

Planning Applications Committee 30 January 2019



Working in Partnership



Time and venue:

5:00 pm in the Council Chamber, County Hall, St Anne's Crescent, Lewes, BN7 1UE

Membership:

Councillor 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: Thursday, 17 January 2019

Agenda

1 Minutes (Pages 1 - 4)

To confirm and sign the minutes of the previous meeting held on 12 December 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/18/0351 - Woods Fruit Farm, Goldbridge Road, Newick, East Sussex, BN8 4QP (Pages 5 - 28)**
- 7 LW/18/0987 - The Kings Head, East Grinstead Road, North Chailey, East Sussex, BN8 4DH (Pages 29 - 36)**
- 8 LW/18/0988 - The Kings Head, East Grinstead Road, North Chailey, East Sussex, BN8 4DH (Pages 37 - 42)**

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, 20 February 2019 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

For any further queries regarding this agenda or notification of apologies please contact 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, BN7 1UE, on 12 December 2018 at 5.00pm

Present:

Councillor Sharon Davy (Chair)

Councillors Jim Sheppard (Deputy-Chair), Liz Boorman, Stephen Catlin, Graham Amy, Peter Gardiner, Tom Jones and Richard Turner

Officers in attendance:

Helen Monaghan (Lawyer, Planning), Jennifer Norman (Committee Officer), Joanne Stone (Lawyer, Planning), Emily Horne (Committee Officer) and Christopher Wright (Specialist Advisor, Planning)

102 Minutes

The minutes of the meeting held on 21 November 2018 were submitted and approved, and the Chair was authorised to sign them as a correct record.

103 Apologies for absence/Declaration of substitute members

An apology for absence had been received from Councillor Tony Rowell.

104 Declarations of interest

Councillor Turner declared a personal and prejudicial interest in agenda item 7 (planning application LW/18/0575) as he knew the neighbours of the applicant.

Councillor Turner declared a personal and prejudicial interest in agenda item 8 (planning application LW/18/0576) as he knew the neighbours of the applicant.

The Council's Lawyer, Joanne Stone, declared a personal interest in agenda item 7 (planning application LW/18/0575) as she knew the neighbours of the applicant.

The Council's Lawyer, Joanne Stone, declared a personal interest in agenda item 8 (planning application LW/18/0576) as she knew the neighbours of the applicant.

105 Petitions

There were none.

106 LW/18/0630 - 138 South Coast Road, Peacehaven, East Sussex

The Specialist Advisor (Planning), advised that the description of the development set out on page 5 of the agenda should be amended to read that the proposed number of 1 and 2 bed flats on upper storeys was 9 units.

Resolved:

That planning application LW/18/0630 for demolition of an existing single storey building and garage and construction of four storey mixed use development with two commercial units at ground floor and nine 1 and 2 bed flats on upper storeys be approved, subject to the conditions set out in the report, supplementary report and the following additional condition:

1. That the first word of condition 12 on page 17 of the agenda be changed from "Notwithstanding" to "With the exception of".

107 LW/18/0575 - 1 The Chestnuts, Lewes Road, Ringmer, East Sussex, BN8 5QA

Mr Nick Adams and Mr Dan Smith spoke for the application.

Resolved:

That planning application LW/18/0575 for a single storey rear extension be approved, subject to the conditions set out in the report.

(Note: Councillor Turner declared a personal and prejudicial interest in this item as he knew the neighbours of the applicant. He therefore left the room for the duration of this item and took no part in consideration, discussion and voting thereon.)

108 LW/18/0576 - 1 The Chestnuts, Lewes Road, Ringmer, East Sussex, BN8 5QA

Mr Nick Adams and Mr Dan Smith spoke for the application.

Resolved:

That listed building consent application LW/18/0576 for a single storey rear extension be approved, subject to the conditions set out in the report.

(Note: Councillor Turner declared a personal and prejudicial interest in this item as he knew the neighbours of the applicant. He therefore left the room for the duration of this item and took no part in consideration, discussion and voting thereon.)

109 Written questions from councillors

There were none.

110 Date of next meeting

Resolved:

That the next meeting of the Planning Applications Committee that is scheduled to be held on Wednesday, 9 January 2018 in the Council Chamber, County Hall, St Anne's Crescent, Lewes, commencing at 5:00pm, be noted.

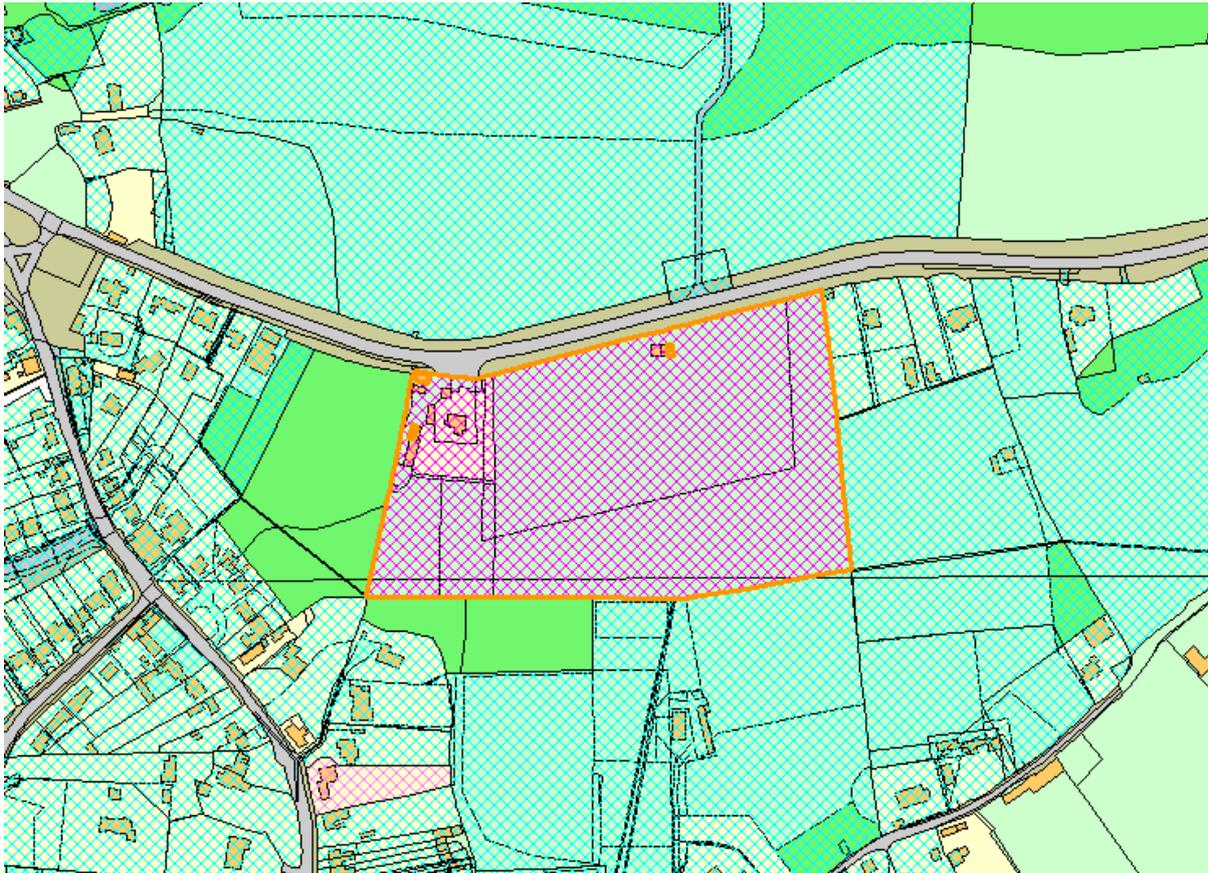
The meeting ended at 5.35pm.

Councillor Sharon Davy (Chair)

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Agenda Item 6

APPLICATION NUMBER:	LW/18/0351		
APPLICANTS NAME(S):	P Wood, J Wood & C Wood	PARISH / WARD:	Newick / Newick
PROPOSAL:	Planning application for demolition of Oakside and the erection of 69 residential homes, with associated access, car parking, cycle parking, refuse/recycling storage, landscaping and infrastructure		
SITE ADDRESS:	Woods Fruit Farm Goldbridge Road Newick East Sussex BN8 4QP		
GRID REF:			



1. SITE DESCRIPTION / PROPOSAL

1.1 The application site lies to the north east of the village, on the southern side of the A272, and covers an area of approximately 3.7 hectares. The site currently accommodates a single detached dwelling, close to the western boundary, with a number of outbuildings, set within a large residential plot. The remainder of the site is grassland with a derelict farm building located close to the northern boundary. There are a few trees, largely around the periphery of the site or around the dwelling house. The site boundary consists of mature mixed hedging.

1.2 The site is located outside of the defined settlement boundary and abuts the Newick Conservation Area at the south west corner of the site. The nearest residential dwellings are located adjacent to the eastern boundary and close to the south west corner of the site. The western part of the development site is identified and allocated within the Newick Neighbourhood Plan for housing (Policy H04 for 39 dwellings).

1.3 The proposal is seeking permission to construct 69 new dwellings of which 40% (28) would be affordable - 16 flats (10 x 1 bed and 6 x 2 bed) and 6 x 2 and 6 x 3 bed houses, whilst the private housing would consist of 9 x 2 bed, 22 x 3 bed and 10 x 4 bed houses. The scheme will also provide car parking, cycle storage, landscaping and open space.

