

# Planning Applications Committee

20 February  
2019



Working in Partnership



**Time and venue:**

5:00pm 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, Vic lent, Tom Jones, Dave Neave, Tony Rowell, Richard Turner and Linda Wallraven

**Quorum: 5**

*Published: Friday, 8 February 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 - 44)**
- 9 LW/18/0808 - Caburn Field, Anchor Field, Ringmer, East Sussex (Pages 45 - 70)**
- 10 LW/18/0901 - 207 Marine Drive, Saltdean, East Sussex, BN2 8DA (Pages 71 - 78)**
- 11 LW/18/0848 - 214 Vale Road, Seaford, East Sussex, BN25 3HJ (Pages 79 - 82)**

## **Planning applications within the South Downs National Park**

- 12 SDNP/18/05602 - 1 School Cottages, Chapel Lane, East Chiltington, BN7 3AY (Pages 83 - 90)**
- 13 SDNP/18/05647 - 35 Friars Walk, Lewes, BN7 2LG (Pages 91 - 100)**
- 14 SDNP/18/05648 - 35 Friars Walk, Lewes, BN7 2LG (Pages 101 - 108)**

## **Non-planning application related items**

- 15 Enforcement monitoring from 1 October 2018 - 31 December 2018 (Part A)**  
(Pages 109 - 110)  
Report of Director of Regeneration and Planning
- 16 Enforcement monitoring from 1 October 2018 - 31 December 2018 (Part B)**  
(Pages 111 - 114)  
Report of Director of Regeneration and Planning
- 17 Written questions from councillors**  
To deal with written questions from members pursuant to Council Procedure Rule 12.3 (page D8 of the Constitution).
- 18 Date of next meeting**  
To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 13 March 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.

**Email:** [committees@lewes-eastbourne.gov.uk](mailto:committees@lewes-eastbourne.gov.uk)

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## **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.

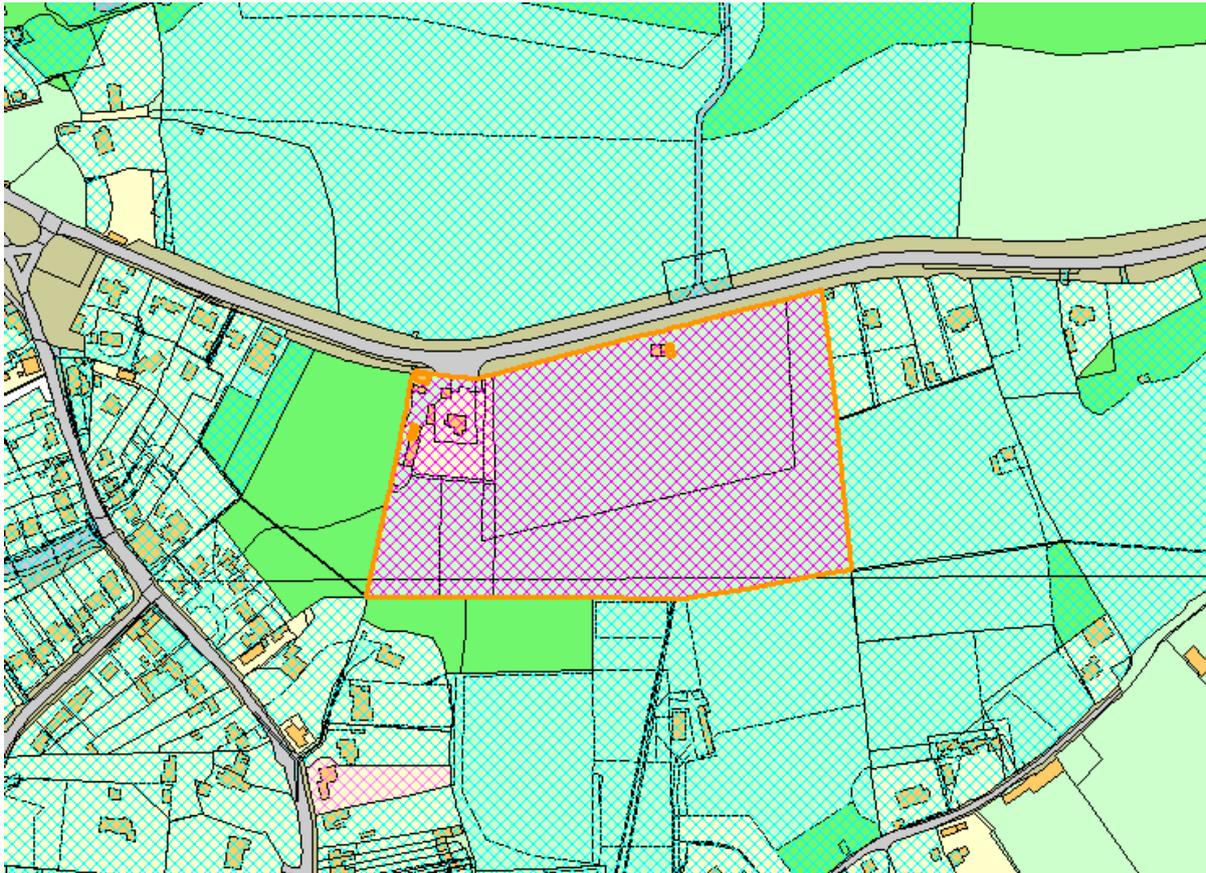
The meeting ended at 5.35pm.

Councillor Sharon Davy (Chair)

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# Agenda Item 6

<b>APPLICATION NUMBER:</b>	LW/18/0351		
<b>APPLICANTS NAME(S):</b>	P Wood, J Wood & C Wood	<b>PARISH / WARD:</b>	Newick / Newick
<b>PROPOSAL:</b>	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		
<b>SITE ADDRESS:</b>	Woods Fruit Farm Goldbridge Road Newick East Sussex BN8 4QP		
<b>GRID REF:</b>			



## 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). Case law has also been brought to the attention of the Council regarding the three year housing land supply and Paragraph 216 of the NPPF (2018). In light of this, the Council has produced a mid-year five year housing

land supply position statement for 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:

- Development outside the planning boundary (CT1);
- District Council's five year and three year housing land supplies;
- Newick Neighbourhood Plan (Policies HO1 and HO4); and
- 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). Further information on the Council's five year housing land supply position can be found in the published Note .

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.

#### 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 has extant planning permission. 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 (Recreation Impacts)

The application site is located entirely within the Ashdown Forest 7km mitigation zone for 'in-combination' recreation impacts. 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 to achieve 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 last year and is fully operational. To secure the SANGs long term management 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 available at <https://www.lewes-eastbourne.gov.uk/planning-policy/habitats-regulations/>.

Following the ruling of the European Court of Justice on case C323/17 (People over Wind, Peter Sweetman v Coillte Teoranta) Appropriate Assessment of habitats impacts is required in decision-making whenever there is a potential impact on a habitats site, regardless of any mitigation measures proposed. Previously mitigation measures could be applied at the 'screening' stage to rule out an impact; this is no longer the case and therefore the Council, as the 'competent authority' for the purposes of the Habitat Regulations has carried out an Appropriate Assessment for this application of the recreation impacts on the Ashdown Forest SPA. The strategic mitigation measures contained within CP10 have been applied at this stage of the Habitat Regulations Assessment (HRA) process to ascertain that as long as the mitigation measures are secured in line with CP10 there will be no adverse effect on the integrity of this European site. Natural England has reviewed the Appropriate Assessment and their consultation response is contained within the Appropriate Assessment, which can be found on the case file.

#### Habitat Regulations Assessment for Air Quality Impacts

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 without the need for mitigation measures.

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 arising from the development 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<sub>x</sub> the additional 30 dwellings makes a negligible contribution to concentrations at the closest areas of heathland and the NO<sub>x</sub> 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 must be subject to the relevant mitigation required by Core Policy 10 of the JCS to comply with the Habitat Regulations.

Given the above, from a planning policy perspective, an objection is raised in principle to this planning application.

## **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, the application is a departure from adopted policy.

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 In considering these allocations it is important to note that the Independent Examiner into the Newick Neighbourhood Plan stated on page 19 of his report that -

'Representations have been received highlighting that the Neighbourhood Plan "only" plans for 100 houses. However, this is not the case. The Neighbourhood Plan helpfully includes specific allocations for housing. This provides for a high degree of certainty with regards the delivery of around 100 houses. Nowhere does the Neighbourhood Plan seek to place a cap, or a maximum limit on the number of dwellings to be built in the Neighbourhood Area during the plan period. This approach has regard to the Framework's presumption in favour of sustainable development'.

6.10 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**

6.11 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

6.12 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**

6.13 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).

6.14 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 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.

6.15 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. For the avoidance of doubt it is confirmed that Appropriate Assessment has been carried out by the Council, as competent authority, for recreation impacts on the Ashdown Forest SPA and the strategic mitigation measures contained within CP10 have been applied at this stage of the Habitat Regulations Assessment (HRA) process to ascertain that there will be no adverse effect on the integrity of this European site.

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

## **Highways**

6.17 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.

6.18 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.

6.19 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.

6.20 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**

6.21 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.

6.22 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.

6.23 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.

6.24 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**

6.25 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. Therefore it is not envisaged that renewable energy technologies will be used on the site as the dwellings will be built to such an efficient standard that they will minimise energy consumption and meet the requirements of Building Regulations and adopted planning policy.

6.26 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.

6.27 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.

6.28 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**

6.29 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.

6.30 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.

6.31 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**

- 6.32 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
  - SAMM 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

6.33 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 and as such is a departure from the Local Plan. However, the scheme would provide a well-designed housing development, which provides a range of house types and styles which would sit comfortable 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.

6.34 The revised 2018 NPPF makes it clear that Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. (Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990). The development plan includes local and neighbourhood plans that have been brought into force. The NPPF also requires that decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

6.35 The NPPF at paragraph 12 states that 'the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making'. It goes on to say that 'Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed'. In this case it is considered that the proposed development would not compromise or undermine the implementation of the Newick Neighbourhood Plan, its objectives or the community 'wants' contained therein. Neither would the 14 units proposed to be built outside of the allocated site result in any demonstrable harm. Therefore, and on balance, it is considered that planning permission can be granted.

## 7. RECOMMENDATION

7.1 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:**

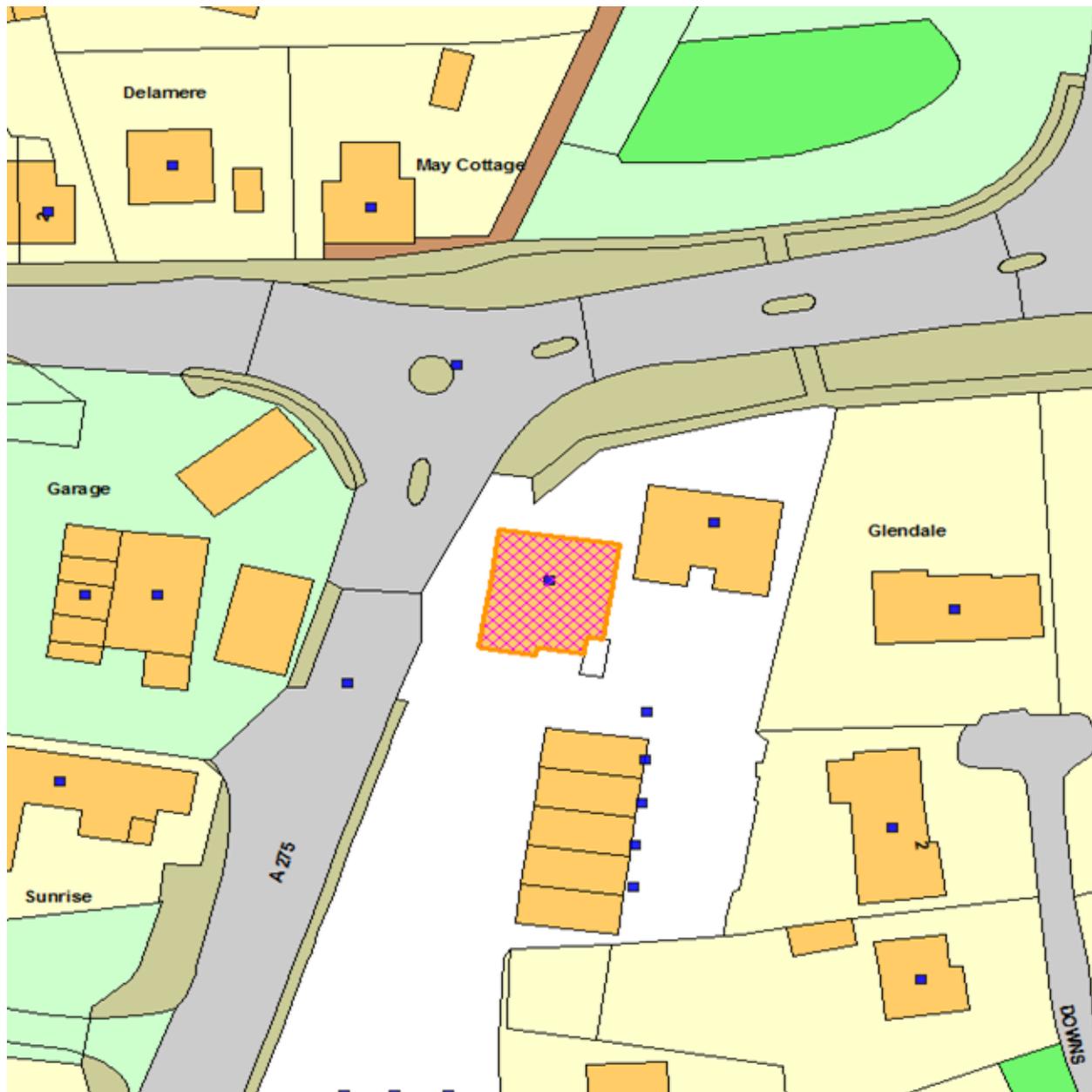
<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Additional Documents	10 December 2018	2018-4221-011 Rev A
Planning Statement/Brief	21 May 2018	LAND SUPPLY
Location Plan	30 April 2018	SLP-01
Existing Block Plan	30 April 2018	SLP-02
Proposed Layout Plan	10 December 2018	M-01H
Other Plan(s)	10 December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

# Agenda Item 7

<b>APPLICATION NUMBER:</b>	LW/18/0987		
<b>APPLICANTS NAME(S):</b>	Bedford Park Developments	<b>PARISH / WARD:</b>	Chailey / Chailey & Wivelsfield
<b>PROPOSAL:</b>	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		
<b>SITE ADDRESS:</b>	The Kings Head East Grinstead Road North Chailey East Sussex BN8 4DH		
<b>GRID REF:</b>			



## 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 – Chailey Parish Council comments were received on the 15 January:

“At a meeting of the Planning & Environs Committee of Chailey Parish Council held on 8th January 2019, Councillors resolved to OBJECT to the above application.

Councillors considered that condition number 16 of the decision in application LW/16/0283 should continue to apply. That condition requires the commercial premises approved as part of the redevelopment of the Kings Head site to be used as a Public House (and not any other purpose under class A4). The condition was imposed in the interests of residential amenity and in order to safeguard an important community asset. Nothing has changed during the period since the decision in application LW/16/0283 was made (September 2016) to diminish the status of the building as an asset to the community. Councillors recognised the efforts by the developers to dispose of the building for use as a Public House but the fact that, to date, they have been unsuccessful was not a reason to, in effect, remove the condition that was imposed in the first place for good community reasons and for the benefit of Chailey residents.”

The Clerk for Chailey Parish Council also commented:

“In your report for application LW/18/0987 you say that there has been one letter of objection. Your report for application LW/18/0988 records that there have been 24 objections. Looking at the applications on the website what you say is right, but the apparent large imbalance between the two applications does not in practice exist. It was clear from comments on local social media and from comments made by the several residents who attended the meeting of Chailey’s Planning & Environs Committee on 8th January that (1) residents did not appreciate that there were two separate applications and that any comments they wished to make should be recorded against both applications, and (2) residents’ objections are to both applications in equal measure. This can be seen from carefully reading the objections that were lodged wherever they are recorded: in short residents wish to reclaim/retain their local pub.

