring unit (resubmission of LW/05/2325) - **Approved**

LW/08/0813 - Change of use of Unit 1, Drove Road, Newhaven from B1/B8 uses to mixed B1, A1 (food and non-food) and B8 uses; alterations to the western and northern elevations of Unit 1 and re-allocation of parking provision for Units 1 and 2 - **Approved**

LW/10/1303/CD - Discharge of conditions five, seven, eight and nine relating to planning approval LW/08/0813 - **Approved**

LW/10/1311 - Pole-mounted freestanding advertisement hoarding - **Approved**

LW/11/0898 - Retail food store comprising 3530 sq m (including removal of existing building at rear part of Unit 1) and 10 workspace units, on site tiered parking for 240 spaces, landscaping and off-site public realm enhancements - **Withdrawn**

LW/11/1096 - Mixed development comprising new retail food store, seven non food retail units, two restaurants/cafes, three B1/B8 units, hotel, filling station, parking for 480 cars, associated landscaping, plus open space and off site public realm enhancements, retention of two industrial units and demolition of commercial buildings, nursery and four dwellings - **Withdrawn**

LW/11/1214 - Variation of conditions 2 & 3 relating to planning approval LW/08/0813 to include reference to 'A1 (shop) convenience food retail store' - **Approved**

LW/16/0067 - Section 73A Retrospective application for the placement of temporary chillers on forecourt of existing warehouse for a period up to 2/3 years - **Approved**

LW/18/0745 - Replacement of the existing first-floor cladding, alterations and additions to the existing doors and windows to the ground and first-floor and omission of a small internal mezzanine area and removal of existing front and rear loading bay canopies -

LW/75/1408 - Existing bungalow to be taken down and land used for car park. - **Approved**

PV/72/0020 - Proposed display of a internally illuminated sign - **Approved**

P/71/0095 - Change of Use to Industrial. Deemed refused. - **Deemed Refused**

P/70/0012 - Planning and Building Regulations Application for an extension to existing factory. See also BR/70/0012. Building Regulations Approved. Completed. - **Approved**

P/74/0030 - Proposed warehouse & office extension to factory premises. - **Refused**

PV/52/0001 - Double-sided illuminated metal sign - **Approved**

P/68/0069 - Change of use from residential to offices, stores and staff clockroom of part of ground floor - **Approved**

P/63/0011 - Planning and Building Regulations Applications for extension to existing factory. - **Approved**

P/58/0006 - Planning and Building Regulations Applications for an extension to factory and construction of car park. - **Approved**

P/54/0058 - Planning and Building Regulations Application for an additional factory space. IDC(1/678/54) dated 04/10/1954.

See also P/51/0007 and P/51/0074 - **Not Proceeded With**

P/53/0009 - Change of use to store and wireless repair workshop. Restrictive Planning Condition No. 1. Demolished. - **Approved**

P/64/0012 - Planning and Building Regulations Applications for an electrostatic Spray building and boiler house. - **Approved**

P/60/0099 - Planning and Building Regulations Application for an enclosure of existing loading bay to form additional area for workshop. - **Approved**

LW/90/1340 - Erection of one non-illuminated double sided pole sign - **Refused**

LW/89/0842 - Retention of building and use without complying with condition 1 attached to LW/85/1509 - **Approved**

LW/88/1199 - Demolition of building and erection of non-food retail warehouse together with ancillary parking and servicing. - **Approved**

LW/89/0493 - Three internally illuminated signs - **Approved**

LW/91/0706 - Retention of three externally illuminated shop signs, one internally illuminated entrance sign and 2 non-illuminated panel signs. Restrictive Planning Condition No. 1 - **Approved**

LW/89/0535 - Three flag poles - **Approved**

LW/89/0534 - Internally illuminated pole sign - **Approved**

LW/85/0431 - Erection of three factory units and first floor extension to existing factory. - **Not Proceeded With**

LW/81/0079 - Change of use of ground floor of Rozell/Melbourne to offices, stores and forecourt for car sales - **Approved**

LW/78/1875 - Change of use from light industrial to warehouse. Restrictive Planning Condition No 1. - **Approved**

LW/75/1584 - Extension of existing ground floor factory & warehouse accommodation and first floor office space along with additional car parking - **Approved**

LW/74/1699 - Extension of existing factory and offices to provide further warehouses and office facilities - **Refused**

LW/99/0329 - Application to vary Condition 3 attached to LW/98/1050 to provide that the hours of use restriction applies to the rear access only - **Approved**

LW/05/2325 - Erection of new fencing and gates to front boundary with Drove Road and side boundary with neighbouring unit - **Refused**

LW/04/0437 - Erection of an extension - **Approved**

LW/03/2173 - Change of use from Class A1 to uses within Classes A1, B1 (C) and B8 - **Approved**

LW/98/1050 - Change of use from retail (A1) to storage & distribution category B8 & minor alterations (personal permission for Tomsetts Transport Ltd) - **Approved**

LW/97/1048 - Change of use from retail to storage and distribution (Class B8) - **Withdrawn**

LW/92/1286 - Use of part of the car park at the rear as a compound, erection of fencing to a height of 3 metres and consequential alterations to elevations and erection of traffic bollards. - **Approved**

LW/92/1371 - Formation of a retail supermarket through the cont. use of bldg. without complying with cond 1 (ensuring for the benefit of Harris Queensway) & 4 (sale of household durable goods only) attached to pl. consent LW/85/713 & the demo. of adj. bldg. occ. by Ca - **Withdrawn**

APPEAL/74/1699 - Development Appeal - **Dismissed**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

5. REPRESENTATIONS FROM LOCAL RESIDENTS

None received.