2. RELEVANT POLICIES

LDLP: – CP1 – Affordable Housing

LDLP: – CP10 – Natural Environment and Landscape

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP14 – Renewable and Low Carbon Energy

LDLP: – CT01 – Planning Boundary and Countryside Policy

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

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

LDLP: – NNPH12 – HO1.2 -New Housing Materials

LDLP: – NNPH13 – HO1.3-New Housing Height

LDLP: – NNPH14 – HO1.4-New Housing Size

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

LDLP: – NNPH41 – HO4.1-Housing Site

3. PLANNING HISTORY

E/57/0709 - Outline Application to erect ten dwellinghouses. - Refused

EV/63/0006 - Two advertisement boards. - Approved

E/56/0085 - Planning and Building Regulations Applications for proposed addition. Building Regulations Approved. Commenced. - **Approved**

LW/18/0351 - Demolition of Oakside and the erection of 69 residential homes, with associated access, car parking, cycle parking, refuse/recycling storage, landscaping and infrastructure -

E/63/0023 - Formation of additional vehicular access with lay-by. - **Approved**

E/57/0709 - Outline Application to erect ten dwellinghouses. - **Refused**

EV/63/0006 - Two advertisement boards. - **Approved**

E/56/0085 - Planning and Building Regulations Applications for proposed addition. Building Regulations Approved. Commenced. - **Approved**

LW/16/0058 - Retention of a double sided panel sign and a proposed single sided panel sign with matching design/lettering - **Approved**

LW/18/0351 - Demolition of Oakside and the erection of 69 residential homes, with associated access, car parking, cycle parking, refuse/recycling storage, landscaping and infrastructure -

E/68/0909 - Planning and Building Regulations Applications for domestic boiler house. Building Regulations Approved. Completed. - **Approved**

E/63/0023 - Formation of additional vehicular access with lay-by. - **Approved**

LW/01/0242 - Part two storey, part single storey rear extension - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

British Telecom – I write in response to your letter dated 9th May regarding the above property and advise that BT are keen to receive further information, based on the location of the demolition of Oakside and the erection of 69 residential homes near BT's Telephone Exchange, Newick, Goldbridge Road.

Using the property postcode, the site of this demolition appears to be less than 300 ft. from BT's site and I am mindful of BT's underground equipment also being affected.

I have therefore sent a copy of this letter and your documentation to the following email address for the network teams' information and look forward to receiving updates regarding this demolition as appropriate.

Environmental Health – I am aware that a site investigation report has been prepared by Geo-environmental (dated 17 May 2017 report ref: GE15497-GIRv2.0-MAY17) and submitted with the planning application, which identified the need for remediation at the site. I am also aware that some demolition activities are involved at the site.

If LPA is minded to grant a planning permission, then considering the information available to me, following land contamination conditions are pertinent:

Condition 1 Land contamination

(1) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks

associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- (a) Further site investigation scheme, based on Geo-environmental report (dated 17 May 2017, report ref: GE15497-GIRv2.0-MAY17) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (b) The site investigation results and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Condition 2 Unsuspected contamination

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

Condition 3 Verification report

Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

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

(2) Construction environment management plan

No development shall take place, including any works of demolition, until a Construction Environment Management Plan has been submitted to, and approved in writing by the local planning authority. The Construction Environment Management Plan shall provide for:

- i) traffic management in the adjoining highways;
- ii) site operatives' travel plan;
- iii) the parking of vehicles of site operatives and visitors;
- iv) loading and unloading of plant and materials;

- v) storage of plant and materials used in constructing the development;
- vi) the erection and maintenance of security hoarding;
- vii) measures to control all environmental effects of the development including artificial illumination, noise, vibration, dust, air pollution and odour, including the effects of decontamination, and site illumination during construction.

The approved Construction Environment Management Plan shall be adhered to throughout the construction period for the development.

Reason: In the interests of amenity of the locality

ESCC Highways – Executive Summary

ESCC's consultation response dated 7 June 2018 recommended that consent be refused for this application on the grounds of inadequate vehicle parking facilities within the site, insufficient information on cycle parking facilities within the site and insufficient information in relation to the necessary pedestrian and public transport facilities required to serve the development.

In response the applicant submitted a Technical Note, including amended plans and a Framework Travel Plan, with the intention of addressing the above concerns. In August 2018, the County Council provided a formal response to the submitted documents, retaining the original objection due to issues related to parking, footway provision, public transport connectivity, and the submitted Framework Travel Plan.

Following the County Council's response, the applicant has submitted additional information, including amended plans and a new Technical Note dated December 2018. The comments below should be read in conjunction with the County Council's previous responses.

I have reviewed the amended proposals and would not object to this application on highways grounds, subject to conditions and appropriate legal agreements.

Comments

Walking and Cycling

As set out in the County Council's previous comments; to encourage walking and cycling to and from the site the developer should widen the existing southern footways of the A272 to a minimum of 2m along the site edge and towards the A272/The Green junction. Drawing 2018/4221/011RevA submitted as part of the latest proposals shows the proposed footway improvements along the site boundary.

The full extent of the southern footway widening towards the A272/The Green junction should be discussed and agreed between the Highway Authority and the applicant, and then secured under a s278 agreement.

Public Transport

Drawing 2018/4221/011RevA shows two new bus stops located on the A272, adjacent to the site access. The drawing further shows a pedestrian crossing across the A272 to help pedestrians access the northern bus stop, as well as a 2m footway on the north side of the A272.

The provision of these bus stops and the associated pedestrian infrastructure is welcomed by the County Council as they are considered essential to the success of the development and should be secured through an s278 agreement. The Technical Note submitted by the applicant sets out how the current iteration of the bus stop design does not fully comply with guidance as set out in the Design Manual for Roads and Bridges (DMRB). Nevertheless, further discussions between the County Council and the applicant have resulted in an acceptable design, subject to the resolution of any safety concerns raised in the Stage 1 Road Safety Audit. The resolution of these issues can be covered through the detailed design and s278 agreement process.

Car and Cycle Parking

The on-site car parking arrangements have been amended to be in line with the ESCC car parking demand calculator and are generally in line with the County Council's standards. The proposed parking arrangements are therefore considered acceptable.

Cycle parking in line with 2017 ESCC 'Guidance for Parking at New Residential Developments'. Should be secured through a condition as part of any planning permission for the site.

Refuse and Servicing Arrangements

Drawings 2018/4221/005, 2018/4221/008, and drawing 2018/4221/004 show that a refuse vehicle will be able to access and egress the site in forward gear and that the proposed site access road is wide enough to allow a refuse vehicle and a private car to pass one another. It is therefore considered that the proposed design is acceptable.

As the Local Authority, Lewes District Council's Waste Management Team should satisfy themselves that the proposed collection arrangements are acceptable.

Travel Plan

The amended Framework Travel Plan submitted by the applicant is considered to be sufficiently committal and in line with the County Council's standards. The monitoring of the travel plan for the first five years of the travel plan is considered acceptable and should be secured through condition.

A Travel Plan Audit fee for ?6,000 would be required, to be secured by a S106 agreement.

Conclusion

The additional information supplied by the applicant shows that the proposed development is generally in line with the County Council's standards and guidelines and is unlikely to have a severe impact on the local highway network. The proposed improvements should be secured through s106 and s278 legal agreements as well as the appropriate conditions. I would therefore not object to the proposed development on highways grounds, subject to a s106 agreement to secure the Travel Plan fee (?6000) and highway works (site access, the provision of new bus stops, pedestrian crossing, right-turn lane and improvements to the footway along the A272) by s278 agreement, and the following conditions.

(The conditions have been included in the draft decision and can be viewed online).

Natural England – The application site is within 7km of Ashdown Forest SPA and SAC and as such has the potential to impact on the designated site through increased recreational pressure. As your authority has measures in place to manage these potential impacts through the agreed strategic solution, subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential effects of the development on the site and that the proposal should not result in a likely significant effect.

ESCC SUDS – No objection. The information provided is satisfactory and enable the LLFA to determine that the proposal development is capable of managing flood risk effectively. Although there will be a need for standard conditions which are outlined in this response.

(A full copy of the response is available to view online).

Main Town Or Parish Council – At the meeting, Councillors noted the letters already received from a number of residents and the valid points that had been made in these letters, including that raised by a member of the public present at the meeting who referenced a letter dated 26th October 2016 from Lewes DC to the applicant stating that the proposals were unlikely to be supported unless the land to the east of that allocated in Neighbourhood Plan Policy H04 had been subsequently allocated for development in the Lewes District Local Plan Part 2.

It was unanimously agreed to object to this planning application on the following grounds:-

- Although part of the site is allocated under policy H04 of Newick's Neighbourhood Plan, the proposal includes further land to the east which is not allocated either in the Newick Neighbourhood Plan or the Lewes District Local Plan Part 2. If this land were to be used for development it would be outside the development boundary and contrary to Newick Neighbourhood Plan policy H01.4 and Lewes District saved policy CT1.

- Newick Neighbourhood Plan and Lewes District Local Plan Part 2 have allowed for 100 new homes in Newick and sites have been allocated for this number of additional homes following lengthy preparation and consultation with local residents. There is no good reason why Newick should have to accept an additional 30 homes on this site over and above what has been planned for, particularly in view of the fact that the adjacent site to the west (H03 in Newick Neighbourhood Plan) is earmarked for the development of up to 30 new homes.

