

Planning Applications Committee 26 June 2019



Working in Partnership



Time and venue:

5.00pm in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE

Membership:

Councillor Sharon Davy (Chair); Councillor Steve Saunders (Deputy-Chair); Graham Amy, Tom Jones, Julie Carr, Lynda Duhigg, Sylvia Lord, Sean MacLeod, Imogen Makepeace, Laurence O'Connor and Nicola Papanicolaou

Quorum: 5

Published: Monday, 17 June 2019

Agenda

1 Minutes (Pages 1 - 4)

To confirm and sign the minutes of the previous meeting held on 5 June 2019 (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).

6 Written questions from councillors

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

Planning applications outside the South Downs National Park

- 7 LW/18/0566 - Nuggets, Valebridge Road, Burgess Hill, West Sussex, RH15 0RT (Pages 5 - 28)**
- 8 LW/19/0277 - 53 Hillcrest Road, Newhaven, East Sussex, BN9 9EE (Pages 29 - 32)**
- 9 LW/19/0256 - Broyleside Farm, Broyle Lane, Ringmer, East Sussex, BN8 5PQ (Pages 33 - 42)**
- 10 LW/19/0088 - Aqua House, 370 South Coast Road, Telscombe Cliffs, East Sussex (Pages 43 - 50)**

Planning applications within the South Downs National Park

- 11 SDNP/19/01270/FUL - West Laine House, Church Lane, Kingston, East Sussex, BN7 3LW (Pages 51 - 72)**

Non-planning application related items

12 Date of next meeting

To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 17 July 2019 in the Council Chamber, County Hall, St Anne's Crescent, Lewes, BN7 1UE, commencing at 5:00pm.

General information

Planning Applications outside the South Downs National Park: Section 2 of each report identifies policies which have a particular relevance to the application in question. Other more general policies may be of equal or greater importance. In order to avoid unnecessary duplication general policies are not specifically identified in Section 2. The fact that a policy is not specifically referred to in this section does not mean that it has not been taken into consideration or that it is of less weight than the policies which are referred to.

Planning Applications within the South Downs National Park: The two statutory purposes of the South Downs National Park designations are:

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

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes. Government policy relating to national parks set out in National Planning Policy Framework and Circular 20/10 is that they have the highest status of protection in relation to natural beauty, wildlife and cultural heritage and their conservation and enhancement must, therefore, be given great weight in development control decisions.

Information for the public

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

Filming/Recording: This meeting may be filmed, recorded or broadcast by any person or organisation. Anyone wishing to film or record must notify the Chair prior to the start of the meeting. Members of the public attending the meeting are deemed to have consented to be filmed or recorded, as liability for this is not within the Council's control.

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

Information for councillors

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

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

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

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

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

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

Democratic Services

For any further queries regarding this agenda or notification of apologies please contact Democratic Services.

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Working in Partnership



Planning Applications Committee

Minutes of the meeting held in the Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE on 5 June 2019 at 5.00pm

Present:

Councillors Graham Amy (Chair on election), Tom Jones, Julie Carr, Lynda Duhigg, Sylvia Lord, Imogen Makepeace, Laurence O'Connor, Nicola Papanicolaou, Nancy Bikson and Emily O'Brien (Minutes 5 to 12)

Officers in attendance:

Jennifer Baxter (Specialist Advisor, Planning Enforcement)
Andrew Hill (Senior Specialist Advisor, Development Management)
Jennifer Norman (Committee Officer, Democratic Services)
Nick Peeters (Committee Officer, Democratic Services) (Minutes 1 to 10)
Joanne Stone (Lawyer, Planning)

1 Chair on election

Resolved:

That Councillor Amy be elected Chair for the duration of the meeting.

2 Election of Vice-Chair

Resolved:

That Councillor Steve Saunders be elected Vice-Chair of the Planning Applications Committee for the 2019/2020 municipal year.

3 Minutes

The minutes of the meeting held on 24 April 2019 were submitted and approved, and the Chair was authorised to sign them as a correct record.

4 Apologies for absence/Declaration of substitute members

Apologies for absence had been received from Councillors Sharon Davy, Sean MacLeod and Steve Saunders. Councillor Nancy Bikson declared she was acting as substitute for Councillor Davy for the duration of the meeting

and Councillor O'Brien declared she was acting as substitute for Councillor MacLeod for the duration of the meeting.

5 Declarations of interest

For purposes of transparency, the Council's Lawyer declared that the Applicant for agenda item 9 (planning application LW/19/0246) was known to her.

6 Petitions

There were none.

7 Written questions from councillors

There were none.

8 LW/18/0877 - Gresham, Lewes Road, Ringmer, East Sussex, BN8 5NE

Councillor Richard Booth spoke on behalf of Ringmer Parish Council. Mr Morris and John Jackson spoke against the proposal. Roger Curtiss spoke for the proposal.

Resolved:

That planning application LW/18/0877 for a proposed two-storey wraparound extension and new roof to create a master-suite and all associated works be approved, subject to the conditions set out in the report and supplementary report. The Committee also added an informative.

9 LW/19/0246 - 111-133 Hillcrest Road, Newhaven, East Sussex, BN9 9EZ

Resolved:

That planning application LW/19/0246 for proposed works to replace all existing timber canopies, glazed screens and entrance doors to all communal entrances to the block be approved, subject to the conditions set out in the report.

10 SDNP/18/01906 - Stud Farm, Gorham's Lane, Telscombe Village, Lewes, East Sussex, BN7 3HZ

Andrew Watson spoke for the proposal.

Resolved:

That planning application SDNP/18/01906 for conversion of an agricultural barn to a dwelling with associated landscaping and car parking be approved, subject to the conditions set out in the report and supplementary report.

11 SDNP/19/01502 - 16 Cleve Terrace, Lewes, East Sussex, BN7 1JJResolved:

That planning application SDNP/19/01502 for proposed replacement of 2no roof lights to the rear, installation of 1no roof light to the front and the replacement of rear extension asphalt roof with lead roof to include 2no roof lights be approved, subject to the conditions set out in the report.

12 Enforcement Monitoring from 1 January 2019 to 31 March 2019 (Part A)Resolved:

That the report which provided an overview of planning enforcement matters throughout Lewes District during the period 1 January 2019 to 31 March 2019, be noted.

13 Enforcement Monitoring from 1 January 2019 to 31 March 2019 (Part B)Resolved:

That the report which detailed planning enforcement cases throughout Lewes District which have had notices authorised and/or served within the quarter of 1 January 2019 to 31 March 2019, be noted.

14 Date of next meetingResolved:

That the next meeting of the Planning Applications Committee that is scheduled to be held on Wednesday, 26 June 2019 in the Council Chamber, County Hall, St Anne's Crescent, Lewes, BN7 1UE, commencing at 5:00pm, be noted.

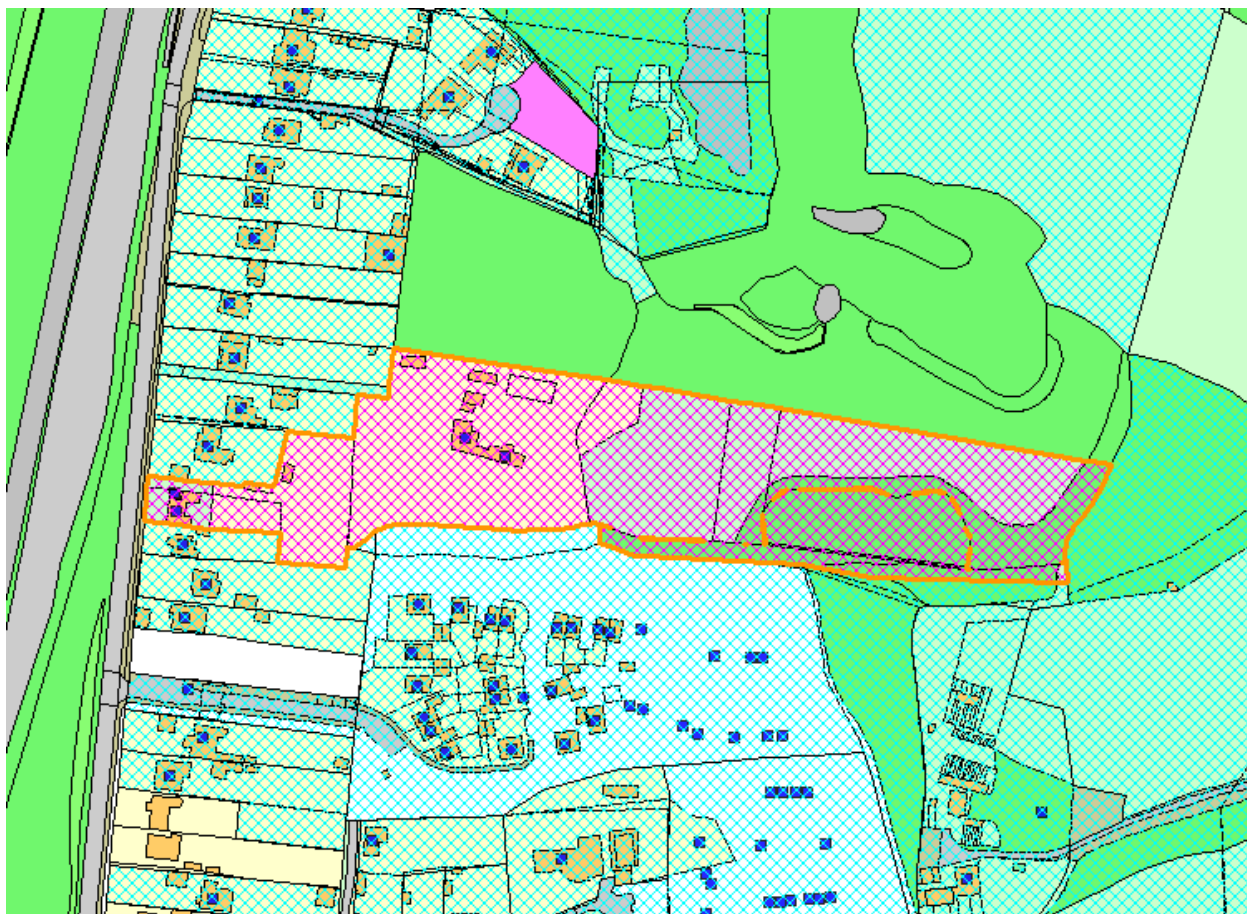
The meeting ended at 6.25pm.