Finally your reports both record that the original grant of permission for the redevelopment of the site (LW/16/0283) allowed for the refurbishment of the public house. That is right, but condition 16 requires the pub to be used as a pub and not as anything else. This condition was inserted because of comments made by residents, supported by the Parish Council. The condition is not mentioned in your reports, although it is referred to in the comments sent to you on the 15th. Please ensure that the existence of the condition is mentioned in your report.”

## **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.

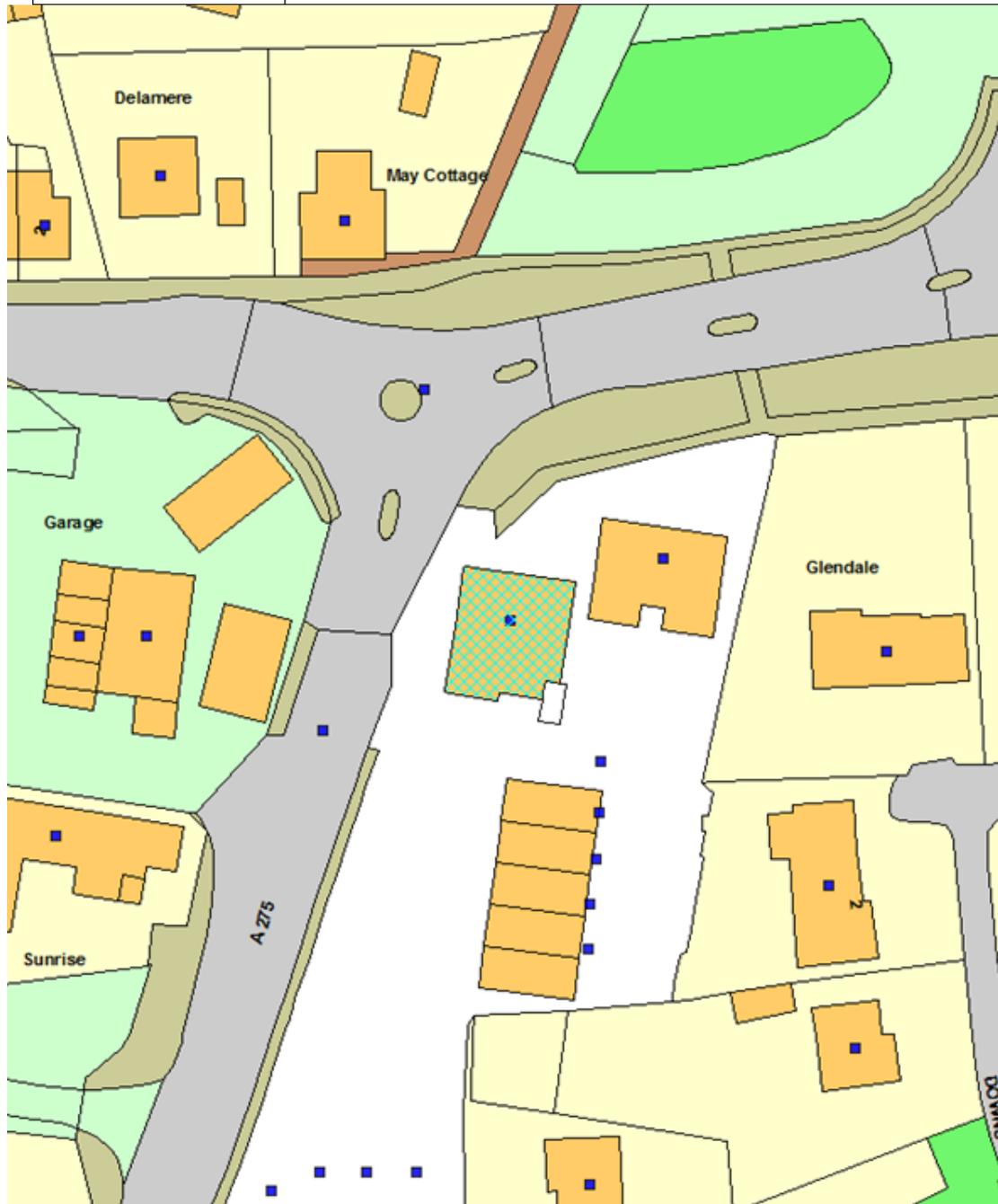
**This decision is based on the following submitted plans/documents:**

<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

<b>APPLICATION NUMBER:</b>	LW/18/0988		
<b>APPLICANTS NAME(S):</b>	Bedford Park Developments	<b>PARISH / WARD:</b>	Chailey / Chailey & Wivelsfield
<b>PROPOSAL:</b>	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		
<b>SITE ADDRESS:</b>	The Kings Head East Grinstead Road North Chailey East Sussex BN8 4DH		
<b>GRID REF:</b>			



## 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**

- 4.1 At a meeting of the Planning & Environs Committee of Chailey Parish Council held on 8th January 2019, Councillors resolved to OBJECT to the above application.

Councillors considered that condition number 16 of the decision in application LW/16/0283 should continue to apply. That condition requires the commercial premises approved as part of the redevelopment of the Kings Head site to be used as a Public House (and not any other purpose under class A4). The condition was imposed in the interests of residential amenity and in order to safeguard an important community asset. Nothing has changed during the period since the decision in application LW/16/0283 was made (September 2016) to diminish the status of the building as an asset to the community. Councillors recognised the efforts by the developers to dispose of the building for use as a Public House but the fact that, to date, they have been unsuccessful was not a reason to, in effect, remove the condition that was imposed in the first place for good community reasons and for the benefit of Chailey residents.”

The Clerk for Chailey Parish Council also commented:

“In your report for application LW/18/0987 you say that there has been one letter of objection. Your report for application LW/18/0988 records that there have been 24 objections. Looking at the applications on the website what you say is right, but the apparent large imbalance between the two applications does not in practice exist. It was clear from comments on local social media and from comments made by the several residents who attended the meeting of Chailey’s Planning & Environs Committee on 8th January that (1) residents did not appreciate that there were two separate applications and that any comments they wished to make should be recorded against both applications, and (2) residents’ objections are to both applications in equal measure. This can be seen from carefully reading the objections that were lodged wherever they are recorded: in short residents wish to reclaim/retain their local pub.

Finally your reports both record that the original grant of permission for the redevelopment of the site (LW/16/0283) allowed for the refurbishment of the public house. That is right, but condition 16 requires the pub to be used as a pub and not as

anything else. This condition was inserted because of comments made by residents, supported by the Parish Council. The condition is not mentioned in your reports, although it is referred to in the comments sent to you on the 15th. Please ensure that the existence of the condition is mentioned in your report.”

## **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:

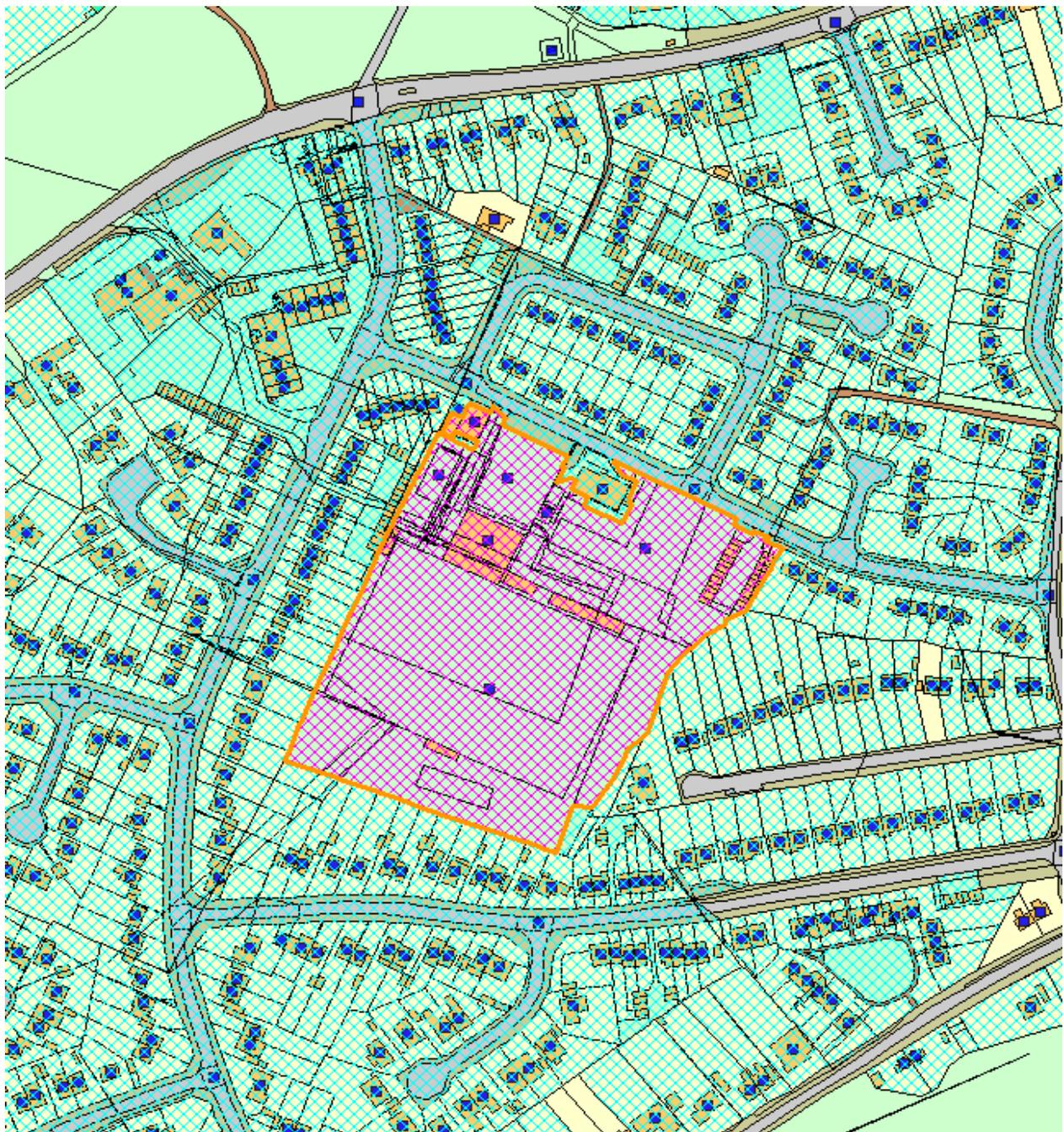
<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Design & Access Statement	12 December 2018	
Other Plan(s)	12 December 2018	1824-P-001
Location Plan	12 December 2018	1824-P-002
Proposed Block Plan	12 December 2018	1824-P-003
Other Plan(s)	12 December 2018	1824-P-004
Existing Floor Plan(s)	12 December 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

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# Agenda Item 9

<b>APPLICATION NUMBER:</b>	LW/18/0808		
<b>APPLICANTS NAME(S):</b>	Bedford Park Development	<b>PARISH / WARD:</b>	Ringmer / Ouse Valley & Ringmer
<b>PROPOSAL:</b>	Planning application for proposed residential development of a total of 77 dwellings of a mix of types, sizes and affordability to ensure that efficient use is made of the land, comprising of 10 x 2 bedroom flats, 12 x 2 bedroom houses, 23 x 3 bedroom houses, 9 x 4 bedroom houses, and 13 x 2 bed and 10 x 3 bed affordable houses (amended proposal).		
<b>SITE ADDRESS:</b>	Caburn Field Anchor Field Ringmer East Sussex		
<b>GRID REF:</b>			



## 1. SITE DESCRIPTION / PROPOSAL

1.1 The site is located in the centre of Ringmer, on the southern side of Anchor Field. The site, which covers an area of approximately 2 hectares, is surrounded by residential development along its east, south and western boundaries. The site currently accommodates Caburn Field (Ringmer Football Club, pitch and pavilion), the rifle club, Council owned garages, open space including skate-park, car park and access road. Adjacent to the site along Anchor Field are the existing 2 storey surgery and single storey pharmacy.

1.2 The site is relatively flat with a very slight slope from SW to NE. The southern and western boundaries are dominated by an extensive conifer hedge in excess of 6m high. There is a more natural native boundary to the east, with some mature trees along the southern edge of the open space.

1.3 The proposal, as originally submitted, was for 96 residential units of which 70 were private and 26 units (flats) were to be affordable. Following negotiations this has now been amended to 77 dwellings, with 54 private and 23 (30%) affordable (consisting of 2 and 3 bed houses). All the buildings on the site will be 2 storey in height, with the large block of flats at the front of the site being replaced with two storey houses.

## 2. RELEVANT POLICIES

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

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

**LDLP: – CP1 – Affordable Housing**

**LDLP: – CP14 – Renewable and Low Carbon Energy**

**LDLP: – RG01 – Caburn Field**

**LDLP: – RNP62 – Policy 6.2-Affordable Units**

**LDLP: – RNP74 – Policy 7.4-Outdoor Sports Facilities**

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

**LDLP: – RNP92 – Policy 9.2-Housing Densities**

**LDLP: – RNP98 – Policy 9.8-Housing for Elderly/Disabled**

## 3. PLANNING HISTORY

**LW/91/0501** - Variation of Condition 1 attached to planning permission LW/89/1946 to enable the floodlighting column to be maintained in an upright position from 1st Sep to 30th April each year. - **Refused**

**E/60/0487** - Outline Application to develop private building estate. - **Refused**

**LW/82/1705** - Erection of six sixteen metre high demountable floodlighting columns, each supporting two floodlights. Allowed on Appeal with Restrictive Conditions No.s 1, 2, 5 and 6. - **Refused**

**E/58/0049** - Outline Application for residential development. - **Refused**

**E/58/0409** - Application for permission to use land as football pitch and agricultural land. - **Permitted Development**

**E/57/0378** - Outline Application for residential development. Address continued: 1-19 Sadlers Way & 1-15 Langham Close & Gotelands & Shelleys Gote Lane & 18-55 Harvard Road & 1 Oakmede Way & 1-17 Hayes Close & Brattle & Lovage Lewes Road & Site Part Of 23-31 Anchor Field & Caburn Field Pavilion & Carburn Field & Land Adjacent Car Park Anchor Field & 37 Mill Mead & 34 Mill Road & 2-35 Springett Avenue & 17-27 Langham Close & 10-29 Sadlers Way & 39-61 Harvard Road Ringmer East Sussex BN8 5HJ. - **Refused**

**E/57/0531** - Outline Application to erect a maximum of forty dwellinghouses. Amended Plan refused 25/11/1957. & Caburn Field Anchor Field & 5-17 Hayes Close & 6-8 Penn Crescent & 12-31 Harvard Road, Ringmer, East Sussex, BN8 5HJ - **Refused**

**LW/18/0808** - Proposed residential development of a total of 77 dwellings of a mix of types, sizes and affordability to ensure that efficient use is made of the land, comprising of 10 x 2 bedroom flats, 12 x 2 bedroom houses, 23 x 3 bedroom houses, 9 x 4 bedroom houses, and 13 x 2 bed and 10 x 3 bed affordable houses (amended proposal). -

**E/69/0527** - Planning and Building Regulations Applications for spectators enclosure and groundsmans store. Building Regulations Approved. Commenced. - **Approved**

**E/71/0885** - Planning and Building Regulations Applications for spectators enclosure and tennis courts and replacement of existing floodlighting system. Building Regulations Approved. Completed. Restrictive Planning Condition No 3. - **Approved**

**LW/74/1811** - Outline Application to erect small bore rifle range. - **Refused**

**E/64/1101** - Outline Application for residential development at Ringmer Football Field. Restrictive Planning Condition No.5. - **Approved**