- If this development is allowed to proceed regardless of the planning and consultation referred to in the previous paragraph, it would create a precedent for other sites around the village that are not currently allocated for development and in which developers are known to have an interest to come forward, potentially resulting in uncontrolled expansion of the village.

- The consultation process referred to in paragraph 4.3 of the applicant's Planning Statement was extremely limited and inadequate as very few residents who would be impacted by the proposed development had been included in the leaflet drop.

- The parking provision is inadequate for the number of homes and contrary to Newick Neighbourhood Plan policy H01.5.

- The density of housing on the western side of the site is considered to be too high.

- As highlighted in East Sussex County Council's letter of 18th May 2018, the applicant has failed to provide sufficient information in respect of surface drainage and flood risk.

If this application is to be considered by Lewes District Council's Planning Application Committee, Newick Parish Council would like to be represented. Please ensure that the Parish Council is advised of the date of the relevant meeting when this is known.

Planning Policy Comments

This planning application should be considered against the policies of the adopted 2016 Lewes District Joint Core Strategy (JCS) together with the retained 'saved' policies of the 2003 Lewes District Local Plan (LDLP) as listed in Appendix 2 of the JCS, so far as they are consistent with the National Planning Policy Framework (NPPF), the Newick Neighbourhood Plan (NNP) and the NPPF itself.

It should be noted that since the planning application was submitted, the NPPF has been updated (brought into force on 24th July 2018) and case law has been brought to the attention of the Council regarding the three year housing land supply calculation. Further to this, the Council has produced a second five year housing land supply position statement

for 2018 in light of the standardised Housing Delivery Test and expiry of the additional protection afforded to Neighbourhood Plans under Paragraph 216 of the NPPF (2018). As such, some points within the policy comments originally made on the planning application required updating. The amended comments appear below.

The application is for full planning permission for a residential development of 69 dwellings. From a planning perspective, the following issues should be considered when determining the above planning application:

- o Development outside the planning boundary (CT1);
- o District Council's five year and three year housing land supplies:
- o Newick Neighbourhood Plan (Policies HO1 and HO4); and
- o Ashdown Forest 7km Zone (Core Policy 10).

Development in the countryside

The application site is located approximately 100m east of the built edge of Newick. The site is, as amended by the Newick Neighbourhood Plan, partially outside the planning boundary. Retained 'saved' policy CT1 therefore applies. Policy CT1 is considered to be consistent, in part, with the NPPF (2012) and is retained by the JCS until reviewed through Local Plan Part 2 which is currently at Regulation 19 consultation stage.

Policy CT1 seeks to restrict development outside the planning boundaries except in very specific circumstances, the criteria for which is set out within the Policy. It is not considered that the proposal meets any of these criteria. Development of this site is therefore contrary to retained 'saved' Policy CT1. However, this needs further consideration in the context of the Council's current five and three year housing land supply positions.

Housing land supply

Paragraph 73 of the NPPF (2018) requires local planning authorities to identify a five year supply of deliverable land for housing. As at 1 April 2018, the Council was only able to demonstrate a housing land supply equivalent to 4.92 years, including a 5% buffer as required. The updated position concludes that Lewes District Council has a supply of deliverable housing land equivalent to 5.22 years (a surplus of 76 units) outside the South Downs National Park (SDNP) as at 1 October 2018. The Council is therefore now able to demonstrate a five year housing land supply against its housing requirement figure separated to outside the SDNP (5,494 net dwellings). As such, relevant policies within the Local Plan are not considered out-of-date. Decision making on planning applications should therefore be made against policies within the adopted development plan.

Prior to the publication of the updated position, paragraph 14 of the NPPF (2018) provided additional protection against unplanned development where the local planning authority could not demonstrate a five year housing land supply in areas with 'made' (adopted) Neighbourhood Plans and where criteria of paragraph 14 are met. This is similar protection to that provided by the earlier published Neighbourhood Planning Written Ministerial Statement (WMS) in December 2016, but as a more recent document the NPPF now takes precedent.

Paragraph 14 also states that the following applies (as long as the criteria are met): In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits? Therefore, that any decision made which is contrary to the policies of the NNP is automatically considered by the NPPF as "likely to significantly and demonstrably outweigh the benefits".

It is noted that when this planning application was submitted, the Council considered that the requirement for a three year housing land supply (an essential criteria of protection afforded by paragraph 14 and WMS) had not been met. Subsequently, it was considered that the policies of the NNP were 'out-of-date'. This position is now updated due to the supply of deliverable housing land being equivalent to 5.22 years.

The policies of the development plan (including those of the NNP) should be given full weight in making the decision on this planning application unless the Council can no longer demonstrate a five year housing land supply, after which point Local Plan policies cannot be given full weight and the protection of the NNP will cease to apply, meaning that its policies cannot be given full weight either. The decision must then be made in accordance with the presumption in favour of sustainable development, as described in paragraph 11 of the NPPF (2018). However, it is not anticipated that the five year housing land supply position will alter significantly in the months to come.

Further information on the Council's five year housing land supply position can be found in the published Note .

Newick Neighbourhood Plan

The Newick Neighbourhood Plan (NNP) was 'made' (adopted) on 16 July 2015 and is therefore part of the development plan. The NNP sets out a number of planning policies and four housing site allocations (HO2, 3, 4 and 5) for a total of 100 net additional dwellings. HO2 to the north of Newick is almost complete, HO3 and 4 are located to the east and HO5 is within the built up area and currently subject to a planning application. Spatial Policy 2: Housing Distribution of the JCS requires a minimum 100 net additional dwellings to be delivered at Newick over the Plan period.

The western half of the application site forms part of the NNP housing allocation Policy HO4, identified for 38 (net) dwellings. The application proposal extends the site approximately 100m to the east and increases the number of dwellings by 31. The application is therefore inconsistent with HO4, albeit it is acknowledged that the NNP has sought to locate new development broadly within this area due to its proximity to village services.

Policies HO1 and TC1 may also be considered important to making the decision on the planning application. The criteria of HO1 relate to the design and density of new housing development etc. and TC1 relates to provision for sustainable transport within new development.

Ashdown Forest 7km Zone

The application site is located entirely within the Ashdown Forest 7km mitigation zone. The Ashdown Forest is designated as a Special Protection Area (SPA) and a Special Area of Conservation (SAC).

Core Policy 10 of the Joint Core Strategy seeks to ensure that the Ashdown Forest (SAC and SPA) is protected from recreational pressure, and that residential development that results in a net increase of one or more dwellings within 7km of the Ashdown Forest will be required to contribute to:

- i. The provision of Suitable Alternative Natural Greenspaces (SANGs) at the ratio of 8 hectares per additional 1,000 residents; and
- ii. The implementation of an Ashdown Forest Strategic Access Management and Monitoring Strategy (SAMMS).

A SANG, Reedens Meadow, located at Jackies Lane, Newick was completed earlier this year and is now fully operational. To secure the SANGs long term costs a tariff is currently being developed by the Council. Until this has been finalised a 'capped SANG tariff', at £5,000, per dwelling will be in place. An additional financial contribution rate towards SAMMS of £1,170 per dwelling has also been set. This is identified within the Tariff Guidance Note agreed between Lewes, Wealden and Tandridge District Councils.

Further to a High Court Challenge to the Council's Habitat Regulations Assessment in respect of air quality impacts on the Ashdown Forest, the Council has undertaken a robust Appropriate Assessment (AA) of air quality impacts on the Ashdown Forest SAC (2018 HRA Addendum). This work has been reviewed and endorsed by Natural England; it assesses all planned (JCS) and known development (as at April 2018) coming forward up to 2030, including the Neighbourhood Plan allocation of Woods Fruit Farm for 38 dwellings and concludes no adverse effect on the integrity of the SAC.

The applicant has submitted an AA of the air quality impacts of the additional 30 dwellings proposed by the application that builds upon the Council's 2018 HRA Addendum. Aecom has factored in the additional AADT to the transport model developed for the Council's AA and used the same methodology to calculate the air quality impacts. The Applicant's AA concludes that for NOx the additional 30 dwellings makes a negligible contribution to concentrations at the closest areas of heathland and the NOx concentrations and nitrogen deposition rates on even the most affected link (the A22 at Wych Cross) are essentially the same as forecast in the Council's AA. On all other transects, the contribution of the additional 30 dwellings at the nearest area of heathland is too small to show in the air quality calculations.

The conclusion of the applicant's AA that the application proposal will not result in an adverse effect on the integrity of Ashdown Forest SAC either on its own or 'in combination' with other plans and projects can be considered robust.

Summary

The proposed development is located partially outside the planning boundary, therefore it is contrary to retained 'saved' policy CT1. As at 1st October 2018, the Council could demonstrate a five year housing land supply. As such, Policy CT1 should be given full weight in making a decision on this planning application.

The submitted scheme is inconsistent with Newick Neighbourhood Plan policy HO4, a policy which should be given full weight in making planning decisions as the Council can demonstrate a five year housing land supply.

The application should be subject to the relevant mitigation required by Core Policy 10 of the JCS.

Therefore, an objection is raised in principle to this planning application from a planning policy perspective due to the regained five year housing land supply. Should the Council's position change and demonstrate a shortfall in its five year housing land supply, there is not considered to be grounds for an objection on planning policy grounds.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

13 objections on the following grounds - blot on the landscape, contrary to NNP, increase traffic on A272, contrary to Inspectors views, land not allocated in NNP, increase in density, Newick should not take more of the District Council's housing supply, insufficient evidence to indicate that drainage proposals are acceptable, overlooking and loss of privacy, no change in adopted policies, contrary to LDLP Policy CT1, allowing this would exceed the 100 homes allocated for Newick, intrusive and will dominate high ground, inability to cope with increased traffic, demand for school places, parking, pressure on infrastructure, A272 already congested, NNP policies tested in court,

3 letters neutral /support - Adding more houses is welcomed and expected, the plan does not restrict housing development to 100 units, general issue of footpath routing in the south east corner, existing infrastructure can support population growth, extra housing is needed locally and nationally, will provide long term sustainability for the village.