Councillor Graham Amy (Chair on election)

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Agenda Item 7

APPLICATION NUMBER:	LW/18/0566		
APPLICANTS NAME(S):	Brookworth Homes	PARISH / WARD:	Wivelsfield / Chailey & Wivelsfield
PROPOSAL:	Planning application for demolition of two existing dwellings (Pump House and Nuggets) in order to create access, and development comprising construction of 24 residential dwellings on land east of Valebridge Road (Amended Plans).		
SITE ADDRESS:	Nuggets Valebridge Road Burgess Hill West Sussex RH15 0RT		
GRID REF:			



1. SITE DESCRIPTION / PROPOSAL

SITE DESCRIPTION

1.1 The application site is located on the eastern side of Valebridge Road on the western edge of Lewes District and within the Parish of Wivesfield. The site is occupied by two dwellings. Pump House is one of a long line of dwellings along the east side of Valebridge Road and is proposed to be demolished in order to create space for vehicular access to the site. The property is not Listed or located within a Conservation Area. To the rear, and set well back from the road, is a property known as Nuggets. This too is proposed to be demolished and its grounds form the greater part of the application site.

1.2 A substantial amount of the site is designated as Ancient Woodland and the access to the site would cut through an area of woodland subject to a Tree Preservation Order and which is partly subject to a 'Restocking Notice' issued by the Forestry Commission (understood to have been amended such that restocking is now elsewhere). This area of woodland is not designated ancient woodland although it has the same characteristics and history as the adjoining ancient woodland.

1.3 The application site lies outside of the planning boundary for Wivelsfield and the revised development boundary set out in the adopted Neighbourhood Plan. The site is allocated for housing in the emerging Lewes District Local Plan Part 2: Site Allocations and Development Management Policies Submission Document December 2018 however.

PROPOSAL

1.4 The application seeks full planning permission for development of the site by way of 24 residential units, of which 10 are to be affordable housing. Both of the existing properties are to be demolished, with the Pump House being cleared in order to create the vehicular access into the site via Valebridge Road. The access road will be routed through an area of felled trees at the opening to the site, which has the same characteristics as Ancient Woodland but is not formally designated as Ancient Woodland.

1.5 The proposed layout features an S-shape spine road with three spurs and a single bungalow dwelling is proposed nearest the site entrance. Half of the site at its eastern end will not be developed and will remain naturally landscaped and the Ancient Woodland along the southern edge of the site will be retained.

1.6 40% of the new dwellings are to be affordable, a total of 10 units. These will be a mix of 4 x 1-bed units and 6 x 2-bed apartments.

1.7 The proposed dwellings and flats are proposed to be of a traditional design, generally two storey in scale with pitched and hipped roofs, the flattened buildings having accommodation within the roof space.

1.8 The proposed vehicular access onto Valebridge Road falls within the boundary of Mid-Sussex and West Sussex County Council is the local highway authority for the area. A separate planning application has been submitted to Mid-Sussex District Council on this basis, and was approved at their Planning Committee in April 2019 (ref. DM/18/4132).

2. RELEVANT POLICIES

LDLP: – CT01 – Planning Boundary and Countryside Policy

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

- LDLP: – **SP2** – Distribution of Housing
- LDLP: – **CP1** – Affordable Housing
- LDLP: – **CP2** – Housing Type, Mix and Density
- LDLP: – **CP7** – Infrastructure
- LDLP: – **CP10** – Natural Environment and Landscape
- LDLP: – **CP11** – Built and Historic Environment & Design
- LDLP: – **CP12** – Flood Risk, Coastal Erosion and Drainage
- LDLP: – **CP13** – Sustainable Travel
- LDLP: – **CP14** – Renewable and Low Carbon Energy

3. PLANNING HISTORY

E/61/0702 - Planning and Building Regulations Applications for proposed addition of new wing. Building Regulations Approved. Commenced. - **Approved**

LW/83/0937 - Outline Application for the erection of four bedroomed bungalow with double garage. - **Refused**

LW/18/0566 - Demolition of two existing dwellings (Pump House and Nuggets) in order to create access, and development comprising construction of 24 residential dwellings on land east of Valebridge Road (Amended Plans). -

LW/88/1488 - Double garage and workshop. - **Permitted Development**

LW/90/1147 - Planning and Building Regulations Applications for addition of first floor with pitched roof. Building Regs. Approved Conditionally. Commenced. - **Approved**

LW/01/1297 - Section 73A Retrospective application for the conversion of domestic garage/workshop to residential annexe - **Withdrawn**

LW/93/1453 - Change of use of stables to kennels for up to 6 resting greyhounds. - **Approved**

LW/92/0553 - Single storey extension to form a new bedroom and bathroom - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Environmental Health – No objection [22 Oct 2018]

Subject to conditions relating to land contamination; unsuspected contamination; submission of a verification report; and hours of working.

ESCC Highways – No Objection [17 April 2019]

No objection is raised in response to the amended plans [17027-C101D] and the additional document "Technical Note 1: Response to Highway Officer Comments, both of which are dated 22nd February 2019.

It is noted that Mid Sussex District Council has approved the access to the site [DM/18/4132] and it falls within the area of West Sussex County Council. The road layout does not conform to Manual for Streets or East Sussex County Council's recommendations in terms of layout. However, the parking is acceptable and as the internal roads are not to be formally adopted, no objection is raised following the amendments made to the application and the previous objection dated 25 September 2018 is withdrawn.

Natural England – Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England advises that the proposal as presented has the potential to adversely affect woodland classified on the Ancient Woodland Inventory. Natural England refers you to our Standing Advice on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

Tree & Landscape Officer Comments – Objection in principle

An objection in principle is raised against the loss of part of the ancient woodland identified as W1 of the Tree Preservation Order and which is partly subject to a 'Restocking Notice' issued by the Forestry Commission (understood to have been amended such that restocking is now elsewhere). The access road will occupy part of the (undesigned) ancient woodland.

An objection is also raised against the indirect adverse impact on ancient woodland in accordance with the government's standing advice such as breaking up or destroying connections between woodlands, reducing the amount of semi-natural habitats, increasing disturbance to wildlife, increasing light or air pollution, the impact of domestic pets and changing the landscape character of the area

There is no objection to the principle of development in the garden of the 'Pump House' and its associated paddock or to the development of the foot print of the various buildings associated with 'Nuggets' (subject to the siting of the access).

ESCC SUDS – No Objection [16 May 2019]

The information provided is satisfactory and enables the LLFA to determine that the proposed development is capable of managing flood risk effectively. Although there will be a need for standard conditions which are outlined in this response.

The applicant submitted additional information on 1 May 2019. The additional information has addressed earlier concerns regarding the proposed discharge rate (greenfield runoff rate for the proposed developable areas) and detailed hydraulic calculations.

Due to the ground levels, surface water runoff will be discharged to the ditch at the north of the application site for the majority of the site, and to an existing chamber which is connected to a drainage ditch in Valebridge Road for a small section of the access road. The condition of the existing drainage system (existing chamber and route) should be investigated before discharge of surface water runoff from the development is made. This should include CCTV survey. Any required improvements to the condition of the watercourse should be carried out prior to construction of the outfall.

The British Geological Survey data that is held shows high groundwater levels within the development site, less than 3m below the ground level. Furthermore, the trial pit record undertaken showed seepages at 0.3m and 0.65m below ground levels within TP01 and TP02 respectively. Therefore ground water levels should be investigated to ensure that the base of the permeable paving is at least 1m above the maximum anticipated groundwater level taking account of the seasonal variations in levels. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system should be provided.

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

1. Surface water discharge rates not exceeding 3.0 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.
2. The condition of the existing drainage system (proposed catchment B outfall) should be investigated before discharge of surface water runoff from the development is made. This should include CCTV survey. Any required improvements to the condition of the watercourse should be carried out prior to construction of the outfall.
3. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
4. The detailed design of the permeable pavement should be informed by findings of 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.
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 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.
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.