**E/63/0268** - Planning and Building Regulations Applications for shower baths and sanitary accommodation at football field. Building Regulations Approved. Amended plan Approved 12/09/1963. Completed. - **Approved**

**E/64/0940** - Planning and Building Regulations Applications for roofed spectators stand. Building Regulations Approved. Restrictive Planning Condition. Temporary Permission Expires 30/11/1969. - **Approved**

**LW/89/1946** - Retention of floodlighting columns in an upright position for the period 1st October to 31st March annually. Restrictive Planning Condition 2. Condition 1 discharged by Enforcement Appeal dated 03/06/99. See File EN/80/179. - **Approved**

**E/66/0025** - Outline Application for the erection of changing rooms and toilet facilities. - **Approved**

**LW/77/0045** - Planning and Building Regulations Applications for erection of new changing room block including toilets and shower facilities. Building Regulations Approved. Completed. - **Approved**

**LW/88/0449** - Planning and Building Regulations Applications for rebuilding rifle clubhouse and range. Building Regs. Approved. Completed. - **Approved**

**LW/06/0223** - Extension to stand, trainers boxes, alterations to ticket booth and entrance and portable toilet accommodation - **Approved**

**LW/02/1023** - Application to vary conditions attached to permission LW/89/1946 to enable floodlights to be retained permanently in an upright position and illuminated between 7 pm and 9.30 pm on weekdays and not later than 6.30 pm on any Saturday - **Approved**

**LW/98/1850** - Deemed Application under section 177(5) of the 1990 Act following the Appeal against Enforcement Notice EN/80/0179 for non compliance with Condition 1 Attached to planning permission LW/89/1946 for retention of floodlighting columns in an upright position for the period 1st October to 31st March annually. - **Approved**

**LW/95/0501** - Variation of Condition 1 attached to planning permission LW/89/1946 to enable the floodlight columns to remain in upright position from the 1st September - 30th April in each year - **Refused**

**LW/92/0301** - Variation of Cond. 1 attached to planning permission LW/89/1946 to enable the floodlighting columns to remain in upright position from 1st September - 30th April in each year . - **Refused**

**APPEAL/83/0026** - Erection of six sixteen metre high demountable floodlighting columns, each supporting two floodlights. - **Allowed**

**APPEAL/98/2017** - Appeal against Enforcement Notice EN/80/0179 - non compliance with Condition 1 Attached to planning permission LW/89/1946 for retention of floodlighting columns in an upright position for the period 1st October to 31st March annually. - **Allowed**

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

**Environmental Health** – No objection subject to conditions regarding contamination.

**ESCC Highways** – This HT401 is issued in response to the original documents submitted with the application, including Transport Assessment; additional information including Road Safety Audit and Designers Response and amended plans date stamped 15th and 16th January 2019.

These revised documents include the reduction in the number of dwellings from 96 to 77 and follows extensive discussions between all parties. I am satisfied that the impact of this development [77 dwellings total] can be accommodated on the highway network provided the mitigation measures are carried out.

Thus I do not object to the application subject to highway conditions and a section 106/278 agreement to secure the off-site highway works.

(Full details of the response can be viewed on line).

**Housing Needs And Strategy Division** – The application at Anchorfield includes a proposal for 23 new affordable homes to be delivered on-site, which will meet a registered need for households requiring two and three bedroomed accommodation in the local area. This site will deliver 30% of the dwellings as affordable housing that falls below the District wide target of delivering 40% affordable housing on-site. The wider benefits being delivered through the scheme have been factored in to assessing the acceptability of

delivering less than 40%, including the improvement to local sport facilities and the market housing provision. The applicant approached the Housing Authority at an early stage and included the District Valuation Service in extensive discussions about the design, viability and deliverability of the scheme to ensure the maximum number of affordable homes could be provided.

The Housing Authority finds the amended planning proposal acceptable.

**Tree & Landscape Officer Comments** – With regards the proposed and revised soft landscaping scheme: The net tree loss appears to exceed the proposed replacement scheme and in any event there is insufficient space for new planting to make up for this loss. The proposed development layout is considered to be too dense and does not, in my view, provide adequate space for soft landscaping. This is an important issue because the revised layout configuration is no real improvement and will result in a harsh urban landscape and this in turn will have a detrimental impact on the appearance of the area for future occupants.

What little planting there is some of it is located within very small gardens, which in themselves provide limited domestic amenity space for the occupants. This limited space would be further eroded by the tree planting in these gardens. Whilst I am quite happy for tree planting to be located in small domestic garden it will be important that these are not included in the plans submitted for approval. This is because the enforcement burden will be too great with the result of residents complaining about a neighbour removing a tree and demanding it is replaced. This would potentially be a divisive mechanism for mischievous neighbours.

The proposal to place some trees in rear gardens will almost certainly result in pressure being brought to bear on the Council to allow lopping, topping or complete removal on the grounds that these trees impact on the reasonable use and enjoyment of the garden spaces.

The revised parking arrangements is not considered to be much of an improvement on the original and it will result in a visually cluttered street filled with parked cars with only a little tree & shrub planting to visually soften the scene. Any small spaces available will, without doubt be used by drivers for additional parking. Not forgetting the absence of spaces for refuse and recycling bins, bicycles and general garden paraphernalia that often makes it way to the front of the property.

It is considered that the palate of tree species used is far too limited in terms of diversity and as a result the tree population will be highly vulnerable to pests and diseases. No doubt the landscape architects were constrained in the design of the soft landscaping scheme but this does not detract from the view that the scheme appears to be uninspired and lacklustre and fails to provide suitable ornament to an otherwise dense urban environment.

It is recommended that where tree planting and soft landscaping is required for a development, particularly if it is for the benefit of the development as a whole, and/or for the purposes of making the development integrate better with the local environment, such soft landscaping should be located in separate areas, or communal areas and not in the curtilage of domestic properties. This is so that they stand a chance of being retained in the longer term. The maintenance of which should be undertaken by a management company financed by the residents themselves. There should be clear set of objectives drawn up so that it is clear to all residents what is expected and which would make planning enforcement easier and clearer to implement should the need ever arise in the future.

On the subject of maintenance the original application included 'General Maintenance' s 4 of 'Soft Landscape Management & Maintenance Plan RIV 22102 Man Rev A' which is assumed to be applicable for the revised scheme. This suggested that 'Domestic Owners, Bedford Park Development Ltd, ESCC Highways and LDC' will be responsible for maintenance of the some of the soft landscaping subject to agreement. Firstly, LDC will probably not be in a position take on any new responsibilities such as this, I and would think ESCC would be in the same position. The applicants are advised to provide a plan showing management areas for the purposes of clarity and to prevent disputes with future residents.

In the final analysis, the soft landscaping scheme needs to be reconsidered and redesigned - I have contacted the applicant and he has provisionally agreed that the soft landscaping scheme and its associated management plan can be left as a reserved matter. The scheme could be approved subject to conditions.

**Natural England** – No objection - it is not considered that the proposed development would have any significant adverse impacts on statutorily protected sites.

**Sussex Police** – No major concerns but additional measures to mitigate against local crime trends should be considered.

**Southern Water Plc** – No objection subject to condition regarding surface water runoff.

**ESCC SUDS** – Following our earlier objection on the 21 November 2018, the applicant has submitted revised plans and provided additional information on flood risk and the surface water drainage proposals at the site. Consequently, it is the view of the LLFA that flood risk, both on and off site is capable of being mitigated through the application of suitably worded planning conditions.

Previously we expressed concerns regarding the proposals to culvert the ditch at the south east part of the site, as this ditch intercepts surface water runoff which would otherwise affect surrounding properties. However, it is our understanding that this ditch will be maintained in its existing state and that the adjoining dwellings comprising part of the development will include covenants in the deeds requiring the maintenance and clearance of the ditch. Whilst the proposed covenant is welcomed, we would request a planning condition on any approval granted that secures the appropriate management and maintenance of the ditch. This condition will need to include information on how the occupants of the relevant dwellings will be made aware of their riparian responsibilities, and how the necessary access arrangements to maintain and inspect the ditch will be secured throughout the lifetime of the development. Furthermore, the LLFA may consider whether it would be appropriate to designate the ditch as a flood risk management asset under the Flood and Water Management Act.

The Flood Risk Assessment and our own site investigations confirm an existing outfall into the ditch and the applicant intends to formalise this with a headwall and trash screen, which we would be in support of. We note that the outfall from the ditch into the Southern Water sewer system is a 150mm pipe. To reduce the risk of the ditch flooding adjoining properties, we request that this is upgraded to a larger diameter pipe, which would require permission from Southern Water. However as previously noted, this ditch is an ordinary watercourse and any works including re-routing of the ditch will require Ordinary Watercourse Consent from ESCC. The LLFA can be contacted on:

[watercourse.consenting@eastsussex.gov.uk](mailto:watercourse.consenting@eastsussex.gov.uk)

Due to the complexity of the existing drainage at this site, we request that the applicant undertakes additional surveys of the chamber, the Southern Water system which is connected to the ditch, and any existing drainage which the applicant intends to reuse. This is to ensure that surface water is safely discharged from the site and that the ditch does not present a flood risk to adjoining dwellings.

We previously noted that the proposed drainage system would flood during the 1 in 100 + 40% allowance for climate change event. Following the submission of the requested hydraulic calculations, these issues have now been addressed through increasing pipe sizes and inflow into the drainage system which has eliminated the risk of surface water pooling at the site.

If the Local Planning Authority is minded to grant planning permission, the LLFA requests that the following comments act as a basis for planning conditions to manage surface water runoff from the development:

1. The principles of surface water management outlined in the Flood Risk Assessment should be taken forward to detailed design and implementation. Surface water runoff rates should be limited to 19.9 l/s and 5.0 l/s for the major and minor parts of the development respectively.
2. The details of the outfall of the proposed drainage system and how it connects into the ditch should be provided as part of the detailed design; this should include cross-sections and invert levels.
3. The condition of the ditch and Southern Water sewer 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 ditch or sewer should be carried out prior to construction of the outfall.
4. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely, without increasing flood risk on or off site.
5. 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 the ditch and 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.
  - c) Details on how the relevant occupants will be informed of their riparian responsibilities to maintain the ditch, and details on how access arrangements will be secured throughout the lifetime of the development should be provided to the Local Planning Authority.
6. 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.
7. 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.

**Sport England** – Sport England objects to the above application as it is not considered to meet our adopted playing fields policy or NPPF Para. 97 for the following reasons: the proposal will result in a quantitative loss of playing field and the proposed replacement facilities (on another site) result in a further loss of playing field and do not provide adequate mitigation for the playing field that will be lost.

(Full comments available to view on line).

**Main Town Or Parish Council** – Ringmer Parish Council has always supported the principle of redevelopment of Caburn Field for housing, subject to the condition that an alternative football pitch is provided at a suitable alternative location, in accordance with saved policy RG1 of the 2003 Lewes Local Plan. The proposals in the parallel application LW/18/0789 would, if approved, meet that condition. Ringmer Neighbourhood Plan policy 6.4 (RES3) also allocates for residential development for 8 homes two small plots at Anchor Field that are adjacent or close to Caburn Field and included in this application; the derelict former youth club site and the largely redundant Anchor Field garage block. These two plots are owned by Lewes District Council.

However, we are unable to support this application for the following reasons:

1. The excessively high density of the proposed development
2. The negative streetscene impact of the very large affordable housing block
3. The mix of affordable housing units proposed
4. The under-provision of car parking, and the unacceptable consequences of such under-provision at this location on the viability of the Ringmer Shopping Precinct
5. The failure to include provision for the elderly and disabled
6. Inadequate access from the site to Anchor Field
7. Unacceptable loss of public open space and of the Ringmer skateboard park

(Full comments available to view on line)

**Parish Council comments on amended plans** - Discussion centred on allocated parking provision and loss of public open space and the skateboard park. The Council agreed to support the approval of the application as revised subject to the revision of the parking spaces allocations to provide three allocated spaces (including garage space) for each 4 bed house and two allocated spaces for each 2 bed and 3 bed house, and that the developer offers to hand over the freehold of the remaining public open space and provide an alternative skateboard park being secured by condition.

(A copy of the full response can be viewed on line).

## 5. REPRESENTATIONS FROM LOCAL RESIDENTS

Responses in relation to the original scheme (96 units) -

### Objections

35 notifications raising objections due to - Increased traffic, loss of parking, height of flats unacceptable, loss of play area, overdevelopment of the site, development in excess of the 40 originally proposed, impact on surgery, support is based on the provision of the new pitch, high density, insufficient affordable housing, lack of facilities for the elderly, poor character and scale especially 3 storey block, shortfall of parking against RNP policy, impact on Earwig corner, inadequate CEMP, not in conformity with Ringmer NP, impact on wildlife, loss of trees will impact on privacy, overlooking, overdevelopment of the village, issues of flooding, crowded development, not sustainable, loss of green space, the site should remain in community use, large blocks out of keeping with surroundings, no evidence of financial viability, impact on schools, inadequate parking on site.

## Support

32 notifications of support - what Ringmer needs, need for more family housing, will support local businesses, will lead to new and improved sports facilities within the village which are long overdue, benefit a large amount of people, good location for new housing close to all services, will enrich the community, improve health and wellbeing, well-considered community focused applications, good use of land in the centre of the village, will help the village to grow and keep people in the village.

Responses to the amended scheme (77 units) -

Support – 2 Amended plans meet the needs of the village, cover initial concerns raised by residents.

Object – 1 objection letter on matters of drainage stating that precise mapping should be undertaken, SuDS design should demonstrate emptying under gravity, existing pipe is inadequate diameter, need for regular inspection and maintenance, flood risk higher during construction, need to set up a liaison group especially during construction.

## 6. PLANNING CONSIDERATIONS

### Material Considerations

#### Overview

6.1 The proposal is to redevelop the site for new housing, a long held aspiration of the Lewes District Local Plan and more recently the Ringmer Neighbourhood Plan. The vast majority of the new housing will be located on the site of the Ringmer Football ground. In order to facilitate this requires the relocation of both the Ringmer FC and the rifle club. Permission has been granted for the construction of new facilities for the rifle club on Cheyney Field (LW/18/0790). Permission for the relocation of the football club to a new 3G all-weather to be constructed within the grounds of Kings Academy has also been issued following referral to the Secretary of State (due to an objection having been received from Sport England) who subsequently Directed the Council to determine the application in accordance with adopted policies.

6.2 The proposal would result in the loss of the small external skate park, currently located on the open space. The developer has agreed to contribute £25,000 towards the relocation of the facility in consultation with the parish council. It will also result in the loss of approximately 0.2 hectares of existing open space, of which approximately 0.13 hectares are poor quality space situated behind the pharmacy in the west and behind the garages to the east.

6.3 The fundamental change to the current proposal is the reduction in the number of units on the site from 96 to 77, and the replacement of the large 3 storey high block of flats, which was located at the front behind the surgery and which dominated the site, with 11 x 2 bed two storey dwellings.

6.4 A certain quantum of development to facilitate the relocation of the existing facilities to other locations within Ringmer is required.

#### Policy

6.5 The NPPF sets out a presumption in favour of sustainable development especially where the proposals accord with up-to-date Development Plans (para.11). Amongst other

things the NPPF also seeks to ensure that developments and places are well designed, adding to the functioning of an area, are visually attractive, sympathetic to the local character, optimise the potential of a site to accommodate and sustain an appropriate amount and mix of development, and create places that are safe, inclusive and accessible.

6.6 Within the adopted Lewes District Local Plan 2003 Caburn Field was identified under RG1 for residential development to provide a target minimum of 40 dwellings but that no development should take place until replacement playing field of equivalent area and quality is provided elsewhere.

6.7 Within the Lewes District Local Plan (LDLP) Part 2, which has been agreed as a submission document but currently only carries limited weight, this RG1 allocation has been retained, albeit updated with a higher housing figure of 'approximately 90 units'.