Newick Village Society objects as the development is contrary to spirit of the NNP, urbanise the edge of the village, undesirable spread beyond the village boundary, housing mix doesn't reflect need, not localism.

6. PLANNING CONSIDERATIONS

Design, layout and appearance

6.1 Access to the site would be gained at its western end with the existing access, which currently serves Oakside, being widened and improved to accommodate a two way access which meets the Highway authorities requirements. It will be the only access to the site, serving both vehicles and pedestrians, and will run through the site with four spurs off the road to provide access to the development. The spurs will extend into shared surfaces which will help to define the residential blocks and the public realm. A new right turn lane (for vehicles approaching from the west) will be provided on the A272.

6.2 Two areas of open space will be provided - one on the eastern side of the entrance which will serve to provide a 'village green' type gateway, creating an open and verdant entrance to the development, and the other in the south east corner of the site providing a more open amenity space with enhanced landscaping to the south and east boundaries, together with a community orchard and a pumping station. The existing mature hedgerow to the northern boundary will also be enhanced with additional planting to create a small 'shaw' which will extend along the eastern boundary, helping to soften the views of the development from Goldbridge Road and neighbouring dwellings as well as creating a green buffer. Dwellings to the north of the site will be set back between 15-25m from the northern boundary which will further lessen the visual impact from Goldbridge Road. Overall the development will provide 1.4 hectares of open space, 37% of the total site area.

6.3 The dwellings will be traditional two storey buildings with pitch roof, with some single storey units. They will incorporate a range of materials and design features found in the locality - brick, painted brick, tile hanging, render, timber boarding, chimneys, projecting gables, eaves gables, various porch designs. The design, appearance and scale of the buildings will result in an attractive and varied development, consistent with the surrounding context of Newick.

6.4 All of the dwellings have generous gardens, with the flats having a large communal space associated with each block. Provision has been made for cycle storage - 1 space per flat and 2 per dwelling. Some dwellings have garages, other allocated parking spaces, equating to approximately 2.3 spaces per dwelling in line with the ESCC Highways

standard. Vehicle charging points will be provided for all dwellings with a charging point provided within the communal parking area for the flats. All the dwellings will meet the National Space Standards.

6.5 In terms of general landscaping, the majority of trees around the periphery will be retained with all new dwellings set outside of the root protection areas. The planting to the periphery of the site will be enhanced with further hedgerow and tree planting, which will maintain the countryside quality of the site whilst providing the opportunity for enhancing the biodiversity. The planting along the southern boundary is less dense and designed to follow the site topography of the site, softening views and linking to the new small orchard adjacent to the eastern boundary. The road and spurs within the site are also landscaped with prominent street trees.

6.6 The development provides a well-designed and laid out development which comfortably sits on the periphery of the settlement, forming an acceptable transition to the surrounding countryside at a density of 19 units per hectare. The proposal is well landscaped which serves to integrate the development into its surroundings and reducing the visual impact.

Policy

Newick Neighbourhood Plan

6.7 The Newick Neighbourhood Plan (NNP) was 'made' (adopted) on 16 July 2015 and is therefore part of the Development Plan for the area. The NNP sets out a number of planning policies and four housing site allocations (HO2, 3, 4 and 5) for a total of 100 net additional dwellings. HO2 to the north of Newick is almost complete, HO3 and 4 are located to the east and HO5 is within the built up area and currently subject to a planning application.

6.8 The western half of the application site forms part of the NNP housing allocation Policy HO4, identified for 38 (net) dwellings. The application proposal extends the site approximately 100m to the east and increases the number of dwellings by 31. The application is therefore inconsistent with HO4, albeit it is acknowledged that the NNP has sought to locate new development broadly within this area due to its proximity to village services.

6.9 Policies HO1 and TC1 may also be considered important to making the decision on the planning application. The criteria of HO1 relate to the design and density of new housing development etc. and TC1 relates to provision for sustainable transport within new development.

Lewes District Local Plan

6.10 Policy CT1 seeks to restrict development outside the planning boundaries except in very specific circumstances, the criteria for which is set out within the Policy. It is not considered that the proposal meets any of these criteria. Development of this site is therefore contrary to retained 'saved' Policy CT1

6.11 Spatial Policy 2: Housing Distribution of the JCS requires a minimum 100 net additional dwellings to be delivered at Newick over the Plan period.

Ashdown Forest 7km Zone

6.12 The application site is located entirely within the Ashdown Forest 7km mitigation zone. The Ashdown Forest is designated as a Special Protection Area (SPA) and a Special Area of Conservation (SAC).

6.13 Core Policy 10 of the Joint Core Strategy seeks to ensure that the Ashdown Forest (SAC and SPA) is protected from recreational pressure, and that residential development that results in a net increase of one or more dwellings within 7km of the Ashdown Forest will be required to contribute to:

- i. The provision of Suitable Alternative Natural Greenspaces (SANGs) at the ratio of 8 hectares per additional 1,000 residents; and
- ii. The implementation of an Ashdown Forest Strategic Access Management and Monitoring Strategy (SAMMS).

The applicant has submitted an AA of the air quality impacts of the additional 30 dwellings proposed by the application that builds upon the Council's 2018 HRA Addendum. Aecom has factored in the additional AADT to the transport model developed for the Council's AA and used the same methodology to calculate the air quality impacts. The Applicant's AA concludes that for NO_x the additional 30 dwellings makes a negligible contribution to concentrations at the closest areas of heathland and the NO_x concentrations and nitrogen deposition rates on even the most affected link (the A22 at Wych Cross) are essentially the same as forecast in the Council's AA. On all other transects, the contribution of the additional 30 dwellings at the nearest area of heathland is too small to show in the air quality calculations.

6.14 The conclusion of the applicant's AA that the application proposal will not result in an adverse effect on the integrity of Ashdown Forest SAC either on its own or 'in combination' with other plans and projects can be considered robust.

6.15 Therefore in policy terms as part of the development (20% of the proposed housing) is located outside of the site allocation, the development is contrary to both CT1 of the Lewes District Local Plan and H04 of the Newick Neighbourhood Plan.

Highways

6.16 The site is located within walking distance of the centre of Newick village with its range of service. The site is also in close proximity to bus stops. The development would meet the ESCC residential parking demand calculator tool and cycle parking will be provided for all of the units.

6.17 East Sussex CC Highways have been actively involved in the application since submission. Their initial response to the application, received in June 2018 recommended that consent be refused for this application on the grounds of inadequate vehicle parking facilities within the site, insufficient information on cycle parking facilities within the site and insufficient information in relation to the necessary pedestrian and public transport facilities required to serve the development.

6.18 In response the applicant submitted a Technical Note, including amended plans and a Framework Travel Plan, with the intention of addressing the above concerns. In August 2018, the County Council provided a formal response to the submitted documents, retaining the original objection due to issues related to parking, footway provision, public transport connectivity, and the submitted Framework Travel Plan.

6.19 The applicant has since submitted additional information, including amended plans and a new Technical Note dated December 2018. The additional information supplied by the applicant shows that the proposed development is generally in line with the County Council's standards and guidelines and is unlikely to have a severe impact on the local highway network. The proposed improvements should be secured through s106 and s278 legal agreements as well as the appropriate conditions. As such ESCC Highways has not objected to the proposed development on highways grounds, subject to a s106 agreement to secure the Travel Plan fee (?6000) and highway works (site access, the provision of new bus stops, pedestrian crossing, right-turn lane and improvements to the footway along the A272) by s278 agreement, and the following conditions.

(The full comments from ESCC Highways can be found within the consultation response section of the report).

Drainage

6.20 It is proposed to deal with surface water runoff by utilising sustainable techniques (SuDS), ensuring that there is no increase in the rate of volume of run off leaving the site. The measures used will include measures to improve the water quality of the run off prior to it infiltrating in to the ground. Water storage will be provided on site in cellular tanks.

6.21 ESCC as the Lead Local Flood Authority (LLFA) have stated that as an alternative solution to infiltration the applicant is proposing to discharge surface water runoff to the River Ouse, a designated main river approximately 550m east of the application site. The applicant has provided enough detail to assure us that the proposed drainage design can be practically implemented while discharging into the Ouse. However, an environmental permit from the Environment Agency for the construction of the outfall on the Ouse and a license from East Sussex Highways will be required for the construction of the pipe from the application site to the river.

6.22 They also note that the ground investigation showed that groundwater on site is less than 3m below ground level and this was recorded in summer. This is reinforced by existing data which indicates that there is a potential for groundwater flooding to occur at the site.

6.23 However the LLFA are satisfied from the information submitted in the FRA and the Planning statement that the development could proceed without detriment to its surroundings and that satisfactory measures can be put in place to ensure that the site can be adequately drained, and as such have requested a number of conditions.

Sustainability

6.24 The issue of sustainability is covered within the submitted Design and Access Statement, and covers the measures that can be incorporated to mitigate climate change. The overall strategy is to reduce demand for energy by creating thermally efficient buildings which are well designed and appropriately orientated.