6. PLANNING CONSIDERATIONS

The Development Plan policies listed below are considered to accord fully with the objectives of the NPPF, full regard to which has been given during the consideration of this application.

7. RECOMMENDATION

It is recommended planning permission be granted.

The application is subject to the following conditions:

1. This planning decision relates solely to the following plan(s):
2. Before the development hereby approved is commenced on site, details/samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

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

INFORMATIVE(S)

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to

grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	18 September 2018	001
Proposed Block Plan	18 September 2018	002
Existing Section(s)	18 September 2018	003
Existing Elevation(s)	18 September 2018	003
Existing Floor Plan(s)	18 September 2018	004
Proposed Section(s)	18 September 2018	005
Proposed Elevation(s)	18 September 2018	005
Proposed Floor Plan(s)	18 September 2018	006
Proposed Roof Plan	18 September 2018	007
Design & Access Statement	18 September 2018	

Report to	Planning Applications Committee
Date	31 October 2018
By	Director of Planning
Local Authority	Lewes District Council
Application Number	SDNP/18/03889/FUL
Applicant	Lewes Town Council
Application	Proposed extensions to southern and northern elevations, proposed terrace area to east and south sides along with external cladding, roof mounted solar panels and associated alterations.
Address	Malling Community Centre Spences Lane Lewes BN7 2HQ

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

Executive Summary

1 Site Description

The application site is a single storey community centre located to the north of a recreational ground, on the west side of Mayhew Way and south of Church Lane. The site slopes up from the recreational ground to the community centre and is set down from the row of houses on St Michael's Terrace. The site is within South Downs National Park but not within conservation or Article 4 area and it is not a listed building.

2 Proposal

The proposal is for single storey extensions with a terraced area to the west and south elevations, installation of external cladding and creation of canopy to the south elevation with alterations to fenestration and refurbishment works.

3 Relevant Planning History

None.

4 Consultations

Parish Council Consultee

Members, whilst recognizing that the Council is the applicant, commended this application as being a benefit to the community and offering high-quality sustainability features.

5 Representations

Two neighbour comments have received -

One supporting the development, being on brownfield land and benefitting the local community.

One raising concerns over increased level of noise from the open terrace in close proximity to residential properties.

6 Planning Policy Context

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

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

Other plans considered:

- Lewes Neighbourhood Plan

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

National Park Purposes

The two statutory purposes of the SDNP designation are:

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

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

7 Planning Policy

Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued on 24 July 2018. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should 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 are considered to accord fully with the objectives of the NPPF, full regard to which has been given during the consideration 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
- RS13 - All Extensions

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

- CPI1 - Built and Historic Environment and Design

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

- 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 26 September to 21 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 48 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
- Strategic Policy SD12 - Historic Environment

8 Planning Assessment

This application is to refurbish the existing community building with erection of a single storey flat roof glazed extension to the south elevation to create a larger entrance foyer which will also create a café area, this extension measure approximately 9m wide, 2.6m high and 2m deep, a proposed canopy would be erected adjacent to the proposed extension, projecting from the community hall, the proposed canopy measures approximately 12.4m wide and protrudes from the building by 2m.

The single storey flat roof extension to the north elevation is proposed to facilitate an external store which measures approximately 2.5m wide, 5.5m deep and a maximum height of 2.3m.

All proposed brickwork will match the existing brickwork, the existing timber cladding to the south elevation will be replaced with new timber cladding and all new proposed glazing will be aluminium glazed.

This application also includes enlargement of existing terrace to the south and west elevation to create a seating area to facilitate the creation of a café. The terrace surrounding the building already exists and is only being refurbished and increased in width. Two neighbours have submitted their comments stating that the works to improve the centre are welcomed but concerns have been raised regarding the level of noise the proposal may result as a result of the use of the enlarged terraced area.

These concerns are noted. It is considered that a condition can restrict the use of the western terraced area as a seating space after 18.00 which should alleviate any impact from noise. The improvement to the appearance and layout of the of the building and creation of a more adaptable community space will benefit and create a sense of community. It is not considered that the proposed improvement would unduly increases noise or detrimentally impact on residential amenity having regard to the use and nature of the surrounding land.

It is considered the proposal will not have a detrimental impact on the character or appearance of the property and street scene, and will not cause undue harm to the residential amenities of local residents, in accordance with Policies ST3 (Design, Form and Setting of Development) and RES13 (Extensions) of the Lewes District Local Plan and SD5 (Design) and SD12 (Historic Environment) of the South Downs Local Plan (Pre-submission).

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 I 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.

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

9 Conclusion

It is recommended that planning permission be granted.