6.8 Within the Ringmer Neighbourhood Plan (RNP) this site reiterates the LDC allocation RG1, accepting that the site would be highly sustainable, and a good location to provide for the elderly or people with disabilities, being close to all village facilities. The associated development brief suggests a development for up to 40 dwellings with 16 affordable units, restricting storey height to 2 storey, and should not compromise continued public recreational use of the existing open space. The two parcels of land (council garages and land behind the pharmacy) are identified for residential development under RES3 of the RNP.

6.9 Other policies within both the LDLP and RNP guide issues of design and various standards, and whilst not listed specifically have been taken into account in the assessment of the application.

6.10 Whilst the Council does currently have a 5 year housing land supply it is important to ensure that those sites which are allocated are brought forward to meet the district housing needs. The Parish Council acknowledged that in view of the specific requirements for the football club, identification of an alternative location has proved extremely difficult. Whilst the new location for the football club does not in itself create new playing field space, it would provide a facility in the form of a floodlit 3G pitch that would significantly enhance and encourage sporting activity over what is currently provided on a grass pitch at Anchor Field. With the application for the new football/sports facility not being objected to by the Secretary of State, the development of this site could progress.

## **Design/Layout**

6.11 The scheme will provide 77 dwellings, consisting of 35 x 2 bed and 33 x 3 bed and 9 x 4 bed. This will achieve a density of 38 dwellings/hectare, which is commensurate with the surrounding land use.

6.12 There will be a single point of vehicle access to the site located adjacent to the pharmacy off Anchor Field. The road, which will create a central island, will provide access to all dwellings and parking areas. The roadway has been designed to accommodate refuse and all service vehicles.

6.13 The development consists of a range of detached, semi-detached, and terrace buildings providing both house and flat accommodation, over two floors. The layout locates properties around the edge of the site surrounding a central square with dwellings along the northern and southern sides. The dwellings are of a traditional form, with clay tiled pitch roofs. A range of design features found in the locality have been incorporated

into the building design, including chimneys, gables, gabled bays, porches, as well as a limited but varied palette of traditional materials incorporating a mix of brick, tile hanging and horizontal boarding, to ensure that the development integrates with the surrounding built form.

6.14 Greater articulation has been achieved both within each of the houses and within the layout as a whole which adds interest to the street scene. The blocks of 3 terraced dwellings have been largely replaced with semi-detached to create a more cohesive design that respects the wider surroundings. The retained apartment block in the north west of the site has also been re-designed to add more interest to the long facade of the building.

6.15 All the dwellings have access to secure cycle storage and refuse storage. Electric car charging will be provided in all properties with garages and associated off street parking spaces as well as a pedestal charger for the visitor space. A condition will be attached to the decision to require all dwellings with off street parking within their curtilage have charging points installed.

6.16 All the dwellings have private rear gardens, ranging in length from 8.2m to 12.5m, providing reasonable external amenity space, which will accommodate refuse and cycle storage. The separation distance between the proposed dwellings and the existing surrounding dwellings is more than sufficient to safeguard residential amenity and privacy.

6.17 The proposed landscaping has been improved with greater emphasis on suitable and more numerous street trees together with enhancement to the boundary planting (which include the removal of the existing conifers).

6.18 All the dwellings comply with the National Spaces Standards. 55% of the dwellings (5 of the ground floor apartments and 37 houses) will comply with Part M4.2 (cat 2) of Building Regulations, which ensures that they will be suitable for the elderly and people with disabilities, and increase the opportunity for residents to remain in the dwellings should their circumstances change.

### **Sustainability**

6.19 All the buildings will be built to ensure that the new homes consume less energy and avoid the need to 'add-ons' to achieve higher sustainability credentials. They will be constructed using the 'fabric first' construction to minimise the need for excessive heating or cooling. The buildings will be highly insulated with high performance windows and doors.

6.20 12 of the dwellings will be fitted with photovoltaic panels on the rear south facing roof slope to provide additional electricity.

6.21 As previously mentioned, electric car charging points will be provided. A condition will be added to the decision notice to require all dwellings with associated off street spaces have cabling installed to allow future occupiers to install such facilities if they wish/need.

### **Affordable housing**

6.22 The intention is that the application will provide 23 new affordable homes to be delivered on-site, which will meet a registered need for households requiring two and three bedrooled accommodation in the local area. This equates to 30% of the dwellings as affordable housing, falling below the District wide target of delivering 40%.

6.23 The wider benefits being delivered through the scheme have been factored in to assessing the acceptability of delivering less than 40%, including the improvement to local sport facilities and the delivering of market housing provision. The applicant has been in discussion with the Housing Authority from an early stage and included the District Valuation Service in extensive discussions about the design, viability and deliverability of the scheme to ensure the maximum number of affordable homes could be provided as well as delivering the relocation of the existing facilities onto other sites.

6.24 In view of the wider public benefits of bringing this site forward and the improvement of sports facilities locally, together with the form and mix of the affordable housing, it is considered that in view of the support from the Housing Authority, that the current proposal is acceptable.

### **Ecology**

6.25 An ecological assessment was carried out by Aspect Ecology in 2018. The site is not subject to any specific statutory designations. The site is dominated by amenity grassland and therefore the features of ecological importance are limited to the boundary hedgerow and scattered trees.

6.26 There was no evidence of any protected species being present on the site although there is potential, and evidenced, for more common nesting birds and roosting bats to utilise the site. Therefore the report recommends that a series of avoidance, mitigation and compensation measures are employed to ensure that there is no significant harm as a result of the proposal. These will be conditioned.

### **Drainage**

6.27 The Lead Local Flood Authority (LLFA) had originally objected to the application. As a result of that objection the applicant has submitted revised plans and provided additional information on flood risk and the surface water drainage proposals at the site. Consequently, it is the view of the LLFA that flood risk, both on and off site is capable of being mitigated through the application of suitably worded planning conditions. These conditions have been added to the draft decision.  
(The full comments from the LLFA can be found in the consultation section of the report).

### **Highways**

6.28 In terms of the impact on the highway, a number of issues have been considered by ESCC.

6.29 In accordance with the NPPF (para 109), the East Sussex County Council and Lewes District Council position is that the cumulative impacts of all development must be mitigated. For a development in this location the junction on which this development causes greatest concern is Earwig Corner. Although the applicant has considered the impact of the proposed development they have assumed that the Earwig Corner Improvement will be delivered by another development on Bishops Lane under permission LW/14/0127 and ESCC have confirmed that these works to Earwig Corner have been secured through a s106 agreement under that application.

6.30 Having reduced the number of units on this development, the trip rates used for assessing the impact on the proposed access have been shown to be acceptable. A stage 1 Road Safety Audit was satisfactorily carried out by the Auditor and a Designers Response received. The Road Safety Audit did not raise any issues on the aspects of visibility and access to the site.

6.31 In terms of accessibility the site is ideally located close to a range of existing facilities. To improve connectivity a new north bound bus stop with real time passenger information will be provided opposite the existing southbound stop and this will be secured via a financial contribution, together with footway improvement in the immediate vicinity of the site.

6.32 In accordance with ESCC's guidelines a total of 165 parking spaces should be provided. The development would provide 161 parking spaces for the 77 units, thus the site would have a shortfall of 4 parking spaces. Any overspill parking would likely occur on the internal roads which are to remain private. The Highway Authority has considered this to be acceptable provided a robust travel plan is secured through the section 106 Agreement.

6.33 The Travel Plan should include measures such as a car club [or similar] scheme to help reduce the reliance on the private motor car and/or in combination with a School Travel Plan, with a safe walking route between the site and both the Primary school and Ringmer College. Reduced bus/rail fares for a time period, interest free loans for cycles etc for occupants should also be included/considered along with a travel pack for each home upon occupation. It should also include a) targets for the reduction of single occupancy car trips, b) a methodology for monitoring the effect of the TP, c) remedial measures should the targets not be met or be met easily, and d) the TP should be in operation at the time of occupation. The commitment to site travel plans is acceptable as a means of further reducing car borne trips to the site and forms a fundamental highway requirement of this development.

6.34 Overall whilst accepting that some aspects of the development are close to acceptable limits of what would be expected, the scheme offers a reasonable layout that is safe and workable, and thus is acceptable to the Highway Authority.

## **Section 106**

6.35 A legal agreement will be necessary to secure the following:

1. 23 affordable dwellings - mix of accommodation to be agreed with LDC Housing officer
2. Recycling contribution of £1,273
3. £25,000 for skate facility

6.36 Also the following ESCC Highways requirements to be secured by a S106/S278 agreement -

1. New section of footway along the southern side of Anchor Field to connect to the existing footways at each end between the Doctors surgery and No. 18 Anchor Field.
2. Two uncontrolled crossing points in the form of dropped kerbs and/or tactile paving on/across Anchor Field.
3. Uncontrolled crossing points in the form of dropped kerbs and/or tactile paving on Anchor Field across its junctions with Shelley Road and Fairlight Avenue as well as across the access points to the site on Anchor Field.
4. Alterations/improvements to the existing uncontrolled crossing point on Springett Avenue to immediate north of Anchor Field.
5. Improvements to existing southbound bus stop on Springett Avenue to include DDA compliant kerbs and new hardstanding area.
6. Provision of new bus stop northbound on Springett Avenue to include new DDA compliant kerbing, hardstanding area, flag/pole and timetable.

7. Contribution of £12,500 towards provision of one passenger real time information sign in Ringmer.
8. Travel Plan
9. Travel Plan Audit Fee £6,500

## **Conclusion**

6.37 Overall the scheme will provide a well laid out development broadly in accordance with the local plan allocation. It is accepted that the level of affordable housing falls below the threshold of 40% required by policy, however in view of the wider public benefits that would be secured by this development, the proposal is supported by the Council's Housing Officer.

6.38 The reduction in the number of units and the removal of the 3 storey flat block to the front of the site have resulted in a more appropriate form and scale of development the sits comfortably on the site and surroundings without detriment to the wider amenity.

6.39 As such the proposal is considered acceptable and can be recommended for approval.

## **7. RECOMMENDATION**

- 7.1 That planning permission is granted, subject to a S106 agreement to secure the benefits listed in the report, and subject to the following conditions.

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

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

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

2. Before the development progresses beyond foundation level details for the provision of electric car charging points and/or cabling for such facilities for all properties with garages or off street parking spaces, as well as those for visitors, shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with that approval prior to the first occupation of the dwellings.

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 2018

3. No external lighting or floodlighting shall be installed on the buildings or the streets hereby permitted without the prior written approval of the local planning authority.

Reason: To protect the amenity and character of the surrounding countryside having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2018.

4. All works of construction, demolition, deliveries, and general access to the site in connection with this permission shall be restricted to the hours of 0800 to 1800 Mondays to Fridays and 0830 to 1300 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

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

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

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

6. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [5] and that provision for analysis, publication and dissemination of results and archive deposition has been secured, unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

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

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

- o the anticipated number, frequency, type and size of vehicles used during demolition and construction,
- o the method of access and routing of vehicles and all directional signage during demolition and construction,
- o the parking of vehicles by site operatives and visitors,
- o timing of deliveries (which should avoid peak times)
- 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 details of public engagement both prior to and during construction works.
- o address noise impacts arising out of the construction;
- o Demonstrate that best practicable means have been adopted to mitigate the impact of noise and vibration from construction activities;
- o Include details of the use of protective fences, exclusion barriers and warning signs;
- o Provide details of the location and appearance of the site offices and storage area for materials, including a bunded area with solid base for the storage of liquids, oils and fuel;
- o Details of any external security lighting.
- o details of public engagement both prior to and during construction works.

Reason: In order to safeguard residential amenity and in the interests of highway safety and the wider amenities of the area having regard to Policy ST3 of the Lewes District Local Plan and having regard to National Policy Guidance contained in the National Planning Policy Framework 2018.

8. Prior to the commencement of construction work, a wheel cleaning facility shall be installed at the site in accordance with details first submitted to and approved in writing by the Waste Planning Authority. The approved facilities shall be maintained in full and effective working order at all times and available for use throughout the period of construction works and shall be used by any vehicle carrying mud, dust or other debris on its wheels before leaving the site. No vehicle shall leave the site carrying mud, dust or debris on its wheels.

Reason: In the interests of the amenity of the locality and highway safety having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2018.

9. Details of how the mitigation and compensation measures set out within the Ecological Appraisal prepared by Aspect Ecology dated August 2018 are to be provided shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented as approved before the dwellings are occupied.

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

10. 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 investigation based on Desk study and geo environmental appraisal submitted with the application ( Report ref: GE17165-GAR-APR dated 25 April 2018 prepared by Geo Environmental Services Limited) 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 (a) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

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

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

11. 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].

12. 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].

13. 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 2 Classes 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 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.

14. The development hereby approved shall not begin on site until replacement facilities for Ringmer FC have been constructed and are available for use.

Reason - to ensure that recreational and sporting facilities are maintained for the benefit of the wider community having regard to Policy CP7 of the LDLP Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework 2018.

15. Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of treatment of all parts on the site not covered by buildings and excluding residential domestic gardens shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- 1) a scaled plan showing all existing vegetation and landscape features to be retained
- 2) a schedule detailing sizes and numbers/densities of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period.
- 2) location, type and materials to be used for hard landscaping including specifications, where applicable for:
  - a) permeable paving

- b) tree pit design
- c) underground modular systems
- d) Sustainable urban drainage integration
- 3) specifications for operations associated with plant establishment and maintenance that are compliant with best practise; and
- 4) types and dimensions of all boundary treatments

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Unless required by a separate landscape management condition, all soft landscaping shall have a written five year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

The following British Standards should be referred to:

- a) BS: 3882:2015 Specification for topsoil
- b) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
- c) BS: 3998:2010 Tree work - Recommendations
- d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
- e) BS: 4043:1989 Recommendations for Transplanting root-balled trees
- f) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
- g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
- h) BS: 8545:2014 Trees: from nursery to independence in the landscape - Recommendations
- i) BS: 8601:2013 Specification for subsoil and requirements for use

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate area.

16. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with Policies ST3 and CP10 of the Lewes District Local Plan and with regard to the National Planning Policy Framework.

17. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority before occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in

accordance with Policies ST3 and CP10 of the Lewes District Local Plan and with regard to the National Planning Policy Framework.

18. In the event of the death or destruction of any tree, shrub, hedge to which Condition 16 relates on the site within two years of occupation due to felling, cutting down, uprooting, ill health or any other manner, then there shall be replanted in its place another tree, shrub or hedge within 6 months and of a size and species approved in writing by the Local Planning Authority, and carried out in accordance with that approval.

Reason: To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2018.

19. The principles of surface water management outlined in the Flood Risk Assessment should be taken forward to detailed design and implementation. Surface water runoff rates should be limited to 19.9 l/s and 5.0 l/s for the major and minor parts of the development respectively.

Reason: To secure a satisfactory standard of development 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.

20. The details of the outfall of the proposed drainage system and how it connects into the ditch should be provided as part of the detailed design; this should include cross-sections and invert levels.

Reason: To secure a satisfactory standard of development 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.

21. The condition of the ditch and Southern Water sewer 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 ditch or sewer should be carried out prior to construction of the outfall.

Reason: To secure a satisfactory standard of development 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.

22. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely, without increasing flood risk on or off site.

Reason: To secure a satisfactory standard of development 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.

23. 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 the ditch and 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.
- c) Details on how the relevant occupants will be informed of their riparian responsibilities to maintain the ditch, and details on how access arrangements will be secured 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 ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2018.

24. 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 ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2018.

25. 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 ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2018.

26. No part of the development shall be occupied until the road(s), footways and parking areas serving the development have been constructed, surfaced and drained 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.

27. No part of the development shall be occupied until the vehicle turning space has been constructed within the site in accordance with the approved plans. This space shall thereafter be retained at all times for this use.