6.25 It has been possible to ensure that over half of the dwellings have a southerly orientation which maximises natural energy gain and minimises energy demand for heating. Energy efficiency measures and improved thermal specifications last the entire lifetime of the building. This will be coupled with air tightness of the building's design, which will reduce the size of heating systems, energy use and carbon emissions.

6.26 Non-permeable surfaces will be minimised, SuDS systems will be employed to enhance drainage and accommodate a 1 in 100 year return storm period as well as accommodating increased rainfall as a result of climate change, and all internal devices will have water efficient fittings.

6.27 Sourcing local materials will reduce transport costs, and all materials will be selected to improve environmental performance. The site is also well located in terms of existing village facilities, and allows for trips to be made by foot and cycle. Vehicle charging points will be provided for all dwellings with a charging point provided within the communal parking area for the flats.

Wider Visual Impact

6.28 As described above the site is relatively flat and devoid of significant landscape features. As grazing land the mature vegetation exists largely around the periphery of the site. The site is not situated within any specific landscape designation. There is no right of way cross the site, with the nearest ROW, excluding Goldbridge Road, being located approximately 180m to the south, or 400m to the north near Alexander Mead.

6.29 The site falls within the Upper Ouse Valley landscape character area, as defined in the East Sussex Landscape Character Assessment. The area is largely unspoilt with few intrusive features, characterised by gently undulating terrain, a countryside of low ridges and wide valleys covered by an intricate patterns of streams and woods, heavily wooded in places, with small village settlements with distinctive churches, with historic farmhouse and large farmsteads. The Lewes District Landscape Capacity Study (2012) identified one of the preferred locations for development at Newick is to the east and included the current site. The landscape guidance focused on reinforcing the network of structural vegetation, defining settlement boundaries, maintaining views to the High Weald (to the north), introducing extensive green infrastructure including community orchards/allotments, protecting distinctive local character and maximising opportunities for SuDS.

6.30 It is considered that the current proposal has taken account of these guiding documents and has created a scheme that will sit comfortably within the wider countryside context without undue harm to the intrinsic character of the area. The proposed landscaping and enhanced shaw and boundary hedges helps the development to integrate into the landscape whilst minimising visual impact beyond the site, allowing the development to form a transition from the village to the countryside beyond.

Legal Agreement

- 6.31 The development would require a S106 agreement to secure the following -
- the Travel Plan fee (£6000)
 - highway works (to include site access, the provision of new bus stops, pedestrian crossing, right-turn lane and improvements to the footway along the A272) secured by s278 agreement
 - SMM contribution of £1170 per dwelling which equals £80,730
 - SANG contribution of £5,000 per dwelling which equals £345,000 (however this amount can be discounted by £25,000 as the SANG has not yet been handed over to the Council and the maintenance has been carried out by the developer).
 - 40% affordable housing - 16 flats (10 x 1 and 6 x 2 bed) and 6 x 2 and 6 x 3 bed houses

Conclusion

6.32 In policy terms it is acknowledged that part of the development (20% of the proposed housing) is located outside of the site allocation and as such is contrary to both CT1 of the

Lewes District Local Plan and H04 of the Newick Neighbourhood Plan. However, the scheme would provide a well-designed housing development, which provides a range of house types and styles which would sit comfortably on this edge of settlement site, without detriment to wider amenity or the countryside beyond. The development is both spacious and well landscaped, integrating into the surrounding countryside, whilst being in a sustainable location within walking distance of the village facilities.

6.33 It is not considered that the proposed development would compromise or undermine the implementation of the Newick Neighbourhood Plan, its objectives or the community 'wants' contained therein. Therefore, and on balance, it is considered that planning permission can be granted.

7. RECOMMENDATION

That planning permission is granted, subject to a legal agreement and subject to the conditions listed below.

The application is subject to the following conditions:

1. No part of the development shall be occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved drawing (Ref: 2018/4221/011RevA).

Reason: In the interests of road safety.

2. The access shall have maximum gradients of 4% (1 in 25) / 2.5% (1 in 40) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.

Reason: In the interests of road safety

3. Dwellings shall not be occupied until the car parking for that dwelling has been constructed and provided in accordance with the approved plans. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide car-parking space for the development.

4. Dwellings shall not be occupied until covered and secure cycle parking spaces have been provided for that dwelling in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

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

5. Dwellings shall not be occupied until the road(s), footways and parking areas serving the that relevant part of the development have been constructed, surfaced, drained and lit in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development.

6. No development shall take place, including demolition, on the site unless and until an effective vehicle wheel-cleaning facility has been installed in accordance with details provided to and approved in writing by the Local Planning Authority and such facility shall be retained in

working order and utilised throughout the period of work on site to ensure the vehicles do not carry mud and earth on to the public highway, which may cause a hazard to other road users.

Reason: In the interests of road safety.

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

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

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

8. Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.

Reason: In the interests of highway safety

9. Upon the occupation/commencement of use, the Applicant shall implement the measures incorporated within the approved travel plan. The Applicant shall thereafter monitor report and subsequently revise the travel plan as specified within the approved document.

Reason: To encourage and promote sustainable transport.

10. No development shall commence until such time as revised plans and details for off-site highway works incorporating the recommendations given in the Stage 1 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of road safety.

11. 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) Further site investigation scheme, based on Geo-environmental report (dated 17 May 2017, report ref: GE15497-GIRv2.0-MAY17) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

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

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

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

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

12. If, during development, contamination not previously identified is found to be present at the site then no further development 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].

13. 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].

14. Surface water discharge rates shall not exceed 6.3 l/s for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.

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

15. The details of the outfall of the proposed pond and how it connects into the main river should be provided as part of the detailed design. This should include cross sections and invert/cover levels and levels of the receiving watercourse.

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

16. The condition of the main river which will take surface water runoff from the development should be investigated before discharge of surface water runoff from the development is made. Any required improvements to the condition of the main river should be carried out prior to construction of the outfall. Evidence that the Environment Agency agrees to the proposed rate and connection should be submitted.

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

17. The detailed design of the pond and geocellular storages should be informed by findings of additional groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.

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

18. A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan should cover the following:

- a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details.
- b) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.

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

19. The applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.

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

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

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

21. Before the development hereby approved progresses above ground level details/samples of all external materials including all facing and roofing materials as well as surfacing materials, shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

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

22. Before work associated with the construction of the pumping station takes place on site, details of the buildings appearance (including materials) together with details to show that the pumping station will not increase background noise level when measured from the nearest residential properties, shall be submitted to and approved in writing by the LPA, and shall be carried out in accordance with that approval.

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

23. Before the buildings hereby approved are occupied, details for the provision of bird and bat boxes, and hedgehog passes in garden fences shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with the approved details.

Reason: In the interest of wider ecological enhancement having regard to ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2018.

24. No external lighting, either on the buildings hereby approved, or the new street, shall be installed/erected without the prior written approval of the Local Planning Authority.

Reason - To preserve the character of the area and to prevent light pollution in this countryside setting 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.

25. 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 Part 1 Class A to F 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 and the amenity of adjacent 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.

26. No development shall take place until detailed plans for the design and layout of the LAP /LEAP (including any play equipment , together with a plan for the management and maintenance of this area and all other public open space within the development including the landscaped buffer to the northern boundary have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the

approved details prior to the occupation of any part of the residential development or in accordance with a programme agreed in writing by the local planning authority and the areas shall be managed and maintained thereafter in accordance with the approved plan and the management strategy.

Reason: To ensure the long term benefit to residents 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 2018.

27. Before the dwellings hereby approved are occupied the electric car charging points indicated on the approved plans, both for residents and visitors, shall be installed and made operational.

Reason - In order to provide a more sustainable development having regard to Core Policy 14 of the Joint Core Strategy Part 1 and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

28. The hard and soft landscape works hereby approved and indicated on plans L7 Rev E and L8 shall be carried out as approved before first occupation. 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 - In order to secure an acceptable form of development and having regard to ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2018.

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.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Additional Documents	10 December 2018	2018-4221-011 Rev A
Planning Statement/Brief	21 May 2018	LAND SUPPLY
Location Plan	30 April 2018	SLP-01
Existing Block Plan	30 April 2018	SLP-02
Proposed Layout Plan	10 December 2018	M-01H