Previous objections dated 15 March 2019 and 28 August 2018 (which can be viewed on line) have been overcome.

Main Town Or Parish Council – Objection

- o The proposed development lies outside the planning boundary
- o We have concerns about the accumulative effect of additional traffic movements on Valebridge Road.
- o We are concerned about the buffer to the ancient woodland in respect to the turning bay/road ending on the north side of the plot.
- o Should permission be granted, we would ask that replacement trees are sourced locally.

No further comments received after re-consultation.

Policy & Engagement Co-ordinator –

The Lewes District Council (LDC) Affordable Housing Supplementary Planning Document (SPD) provides an explanation of how the Council's affordable housing policy as set out in the Lewes District Local Plan Part 1 – Joint Core Strategy is to be implemented. The LDC Affordable Housing SPD webpage explains:

'July 2018 update - Lewes Affordable Housing SPD

Since the adoption of the Lewes Affordable Housing Supplementary Planning Document government has published an update to the National Planning Policy Framework (NPPF). Paragraph 63 states that "Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas". The NPPF defines major developments as "For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more."

Therefore, the requirement for 40% affordable housing will now apply to developments of 10 or more homes, rather than 11 or more, or a site area of 0.5 hectares or more. This should be noted when reading the Lewes Affordable Housing SPD.'

Number of affordable dwellings

Core Policy 1 of the Lewes District Local Plan Part 1 – Joint Core Strategy (2016) explains that a district wide target of 40 per cent affordable housing, including affordable rented and intermediate housing, will be sought.

The Public Access – Public Application Form proposes 25 dwellings: 15 market housing units and 10 affordable housing units.

40 per cent of 25 dwellings equates to 10 affordable units (0.4 x 25 = 10).

A policy compliant number of affordable housing units are proposed for this development.

Dwelling mix

Figures from the Lewes District Council Housing Register show the following need for dwellings in Burgess Hill and the surrounding area:

Lewes District Council Housing Register	1 bed	2 bed	3 bed	4 bed	5 bed	Total
Burgess Hill and surrounding area	20	10	8	5	0	43
Burgess Hill and surrounding area %	46.5	23.3	18.6	11.6	0	100

The Public Access - Planning Application Form states that the dwellings will consist of 25 dwellings. The 15 market dwellings are proposed to consist of 6no. two bedroom houses and 9no. three bedroom houses. The affordable dwellings are proposed to consist of 4no. one bedroom flats/maisonettes and 6no. two bedroom flats/maisonettes.

Paragraph 3.7 (pp.10-11) of the Lewes District Council Affordable Housing Supplementary Planning Document SPD explains that 'The provision of onsite affordable housing should be integrated into the layout of the development through 'pepper-potting' within market housing, in order to fully reflect the distribution of property types and sizes in the overall development.'

The dwelling mix of the overall development should be reflected in the affordable housing dwelling mix and reflect the housing need as represented by the Housing Register. Ideally, the dwelling mix of the affordable housing would include houses to reflect the proposed development's overall dwelling mix, and three bedroom dwellings to reflect the housing need.

The planning application documents do make reference to pre-planning advice which was given regarding the possibility of inclusion of affordable three bedroom dwellings. Further discussion concerning the dwelling mix of the affordable dwellings would be useful.

Tenure Split

Core Policy 1 of The Joint Core Strategy states: 'The guideline affordable housing tenure split will be 75% affordable rented and 25% intermediate (shared ownership). The local planning authority will negotiate the appropriate tenure split on a site by site basis based upon the latest evidence of needs in the site locality.'

A 75/25 tenure split would comprise of 7 or 8 affordable rent dwellings, and 3 or 2 intermediate dwellings ($0.75 \times 10 = 7.5$; $0.25 \times 10 = 2.5$), resulting in a total of 10 units.

Although the tenure split set out in Core Policy 1 is briefly discussed in the planning application documents, from the planning application documents publicly available it is not clear what tenure split is proposed for the affordable dwellings for this development.

Size of dwellings

From the planning application documents that are publicly available it is not clear what sizes are proposed for the affordable dwellings for this development. Consequently, it would be useful to have further discussions regarding the sizes of the affordable dwellings.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

A letter in support of the application has been submitted by the applicant and occupiers of Nuggets, stating that the development will bring much needed new homes, including affordable housing, and the proposals will reflect the character of Valebridge Road and have a sylvan environment and adequate parking.

Representations have been received from Viconella, Lorelei, Ledbury, Glenhaven, Glenwood, The Willows, and Woodlands, Valebridge Road; Theobalds Farm and Brier Cottage, Theobalds Road; 2 Rose Walk; objecting to the application for the following reasons:-

Building in countryside
Outside planning boundary

Out of character
Over development
A third housing estate
Contrary to policy
Loss of semi-rural character
Loss of trees
Not allocated in Neighbourhood Plan
Parking issues
Inadequate access
Highway hazards
Inadequate street lighting
Poor condition of public footway
Traffic generation
Traffic on A259
Speed limit should be reduced along Valebridge Road
Noise and disturbance
Overlooking / loss of privacy
Flooding
Drainage
Blocked highway drains
Damage to sewerage system
Effect on wildlife
Lack of infrastructure
Not sustainable
CIL monies will not go to Wivelsfield
Effect on town centre viability

6. PLANNING CONSIDERATIONS

6.1 The main considerations in the determination of the application include the principle of development; design; the impact on amenity; accessibility and sustainable transport.

6.2 As the access between the site and Valebridge Road falls within the jurisdiction of Mid Sussex District Council, for which West Sussex County Council is the highway authority, a separate application has been submitted to, and approved by Mid Sussex District Council. As such the current application does not need to consider the impact on highway safety, visibility or the impact of any increase in the number of vehicular movements upon congestion or emissions/air quality, as these have been taken into consideration separately by Mid Sussex District Council. Furthermore, the necessary highway improvements and requirements have been secured by conditions between the applicant, Mid Sussex District Council and West Sussex County Council and in this instance Mid Sussex District Council may seek to bid for some of the CIL monies coming forward from the proposed development in order to improve the infrastructure in the vicinity of the application site that will be put under increased pressure as a result of the housing development.

PRINCIPLE

6.3 The site falls outside of the planning boundary of Wivelsfield as defined by the Lewes District Local Plan and the more recently adopted Wivelsfield Neighbourhood Plan (WNP).

6.4 However, the site is allocated within Lewes District Local Plan Part 2: Site Allocations and Development Management Policies Submission Document 2018 wherein policy BH01 seeks to allocate the Nuggets site for approximately 14 net additional dwellings. Taking into account the two existing houses, the gross number of dwellings would be approximately 16 units. The inclusion of the site within Part 2 of the Local Plan has

ensured the site has come forward through the plan-led process and with the required consultations and Sustainability Appraisal. Therefore, the proposed use of the site is therefore deemed to be compliant with retained policy CT1 of the JCS, which is the Council's key countryside policy. The site is well related to existing residential development.

6.5 The Lewes District Local Plan Part 1: Joint Core Strategy (JCS), sets out the proposed housing delivery and distribution for the District for the years 2010-2030, noting that a minimum of 100 dwellings are to be provided at Burgess Hill (within Wivelsfield Parish). The housing distribution set out by Policy SP2 of the JCS was based on an approach that reflected the findings of the evidence base (including where the greatest levels of housing need are), the input from the consultation and engagement undertaken, and the findings of the Sustainability Appraisal process. The Council's Strategic Housing Land Availability Assessment (SHLAA) forms part of this evidence base and provides an indication of the potential capacity of settlements to accommodate housing development, but it is not a policy document in itself. This site was one of only a small number of sites identified by the SHLAA as being suitable, available and achievable for housing development at Burgess Hill (within Wivelsfield Parish) in this broad location.

6.6 Whilst the current planning application proposed 10 more units than the 14 set out in the policy allocation contained within the emerging Local Plan Part 2, it is considered that where the scheme can demonstrate acceptable design, sufficient parking and adequate property sizes and amenities, such as back gardens, whilst at the same time safeguarding the biodiversity of the site and making provision for electric vehicle charging points, the site can be shown to accommodate more housing without a significant adverse impact in comparison with a scheme for 14 units. In addition, although a larger scheme in terms of the number of overall residential units, in terms of physical buildings within the site there would be 15, and as such with respect the layout, scale and massing of the proposed development, it would not be dissimilar to a scheme for 14 units. The increase over the number set out in Local Plan Part 2 will also make a greater contribution towards the 100 dwelling units which are acutely needed in this location to the period 2030.

6.7 In view of the above, development of this site would accord with the broad distribution of Policy SP2 of the JCS in principle, and could help meet the District's housing needs over the period to 2030. The proposal is for 24 residential units, which is 8 units (10 if you include the two existing dwellings), or 50% more, than set out in policy BH01 - 14 units. However, for the reasons given above, the proposal is considered acceptable in principle and would bring forward 40% affordable housing.

MIX OF UNITS

6.8 40% of the new dwellings are to be affordable, a total of 10 units. These will be a mix of 4 x 1-bed units and 6 x 2-bed apartments.