Reason: In the interests of road safety 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

28. No part of the development shall be occupied until the car parking areas have been constructed and provided in accordance with the approved plans. The areas 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 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

29. No part of the development shall be occupied until covered and secure cycle parking spaces for have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The areas 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.

30. No part of the development shall be occupied until such time as the vehicular accesses have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of road safety 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.

31. No part of the development shall be occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority, to prevent surface water draining onto the public highway.

Reason: In the interests of road safety 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.

32. No part of the development shall be first occupied until visibility splays of 2.4 metres by 43 metres have been provided at the proposed site vehicular accesses onto Anchor Field [UC5610] in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

Reason: In the interests of road safety 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.

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

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

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

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

35. Before the development hereby permitted is commenced on site, details of the facilities for the storage and removal of refuse from the premises shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that approval. The storage facilities shall be located at the rear of the dwellings.

Reason: To secure a proper 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.

36. No development shall take place until the replacement sports facility for Ringmer FC, approved under LW/18/0789, has been constructed and is available for use.

Reason: To ensure that sports/community facilities are safeguarded for the benefit of the wider community having regard to Policy CP7 of the Core Strategy and to comply with the National Planning Policy Framework 2018.

## **INFORMATIVE(S)**

1. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>
2. The developer is advised to consider ways of reducing contributing causes of climate change including proposals for the implementation of the highest feasible standards of sustainable construction techniques and the use of low carbon and renewable energy installations within the development.
3. The applicant is advised to enter into a Section 59 Agreement under the Highways Act, 1980 to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The applicant is advised to contact the Transport Development Control Team (01273 482254) in order to commence this process.
4. The applicant will be required to enter into a Section 278 legal agreement with East Sussex County Council, as Highway Authority, for the off-site highway works. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
5. The applicant's attention is drawn to the requirement for the temporary access to the site [see conditions above]. Whilst there are two access points which the applicant may wish to use for construction vehicles, one access in its present form is not adequate and would require alterations/improvements for construction vehicles and the other currently serves the public car park.
6. The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway. The applicant should contact the Transport Development Control Team (01273 482254).
7. The applicant is advised that the erection of temporary directional signage should be agreed with Transport Development Control Team prior to any signage being installed. The applicant should be aware that a Section 171, Highways Act 1980 Licence will be required.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Other Plan(s)	14 January 2019	110.04
Proposed Elevation(s)	14 January 2019	120.07
Proposed Elevation(s)	14 January 2019	120.15
Proposed Elevation(s)	14 January 2019	120.16
Design & Access Statement	14 January 2019	Addendum
Proposed Floor Plan(s)	14 January 2019	120.71
Proposed Elevation(s)	14 January 2019	210.72
Proposed Elevation(s)	14 January 2019	210.73
Proposed Elevation(s)	14 January 2019	210.74
Proposed Elevation(s)	14 January 2019	210.75
Proposed Floor Plan(s)	14 January 2019	150.01
Additional Documents	14 January 2019	FRA-001
Additional Documents	14 January 2019	FRA-01
Additional Documents	14 January 2019	FRA-01
Additional Documents	14 January 2019	FRA-01
Additional Documents	14 January 2019	perspective
	10 October 2018	10.01
Proposed Layout Plan	14 January 2019	110.02
Other Plan(s)	14 January 2019	110.03
Proposed Layout Plan	14 January 2019	110.05
Proposed Floor Plan(s)	14 January 2019	120.01
Proposed Elevation(s)	14 January 2019	120.02
Proposed Elevation(s)	14 January 2019	120.03
Proposed Elevation(s)	14 January 2019	120.04
Proposed Elevation(s)	14 January 2019	120.05

Proposed Elevation(s)	14 January 2019	120.06
Proposed Floor Plan(s)	14 January 2019	120.11
Proposed Elevation(s)	14 January 2019	120.12
Proposed Elevation(s)	14 January 2019	120.13
Proposed Elevation(s)	14 January 2019	120.14
Proposed Floor Plan(s)	14 January 2019	120.21
Proposed Elevation(s)	14 January 2019	120.22
Proposed Elevation(s)	14 January 2019	120.23
Proposed Floor Plan(s)	14 January 2019	120.31
Proposed Elevation(s)	14 January 2019	120.32
Proposed Elevation(s)	14 January 2019	120.33
Proposed Floor Plan(s)	14 January 2019	120.41
Proposed Elevation(s)	14 January 2019	120.42
Proposed Floor Plan(s)	14 January 2019	120.51
Proposed Elevation(s)	14 January 2019	120.52
Proposed Floor Plan(s)	14 January 2019	120.61
Proposed Elevation(s)	14 January 2019	120.62
Proposed Elevation(s)	14 January 2019	120.63
Proposed Floor Plan(s)	14 January 2019	130.01
Proposed Elevation(s)	14 January 2019	130.02
Street Scene	14 January 2019	140.01
Street Scene	14 January 2019	140.02
Street Scene	14 January 2019	140.03
Design & Access Statement	10 October 2018	PART 1
Design & Access Statement	10 October 2018	PART 2
Additional Documents	10 October 2018	GEO ENVIRO REPORT PART 1
Additional Documents	10 October 2018	GEO ENVIRO REPORT PART 2

Additional Documents	10 October 2018	GEO ENVIRO REPORT PART 3
Additional Documents	10 October 2018	HEADS OF TERMS
Additional Documents	10 October 2018	INDICATIVE PERSPECTIVE
Additional Documents	10 October 2018	SOCI APPENDIX 1
Planning Statement/Brief	10 October 2018	PLANNING STATEMENT
Additional Documents	10 October 2018	STATEMENT OF CI
Tree Statement/Survey	10 October 2018	TOPOGRAPHICAL SURVEY LAYOUT 1
Tree Statement/Survey	10 October 2018	TOPOGRAPHICAL SURVEY LAYOUT 2
Additional Documents	10 October 2018	ECOLOGICAL APPRAISAL

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# Agenda Item 10

<b>APPLICATION NUMBER:</b>	LW/18/0901		
<b>APPLICANTS NAME(S):</b>	Scannell & Marshall	<b>PARISH / WARD:</b>	Telscombe / East Saltdean & Telscombe Cliffs
<b>PROPOSAL:</b>	Planning application for conversion of chalet bungalow to 4 x self-contained flats including rear and side extensions, take off roof and add first floor, demolish garage, gym and potting shed, widen cross-over, 5 car spaces, bicycle stores and associated landscaping		
<b>SITE ADDRESS:</b>	207 Marine Drive Saltdean East Sussex BN2 8DA		
<b>GRID REF:</b>			



## 1. SITE DESCRIPTION / PROPOSAL

1.1 The application site is a detached chalet style bungalow located on the north side of Marine Drive. The bungalow is situated on a reasonable sized plot with a chalet bungalow to the west side which shares a vehicular access with the application property. To the east side is a contemporary two storey dwelling. The adjacent properties are all detached dwellings located within their own individual plots.

1.2 It is proposed to convert the chalet bungalow to create four x self-contained flats including rear and side extensions, take off roof and add first floor, demolish garage, gym and potting shed, widen cross-over, create 5 car spaces, bicycle stores and associated landscaping.

## 2. RELEVANT POLICIES

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

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

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

## 3. PLANNING HISTORY

**LW/18/0901** - Conversion of chalet bungalow to 4 x self-contained flats including rear and side extensions, take off roof and add first floor, demolish garage, gym and potting shed, widen cross-over, 5 car spaces, bicycle stores and associated landscaping -

**E/54/0568** - Outline Application to erect one pair of semi-detached and two detached bungalows and two detached semi-bungalows on Block 001, Plots 010-013, South Coast Road and Plots 054, 055 & part 056 and Plots part 060-063, Lynwood Road. - **Approved**

## 4. REPRESENTATIONS FROM STANDARD CONSULTEES

**ESCC Highways** – Executive Summary:

I do not wish to object to this application subject to the imposition of conditions to ensure adequate parking, turning and access width.

Response:

This application seeks permission for the conversion of a chalet bungalow to 4 self-contained flats with a widened crossover, 5 car parking spaces and bicycle parking provision at 207 Marine Drive, Saltdean.

Marine Drive is a classified road [A259] subject to a 30mph speed limit. "Manual for Streets" published in March 2007 recommends appropriate visibility splays for an access serving this type of development dependent on traffic speeds on the major road. In this instance the recommended visibility splays are 2.4m by 43m in each direction, the major road "y" distance (43m) measured to the nearside vehicle path. I am satisfied that suitable visibility splays are available in this instance.

The submitted plan shows that the shared access will be widened to a total width of 5.3m to allow for two way flow and prevent the need for vehicles to wait on the highway to enter the property. This is considered to be acceptable. This should be approved by the local planning authority in agreement with the highway authority prior to commencement of the development.

A development of this size in this location would require 4 unallocated parking spaces. The parking provision meets the requirements with 5 spaces measuring 2.5m x 5m (3m x 5m where spaces abut a solid feature). Cycle parking is proposed, however, this is accessed via a set of steps. Cycle parking should be covered and secure, in a location that allows ease of use to encourage sustainable methods of transport.

I am satisfied that suitable turning provision is available, allowing vehicles to enter, turn and exit the site in a forward gear, removing the need for vehicles to reverse onto or off of the highway.

Within 500m of the site there are a number of bus stops offering services to Brighton and Saltdean along with a food store and pharmacy. There is a doctor's surgery within 600m of the site. With the above in mind, this site is relatively sustainable in terms of public transport, reducing the need for residents to rely on private car as a method of transport.

With the above in mind I do not wish to object to this application subject to the following conditions:

1. No development shall take place until details of the layout of the reconstructed access have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the use hereby permitted shall not commence until the construction of the access has been completed in accordance with the specification set out on Form HT407 which is attached to and forms part of this permission

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

2. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans and the turning space shall thereafter be retained for that use and shall not be used for any other purpose;

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

3. The development shall not be occupied until a parking area has been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

4. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).

Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

5. The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles

Reason: In order that the development site is accessible by non car modes and to meet the objectives of sustainable development

**Main Town Or Parish Council** – The committee considered the application, noting the comments at Public Question Time. It was proposed by Cllr Robinson, seconded by Cllr Sharkey and unanimously recommended to OBJECT to the application due to the following reasons:

- i. Gross overdevelopment on a small plot of land and to the local area in general.
- ii. Inadequate parking, resulting in additional cars using the already busy local residential roads.
- iii. Overbearing, loss of privacy and loss of light to the surrounding properties.
- iv. Changing the Amenity of the site.
- v. Out of keeping within the street scene. Access issues from A259 to the property.
- iv. It contravenes ST3 and PT3 of the Joint Core Strategy from NPPF.
- v. It could set a precedent for other properties to follow suit.

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

5.1 Six representations received objecting to the development due to it setting a precedent for further development of apartments along this section of Marine Drive, in what is an already over congested road. Also concerns over parking including potentially additional 8 cars seeking access to and from the property, which would add to congestion and potentially endanger motorists on the A259. Also concerns about the access and rear extension causing overlooking and loss of privacy.

5.2 Following receipt of an amended parking layout plan an additional objection was received commenting that the initial reasons for objecting still stood (over-development, not in character, parking and traffic).

## **6. PLANNING CONSIDERATIONS**

6.1 The application site is approximately 15.5m wide and 45.5m deep. It is proposed convert and extend the existing single bungalow to create four x two bedroom, two storey dwellings with double dual pitch roofs with gable ends. In order to enlarge the building it will be extended to the side and rear. The height of the building will remain unchanged at approximately 7.5m high with an eaves height of approximately 5.5m.

6.2 The resultant building will measure approximately 12.0m wide and 17.5m deep. The building would be finished externally with a mixture of brick, render and Cedral cladding.

### **Impact on neighbouring properties**

6.3 The side extension to the western elevation will result in the side wall of the building being set back approximately 1.2m from the boundary with 205 Marine Drive. The distance to the eastern boundary will remain unchanged. Two windows are proposed at first floor on each of the flank elevations, however both of them serve bathrooms/WCs and will be obscure glazed. It is not considered that the proposal will result in a loss of amenity to the adjoining properties.

## Impact on the streetscene

6.4 The area immediately surrounding the property is characterised by a mix of dwelling styles, both single storey chalet-style and two storey dwellings. It is considered that the proposed building and its materials would reflect the massing and appearance of other buildings within the street and would not be detrimental to the character or appearance of the wider streetscene.

## Highway Access and Parking

6.5 Each of the dwelling units has one off-road parking space provided with one additional space. The parking allowance is considered to be adequate for the proposed dwellings. A bus stop is situated close to the site and it is considered that this results in the location being considered sustainable. Secure cycle storage is to be provided to the rear. An electric car charging point will be required by condition.

6.6 The existing access to the property is shared with the neighbouring property, No. 205 Marine Drive. It is proposed to widen the access on the 207 side to allow for greater clearance and improved visibility.

6.7 East Sussex County Council's Highways Department had no objection to the proposal. They commented that the visibility splays and increased access width were acceptable. They also comment that "A development of this size in this location would require 4 unallocated parking spaces. The parking provision meets the requirements with 5 spaces measuring 2.5m x 5m (3m x 5m where spaces abut a solid feature). Cycle parking is proposed, however, this is accessed via a set of steps. Cycle parking should be covered and secure, in a location that allows ease of use to encourage sustainable methods of transport". A condition is recommended addressing cycle parking.

6.8 The Highway Authority also considered that "suitable turning provision is available, allowing vehicles to enter, turn and exit the site in a forward gear, removing the need for vehicles to reverse onto or off of the highway".

## Sustainability and National Space Standards

6.9 An external electric car charging point will be provided by planning condition and secure cycle storage is to be provided for each flat. Enclosed spaces are provided for storage of refuse and recycling bins. Various measures are to be provided internally to save resources including dual flush cisterns and controlled flow rates for water appliances.

6.10 Each of the flats complies with the National Space Standards guidance for internal floor area

Dwelling type	Bed Spaces	National Space Standards m2	Actual floor area m2
2 x 2 bedroom	3 person	61m2	69.8m2
2 x 2 bedroom	4 person	70m2	82.13m2

## Policies

6.11 Policy CP2 (Housing Type Mix and Density) of the Lewes District Local Plan (LDLP) states that "housing developments should reflect the site context including the character of the surrounding area". Policy CP11 (Built and Historic Environment) of the LDLP states

that new developments should "respond sympathetically to the site and its local context". It is considered that the proposed design is not detrimental to the appearance and character of the streetscene and the surrounding area.

6.12 Saved policy ST3 (Design) of the LDLP states that "development should respect the overall scale, height, massing, alignment, site coverage, density, landscaping, character, rhythm and layout of neighbouring buildings and the local area more generally". It is considered that the proposal meets these requirements.

### **Summary**

6.13 The representations received have been noted. It is considered that the design of the proposed dwellings will not result in any undue loss of amenity to the surrounding properties in accordance with policy ST3 of the Local Plan. The design is considered to work within the context of the streetscene due to the massing and siting of the units fitting in with the adjoining properties and is considered to comply with policy ST3. CP2 states that proposals should "reflect the site context and character of the surrounding area" and it is considered that the massing and design of the proposed bungalows respects this requirement.

6.14 It is considered the proposal will not have a detrimental impact on the character or appearance of the streetscene, and will not impact on the residential amenities of local residents, in accordance with Policies ST3 (Design, Form and Setting of Development) of the Lewes District Local Plan and CP2 (Housing Type, Mix & Density) and CP11 (Built and Historic Environment) of the Lewes District Joint Core Strategy.

## **7. RECOMMENDATION**

It is recommended that planning permission is approved.

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

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

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

2. All waste materials to be stored; removed from the site and disposed of in an appropriate manner to an approved site. There should be no bonfires on site.

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

3. 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.

4. No development shall take place until details of the layout of the reconstructed access have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the use hereby permitted shall not commence until the construction of the access has been completed in accordance with the specification set out on Form HT407 which is attached to and forms part of this permission

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

5. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans and the turning space shall thereafter be retained for that use and shall not be used for any other purpose;

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

6. The development shall not be occupied until a parking area has been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

7. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).

Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

8. The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non car modes and to meet the objectives of sustainable development

#### **INFORMATIVE(S)**

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

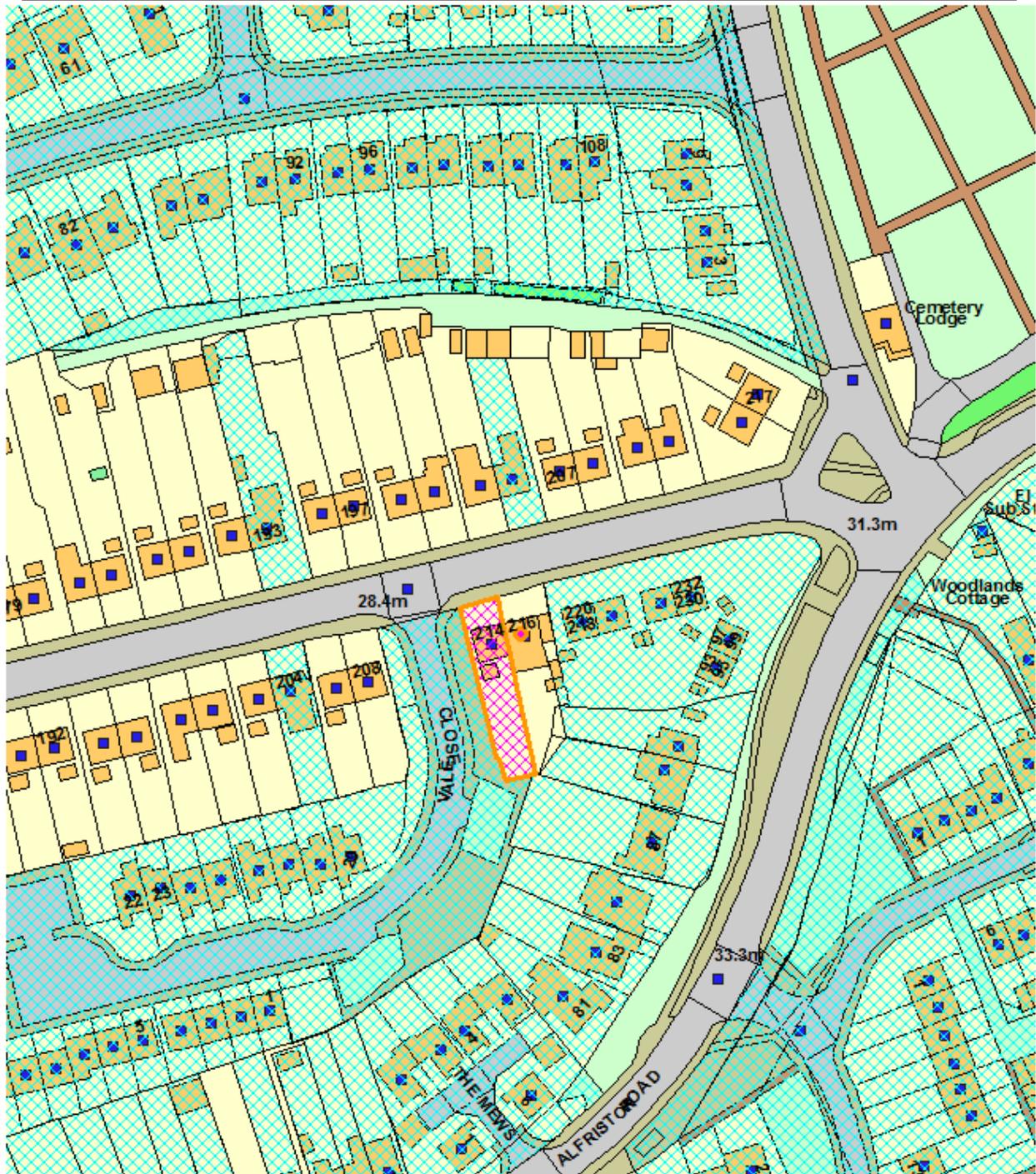
#### **This decision is based on the following submitted plans/documents:**

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Design & Access Statement	15 November 2018	

Biodiversity Checklist	15 November 2018	
Proposed Roof Plan	15 November 2018	1235/07
Proposed Section(s)	15 November 2018	1235/07
Proposed Elevation(s)	15 November 2018	1235/06
Proposed Floor Plan(s)	7 January 2019	1235/05A
Existing Elevation(s)	15 November 2018	1235/04
Existing Floor Plan(s)	15 November 2018	1235/03
Proposed Layout Plan	18 January 2019	1235/02A
Proposed Elevation(s)	18 January 2019	1235/02A
Location Plan	15 November 2018	1235/01

# Agenda Item 11

<b>APPLICATION NUMBER:</b>	LW/18/0848		
<b>APPLICANTS NAME(S):</b>	Lewes District Council	<b>PARISH / WARD:</b>	Seaford / Seaford North
<b>PROPOSAL:</b>	Planning application for demolition of the rear store and outside toilet structure and construction of a new rear extension and internal remodelling to provide an accessible bedroom and shower room for a disabled occupant		
<b>SITE ADDRESS:</b>	214 Vale Road Seaford East Sussex BN25 3HJ		
<b>GRID REF:</b>			



## **1. SITE DESCRIPTION / PROPOSAL**

1.1. The application site comprises a semi-detached two storey property set in a corner plot at the junction of Vale Road with Vale Close. It is located within the Seaford Planning Boundary but is not subject to any site specific policies.

1.2. This application seeks planning permission to demolish an existing detached single storey rear store and outside toilet structure. This would be replaced by a single storey lean to rear extension. The proposed works include internal layout rearrangements.

1.3. The application is being presented to the Planning Application Committee as the property is owned by the Lewes District Council.

## **2. RELEVANT POLICIES**

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

**LDLP: – RES13** – All extensions

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

## **3. PLANNING HISTORY**

**LW/18/0848** - Demolition of the rear store and outside toilet structure and construction of a new rear extension and internal remodelling to provide an accessible bedroom and shower room for a disabled occupant -

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

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

None received.

## **6. PLANNING CONSIDERATIONS**

6.1. The design of the proposed extension would complement this of the main house. Matching materials would be used throughout. It would be 4 metres deep, 3.7 metres wide, with a maximum ridge height of 3 metres. Due to the scale, orientation and form of the proposed works, impact upon the street scene would be limited.

6.2. The proposed structure would maintain approximately 3.2 metres gap between the adjacent neighbour located to the east. It is not considered that the extension would cause any loss of light or privacy, or impact upon the amenities of the adjacent occupier

6.3. As such, it is considered the proposal will not have a detrimental impact on the character of the property, residential amenities, or the street scene and as such is in accordance with adopted policy.

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

## 7. RECOMMENDATION

This application is therefore acceptable.

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

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

Reason: To ensure a satisfactory development in keeping with the locality having regard to Policies ST03 and RES13 of the Lewes District Local Plan, and CP11 of the Lewes District Joint Core Strategy, as well as to comply with National Policy Guidance contained in the National Planning Policy Framework 2018.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Existing Layout Plan	31 October 2018	1
Proposed Elevation(s)	31 October 2018	1
Proposed Layout Plan	31 October 2018	1
Location Plan	31 October 2018	1
Proposed Block Plan	31 October 2018	1

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Report to **Planning Applications Committee**  
Date **20 February 2019**  
By **Director of Planning**  
Local Authority **Lewes District Council**  
Application Number **SDNP/18/05602/HOUS**  
Applicant **Mr & Mrs Gattiker**  
Application **Proposed first floor side extension over existing single storey pitched roof side extension and open porch to front elevation**  
Address **1 School Cottages  
Chapel Lane  
East Chiltington  
BN7 3AY**

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

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## Executive Summary

### 1 Site Description

1.1 The application site is a semi-detached house located outside the planning boundary and within the designated South Downs National Park (SDNP). The existing dwelling faces south east onto the junction of Chapel Lane and Novington Lane.

### 2 Proposal

2.1 The application seeks planning approval for the proposed first floor side extension over the existing single storey pitched roof side extension and an open porch to the front elevation. The side extension would measure 5.5 metres wide and 5.7 metres deep. It would add a small section of a balcony overlooking the southern west section of the existing garden area. The extension would have a matching eaves and ridge height. Internally, it would add a new bedroom and toilet on first floor level with a section of mezzanine eaves storage above.

2.2 The proposed front lean-to porch would have an eaves height of 2.4 metres and ridge of 3.2 metres. It would be 1 metre deep and 3.8 metres wide.

2.3 This application is being presented to the planning committee as the applicant works for the planning authority (SDNP).

### 3 Relevant Planning History

E/69/0836 - Timber garage. Temporary Permission Expires 30/11/1974 - Approved  
LW/86/1258 - Section 32 Retrospective Application for siting of mobile home for elderly relative for temporary period of one year. Restrictive Planning Condition No.1. Temporary Permission Expires 30/04/1987. - Approved  
LW/86/1674 - Single storey side extension – Approved

#### 4 **Consultations**

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

Comments awaited.

#### 5 **Representations**

None received.

#### 6 **Planning Policy Context**

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

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

Other plans considered:

- 

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

##### National Park Purposes

The two statutory purposes of the SDNP designation are:

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

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

#### 7 **Planning Policy**

##### Relevant Government Planning Policy and Guidance

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

##### National Planning Policy Framework (NPPF)

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

- NPPF - Conserving and enhancing the historic environment

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

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

- ST3 - Design, Form and Setting of Development
- RS13 - All Extensions

- RS14 - Extensions In The Countryside

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

- Strategic Policy SD5 - Design
- Strategic Policy SD6 - Safeguarding Views
- Strategic Policy SD8 - Dark Night Skies
- Development Management Policy SD31 - Extensions to existing dwellings, and provision of annexes and outbuildings

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

- General Policy 50

#### Partnership Management Plan

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

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

- General Policy 50

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

The South Downs Local Plan: Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 26 September to 21 November 2017, and the responses considered by the Authority. The Plan was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. Based on the current stage of preparation, and given the relative age of the **saved policies within the Lewes District Local Plan (2003)**, the policies within the **Submission South Downs Local Plan (2018)** are currently afforded **considerable** weight, depending on the level of objection received on individual policies.

The following policies are of particular relevance to this case:

- Strategic Policy SD5 - Design
- Strategic Policy SD6 - Safeguarding Views
- Strategic Policy SD8 - Dark Night Skies
- Development Management Policy SD31 - Extensions to existing dwellings, and provision of annexes and outbuildings

8.1 The application site falls outside of any planning boundary as defined by the Lewes District Local Plan therefore policy CT1 is relevant. This policy seeks to resist new development other than in exceptional circumstances. Furthermore, policy RES14 (Extensions in the Countryside) permits extensions of existing properties by up to 50% habitable floorspace, providing that the character of the property is maintained and there is no impact on the landscape. In this instance, 30.2% floorspace was added in the late 1980s under planning permission LW/86/1674. The current application approximately doubles it, and this combined with the proposed porch results in a total 74% floorspace increase.

8.2 Notwithstanding the policy limitations, the impact of the additional floor must now be considered on its merits. It is officer's view that the proposed works are seen to be subservient within the context of the site and reflective of the character of the original building. The site would be mostly screened by existing vegetation from most views. The proposed works would not be prominent; neither would be readily viewed from the open countryside. It is also considered that the proposed extensions would not have a significant effect on the bulk, mass and outline of the building therefore not having a demonstrable harm.

8.3 As such, it is considered that there would be no harm to the character and appearance of the original dwelling, as well as countryside settings. However, the removal of some of the permitted development rights via condition is proposed to ensure that future development of the site respects the identity and character of the built form, landscape character and neighbouring amenities. Also, that any additional glazing should be compliant with the National Park's Dark Night Skies policy.

8.4 Impact upon neighbour amenities has been assessed. Due to existing separation distances, natural screening along the site and orientation of the proposed works, there would be no adverse impact upon any of adjoined neighbouring amenities.

8.5 As such, it is considered the proposals will not have a detrimental impact on the character of the property or the open countryside settings, and will not unduly impact on the residential amenities of local residents, in accordance with Policies CT1 (Planning Boundary and Countryside), ST3 (Design, Form and Setting of Development), RES13 (Residential extensions) and RES14 (Extensions in the Countryside) of the Lewes District Local Plan, as well as CP11 of the Lewes District Joint Core Strategy. It would also comply with relevant South Downs National Park Local Plan policies, including Dark Night Skies (SD8) and Extensions to existing dwellings (SD31).

## **9 Conclusion**

That planning permission is granted.

## **10 Reason for Recommendation and Conditions**

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

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

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

### **2. Approved Plans**

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

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

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

Reason: To ensure a satisfactory development in keeping with the locality having regard to Policies ST03 and RES13 of the Lewes District Local Plan, and CP11 of the Lewes District Joint Core Strategy, as well as to comply with National Policy Guidance contained in the National Planning Policy Framework 2018.

4. 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 in Schedule 2, Part 1, Classes A, B, C, D, E and G, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to policies ST03, RES13 and RES14 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2018.

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

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

#### **12. Human Rights Implications**

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

#### **13. Equality Act 2010**

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

#### **14. Proactive Working**

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

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

Contact Officer: Piotr Kulik  
Tel: 01273 471600  
email: Piotr.kulik@lewes-eastbourne.gov.uk

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

SDNPA Consultees

Background Documents

## Site Location Map



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. South Downs National Park Authority, Licence No. 100050083 (2016) (Not to scale).

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

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

Plan Type	Reference	Version	Date on Plan	Status
Plans -	101		31.10.2018	Approved
Plans -	102		31.10.2018	Approved
Plans -	103		31.10.2018	Approved
Plans -	104		31.10.2018	Approved
Plans -	PL001		31.10.2018	Approved
Miscellaneous -	baseline assessment checklist		31.10.2018	Approved
Site Photographs -	views and viewpoint map		31.10.2018	Submitted

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

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Report to **Planning Applications Committee**  
Date **20 February 2019**  
By **Director of Planning**  
Local Authority **Lewes District Council**  
Application Number **SDNP/18/05647/FUL**  
Applicant **Miss Joanne Attwood**  
Application **Change of use from B1 to D1 Health Centre; 'The Unity Centre'.  
Installation of sign above entrance, new lighting above entrance,  
alteration to rear entrance with associated ramp, closure of existing  
access to Styles Field and restore access to Broomans Lane and erection  
of a boundary wall adjacent to Styles Field and siting of a timber clad  
studio at rear.**

Address **35 Friars Walk  
Lewes  
BN7 2LG**

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

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## Executive Summary

### 1 Site Description

The application property is a detached single storey building located on the corner of Friars Walk and Styles Field. The property is within the Conservation Area.

### 2 Proposal

The proposal is for the change of use from B1 to D1 Health Centre; 'The Unity Centre'. Installation of sign above entrance, new lighting above entrance, alteration to rear entrance with associated ramp, closure of existing access to Styles Field and restore access to Broomans Lane.

This application is being presented to the committee as Lewes District Council owns the building.

### 3 Relevant Planning History

N/A.

### 4 Consultations

#### Parish Council Consultee

Members see the proposed services as over-provision in this area but if such services are to be provided the internal space could be used to better effect and remove the need for an extra building. The proposed wooden structure is seen as out of keeping with the area and its proposed use inappropriate

### **LE - Design and Conservation Officer**

This proposal seeks to initiate a change of use and introduce a range of modest adaptations to the former Turkish Baths, a centrally located building in a conservation area which is currently being refurbished for use as a health and wellbeing centre. These include adjustments to allow for access as well as the installation of a temporary wooden structure to the rear and new signage to the front and side elevations.

There-use of the building is welcome news and the application is mainly unproblematic. I just have two concerns regarding the shed structure intended for use as an additional treatment room and the proposed signage. On the former, I am assured that the structure is temporary, and that it is not intended to become a permanent feature at the site. I would suggest that consideration be given to treating/staining it to reduce any adverse impact on the prominent location during this period.