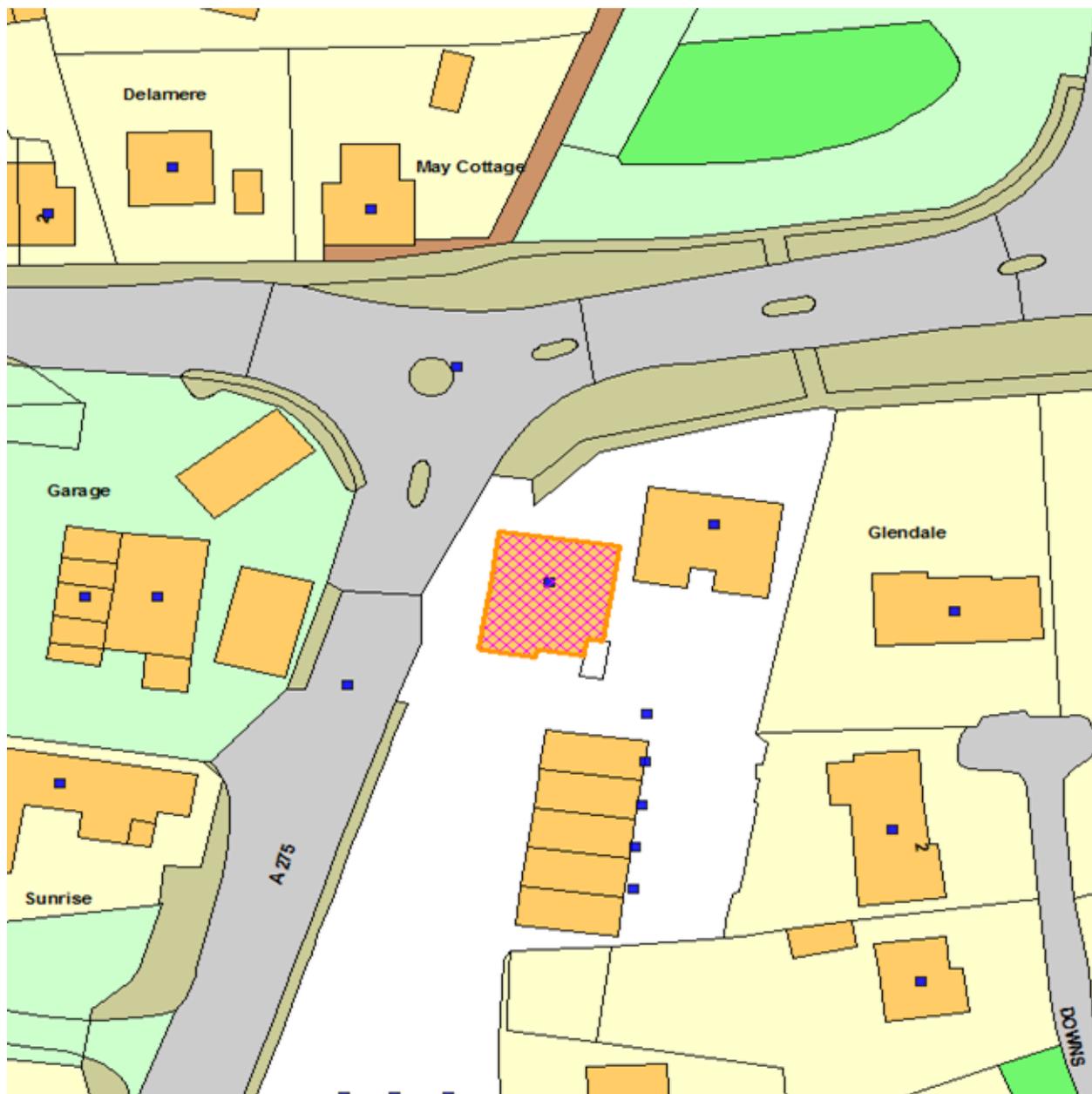
Other Plan(s)	10 December 2018	M-02E
Other Plan(s)	10 December 2018	M-03E
Other Plan(s)	10 December 2018	M-04E
Other Plan(s)	10 December 2018	M-05E
Other Plan(s)	10 December 2018	M-06E
Other Plan(s)	10 December 2018	M-07D
Proposed Parking Plan	10 December 2018	M-08E
Planning Statement/Brief	30 April 2018	
Transport Assessment	30 April 2018	PT1
Transport Assessment	30 April 2018	PT2
Transport Assessment	30 April 2018	PT3
Transport Assessment	30 April 2018	PT4
Transport Assessment	30 April 2018	PT5
Tree Statement/Survey	30 April 2018	
Tree Statement/Survey	30 April 2018	TREE PROTECTION PLN
Tree Statement/Survey	30 April 2018	REPORT AND PLAN
Additional Documents	30 April 2018	LVIA1
Additional Documents	30 April 2018	LVIA2
Additional Documents	30 April 2018	LVIA3
Additional Documents	30 April 2018	LVIA4
Additional Documents	30 April 2018	LVIA5
Additional Documents	30 April 2018	LVIA6
Additional Documents	30 April 2018	LVIA7
Additional Documents	30 April 2018	LVIA8

Additional Documents	30 April 2018	LVIA9
Additional Documents	10 December 2018	LVIA10 L7 REV E
Additional Documents	30 April 2018	LVIA10 L8
Additional Documents	30 April 2018	UTILITIES REPORT T050-U1
Additional Documents	30 April 2018	DRAFT HEADS OF TERMS
Additional Documents	30 April 2018	DRAWING SCHEDULE
Additional Documents	30 April 2018	GROUND INVESTIGATION 2
Additional Documents	30 April 2018	GROUND INVESTIGATION 3
Additional Documents	30 April 2018	GROUND INVESTIGATION REP
Additional Documents	7 August 2018	HOUSE TYPE PACK
Design & Access Statement	30 April 2018	REV D 1-2
Design & Access Statement	30 April 2018	REV D 2-2
Flood Risk Assessment	30 April 2018	
Illustration	10 December 2018	EL-01E STREET ELEVATIONS
Justification / Heritage Statement	30 April 2018	ARCHAEOLOGICAL REPORT
Other Plan(s)	10 December 2018	M-09A car charging
Additional Documents	7 August 2018	CIL EXEMP
Additional Documents	3 August 2018	EIA ADDENDUM

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Agenda Item 7

APPLICATION NUMBER:	LW/18/0987		
APPLICANTS NAME(S):	Bedford Park Developments	PARISH / WARD:	Chailey / Chailey & Wivelsfield
PROPOSAL:	Planning application for proposed ground floor change of use from A4 to B1 and refurbishment of ground floor to office space with minimal external changes		
SITE ADDRESS:	The Kings Head East Grinstead Road North Chailey East Sussex BN8 4DH		
GRID REF:			



1. SITE DESCRIPTION / PROPOSAL

1.1 The application site is a Public House located on the East Grinstead Road in North Chailey. The proposal is for change of use from A4 to B1 and refurbishment of ground floor to office space with minimal external changes.

2. RELEVANT POLICIES

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

LDLP: – CP4 – Economic Development and Regeneration

LDLP: – CP6 – Retail and Town Centres

LDLP: – CP11 – Built and Historic Environment & Design

3. PLANNING HISTORY

EV/59/0011 - Proposed hotel sign. - **Approved**

LW/12/0085 - Alterations & refurbishment including extension and fire escape to rear - **Approved**

LW/12/0099 - Replacement of single post sign on north side with double legged sign - **Withdrawn**

LW/16/0283 - Residential development including the construction of nine houses and four apartments and refurbishment of public house including the conversion of the first floor to two apartments and extension to rear - **Approved**

LW/16/0905/CD - Discharge of conditions 10 & 20 relating to planning approval
LW/16/0283 - **Approved**

LW/17/0079 - Non material amendment application relating to planning approval **LW/16/0283** for alterations to Blocks C, D, & E, including revised glazing, infill timber cladding, amended levels and internal stair, and removal of two ground floor windows and rendering of the lower flank wall to the southern elevation of the public house. - **Approved**

LW/17/0110/CD - Approval of details reserved by condition 2 of planning approval
LW/16/0283 - **Approved**

LW/17/0250/CD - Discharge of conditions 3 and 19 relating to planning approval
LW/16/0283 - **Approved**

LW/17/0689 - Non material amendment application relating to planning approval **LW/16/0283** for alterations to blocks C, D and E including window and door rearrangements and minor detailing amendments - **Approved**

LW/17/0713/CD - Discharge of condition 18 relating to planning approval **LW/16/0283** - **Approved**

LW/17/0784 - Variation of Condition 1 of planning approval **LW/16/0283** to allow for an improved parking layout - **Approved**

LW/17/0850/CD - Discharge of condition 12 in relation to planning application LW/16/0283 - **Approved**

LW/17/0928/CD - Discharge of condition 4 in relation to planning application LW/16/0283 - **Approved**

LW/17/0931/CD - Discharge of condition 2 in relation to planning application LW/16/0283 - **Approved**

LW/18/0159/CD - Discharge of condition 14 relating to planning approval LW/17/0784 - **Approved**

LW/18/0987 - Proposed Ground Floor Change of Use from A4 to B1 and refurbishment of ground floor to office space with minimal external changes -

LW/18/0988 - Proposed Ground Floor Change of Use from A4 to C3 and refurbishment of ground floor to 1 x 1 bed flat and 1 x 2 bed flat -

E/71/0861 - Planning and Building Regulations Applications for internal alterations and extension. Building Regulations Approved. Completed. - **Approved**

LW/92/0120 - Proposed external staircase - **Approved**

LW/17/0784 - Variation of Condition 1 of planning approval LW/16/0283 to allow for an improved parking layout - **Approved**

LW/18/0987 - Proposed Ground Floor Change of Use from A4 to B1 and refurbishment of ground floor to office space with minimal external changes -

LW/17/0784 - Variation of Condition 1 of planning approval LW/16/0283 to allow for an improved parking layout - **Approved**

LW/18/0987 - Proposed Ground Floor Change of Use from A4 to B1 and refurbishment of ground floor to office space with minimal external changes -

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Chailey Parish Council – comments awaited

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 One letter of objection received regarding "application is contrary to original purchase of the site which committed to reopening of the pub although resized to make the premises more commercially viable but with cellar in use as a microbrewery". Also concerns with community consultation, loss of community resource.

6. PLANNING CONSIDERATIONS

6.1 In 2016 planning permission (LW/16/0283) was granted for 'residential development including the construction of nine houses and four apartments and refurbishment of public house including the conversion of the first floor to two apartments and extension to rear'. The dwellings have now been constructed and the works to update the Public House have been undertaken.