10 Reason for Recommendation and Conditions

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

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

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

2. Approved Plans

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

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

3. The development hereby approved shall be finished in external materials to match those used in the existing building.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2018.

4. No development shall be commenced unless and until details of the proposed ground-source heat pump has been submitted to and approved by the Local Planning Authority in writing.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to protect the amenities of the locality to comply with Policy ST3 of the Lewes District Local Plan

5. Before the development hereby approved is commenced on site, details of the roof mounted PV panels 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 Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2018.

6. The terrace on the western side of the community centre shall not be used as a sitting out area between 18.00 and 09.00 on any day of the week, and any benches or seats shall be removed during these times.

Reason: To protect the amenity of near-by residential occupiers 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 2018.

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: April Parsons
Tel: 01273 471600
email: april.parsons@lewes-eastbourne.gov.uk

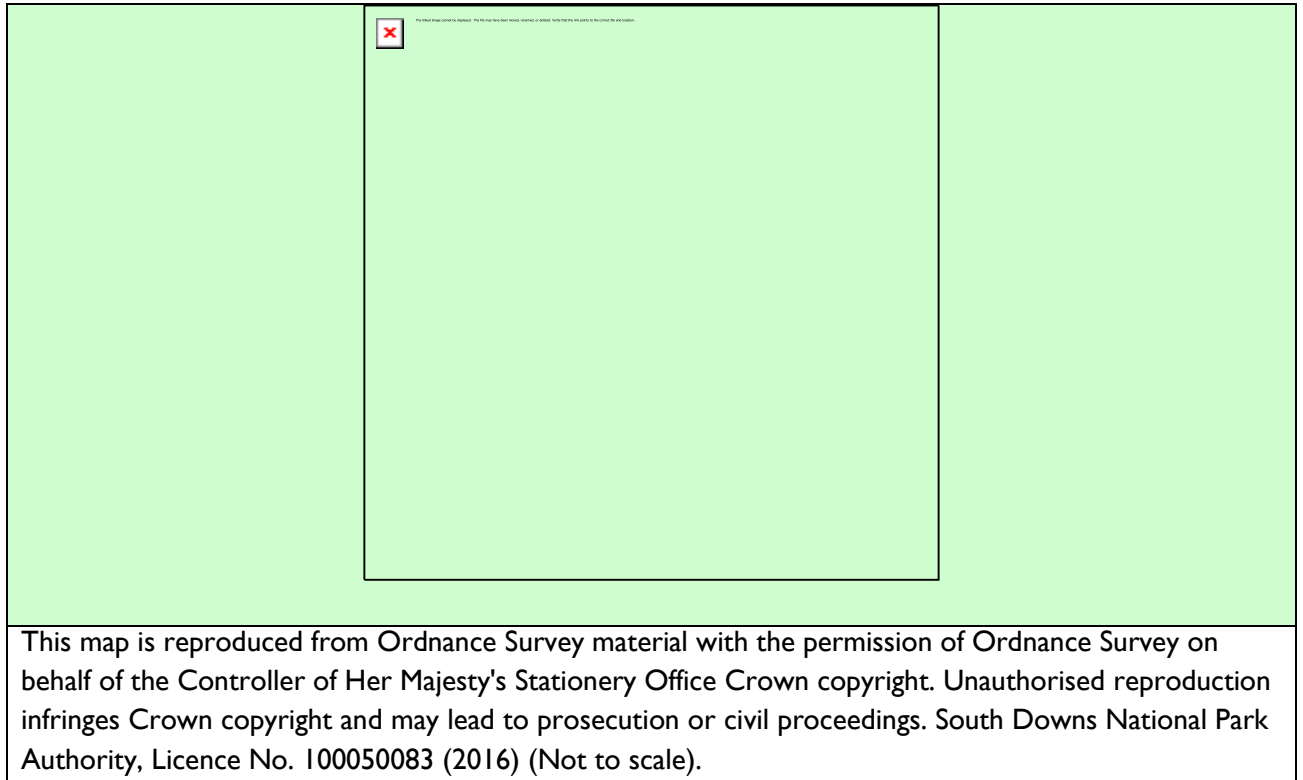
Appendices
Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

Appendix I

Site Location Map



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	1702 XX 00 DR 001 P01		23.07.2018	Approved
Plans - EXISTING GROUND & FIRST FLOOR PLANS	1702 XX 00 DR 002 P01		23.07.2018	Approved
Plans -	1702 XX 00 DR 011 P01		23.07.2018	Approved
Plans - EXISTING ELEVATIONS	1702 XX 00 DR 020 P01		23.07.2018	Approved
Plans - PROPOSED BLOCK PLAN	1702 XX 00 DR 102 P01		23.07.2018	Approved
Plans - PROPOSED GROUND & FIRST FLOOR PLANS	1702 XX 00 DR 111 P01		23.07.2018	Approved
Plans - PROPOSED ELEVATIONS	1702 XX 00 DR 120 P01		23.07.2018	Approved
Application Documents - Design and Access Statement			14.08.2018	Approved
Application Documents - email re Heritage Statement			14.08.2018	Approved

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