The signage is underwhelming. It uses an obvious central location to signpost the presence of the new centre, but presents slightly awkwardly. A more discrete approach might have been to have placed the sign over the glass area above the central doors. That said, I do not consider the proposal generates a level of concern sufficient to justify a formal objection.

Recommendation: No Objection

### **ESCC - Highways**

The size of the parking space and the restrictive access and access road is likely to make it very difficult to use, especially for people with limited mobility or wheelchair users. As a result, I would recommend that the layout is changed round to make use of the wider access and parking area to the south.

## **5 Representations**

Six representations received in support of the proposal due to the use of the building as a community hub.

Friends of Lewes: Friends of Lewes have no objection to the change of use from B1 to D1 Health Centre. However, it objects to the proposed shed which although described as temporary is not supported by information that justifies its provision or quantifies how long it is required. The shed does not fit in with the existing building or the surrounding Conservation Area and will be visible from both Styles Field and Broomans Lane. Furthermore, the Society comments that insufficient details of the proposed signage have been provided and further details of the sign and its construction are required.

Lewes Conservation Area Advisory Group comment that " Group has no basic objection to the proposal, save the following: Group fails to see why a wooden shed, described as a temporary structure, should be erected beside this important building in the CA. The size and appearance of the proposed sign will be a disturbing feature and Group believe a smaller, less intrusive sign would serve equally well.

Recommendation: Objection due to shed and size of sign. Otherwise, No objection".

## **6 Planning Policy Context**

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

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

- Lewes Neighbourhood Plan

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

#### National Park Purposes

The two statutory purposes of the SDNP designation are:

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

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

## 7 **Planning Policy**

### Relevant Government Planning Policy and Guidance

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

### National Planning Policy Framework (NPPF)

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

NPPF - Requiring good design.

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

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

- CP11 - Built and Historic Environment and Design
- CP6 - Retail and Town Centres

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

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

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

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

### Partnership Management Plan

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

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

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

The South Downs Local Plan: Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 26 September to 21 November 2017, and the responses considered by the Authority. The Plan was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. Based on the current stage of preparation, and given the relative age of the **saved policies within the Lewes District Council - The Core Strategy (Local Plan Part 1) 2014**, the policies within the **Submission South Downs Local Plan (2018)** are currently afforded **considerable** weight, depending on the level of objection received on individual policies.

The following policies are of particular relevance to this case:

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

## **8 Planning Assessment**

8.1 The application property is a detached single storey building located on the corner of Friars Walk and Styles Field. The property is within the Conservation Area. The proposal is for the change of use from B1 to D1 Health Centre; 'The Unity Centre'. Installation of sign above entrance, new lighting above entrance, alteration to rear entrance with associated ramp, closure of existing access to Styles Field and restore access to Broomans Lane.

8.2 The building is currently vacant and it is proposed to change the use of the building from its previous use as Council offices to a health centre comprising yoga studios and therapy rooms.

8.3 As part of the works to change the use of the premises it is proposed to erect a 1.9m high brick wall to close off the vehicular access from Styles Field, install a timber treatment room at the rear and re-open vehicular access onto Broomans Lane as well as improving disabled access to the rear of the property.

#### Access and Parking

8.4 The building currently has vehicular access and parking at the rear accessed via Styles Field. It is proposed to amend this so that the Styles Field vehicular access is blocked up and a vehicular access onto Broomans Lane is re-opened. The applicants state that providing an access onto Broomans Lane will allow for an improvement to the disabled access at the rear of the building in allowing space for the creation of a disabled access ramp. One parking space will be provided for at the rear of the building.

8.5 ESCC Highways Department had "no major objection to the principle of the development, they did have concerns regarding the access and parking arrangement. The current arrangement allows access from Styles Field and provides parking space for 3 vehicles.

8.6 The proposal will remove 2 of these spaces and involve the use of Broomans Lane for access, which limits the size / type of vehicles that are able to access the site and may encourage drivers to reverse back down Broomans Lane onto Friars Walk.

8.7 I would prefer to see the access from Styles Field retained, with the retention of a minimum of 2 parking spaces. There may be potential for the proposed shed to be located against the current fence, should sufficient space allow".

8.8 In reference to the above comment is noted that the actual current vehicle parking provision is for one space and this amount will remain unchanged.

8.9 The above comments are noted however it is considered that the application site is in a highly sustainable location in the centre of town close to bus stops and the railway station and parking provision is not of undue concern. One space is to be retained and the proposal will result in the disabled access to the building improving. With regards to the potential for vehicles to reverse onto Friars Walk, this is considered to be unlikely, there is room for vehicles to turn at the rear access with Broomans Lane and leave Broomans Lane in a forward direction onto Friars Walk.

#### Additional Treatment Room

8.10 It is proposed to install a timber structure at the rear of the building to act as a temporary treatment room. Initially a dual pitch "shed" style structure was proposed however this was not considered to be acceptable within this visible conservation area location. The design was amended to provide a flat roof timber "cabin" style structure. The exact period for the siting of the temporary structure is not specified however it is considered that a condition can be added providing for the temporary siting for a period of three years to allow for the on-going appearance and condition of the structure to be assessed at a later date.

8.11 The initial proposal was for a timber fence to block up the Styles Field Access however this was amended to a brick wall measuring 1.9m high as it was considered that a timber fence would appear out of place with the character of the surrounding area. It is considered that a brick wall in this location would mirror the character of the brick wall that surrounds the Friends Meeting House across Styles Field.

8.12 It is considered that the location of the brick wall at the rear of the building will assist in screening the cabin from view further reducing the impact the structure will have on the character and appearance of the conservation area and streetscene and complies with Saved Policy H5 of the LDLP.

#### Planning Policy

8.13 The key strategic objective of Core Policy 6 (Retail and Sustainable Town and Local Centres) of the Lewes District Local Plan (LDLP) is "To maintain and enhance the vitality and viability of the district's town centres, retail centres and local centres as hubs for shopping, business, entertainment, cultural and community life". It is considered that the change of use will allow for this objective to be met in providing facilities for the local community. CP6 also states that development in Lewes town centre should provide for "a range of appropriate uses including leisure facilities" in order to diversify the town centre.

8.14 With regard to the erection of the wall at the rear Saved Policy H5 (Development within or affecting Conservation Areas) states that proposals should "use materials which are traditional to the area or are otherwise sympathetic to the character of the building or site". It is considered that the appearance of the wall will be similar in character to the appearance of the wall of the "Friends Meeting House" situated on the other side of Styles Field, opposite the application site.

#### Consideration

8.15 The proposed use as a health centre (D1) would accord with Core Policy 6 and is consistent with the priority given to maintain and enhance the vitality and viability of the district's town centres continuing the provision of a leisure facility.

8.16 There is parking provision for only vehicle with this proposal however due to its town centre location with good public transport links and a public car park in close proximity, the amount of

parking and associated alterations to the access are not considered to result in traffic congestion or obstruction. The change of use of this building is therefore considered acceptable.

8.17 It is considered the proposals will accord with Core Policy 6 by maintaining the vitality and viability of the town centre and it is not considered to have a detrimental impact on the character of the Conservation Area and streetscene in accordance with Policies ST3 (Design, Form and Setting of Development) and H5 (Development within or affecting Conservation Areas) of the Lewes District Local Plan and SD5 (Design) and SD15 (Conservation Areas) of the South Downs Local Plan (Pre-submission).

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

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

## **9 Conclusion**

9.1 It is recommended that planning permission be granted.

## **10 Reason for Recommendation and Conditions**

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

### **1. Approved Plans**

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

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

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

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

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

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

4. Before the development hereby approved is commenced on site, details/samples of the timber cladding for the external treatment room shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

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

5. The temporary treatment room hereby permitted shall be carried on only by 'Unity' and shall be for a limited period being the period of three years from the date of this permission, or the period during which the premises are occupied by 'Unity' whichever is the shorter. The treatment room shall be removed after this date unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to review the situation in the light of the circumstances then pertaining having regard to policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

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

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

#### **12. Human Rights Implications**

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

#### **13. Equality Act 2010**

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

#### **14. Proactive Working**

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

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

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

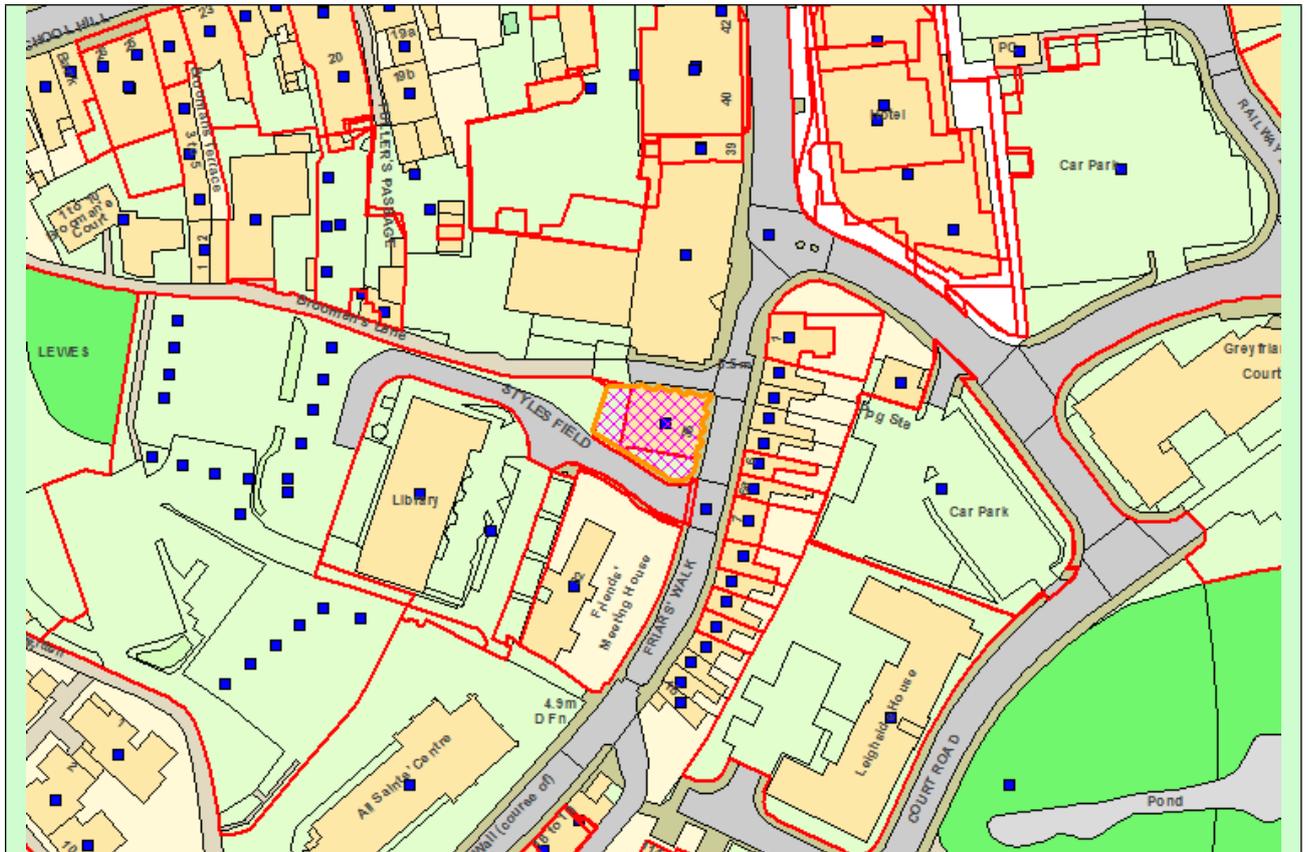
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SDNPA Consultees

Background Documents

## Appendix 1

### Site Location Map



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

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

Plan Type	Reference	Version	Date on Plan	Status
Plans -	1:1250		02.11.2018	Approved
Plans -	1:500		02.11.2018	Approved
Plans -	D20B		18.01.2019	Approved
Miscellaneous -	design and access statement		02.11.2018	Approved
Miscellaneous -	noise impact assessment		02.11.2018	Approved
Miscellaneous -	parking provision assessment		02.11.2018	Approved
Miscellaneous -	covering letter		02.11.2018	Approved
Miscellaneous -	lightin assessment		02.11.2018	Approved
Plans -	D25B		18.01.2019	Approved
Plans -	GD64902		12.12.2018	Approved
Miscellaneous -	heritage statement		13.12.2018	Approved

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

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Report to **Planning Application Committee**  
Date **20 February 2019**  
By **Director of Planning**  
Local Authority **Lewes District Council**  
Application Number **SDNP/18/05648/ADV**  
Applicant **Miss Joanne Attwood**  
Application **Installation of two timber fascia signs with painted lettering**  
Address **35 Friars Walk**  
**Lewes**  
**BN7 2LG**

---

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

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## Executive Summary

### 1 Site Description

The application property is a detached single storey building located on the corner of Friars Walk and Styles Field. The property is within the Conservation Area.

### 2 Proposal

The proposal is for the installation of two timber fascia signs with hand painted lettering.

This application is being presented to the Planning Committee as the building is owned by Lewes District Council.

### 3 Relevant Planning History

N/A.

### 4 Consultations

#### Parish Council Consultee

Comments awaited.

#### LE - Design and Conservation Officer

The re-use of the building is welcome news and the application is mainly unproblematic.

The signage is underwhelming, it uses an obvious central location to signpost the presence of the new centre, but presents slightly awkwardly. A more discrete approach might have been to have placed the sign over the glass area above the central doors. That said, I do not consider the proposal generates a level of concern sufficient to justify registering a formal objection.

Recommendation: No Objection.

## 5 Representations

One letter of representation received in support of the proposed use however objecting to the A board sign.

Lewes Conservation Area Advisory Group comment that " Group has no basic objection to the proposal, save the following: Group fails to see why a wooden shed, described as a temporary structure, should be erected beside this important building in the CA. The size and appearance of the proposed sign will be a disturbing feature and Group believe a smaller, less intrusive sign would serve equally well.

Recommendation: Objection due to shed and size of sign. Otherwise, No objection".

## 6 Planning Policy Context

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

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

Other plans considered:

- Lewes Neighbourhood Plan

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

### National Park Purposes

The two statutory purposes of the SDNP designation are:

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

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

## 7 Planning Policy

### Relevant Government Planning Policy and Guidance

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

### National Planning Policy Framework (NPPF)

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

NPPF - Requiring good design.

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

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

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

- ST3 - Design, Form and Setting of Development
- H5 - Within / Affecting Conservation Area
- ST29 - Advertisements

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

- Strategic Policy SD5 - Design
- Strategic Policy SD12 - Historic Environment

#### Partnership Management Plan

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

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

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

The South Downs Local Plan: Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 26 September to 21 November 2017, and the responses considered by the Authority. The Plan was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. Based on the current stage of preparation, and given the relative age of the **saved policies within the Lewes District Council - The Core Strategy (Local Plan Part 1) 2014**, the policies within the **Submission South Downs Local Plan (2018)** are currently afforded **considerable** weight, depending on the level of objection received on individual policies.

The following policies are of particular relevance to this case:

- Strategic Policy SD5 - Design
- Strategic Policy SD12 - Historic Environment

## **8 Planning Assessment**

8.1 The application property is a detached single storey building located on the corner of Friars Walk and Styles Field. The property is within the Conservation Area. The proposal is for the installation of two fascia signs in connection with the associated change of use from B1 to D1 Health Centre; 'The Unity Centre'.

8.2 The building is currently vacant and it is proposed to change the use of the building from its previous use as Council offices to a health centre comprising yoga studios and therapy rooms.

8.3 As part of the works it is proposed to install two fascia signs. One on the front (east) elevation above the existing front door and the other on the north side elevation above a window.