6.2 It is now proposed to change the use of the ground floor from A4 (Public House) to B1 (office). The applicant states that despite marketing the property no one has come forward to lease the Public House. They are therefore now making an application to convert the ground floor of the property to office use.

6.3 In tandem with this proposal an additional application has been made (LW/18/0988) for the change of use from A4 to C3 (residential) to provide two flats.

Marketing the property

6.4 Full details of the marketing of the Public House have been supplied with the application. Following planning permission in 2016 the Public House had works undertaken to refurbish the ground floor, at first floor the two residential flats were created. At the time of applying for planning permission the applicant stated that a "local brewery" was interested in taking over the lease and running the Public House. Subsequently they pulled out of taking on the lease. Following the works to refit the ground floor the lease for the Public House was marketed by 'Fleurets - Leisure Property Specialists' from June 2017. The works to refurbish the ground floor included the provision of a bar and serving area.

6.5 Following initial viewings by six parties, one showed interest however this was later withdrawn due to concerns over viability of the business. Following the failure of letting the property, the freehold interest for the business and the flats above was placed on the market in April 2018 for £450,000. Three viewings were organised for the premises and only two viewers attended the first viewing session, with no attendees for the second and third session. Interest was expressed to sell the freehold subject to planning consent to convert the ground floor to B1 office use; however this interest was later withdrawn. Due to lack of interest in the business premises the applicant made the decision to consider alternative uses for the ground floor.

Representations

6.6 24 Objections from local residents citing concerns over development of the site, creation of traffic and loss of community pub/facilities. The common concern raised is the loss of the Public House and the impact this will have on community facilities. With regard to the concerns over traffic generation it is considered that the creation of the office unit would not result in any additional traffic than the previous use would.

Development Proposed

6.7 The only external change proposed to the building is the alteration of a door to a window to the ground floor on the north elevation. Internally the ground floor space will remain unchanged with just the removal of the bar and kitchen facilities. Car parking is to remain the same as the existing public house use.

6.8 Whilst the loss of the PH is regretted the office use would enable the vacant ground floor area to be brought back into use, which as well as benefiting the long term condition of the building also provides for commercial work space within the village.

Planning Policy

6.9 The National Planning Policy Framework (NPPF), paragraph 92, Section 8 (Promoting healthy and safe communities) states that decisions should provide for "the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural

buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments".

6.10 Core Policy 6 (Retail and Town Centres) of the Lewes District Local Plan states that "In order to ensure local shopping centres remain a vibrant focus for the local community a range of retail, employment, leisure, cultural and community uses will be encouraged. Local shops and community facilities (such as meeting places, sports facilities, public houses, places of worship and cultural assets) will be retained unless it can be demonstrated that they are financially or otherwise unviable".

6.11 Core Policy 4 (Encouraging Economic Development and Regeneration) of the LDLP states that its key objectives are to stimulate and maintain a buoyant and balanced local economy through "support for the rural economy" and to maintain and enhance local centres for "business" and other uses. CP4 also states that its purpose is to "support the delivery of new office space to meet modern requirements". CP4 also encourages measures including "support for economic growth in rural areas through the conversion of existing buildings".

6.12 It is acknowledged that whilst both the NPPF and Local Plan encourages the provision of community facilities such as public houses, Core Policy 6 of the LDLP does indicate that such uses should only be retained where they are financially viable. It is therefore down to the applicant to prove that the use is not viable. It is considered that the marketing details submitted with the application, as outlined above, show that extensive marketing of the public house use has occurred with no take up of the facility. To this end it is considered that CP6 has been complied with and the existing PH use has been demonstrated to be unviable in this location.

6.13 Moving onto the proposed use, Core Policy 4 of the LDLP supports the reuse of buildings in rural areas to encourage economic growth as well allowing the provision of modern office space within local centres. It is therefore considered that the proposed office use complies with CP4.

Conclusion

6.14 Although the loss of the Public House use is regretted, it is acknowledged that the property has been marketed for a considerable amount of time, both leasehold and freehold, with limited interest and no interested party pursuing the purchase, despite the ground floor having been fitted out with furnishings/bar associated with a Public House use. It is therefore considered that on balance the proposal complies with Policy CP6 of the Local Plan as it is acknowledged that the existing Public House use has been demonstrated to not be viable in this location. The Public House has been empty for at least three years and been marketed appropriately.

6.15 With regard to the proposed office use, it is considered that the proposal to change the premises to office space would comply with the aims and objectives of Core Policy 4 of the Local Plan and encourage economic development within the village, without detriment to the amenity of the wider area.

6.16 It is considered the proposal will not have a detrimental impact on the character or appearance of the property, will not unduly impact on the residential amenities of local residents, and would provide modern business premises and encourage economic development in this village location, in accordance with Policies ST3 (Design, Form and Setting of Development), CP4 (Encouraging Economic Development and Regeneration), CP6 (Retail and Town Centres) and CP11 (Built and Historic Environment) of the Lewes District Local Plan.

7. RECOMMENDATION

That the planning application is approved.

The application is subject to the following conditions:

1. This planning decision relates solely to the following plan(s):
2. Details of the siting and design of an external electric car charging point to be provided, shall be submitted to and approved in writing by the Local Authority prior to installation. The works hereby permitted shall be carried out in accordance with the approved details before the units are occupied.

Reason: To secure a proper standard of development having regard to policy CP14 of the Lewes Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

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

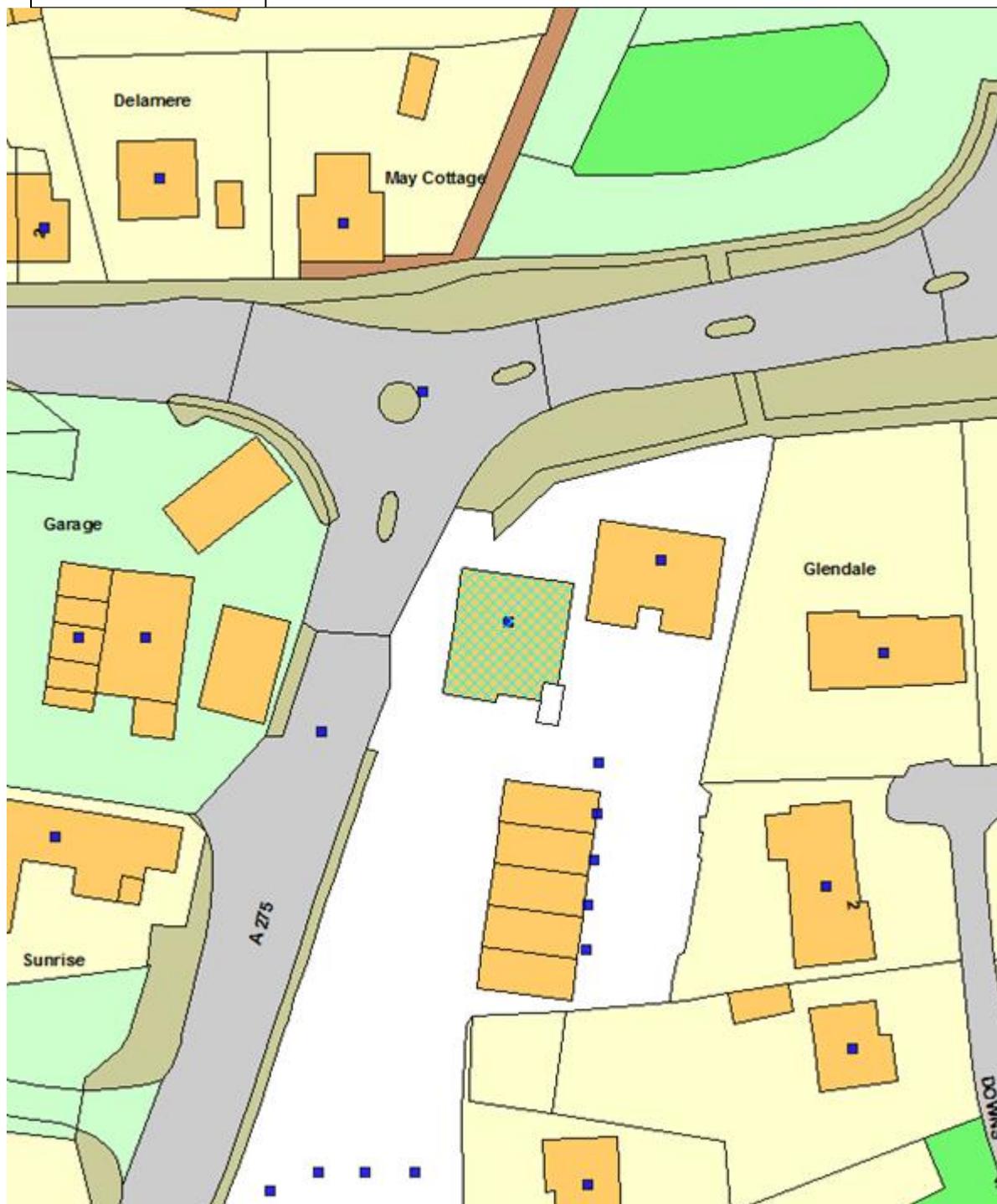
<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Survey Plan	12 December 2018	1:500
Design & Access Statement	12 December 2018	
Location Plan	12 December 2018	1:2500
Other Plan(s)	12 December 2018	Site Boundary
Existing Block Plan	12 December 2018	
Existing Layout Plan	12 December 2018	
Existing Floor Plan(s)	12 December 2018	
Existing Elevation(s)	12 December 2018	
Proposed Elevation(s)	12 December 2018	
Other Plan(s)	12 December 2018	Proposed Site Plan
Proposed Levels Plan	12 December 2018	

Planning Statement/Brief	12 December 2018	Cover Letter
Planning Statement/Brief	12 December 2018	Marketing Report
Planning Statement/Brief	12 December 2018	Planning Statement

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Agenda Item 8

APPLICATION NUMBER:	LW/18/0988		
APPLICANTS NAME(S):	Bedford Park Developments	PARISH / WARD:	Chailey / Chailey & Wivelsfield
PROPOSAL:	Planning application for proposed ground floor change of use from A4 to C3 and refurbishment of ground floor to 1 x 1 bed flat and 1 x 2 bed flat		
SITE ADDRESS:	The Kings Head East Grinstead Road North Chailey East Sussex BN8 4DH		
GRID REF:			



1. SITE DESCRIPTION / PROPOSAL

1.1 The application site is a Public House located on the East Grinstead Road in North Chailey. The proposal is for change of use of the ground floor from A4 to C3 and refurbishment of ground floor to 1 x 1 bed flat and 1 x 2 bed flat.