6.9 The Council's Affordable Housing SPD (supplementary planning document) was adopted on 16 July 2018. Affordable housing units should be integrated throughout a development site and should be indistinguishable in design and materials from the market housing on the site and should remain affordable in perpetuity.

6.10 In this instance, as the affordable units are to be flats and the market units are to be dwellings, the affordable units will not be indistinguishable from the market units. In addition, the two buildings containing the affordable units will be adjacent to each other, and therefore not integrated throughout the site.

6.11 On balance however, it is considered that due weight must be given to the scheme providing 40% affordable housing in this location and taking account that a large portion of the site is subject to constraints and cannot be developed. The proposals are considered to be acceptable in principle, and will also help to meet the housing targets set out in the Local Plan Part 2.

DESIGN

6.12 The applicant has submitted a Landscape and Visual Impact Assessment, which concludes that the scale and nature of the development and its relationship with nearby residential development is of medium landscape character sensitivity and the magnitude of change is small. The proposals would therefore have a minor landscape effect. The visual effects of the proposed development would be minimal due in most part to dense interceding vegetation between the viewer and site, the topography in the area and the similar setting of the proposed scheme.

6.13 Mitigation measures that have been proposed as part of the development would include:

- o Native tree and hedgerow planting to the site boundaries;
- o Management and maintenance of existing surrounding hedgerow and trees;
- o The use of materials for the external envelope of the buildings which minimise potential visual intrusion and follow the local vernacular to aid visual blending.

6.14 This mitigation is considered to be acceptable and the scheme, though partially separated by a landscaped buffer, would form a natural continuation of the nearby housing development at The Rosery.

6.15 The new houses would have a traditional and semi-rural form in keeping with the style of existing housing in this location. The use of pitched and half-hip roofs together with variations in the external finishes, for example tile hanging and weather-boarding, and the inclusion of quality design details such as pitched roof porches to the entrances, should result in a development that has an attractive appearance and a degree of individual visual interest whilst retaining group value in the design of the overall scheme. Nonetheless, the visual impact will be limited by the filtered views through existing planting and trees, and the development should not significantly affect the street scene in Valebridge Road, aside from the visibility of the new access road.

AMENITY

6.16 The siting of the proposed dwellings is to be set well back from Valebridge Road, and the distance between the new homes and existing neighbouring dwellings, including those in The Rosery, is such that the amenity of neighbouring residents would not be significantly adversely affected by way of overlooking, loss of privacy or an overbearing impact. The new homes would also be screened by existing and proposed planting that would filter and soften views of the development from neighbouring properties.

6.17 In terms of the amenity of future residents, the proposed layout has been carefully considered so that flank windows avoid overlooking, and the principal elevations of the dwellings generally would be opposite the flank walls of properties on the other side of the same length of access road.

6.18 In terms of internal floor areas for the new dwellings, the smallest of the 2-bed houses would be 77 square metres, and the smallest of the 3-bedroom homes would be 99 square metres. This compares favourably with the national space standards, which requires 70 square metres for a 3-person 2-bedroom home and 93 square metres for a 5-person 3-bedroom house.

6.19 Of the proposed flats, the 2-bedroom homes would be 68 square metres and the 1-bed flats 45 square metres. This does not compare as favourably with the national space standards which suggest 70 square metres and 50 square metres respectively. The 1-bedroom flats within the roof space of each flat building (so 2 in total) would be 51 square metres but due to the pitched roof design only 31 square metres would allow future residents to stand. As such these units would only be well suited to single occupancy.

6.20 Each of the houses would benefit from a back garden of just over 10m in length, allowing for satisfactory private and useable amenity space. The proposed flats would not have any private outdoor amenity space. However, a large portion of the overall site is to remain green and wooded, and this should provide some degree of outdoor green space for residents.

6.21 In summary, the proposed development is not considered likely to have a significant adverse impact on the amenity and living conditions of either existing neighbouring residents or future residents of the new development.

TREES AND LANDSCAPE

6.22 One of the key issues in the determination of the application is the impact on trees. Indeed the Trees and Landscape Specialist, has raised an objection to the development in principle specifically due to the siting of the access road. This is because the access road is to be routed through woodland and would result in the loss of undesignated ancient woodland, described as such because it has the same characteristics and has been connected to the other areas of designated Ancient Woodland both within the site and adjoining the site. These trees were cut down prior to the planning application being submitted, and were subject to a "Re-stocking Notice" instructed by the Forestry Commission.

6.23 The main issue relates to the potential loss of (undesignated) ancient woodland as a result of the construction of the access road. This area is subject to a Tree Preservation Order and the adverse impact that the development might have on the existing designated ancient woodland network in and around the application site. The proposed access road and pavement would create a permanent gap of some 7.45m in width through this area of woodland.

6.24 The Specialist for Trees and Landscape has maintained an objection in principle throughout the application process. However, should the access location be considered acceptable no objections are raised to the rest of the application.

ACCESSIBILITY AND SUSTAINABLE TRANSPORT

6.25 The highway authority is satisfied that the type and number of open-front garages and off-street parking provision is satisfactory, and that any overspill parking on street would occur on private roads within the application site, as these roads are not to be adopted.

6.26 There is capacity within the site to provide secure and sheltered cycle parking for the dwellings and as such a planning condition is recommended in order to secure both details

and provision. Similarly, electric vehicle charging points will be provided within the scheme, in accordance with details to be submitted subsequently in order to comply with the relevant planning condition.

6.27 The application site is some 1.1km from Wivelsfield mainline railway station (less than a 13 minute walk) which has good access to London, Brighton and Lewes, and which would be attractive to commuters. There are also bus stops on Valebridge Road some 350m from the application site with good services to Brighton, East Grinstead, Haywards Heath, the centre of Burgess Hill and also Wivelsfield railway station.

6.28 For the above reasons the site is reasonably well located in terms of access to sustainable forms of transport and future residents of the development would not need to be solely reliant on private car use for all of their journeys. With these alternative options available the impact of the development on matters such as congestion and air quality can be minimised.

6.29 In these respects the proposed development meets the requirements of policies CP13 and CP14 of the JCS and is therefore considered to be acceptable.

FLOOD RISK

6.30 Following an initial objection to the proposed development from ESCC as the Lead Local Flood Authority (SuDS) for the area, the applicant submitted additional information to address the concerns raised in respect of the proposed discharge rate along with detailed hydraulic calculations. Due to the ground levels, surface water runoff is to be discharged to a ditch at the north of the application site and to an existing chamber which is connected to a drainage ditch in Valebridge Road for a small section of the access road. Conditions are recommended in respect of full assessment of the condition of the existing drainage system and any improvements required together with a full assessment and investigation of the groundwater levels to ensure that the base of any permeable surfaces is at least 1m above the maximum groundwater levels taking into account seasonal variations.

6.31 In view of this, it is considered that flood risk can be managed in a satisfactory and sustainable manner and in this regard the proposed development is, subject to conditions, acceptable.

ECOLOGICAL AND ARCHAEOLOGICAL IMPACT

6.32 Part (f) of policy BH01 of the emerging Lewes District Local Plan Part 2, which allocates the application for housing development, requires an ecological impact assessment to be undertaken and appropriate measures identified and implemented accordingly, in order to mitigate potential adverse impacts, either directly or indirectly, on biodiversity, including irreplaceable habitats.

6.33 The applicant has submitted an Ecological Impact Assessment which states that whilst the site is generally of low ecological value, the Ancient Woodland within and adjacent to the application site is of national value. Mitigation measures have been outlined to ensure that the Ancient Woodland is not adversely affected by the proposed development. The assessment submitted includes an extended Phase I Survey and protected species surveys.

6.34 A reptile mitigation strategy has also been outlined and will involve the translocation of reptiles (slow worm and grass snake) to a receptor area within the application site. Such translocations are seasonally restricted to between March and October inclusive.

6.35 The hedgerows and mature trees are to be retained within the proposed development and the remaining grassland is to be managed in order to promote species diversity. Subject to these compensatory measures and the above translocation strategy, the loss in ecological value of the application site will be minimal. In addition the Ancient Woodland would be subject to root protection areas and grassland buffers, to be fenced during construction, in order to result in a neutral impact of the development on the Ancient Woodland.

6.36 Detailed proposals have also been submitted in respect of ensuring the proposed development has a neutral impact on any bats within the trees, foraging badgers and common newts, frogs and toads. The submitted survey concludes that the presence of Great Crested Newts within the water bodies within the site has been ruled out following the extended investigations.

6.37 New areas of planting are proposed in order to maintain existing levels of potential bird nesting sites.

6.38 Paragraph 6.53 of the Ecological Assessment sets out measures for provision of bat boxes, bat tubes, bird nesting boxes and hedgehog boxes, and specifies how many, and to which dwellings, these measures are to be put in place.

6.39 To conclude, the applicant is proposing satisfactory mitigation measures, and conditions are recommended in order to ensure that these strategies are carried out.

6.40 The applicant has also submitted an Archaeology and Heritage Assessment, in line with the requirements of policy BH01 of Part 2 of the Local Plan. The report has drawn from various sources, including the Historic Environment Records and the East Sussex Record Office. The application site has been concluded not to contain any heritage assets or features of archaeological interest, aside from wood banks and ditches along a belt of woodland to the southern boundary of the site. These areas are to be protected during construction and retained thereafter.