8.4 As submitted the proposal also included the siting of an 'A' board. It was considered that the placement of an 'A' board on the pavement would constitute an obstruction to the highway and the applicant subsequently amended the proposal to remove this element.

8.5 Each of the two fascia signs measures approximately 2.0m wide and 0.8m high. They are a teal colour with, pale yellow logo and white lettering for "The Unity Centre". No alterations are proposed to the elevations to site the signage as each sign will fit between the existing columns of the buildings elevations. The signs will be timber panels with hand painted lettering and will be non-illuminated.

#### Planning Policy

8.6 Saved Policy ST29 (Advertisements) of the Lewes District Local Plan requires that signage within Conservation Areas is not illuminated and this proposal accords with that policy. Policies ST3 (Design, Form and Setting of Development) and H5 (development within or affecting Conservation Areas) state that materials used in development should be of a quality, type, colour and design which is appropriate to the character of the local area. It is considered that the design and the appearance of the fascia signage is appropriate for the size of the building and the placement of the signage will not negatively impact on the fabric or appearance of the building or streetscene.

#### Representations

8.7 The Design and Conservation Officer has been consulted and raises no objection.

8.8 Lewes Conservation Area Advisory Group commented that "The size and appearance of the proposed sign will be a disturbing feature and Group believe a smaller, less intrusive sign would serve equally well.

#### Considerations

8.9 It is considered that the fascia signs would not appear out of place within the streetscene and the proposed signage does not detract from the appearance of the building or Lewes Conservation Area.

8.10 It is considered the proposal will not have a detrimental impact on the character or appearance of the Conservation Area and streetscene, in accordance with policies ST3 (Design, Form and Setting of Development), ST29 (Advertisements) and H5 (Development within or affecting Conservation Areas) of the Lewes District Local Plan and CP11 (Built and Historic Environment) of the Lewes District Joint Core Strategy and policy SD5 (Design) and SD12 (Historic Environment) of the South Downs Local Plan (Pre-submission).

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

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

## **9 Conclusion**

9.1 It is recommended that advertisement consent be granted.

## **10 Reason for Recommendation and Conditions**

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

### **1. 5 year Advertisements**

This consent shall be for a limited period of five years from the date of this notice.

**Reason:** To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007.

### **2. Illumination static amenity**

The advertisement shall be of the static, non-rotating type.

**Reason:** To protect the amenities of the area to comply with Policy

### **3. Advertisements Removal**

Where an advertisement is required, under the Control of Advertisement Act 2007, to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

**Reason:** To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007.

### **4. Advertisements Highway Safety**

No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

**Reason:** To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007

### **5. Advertisements - owner permission**

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

**Reason:** To comply with the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007

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

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

## **12. Human Rights Implications**

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

## **13. Equality Act 2010**

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

#### **14. Proactive Working**

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

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

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

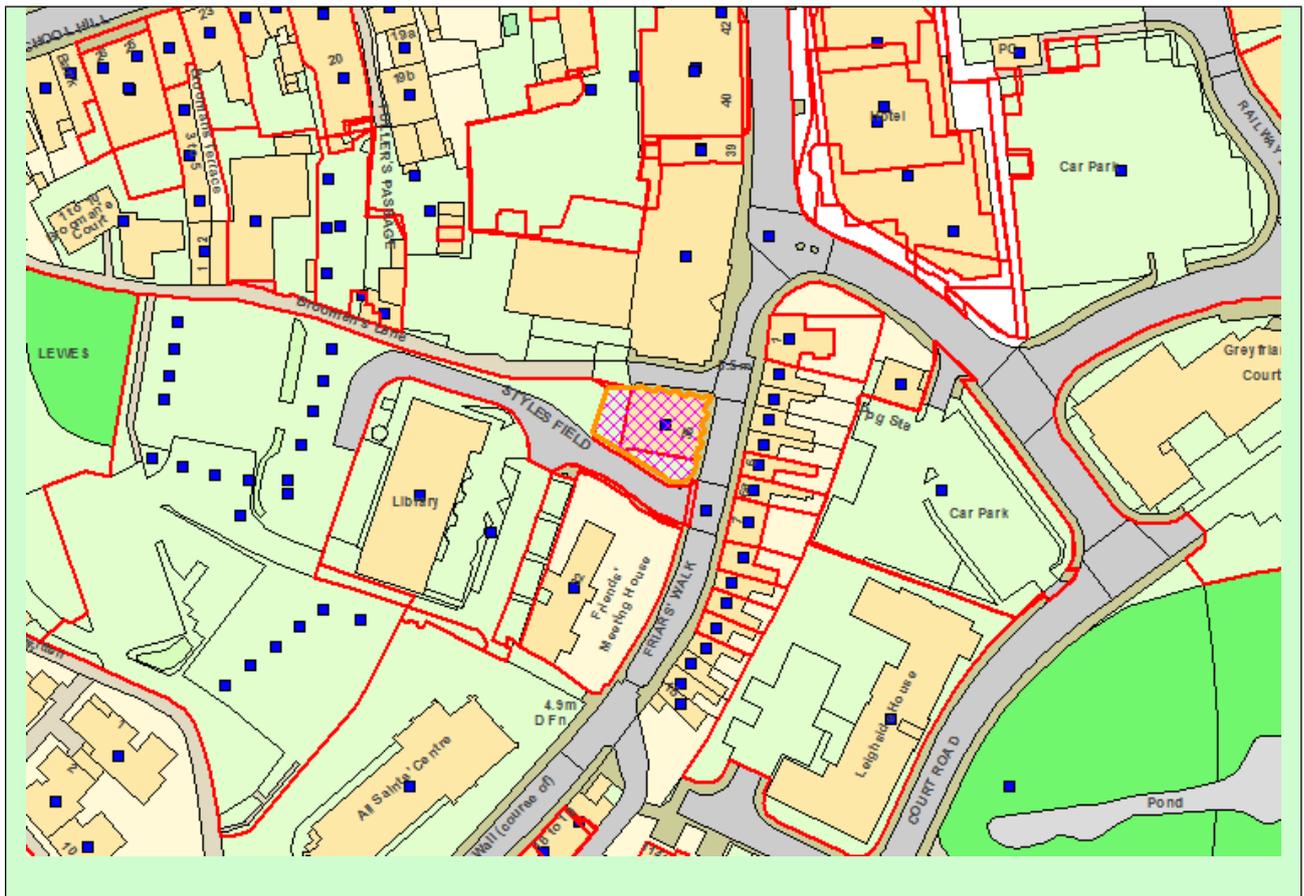
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SDNPA Consultees

Background Documents

#### **Appendix 1**

Site Location Map



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

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

Plan Type	Reference	Version	Date on Plan	Status
Application Documents -	Heritage Statement		13.12.2018	Approved
Application Documents -	Signage		13.12.2018	Approved
Plans -	1:1250		02.11.2018	Approved
Plans -	1:500		02.11.2018	Approved
Plans -	D20B		18.01.2019	Approved
Miscellaneous -	design and access statement		02.11.2018	Approved
Miscellaneous -	lighting assessment		02.11.2018	Approved
Miscellaneous -	noise impact assessment		02.11.2018	Approved
Miscellaneous -	parking provision assessment		02.11.2018	Approved
Miscellaneous -	covering letter		02.11.2018	Approved
Plans -	D25B		18.01.2019	Approved

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

**Committee:** Planning Applications Committee  
**Date:** 20 February 2019  
**Department:** Planning & Environmental Services  
**Subject:** Enforcement Monitoring Reports (Part A)

**Purpose of Report** This report provides an overview of enforcement matters throughout the Lewes District during the period 1 October 2018 – 31 December 2018. A separate report follows giving a detailed progress report for all cases where enforcement action has been commenced.

## 1 Complaints Received

1.1 A total of 60 complaints (20 of which are National Park (NP) cases) were received in the period, as follows:-

Alleged breaches of planning control	39	(18 NP cases)
Other complaints – Untidy sites, adverts etc.	1	(2 NP cases)

1.2 During this period the total number of cases disposed of was:- (16 of which were National Park (NP))

No breach found	14	(6 NP cases)
Compliance achieved	20	(5 NP cases)
No action to be taken	13	(5 NP cases)

## 2 Enforcement Action Authorised

2.1 Section 215 Notices	0	(0 NP cases)
2.2 Breach of Condition Notices	0	(0 NP cases)
2.3 Enforcement Notices	0	(0 NP cases)
2.4 Prosecution Proceedings or Direct Action	1	(0 NP cases)
2.5 Stop Notices & Temporary Stop Notices	0	(0 NP cases)
2.6 Planning Contravention Notices	0	(0 NP cases)

## 3 Enforcement Notices Served etc.

3.1 Section 215 Notices	0	(0 NP case)
3.2 Breach of Condition Notice	0	(0 NP case)
3.3 Enforcement Notices	0	(0 NP case)

3.4	Prosecution Proceedings or Direct Action	0	(0 NP case)
3.5	Stop Notices & Temporary Stop Notices	0	(0 NP cases)
3.6	Planning Contravention Notices	0	(0 NP cases)

#### 4 Retrospective Applications Submitted

4.1 Retrospective planning and Certificate of Lawful Use applications have been submitted in response to enforcement enquiries in respect of the following 7 sites:-

Submitted following enforcement officer investigation

- |   |  |   |
|---|--|---|
| 1 | <b>6 Church Street, Seaford</b> – LW/18/0587 – Section 73A retrospective application for the retention of a gate   | ✓ |
| 2 | <b>Downsview Farm, Laughton Road, Ringmer</b> – LW/18/0857 – Certificate of Lawful Use for structure in use as a residential dwelling  | ✓ |
| 3 | <b>9 Talland Parade, Saxon Lane, Seaford</b> – LW/18/0865 – Section 73A retrospective application for the change of use from A1 to a mixed use of A1 and D1  | ✓ |
| 4 | <b>71 East End Lane Ditchling</b> – SDNP/18/05770/HOUSE – Section 73A retrospective application to retain boundary fence   | ✓ |
| 5 | <b>71 East End Lane, Ditchling</b> – SDNP/18/05771/LIS – Retention of a boundary fence   | ✓ |
| 6 | <b>Plumpton College Ditchling Road Plumpton</b> – SDNP/18/06029/ADV – Replacement Plumpton College signage to reflect new branding   | ✓ |
| 7 | <b>Mobile Home, The Pump House, Kingston Ridge Kingston</b> – SDNP/18/06320/CND – Variation of condition 2 relating to planning approval SDNP/15/03511/CND to allow the site to be occupied by any gypsy traveller |   |

#### 5 Contact Officer

The contact officer in connection with this report is Jennifer Baxter, Specialist Advisor (Planning Enforcement).

Ian Fitzpatrick,  
 Director of Regeneration and Planning  
 03/01/2019

# Agenda Item 16

**Committee:** Planning Applications Committee

**Date:** 20 February 2019

**Department:** Planning & Environmental Services

**Subject:** Enforcement Monitoring Reports (Part B)

This report details the cases which have had notices authorised and/or served within the quarter 1 October 2018 – 31 December 2018

Address/Breach	Current Position	SDNP area
<p><b>EAST CHILTINGTON</b></p> <p><b>Wootton Farm, Novington Lane, East Chiltington – SDNP/16/00462/COU</b></p> <p><u>Breach</u></p> <p>Unauthorised residential use of a mobile home</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> <li>• <b>Enforcement notice served in respect of the unauthorised siting and use of the mobile home.</b></li> <li>• <b>Appeal lodged against the enforcement notice</b></li> <li>• <b>Appeal dismissed and compliance period for enforcement notice upheld</b></li> <li>• <b>Works currently underway to comply with requirements of the enforcement notice</b></li> <li>• <b>Site visit imminent to check removal of mobile home</b></li> <li>• <b>Site visit carried out, mobile home removed and compliance achieved</b></li> </ul>	<p style="text-align: center;">✓</p>

Address/Breach	Current Position	SDNP area
<p><b>IFORD</b></p> <p><b>Iford Farm Shoot, Iford</b> <b>SDNP/18/00346/COU</b></p> <p><u>Breach</u></p> <p>Use of land for shooting for over the 28 day permitted rights</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> <li>• <b>Enforcement notice served on 14 August 2018</b></li> <li>• <b>Enforcement notice appealed</b></li> <li>• <b>Awaiting appeal start date from the Planning Inspectorate</b></li> </ul>	
<p><b>ITFORD</b></p> <p><b>YHA, Itford Farm, Itford –</b> <b>SDNP/16/00406/OPDEV</b></p> <p><u>Breach</u></p> <p>Unauthorised shower and WC cabin unit</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> <li>• <b>Enforcement notice served on 19.12.2017 following refusal of retrospective planning permission</b></li> <li>• <b>12 month compliance period</b></li> <li>• <b>YHA negotiating with officers to comply with notice and seek alternative location for unit</b></li> </ul>	✓
<p><b>KINGSTON</b></p> <p><b>Kingston Farm, The Street, Kingston –</b> <b>SDNP/17/00753/COU</b></p> <p><u>Breach</u></p> <p>Siting and use of unauthorised pizza van</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> <li>• <b>Enforcement notice pending service for the cessation of the use and removal of the unauthorised pizza van</b></li> <li>• <b>Enforcement notice served</b></li> <li>• <b>Appeal lodged against the enforcement notice</b></li> </ul>	✓

Address/Breach	Current Position	SDNP area
	<ul style="list-style-type: none"> <li>• <b>Appeal site visit carried out on 11.12.2018, awaiting appeal decision from Planning Inspectorate</b></li> </ul>	
<p><b>LEWES</b></p> <p><b>The Volunteer, 15 Eastgate Street, Lewes</b> <b>SDNP/17/00131/OPDEV</b></p> <p><u>Breach</u></p> <p>Unauthorised smoking shelter</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> <li>• <b>Planning permission refused for the retention of the smoking shelter</b></li> <li>• <b>Appeal against the refusal of planning permission dismissed</b></li> <li>• <b>Enforcement notice pending service</b></li> <li>• <b>Enforcement notice served and appeal lodged against the enforcement notice</b></li> <li>• <b>Awaiting appeal start date from the Planning Inspectorate</b></li> </ul>	✓
<p><b>NEWHAVEN</b></p> <p><b>Foxhole Farm, Seaford Road, Newhaven</b> <b>SDNP/16/00444/BRECON</b></p> <p><u>Breach</u></p> <p>Unauthorised mobile home</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> <li>• <b>Planning permission for retention of mobile home refused and dismissed at appeal</b></li> <li>• <b>Enforcement notice served for the unauthorised mobile home</b></li> <li>• <b>Appealed lodged against the enforcement notice</b></li> <li>• <b>Awaiting appeal start date from the Planning Inspectorate</b></li> </ul>	✓
<p><b>NEWHAVEN</b></p>		

Address/Breach	Current Position	SDNP area
<p><b>Land at The Highway, Newhaven EN/16/0148</b></p> <p><u>Breach</u></p> <p>Unauthorised residential use and storage of the land</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> <li>• <b>Enforcement notice served on 10 August 2018</b></li> <li>• <b>Compliance deadline for the use to cease and site to be cleared is 12 November 2018</b></li> <li>• <b>Enforcement notice remains in breach, quotes are now being obtained for direct action to seek the removal of the residential use and items relating to this use</b></li> </ul>	
<p><b>RINGMER</b></p> <p><b>Upper Lodge Farm, The Broyle, Ringmer EN/17/0031</b></p> <p><u>Breach</u></p> <p>Unauthorised siting of mobile home</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> <li>• <b>Enforcement notice served on 14 August 2018</b></li> <li>• <b>Compliance deadline 12 November 2018</b></li> <li>• <b>Recent site visit showed the mobile home in place, however the new owner of the mobile home is due to remove it from the site mid January 2019. Further site visit will take place at the end of January 2019</b></li> </ul>	

**Contact Officer**

The contact officer in connection with this report is Jennifer Baxter, Specialist Advisor (Planning Enforcement).

Ian Fitzpatrick,  
 Director of Regeneration and Planning  
 03/01/2019