2. RELEVANT POLICIES

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

LDLP: – CP6 – Retail and Town Centres

LDLP: – CP11 – Built and Historic Environment & Design

3. PLANNING HISTORY

EV/59/0011 - Proposed hotel sign. - **Approved**

LW/12/0085 - Alterations & refurbishment including extension and fire escape to rear - **Approved**

LW/12/0099 - Replacement of single post sign on north side with double legged sign - **Withdrawn**

LW/16/0283 - Residential development including the construction of nine houses and four apartments and refurbishment of public house including the conversion of the first floor to two apartments and extension to rear - **Approved**

LW/16/0905/CD - Discharge of conditions 10 & 20 relating to planning approval
LW/16/0283 - **Approved**

LW/17/0079 - Non material amendment application relating to planning approval **LW/16/0283** for alterations to Blocks C, D, & E, including revised glazing, infill timber cladding, amended levels and internal stair, and removal of two ground floor windows and rendering of the lower flank wall to the southern elevation of the public house. - **Approved**

LW/17/0110/CD - Approval of details reserved by condition 2 of planning approval **LW/16/0283** - **Approved**

LW/17/0250/CD - Discharge of conditions 3 and 19 relating to planning approval **LW/16/0283** - **Approved**

LW/17/0689 - Non material amendment application relating to planning approval **LW/16/0283** for alterations to blocks C, D and E including window and door rearrangements and minor detailing amendments - **Approved**

LW/17/0713/CD - Discharge of condition 18 relating to planning approval **LW/16/0283** - **Approved**

LW/17/0784 - Variation of Condition 1 of planning approval **LW/16/0283** to allow for an improved parking layout - **Approved**

LW/17/0850/CD - Discharge of condition 12 in relation to planning application **LW/16/0283** - **Approved**

LW/17/0928/CD - Discharge of condition 4 in relation to planning application LW/16/0283 - **Approved**

LW/17/0931/CD - Discharge of condition 2 in relation to planning application LW/16/0283 - **Approved**

LW/18/0159/CD - Discharge of condition 14 relating to planning approval LW/17/0784 - **Approved**

LW/18/0987 - Proposed Ground Floor Change of Use from A4 to B1 and refurbishment of ground floor to office space with minimal external changes -

LW/18/0988 - Proposed Ground Floor Change of Use from A4 to C3 and refurbishment of ground floor to 1 x 1 bed flat and 1 x 2 bed flat -

E/71/0861 - Planning and Building Regulations Applications for internal alterations and extension. Building Regulations Approved. Completed. - **Approved**

LW/92/0120 - Proposed external staircase - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 24 Objections from residents - Over development, creation of traffic, loss of community pub/facilities.

6. PLANNING CONSIDERATIONS

6.1 In 2016 planning permission (LW/16/0283) was granted for 'residential development including the construction of nine houses and four apartments and refurbishment of public house including the conversion of the first floor to two apartments and extension to rear'. The dwellings have now been constructed and the works to update the Public House have been undertaken.

6.2 It is now proposed to change the use of the ground floor from A4 (Public House) to C3 (residential) to provide two flats. The applicant states that despite marketing the property no one has come forward to lease the Public House. They are therefore now making an application to convert the ground floor of the property to residential use.

6.3 In tandem with this proposal an additional application has been made (LW/18/0987) for the 'change of use from A4 to B1 and refurbishment of ground floor to office space with minimal external changes'.

Marketing the property

6.4 Full details of the marketing of the Public House have been supplied with the application. Following planning permission in 2016 the Public House had works undertaken to refurbish the ground floor, at first floor the two residential flats were created. At the time of applying for planning permission the applicant stated that a "local brewery" was interested in taking over the lease and running the Public House. Subsequently they pulled out of taking on the lease. Following the works to refit the ground floor the lease for the Public House was marketed by 'Fleurets - Leisure Property Specialists' from June 2017. The works to refurbish the ground floor included the provision of a bar and serving area.

6.5 Following initial viewings by six parties, one showed interest however this was later withdrawn due to concerns over viability of the business. Following the failure of letting the property, the freehold interest for the business and the flats above was placed on the market in April 2018 for £450,000. Three viewings were organised for the premises and only two viewers attended the first viewing session, with no attendees for the second and third session. Interest was expressed to sell the freehold subject to planning consent to convert the ground floor to B1 office use; however this interest was later withdrawn.

6.6 Due to lack of interest in the business premises the applicant made the decision to consider alternative uses for the ground floor.

Representations

6.4 24 Objections from local residents citing concerns over development of the site, creation of traffic and loss of community pub/facilities. The common concern raised is the loss of the Public House and the impact this will have on community facilities.

6.8 With regard to the concerns over traffic generation it is considered that the creation of the additional two flats would not result in any additional traffic than the previous permitted use.

Development Proposed

6.9 The only external change proposed to the building is the insertion of an additional window to the ground floor on the south elevation. Internally the ground floor space will be sub-divided. The two bedroom flat will be entered via the existing external door at the rear of the building. The one bedroom flat will be entered via the existing front door.

6.10 Car parking is to be provided as part of the parking for the whole of the previously approved development scheme. The parking for the two flats equates to 1.3 spaces for the one bedroom flat and 2.3 spaces for the two bedroom flat. Secure cycle parking is to be provided on the site.

6.11 Whilst the loss of the PH is regretted the residential use would enable the vacant ground floor area to be brought back into use, which as well as benefiting the long term condition of the building also provides two additional residential units for the village.

Planning Policy

6.12 The National Planning Policy Framework (NPPF), paragraph 92, Section 8 (Promoting healthy and safe communities) states that decisions should provide for "the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments".

6.13 Core Policy 6 (Retail and Town Centres) of the Lewes District Local Plan states that "In order to ensure local shopping centres remain a vibrant focus for the local community a range of retail, employment, leisure, cultural and community uses will be encouraged. Local shops and community facilities (such as meeting places, sports facilities, public houses, places of worship and cultural assets) will be retained unless it can be demonstrated that they are financially or otherwise unviable".

6.14 It is acknowledged that whilst both the NPPF and Local Plan encourages the provision of community facilities such as public houses, Core Policy 6 of the LDLP does indicate that such uses should only be retained where they are financially viable. It is therefore down to the applicant to prove that the use is not viable. It is considered that the marketing details submitted with the application, as outlined above, show that extensive marketing of the public house use has occurred with no take up of the facility. To this end it is considered that CP6 has been complied with and the use has been demonstrated to be unviable in this location.

Conclusion

6.15 Whilst the loss of the Public House use is regretted, it is acknowledged that the property has been marketed for a considerable amount of time, both leasehold and freehold, with limited interest and no interested party pursuing the purchase, despite the ground floor having been fitted out with furnishings/bar associated with a Public House use. It is therefore considered that on balance the proposal complies with Policy CP6 of the Local Plan as it is acknowledged that the existing Public House use has been demonstrated to not be viable in this location. The Public House has been empty for at least three years and been marketed appropriately.

6.16 It is considered the proposal will not have a detrimental impact on the character or appearance of the property, and will not unduly impact on the residential amenities of existing or future residents, in accordance with Policies ST3 (Design, Form and Setting of Development) of the Lewes District Local Plan and CP6 (Retail and Town Centres) and CP11 (Built and Historic Environment) of the Lewes District Joint Core Strategy.

7. RECOMMENDATION

That the planning application be approved.

The application is subject to the following conditions:

1. This planning decision relates solely to the following plan(s):
2. Details of the siting and design of an external electric car charging point to be provided, shall be submitted to and approved in writing by the Local Authority prior to installation. The works hereby permitted shall be carried out in accordance with the approved details before the units are occupied.

Reason: To secure a proper standard of development having regard to policy CP14 of the Lewes Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Design & Access Statement	12 December 2018	
Other Plan(s)	12 December 2018	1824-P-001
Location Plan	12 December 2018	1824-P-002

Proposed Block Plan	12 December 2018	1824-P-003
Other Plan(s)	12 December 2018	1824-P-004
Existing Floor Plan(s)	12 December 2018	1824-P-006
Existing Elevation(s)	12 December 2018	1824-P-007_A
Proposed Block Plan	12 December 2018	1824-P-008_A
Proposed Floor Plan(s)	12 December 2018	1824-P-008 A
Proposed Elevation(s)	12 December 2018	1824-P-010 B