6.41 A number of listed buildings have been identified near to the site, including the Grade II listed farmhouse at Theobald's, which is 200m to the south of the application site. These would not be adversely affected by the proposed development, particularly in light of intervening recent housing development at The Rosery.

S106 AGREEMENT

6.42 40% affordable housing comprising 6 x 2-bed flats and 4 x 1-bed flats to be split 75/25 between affordable rent and intermediate housing.

7. RECOMMENDATION

7.1 The proposed development is on balance, and notwithstanding the impact on trees at the entrance to the site, considered to be acceptable and approval is recommended subject to the conditions listed below and the completion of a S106 Agreement.

7.2 Members are requested to authorise the refusal of the development under delegated powers should no meaningful progress towards completion of the S106 Agreement have been made 6 months following the date of this resolution.

The application is subject to the following conditions:

1. 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.

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

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

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

3. No development above ground level shall take place until an external lighting strategy, to include full details of lighting, including street lighting, security lighting and lighting to individual buildings, has been submitted to and approved by the local planning authority. The lighting shall be installed in accordance with the approved details prior to the first occupation of the dwellings unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory appearance to the development and in order to safeguard the amenities of neighbouring residential properties having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

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

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

5. No development shall take place above ground floor slab level until details and samples of all external materials including the fenestration; hard surfaces; roof materials and external finishes to the walls, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and samples and retained as such thereafter.

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

6. No development shall commence until details of the location and extent of the construction compound(s) have been submitted to and approved in writing by the local planning authority. The compound(s) shall be located in accordance with the approved details before any development commences.

Reason: To ensure a satisfactory appearance to the development and in order to safeguard the amenities of neighbouring residential properties having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework.

7. Notwithstanding anything contained in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any amendment or

replacement thereof, prior to the commencement of any building or engineering operations for the development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include the following information and the development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the local planning authority:-

- a) The temporary arrangements for access and turning for construction traffic;
- b) The size of vehicles (contractors and deliveries);
- c) The routing of vehicles (contractors and deliveries) and traffic management (to allow safe access and turning for construction vehicles);
- d) The temporary arrangements for parking of vehicles associated with deliveries, site personnel, operatives and visitors;
- e) A contractors' parking and Travel Plan;
- f) Facilities for the loading and unloading of plant and materials;
- g) The location(s) for storage of plant and materials used during construction;
- h) The location(s) of any site huts/cabins/offices;
- i) Details of temporary lighting during construction;
- j) Details of the proposed security arrangements for the site including temporary site security fencing and site hoardings;
- k) Hours of construction and hours of deliveries;
- l) Details of the precautions and facilities put in place to guard against the deposit of mud and substances from the application site on the public highway, to include wheel washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed in order to be free of mud and similar substances prior to entering the public highway;
- m) Details outlining the proposed range of dust and dirt control measures and noise mitigation measures during the course of construction of the development, having regard to Section 61 consent under the Control of Pollution Act 1974;
- n) Details of off-site monitoring of the CEMO; and
- o) Assurance that the construction will be undertaken in accordance with the Considerate Constructor's Scheme.

Reason: In the interests of the residential amenities of the neighbours and to secure safe and satisfactory means of vehicular access to the site during construction, having regard to retained policy ST3 and Core Policies 11 and 13 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework.

8. Construction works and deliveries to and from the application site shall be restricted to between the hours of 0800 and 1800 Mondays to Fridays and 0830 until 1300 on Saturdays. No construction works or deliveries in association with the development hereby permitted shall take place on Sundays or on Bank/Statutory Holidays.

Reason: In the interests of the residential amenities of the neighbours having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework.

9. No development above ground level shall take place until the following details have been submitted to and approved in writing by the local planning authority:-

- a) A detailed planting plan including both the positions and species of tree planting having regard to BS:8545:2014 "Trees from the nursery to independence in the landscape";
- b) A detailed landscape plan identifying all planting outside of private domestic gardens and including a plan identifying all communal areas to be managed separately.

The development and all hard and soft landscaping works shall be carried out in accordance with the approved details prior to the first residential occupation of any dwelling, and retained as such

for the life of the development unless otherwise agreed in writing by the local planning authority. All hard surfaces should be either permeable materials to allow for natural soakage of surface water into the land or direct surface run-off to soakaways within the application site.

Reason: In the interests of visual amenity and integration of the development into the existing landscape, neighbour amenity, managing and mitigating flood risk, and to ensure a satisfactory appearance to the development in accordance with retained policy ST3 and Core Policies 10, 11 and 12 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

10. Arboricultural Method Statement & Tree Protection Measures

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

b) This tree condition may only be fully discharged on completion of the development subject to satisfactory written evidence of contemporaneous monitoring and compliance by the pre-appointed tree specialist during construction.

c) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during site clearance operations, site preparation and subsequent development operations and up until completion and full occupation of the buildings for their permitted use within 2 years from the date of the occupation of the buildings for their permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

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

Reason: To enhance the general appearance of the development and in the interests of preserving the amenity of the locality having regard to Policy ST3 and policies CP10 and CP11 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

11. No development shall commence until precise details of the existing and proposed finished floor levels and overall roof heights of the development in relation to nearby datum points adjoining the application site have been submitted to and approved by the Local Planning Authority in writing. The development shall be completed in accordance with the approved details.

Reason: As this matter is fundamental to control the development in detail in the interests of amenity and visual impact and in accordance with retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

12. 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 highway safety and safeguarding amenity in accordance with retained policy ST3 and Core Policy 13 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

13. No development shall take place until a drainage strategy detailing the proposed means of foul and surface water sewerage disposal and a timetable for implementation of the strategy 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 and timetable unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of amenity and to ensure the development is undertaken in a manner which reduces any potential risk to public infrastructure in accordance with retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

14. No development shall take place until full details of a sustainable urban drainage system (SuDS) have been submitted to and approved in writing by the local planning authority, in order to ensure that surface water runoff from the development is managed safely. Such details shall include:-

- a) Evidence (in the form of hydraulic calculations and detailed drainage drawings) of the surface water discharge rates not exceeding 3.0 l/s for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features.
- b) Investigation of the condition of the existing drainage system (proposed catchment B outfall) before discharge of surface water runoff from the development is made. This should include CCTV survey. Any required improvements to the condition of the watercourse should be carried out prior to construction of the outfall.
- c) Detailed design to include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
- d) Detailed design of the permeable pavement, to be informed by the findings of groundwater monitoring between Autumn and Spring, having 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.
- e) A maintenance and management plan for the entire drainage system to ensure the designed system taking into account design standards of those responsible for maintenance. The management plan should cover the following:
 - i) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
 - ii) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development shall be submitted to the local planning authority.
- f) Details of 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 be incorporated into the Construction Environmental Management Plan for the development.
- g) Prior to the first residential occupation of the development, evidence (including photographs) shall be submitted to the local planning authority showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: In the interests of amenity and to ensure that flood risk is managed, in accordance with Core Policies 11 and 12 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

15. Unless otherwise agreed in writing by the local planning authority, all temporary buildings relating to the implementation of the planning permission shall be located within enclosed construction compounds within the application site. The temporary buildings shall be no higher than 6m above natural ground level.

Reason: To ensure a satisfactory appearance to the development and in order to safeguard the amenities of neighbouring residents having regard to retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework.

16. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out (unless otherwise agreed in writing with the local planning authority) 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 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 off-site receptors, in accordance with Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework.

17. The tree protection measures detailed in section 10 of the report and in conjunction with the Tree Protection Plan AR-3744 app C TPP -01 Rev B shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, detailed in section 12 of report, by a suitably qualified tree specialist.

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990.

18. The development hereby permitted shall not be occupied until a management plan for the woodland and communal soft landscaped areas has been submitted to and approved in writing by, the Local Planning Authority. The management plan should include the following elements:

- a) A statement of the overall design vision for the woodland and for the communal areas retained as part of the development - including amenity classification, nature conservation value and accessibility.
- b) Type and frequency of management operations to achieve those aims, and to provide reinstatement including planting where tree loss or vandalism occurs.
- c) Frequency of safety inspections, which should be at least three yearly in areas of high risk, less often in lower risk areas
- d) Confirmation that the tree pruning work is carried out by suitably qualified and insured tree contractors to British Standard 3998 (2010).
- e) Special measures relating to Protected Species or habitats, e.g. intensive operations to avoid March - June nesting season or flowering period.
- f) Recommendations relating to how trees within the immediate vicinity of properties or within private areas are to be protected, such that these are retained without the loss of their canopy or value as habitat.
- g) Confirmation of cyclical management plan assessments and revisions to evaluate the plan's success and identification of any proposed actions.

Reason: Required to ensure that woodland areas are satisfactorily safeguarded, managed and maintained in the long term /in perpetuity in the interest of nature conservation and the visual

amenity of the area and to enhance the general appearance of the development having regard to Policy ST3 and policies CP10 and CP11 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

19. The development hereby permitted shall not be occupied until a schedule detailing sizes and numbers of all proposed trees/plants in accordance with the Landscape Strategy BRO21295 11E Sheet 1, 2 and 3, has been 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:

- a) Proposed hardstanding and boundary treatment:
- b) A schedule detailing sizes and numbers of all proposed trees/plants
- c) Sufficient specification to ensure successful establishment and survival of new planting.

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. Any new tree(s) that die(s), are/is removed, 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. Replacement planting shall be in accordance with the approved details (unless the Local Planning Authority gives its written consent to any variation).

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 having regard to Policy ST3 and policies CP10 and CP11 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

20. 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: In order 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 having regard to Policy ST3 and policies CP10 and CP11 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework.

21. The development hereby permitted shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected within and, where necessary, around the perimeter of the application site, including details of the balustrade around the edge of the top floor roof terrace. The boundary treatment shall be completed in accordance with the approved details prior to the occupation of the dwelling units or commercial units, whichever is the sooner, and retained as such thereafter.

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

22. The development hereby permitted shall not be occupied until full details of the covered and secure cycle parking spaces have been submitted to and approved in writing by the Local

Planning Authority. These facilities shall be implemented prior to the first residential occupation of the development, and be retained thereafter for the parking of cycles associated with residents and visitors to the development hereby permitted.

Reason: To provide alternative travel options and encourage use of alternatives to the use of the private car, in the interests of sustainability in accordance with current sustainable transport policies including retained policy ST3 and Core Policy 13 of Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework.

23. No part of the development shall be occupied until the car parking 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: In the interests of amenity and highway safety and to ensure adequate car-parking provision for the development.

24. No part of the development shall be occupied until the road(s), footways and parking areas serving 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: In the interests of amenity and sustainability and to provide sufficient off-street car parking for the approved development, in accordance with retained policy ST3 and Core Policy 13 of Lewes District Local Plan Part One: Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework.

25. 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:

1. A preliminary risk assessment which has identified:

- (a) all previous uses
- (b) potential contaminants associated with those uses
- (c) a conceptual model of the site indicating sources, pathways and receptors
- (d) potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) 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.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) 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 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 Policy Guidance contained in the National Planning Policy Framework.

26. 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 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 Policy Guidance contained in the National Planning Policy Framework.

27. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of how the development will incorporate measures to reduce carbon energy use, facilitate renewable energy installations, and lower household water consumption, have been submitted to and approved in writing by the local planning authority. The approved measures shall be put in place prior to the first residential of the new dwellings as they are each completed, and retained as such thereafter.

Reason: In order to reduce locally contributing causes of climate change in accordance with policy CP14 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework 2019.

28. The reptile translocation, habitat mitigation strategies and habitat enhancement measures shall be carried out in strict accordance with the approved Ecological Impact Assessment by ACD Environmental (ref. BR)21295EclA) unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of safeguarding and promoting biodiversity within the application site in accordance with policy BH01 of the Lewes District Local Plan Part 2 "Site Allocations and Development Management Policies Submission Document" and having regard to policies CP10 and CP11 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework.

29. No development shall take place until the applicant has provided a programme of archaeological works in accordance with a written scheme of investigation, to include a Watching Brief during construction, and if appropriate, details of trial trenching, that shall be submitted to and approved in writing by the local planning authority. A written record of any archaeological works undertaken shall be submitted to the local planning authority within 3 months of the completion of the archaeological investigation unless an alternative timescale for the submission of the report is agreed in writing by the local planning authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recording to comply with policy CP11 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

INFORMATIVE(S)

1. In respect of compliance with condition 19, reference shall be made to the following
 - 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

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

3. 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.

4. All waste material arising from any clearance and construction activity at the site should be stored, removed from the site and disposed of in an appropriate manner. It is an offence to burn trade waste, so there should be no bonfires on site.

5. The applicant is advised that as the estate roads are to remain private/unadopted, the highway authority would require provisions in any S106 Agreement to confirm that the estate roads would not be offered for adoption at a later date and wording included to ensure that the carriageways, footways and casual parking are property constructed, surfaced, drained and where appropriate lit, and that the works are appropriately certified from a suitably qualified professional confirming the construction standard.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Tree Statement/Survey	16 July 2018	AR-3744 Rev C Tree Survey and Arboricultural Statement
Additional Documents	16 July 2018	BRO21295 - Landscape and Visual Impact Assessment
Additional Documents	16 July 2018	TRANSPORT STATEMENT
	16 July 2018	S101
Existing Block Plan	16 July 2018	S102
Planning Statement/Brief	20 August 2018	Affordable Housing Statement

Technical Report	2 January 2019	Technical Note 1: Response to Highway Officer comments
Technical Report	4 January 2019	Stage 1 Road Safety Audit
Other Plan(s)	11 January 2019	P111 Rev D - Proposed Plans and Elevations Plot 2
Other Plan(s)	11 January 2019	P112 Rev B - Proposed Plans and Elevations Plot 3
Other Plan(s)	11 January 2019	P113 Rev B - Proposed Plans and Elevations Plot 4
Other Plan(s)	11 January 2019	P114 Rev B - Proposed Floor Plans [and Elevations] Plots 5-6
Other Plan(s)	11 January 2019	P115 Rev B - Proposed Elevations [and Plans] Plots 7-8
Other Plan(s)	11 January 2019	P116 Rev C - Proposed Plans and Elevations Plots 9-11
Other Plan(s)	11 January 2019	P117 Rev C - Proposed Plans and Elevations Plots 10-11
Other Plan(s)	11 January 2019	P118 Rev C - Proposed Plans and Elevations Plots 11 _ 12
Other Plan(s)	11 January 2019	P119 Rev B - Proposed Plans and Elevations Plots 13 _ 14
Other Plan(s)	11 January 2019	P121 Rev A - Proposed Plans and Elevations Plots 15-19
Other Plan(s)	11 January 2019	P122 Rev A - Proposed Plans and Elevations Plots 20-24
Proposed Layout Plan	29 January 2019	P101 Rev M - Site Plan
Other Plan(s)	29 January 2019	P123 Rev A - Plot 1 Garage
Other Plan(s)	29 January 2019	P110 Rev C - Proposed Plans and Elevations Plot 1
Landscaping	7 March 2019	BRO21295 11G - Sheet 1 - Landscape Proposals
Landscaping	7 March 2019	BRO21295 11G - Sheet 2 - Landscape Proposals
Landscaping	7 March 2019	BRO21295 11G - Sheet 3 - Landscape Proposals

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Agenda Item 8

APPLICATION NUMBER:	LW/19/0277		
APPLICANTS NAME(S):	Ms A Eldridge	PARISH / WARD:	Newhaven / Newhaven Denton & Meeching
PROPOSAL:	Planning application for retrospective application for the replacement of living room window with sliding french doors, Oak balcony erected to rear of property.		
SITE ADDRESS:	53 Hillcrest Road Newhaven East Sussex BN9 9EE		
GRID REF:			



1. SITE DESCRIPTION / PROPOSAL

1.1 The application site consists of a two storey detached dwelling house where the front of the property is at a higher ground level than the rear of the property. The area is predominantly large detached and semi-detached dwellings with large rear gardens facing east. A number of properties in the area have first floor balconies.

1.2 The applicant is seeking a partial retrospective planning permission for a balcony at first floor level and replacing the first floor windows with French doors at the rear of the property. The balcony would be 2.2m above ground level and would project 2.2m from the rear elevation and would be 4m in width.

1.3 As part of the application process the design of the balcony has been amended to include obscurely glazed glass screening to the northern elevation that would be 1.8m in height and for clear glazed balustrading around the remainder of the balcony being 1.1m in height.

2. RELEVANT POLICIES

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

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – RES13 – All extensions

3. PLANNING HISTORY

LW/15/0005 - West bank improvement -

LW/18/0228 - Loft conversion, rear dormer extension and partial hip to gable extensions - **Approved**

P/60/0105 - Planning and Building Regulations application for erection of detached bungalow. - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Main Town Or Parish Council – The committee strongly recommended that this application be refused on the following grounds:

- Balcony has a severe negative impact on residential amenities of adjacent properties through overlooking, noise and smells.
- Taller screen suggested would adversely impact on adjacent residential amenities, and insufficient information provided on the current proposed screen. No objection would be made to Juliette balcony.

Council requested that this application be considered by District Council Planning Committee.

It is unlikely that the structure would comply with building regulations.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

Objections have been received from 5 neighbours; these objections cover the following material planning considerations that can be taken into account-

- Loss of privacy/ overlooking
- No consideration to neighbours
- Overlooking and loss of privacy to 72 Fort Road, 82 Fort Road, 80 Fort Road, 78 Fort Road
- Loss of outlook
- Over bearing
- Noise impact

Support-

Support has been received from 3 neighbours covering the following points

- The hand crafted balcony is beautiful
- It is an improvement to the building

(Support comments have been received from the applicant and applicant's household which have not been referred to as neighbour consultation response but taken into account when reviewing the application).

6. PLANNING CONSIDERATIONS

6.1 The application is retrospective in that the structure has already been constructed. A number of other dwellings in the area have balconies some to the front but other to the rear elevation, with a mix of designs and styles. The design of the proposal would not be significantly detrimental to the street scene due to its location at the rear.

6.2 The properties along this part of Hillcrest Road are aligned on an East to West orientation and as such the sun would pass from the rear to the front of the property throughout the day. Due to the orientation and the distance between the neighbouring dwellings it is not considered that the balcony would result in a significant loss of light to primary windows serving habitable rooms, which would detrimentally impact on amenity of the occupiers. The installation of an obscure glazed screen on the northern side of the balcony would allow natural light to pass through also minimising the impact to neighbours in comparison to if a solid screen had been proposed.

6.3 The purpose of the obscure glazed screen is to protect the privacy of the adjacent occupier, located on the northern side of the application site. The neighbouring property at number 51 Hillcrest Road has a dual aspect kitchen located adjacent to the balcony and at the same level – one window faces east and overlooks the garden but a side window look due south, overlooking the application property and the rear patio area.

6.4 The balcony could afford mutual overlooking between the two properties. However the addition of a glazed screen to the northern side of the balcony would give privacy to both occupiers and would prevent overlooking and loss of privacy into 51 Hill Crest Road and the existing window on the side elevation of number 51 serves a kitchen. A condition should be imposed that the balcony should not be used or occupied until the obscured screen is in place to protect the amenity of the neighbours.

6.5 The balcony would not result in a significant detrimental impact by way of overlooking to the properties at the rear on the basis that the nearest property is over 37m from the edge of the balcony and this space has outbuildings, garages and hedging between. To the south is number 4 Geneva Road, as the balcony is set towards the northern side of the rear elevation, the outlook from the balcony over number 4 is obscured by the main building no 53 Hill crest and as such there is no direct overlooking to the property to the south. The balcony would create a degree of overlooking to gardens however this would not be deemed to be significant on the basis that there are existing windows with a similar outlook, the views are in-part obscured by hedging and boundary treatments.

6.6 The noise impact of the proposed balcony are not considered to be substantially more than what would occur from the use of the main dwelling house including with the windows open and the use of the ground floor garden terrace area.

6.7 Objections have been raised regarding the loss of views - the loss of views is not a material planning concern that can be taken into account when deciding a planning case. In addition the window at no 51 is a secondary window serving a kitchen which is not deemed a habitable room there would still remain an outlook on from the rear elevation window.

6.8 Concerns raised regarding the compliance with building control are not planning matters and would be considered under a separate building control application and process. Concerns have also been raised that this application would create a precedent - every application is considered on its merits and does not create a precedent for other cases.

6.9 Having due regard to all material consideration, it is considered that the proposed balcony would not result in demonstrable detrimental impact to the neighbouring properties by way of overlooking or loss of privacy to habitable rooms due to the distances between properties and provisions for screening.

7. RECOMMENDATION

7.1 It is considered that the proposed balcony is acceptable with the amendments and inclusion of the glazed screen and is recommended for approval subject to conditions.

The application is subject to the following conditions:

1. The balcony hereby approved shall not be brought into use until the obscure glazed screening and glazed balustrade is installed in accordance with approved plans and shall be retained as such unless prior approval is sought from the Local Planning authority.

Reason: to protect the amenity of neighbours having regard to Policy ST3 of the Lewes District Local Plan.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Photographs	8 April 2019	Front Window
Photographs	8 April 2019	Wicker Fence
Photographs	8 April 2019	Boundary
Design & Access Statement	8 April 2019	
Proposed Block Plan	8 April 2019	
Location Plan	8 April 2019	
Proposed Elevation(s)	31 May 2019	Proposed plans and elevations

Agenda Item 9

APPLICATION NUMBER:	LW/19/0256		
APPLICANTS NAME(S):	Mr Colin Wells	PARISH / WARD:	Ringmer / Ouse Valley & Ringmer
PROPOSAL:	Planning application for construction of two-storey dwelling with access onto Broyle Lane.		
SITE ADDRESS:	Broyleside Farm Broyle Lane Ringmer East Sussex BN8 5PQ		
GRID REF:			



1. SITE DESCRIPTION / PROPOSAL

1.1 The application site comprises a plot of land on the western side of Broyle Lane, Broyleside, a small cluster of housing to the eastern side of Ringmer village. The site lies opposite Ballard Drive and is between Broyleside Farm and Warwick House. The application site currently forms part of the residential curtilage of Broyleside Farm.

1.2 The site is neither within a Conservation Area nor within the South Downs National Park. The plot lies inside the Planning Boundary for the village.

1.3 The plot lies on the southern side of Broyleside Farm, and is 13.5m wide, slightly narrowing at the rear, and approximately 38m in depth. The site covers an area of 513 square metres. There is a bus stop sign almost centred on the middle of the front boundary, on a strip of grass alongside the public footway.

1.4 This proposal is for the erection of a two storey dwelling with access onto Broyle Lane. The current application is a revised submission following the refusal of two previous planning applications for a single storey and a two storey dwelling within the plot, and prior to that, in the mid-1990s, refusal of planning permission for a 2-bedroom bungalow.

2. RELEVANT POLICIES

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

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

LDLP: – CP2 – Housing Type, Mix and Density

LDLP: – CP11 – Built and Historic Environment & Design

3. PLANNING HISTORY

LW/18/0034 - Construction of a two storey dwelling with access onto Broyle Lane - **Refused**

LW/18/0292 - Construction of a single storey dwelling with access onto Broyle Lane - **Refused**

LW/02/0659 - Single storey side extension - **Approved**

LW/98/2014 - Two storey side extension and single storey extension - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

ESCC Highways –Executive Summary

The proposal is to provide one 3 bed dwelling served by a vehicular access onto Broyle Lane. I do not wish to object to the proposal subject to conditions securing a suitable access, on-site parking securing and the relocation of the bus stop fronting the site.

Response

Broyle Lane in the vicinity of the site is subject to a 30mph speed limit; as such visibility splays of 2.4m x 43m should be provided either side of the access. The y distance (43m)

measured to the nearside vehicle path. It is considered that these visibility splays are achievable. The proposed access is 3m wide which is considered acceptable. The access will require constructing in accordance with ESCC specification by an approved contractor and under the appropriate license.

The submitted plan shows gates located along the boundary wall at the back of the footway, this would not allow a vehicle to wait clear of the public highway whilst the gates are being operated, any gate would need to be set back a minimum of 5m from the carriageway to be acceptable in highway safety terms. Pedestrian visibility splays of 2m x 2m should be provided either side of the access and would need to be maintained at a minimum height of 0.6m.

The submitted plan indicates that the dwelling will be provided with two car parking spaces, which is acceptable. Although it is considered there is scope to provide turning within the site this is not a requirement as Broyle Lane is an unclassified road.

With the above in mind I have no major concerns regarding the proposal and recommend that any consent shall include the following attached conditions:

Conditions

1. The development shall not be occupied until details of the layout of the new access and the specification for the construction of the access which shall include details of bus stop relocation 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 be occupied until the construction of the access has been completed.

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

2. The access shall not be used until visibility splays of 2.4m by 43m are provided in both directions and maintained thereafter.

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

2. No part of the development shall be occupied until the car parking has 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.

4. No part of the development shall be occupied until cycle parking spaces have been provided in accordance with the approved details. 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.

5. Any gate shall be positioned at least 5 m back from the edge of the highway in order that a vehicle may wait clear of the highway whilst the gate is being operated

Please note: The applicant's attention is drawn to the need for a licence for construction of the access and the relocation of the bus stop. The applicant should contact ESCC to apply for a licence to ensure the construction is to an acceptable standard.

Main Town Or Parish Council – Ringmer Parish Council recommends refusal of this application on the following grounds:

- The proposed dwelling would be detrimental to the rural character of the area and is inappropriate to the streetscene.
- The site plan view does not show the location of the dwelling on the site in relation to the building lines.
- The proposed dwelling would be too close to the existing Old Farmhouse and Warwick House.
- The plans provided do not show a parking area.
- The proposed dwelling would be in close proximity to the junction of Ballard Drive and the bus stop.
- The high close-boarded fence along the road front of the property also detracts from the streetscene.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

One representation received objecting due to "contextual significance, highway hazards, loss of open space, out of character, over development and overbearing".

6. PLANNING CONSIDERATIONS

Design and appearance

6.1 The proposed dwelling would be set back approximately 3.0m from the side boundary with Broyleside Farm to the north and 3.0m from the southern side boundary with Warwick House. It would be set back from the Broyle Lane by approximately 15.0m. The dwelling is sited so as to be located to maintain the building line with the other dwellings to the north and south.

6.2 The proposed dwelling will replace an existing store building and greenhouse within a residential garden to the south side of Broyleside Farm. The dwelling has been designed with an asymmetrical contemporary appearance with rounded corners.

6.3 The new dwelling would be two storey with a flat roof. It would measure approximately 6.7m wide, 10.0m deep and 6.3m high. The design of the first floor is an asymmetrical sweep across the building and the design is considered to result in an attractive contemporary design and appearance.

6.4 The siting of the property has been amended during the determination process. Originally the dwelling was sited on a narrower plot however it was considered that this resulted in a negative impact on the character, layout and appearance of the streetscene due to the property appearing cramped in relation to the neighbouring properties. The application was subsequently amended so as to remove an existing side extension from Broyleside Farm in order to increase the width of the plot for the proposed dwelling. The original plot width was 9.4m wide and the amended plot width is approximately 13.5m wide. This results in a less cramped appearance, more in keeping with the surrounding pattern of development and spacing between the dwellings.

6.5 The dwelling would be finished externally in white brick with an asymmetrical timber cladding ribbon around the first floor in an upward direction from north to south. No

openings are proposed in either of the flank elevations. It is considered that the design would not result in a loss of amenity due to overlooking to either of the adjacent properties.

6.6 Two off-road parking spaces are shown at the front of the property. The existing bus stop outside the dwelling will be moved slightly north in order to accommodate the new access.

Consideration

6.7 The application site lies within the Planning Boundary and the proposals may be considered as infill development on an unidentified site, in accordance with Spatial Policy 2 of the Joint Core Strategy. In principle such proposals are acceptable, subject to the visual impact and the effect on the character of the locality and the impact on amenity.

6.8 The surrounding properties on the west side of Broyle Lane are characterised by a mixture of detached dwellings on good sized plots and semi-detached properties. This is considered to lend the streetscene an open and uncluttered appearance with reasonable separation between properties.

6.9 The application as submitted on the narrower plot raised concerns that, due to the width of the plot and the close proximity of neighbouring buildings, the development would have a cramped appearance. In addition, the reduced profile of the building would have looked out of character and incongruous in relation to the scale of the neighbouring dwellings, designed to fit the available space rather than to enhance and make a positive contribution to the street scene.

6.10 The plot size was subsequently increased to improve the separation between the proposed dwellings and the existing dwellings to either side. The dwelling is now set in 3.0m from the side boundaries to the north and south and it is considered that this helps the proposed dwelling retain a sense of spaciousness that the other dwellings on the west side of Broyle Lane also benefit from. It is considered that the revised location of the dwelling has addressed the initial concerns over the proximity to adjoining dwellings and cramped appearance of the layout.

Accessibility and Sustainable Transport

6.11 Policy 8.3 of the Ringmer Neighbourhood Plan requires that new residential development should include off-road parking provision at the following minimum ratios:

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

In addition new developments should make provision for off-road visitor parking and cycle parking, in accordance with the scale recommended by East Sussex County Council.

6.12 The proposed development makes adequate provision for off-street car parking, and a condition will be required to secure the details of the cycle parking facility to ensure it is provided to an appropriate level.

6.13 The application site is within walking distance of bus stops served by the 28 service between Brighton, Uckfield/Crowborough, and Tunbridge Wells, which is approximately half-hourly. There is also a bus stop directly in front of the application site, and the applicant has indicated that this would be moved further north on Broyle Lane following agreement with ESCC Highways.

Policy Considerations

Lewes District Local Plan

6.13 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". It is considered that the location of the dwelling within the centre of the application plot with a separation of 3.0m to either side of it allows the building to reflect the site context without appearing cramped or out of place in this location.

6.14 Policy CP11 (Built and Historic Environment) requires that new developments should "respond sympathetically to the site and its local context". It is considered that the siting of a detached dwelling in this residential garden location responds sympathetically to the site and character of the surrounding area. The proposal is considered to not result in the overdevelopment of the application site.

6.15 Saved policy ST3 (Design) 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 position of the dwelling within the plot between two existing residential dwellings, with adequate separation to either side, would not unduly impact on the scale, massing, site coverage, density, character, rhythm and layout of the surrounding area and would not be to the detriment of the appearance, character and layout of the streetscene.

6.16 Saved Policy ST4 (Design) relates to backland and tandem developments and says the applications for dwellings in these locations would be refused unless they result in "no erosion of the essential elements of the character and appearance of the area". It is considered that the position of the dwelling would not result in a cramped appearance between the two existing dwellings and would not result in an erosion of the open character and appearance of the wider streetscene. The proposal is considered to respect the character and layout of the surrounding properties.

Ringmer Neighbourhood Plan

6.17 Ringmer Neighbourhood Plan contains the 'Village Design Statement' policies. Policy 10.1 which states that "New development should be of high quality and be designed to fit in with its surroundings. To achieve this, applicants should give careful consideration to the height, massing and scale of a proposal". It is considered that the design of the dwelling is of a high quality and although it does not visually reflect the appearance of the surrounding properties it is considered that its contemporary design is of sufficient quality to enhance the appearance of Broyle Lane, it is considered that the size of the plot and its location within the plot allows the dwelling to appear acceptable within the context of the streetscene in this area in accordance with policy 10.1.

Design and Sustainability

6.18 The proposed dwelling has been designed with a contemporary appearance. The building is two storeys high with a flat roof and curved 'corners'. The external materials proposed are a mixture of brick to the ground floor and a timber 'swoosh' at first floor which wraps itself around the building asymmetrically. It is considered that this design is of sufficient quality to result in an enhancement of the appearance of this section of Broyle Lane whilst not negatively impacting on the other properties within the immediate streetscene. There are no openings proposed in either of the side elevations and therefore the dwelling would not create any overlooking towards either of the adjoining properties.

The front elevation of the dwelling is set back approximately 14.0m from Broyle Lane and the rear garden is approximately 12.0m deep.

6.19 Ringmer Parish Council in their objection stated that "the dwelling would be detrimental to the rural character of the area and is inappropriate in the streetscene. These comments are noted however the proposed dwelling would sit amongst other residential dwellings to either side and would therefore not look out of place. The matter of design and appearance is acknowledged to be a subjective one, however it is considered that the proposed design is of a high standard and would add visual interest to the area whilst using materials that would not appear out of place in a rural location; timber and brick.

6.20 A Sustainability Statement was submitted with the proposal which listed means of renewables proposed to enhance the sustainability of the dwelling. The house has been designed to exceed current building regulations requirements regarding build quality and insulation in order to conserve energy use. Water saving methods, including rainwater harvesting are proposed to be included as well as smart meters to monitor energy use. It is proposed that solar panels will be incorporated into the flat roof. If approved a condition would be added to the permission requiring the details of how the development will incorporate measures to reduce carbon energy use, facilitate renewable energy installations, and lower household water consumption.

6.21 The internal floor area of the property (approximately 106m²) complies with the National Space Standards minimum for internal floor area for a dwelling of this type of 102m².

6.22 It is considered that the location of the building in the centre of the enlarged plot and the contemporary design of the dwelling would result in an attractive property sited within a plot similar in size to other properties within the wider area. It is therefore considered that the proposed dwelling would not unduly impact on the character, appearance and layout of the surrounding area or streetscene. The design of the dwelling without any openings in the flank walls is considered to not create any overlooking into the adjoining properties thereby respecting the residential amenities of the neighbouring occupiers.

Summary

6.23 It is considered the proposal, due to its siting and design, will not have a detrimental impact on the character or appearance of the streetscene in accordance with policies ST3, ST4 and Core Policies CP2 and CP11 of the Lewes District Local Plan Part One: Joint Core Strategy and policy 10.1 of the Ringmer Neighbourhood Plan, and having regard to the National Planning Policy Framework 2019.

7. RECOMMENDATION

7.1 It is recommended that planning permission is approved subject to the following conditions.

The application is subject to the following conditions:

1. This planning decision relates solely to the following plan(s):

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
	29 March 2019	Design _ Access Statement
Proposed Elevation(s)	20 May 2019	1695-PA-013 A
Proposed Elevation(s)	20 May 2019	1695-PA-012 A
Proposed Floor Plan(s)	29 March 2019	1695-PA-011
Proposed Layout Plan	20 May 2019	1695-PA-010 A
Existing Elevation(s)	29 March 2019	1695-PA-002
Existing Layout Plan	29 March 2019	1695-PA-001
Illustration	29 March 2019	1695-PA-001
Proposed Elevation(s)	20 May 2019	1695-PA-014
Planning Statement/Brief	20 May 2019	Sustainability Statement

2. Details of the siting and design of the external electric car charging points and covered, secure cycle storage 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 2019.

3. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of how the development will incorporate measures to reduce carbon energy use, facilitate renewable energy installations, and lower household water consumption, have been submitted to and approved in writing by the local planning authority. The approved measures shall be put in place prior to the first residential of the new dwellings as they are each completed, and retained as such thereafter.

Reason: In order to reduce locally contributing causes of climate change in accordance with policy CP14 of the Lewes District Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework 2019.

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

Reason: To ensure a satisfactory development in keeping with the locality having regard to ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

5. Notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development described in A-E of Schedule 2, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

6. No development above ground floor slab level of any part of the development hereby permitted shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason: To enhance the general appearance of the development having regard to ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

7. The development shall not be occupied until details of the layout of the new access and the specification for the construction of the access which shall include details of bus stop relocation 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 be occupied until the construction of the access has been completed. Any gate shall be positioned at least 5 m back from the edge of the highway in order that a vehicle may wait clear of the highway whilst the gate is being operated.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with ST3 of the LDLP.

8. No part of the development shall be occupied until the car parking has 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.

9. No part of the development shall be occupied until cycle parking spaces have been provided in accordance with the approved details. 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 in accordance with ST3 of the LDLP.

Informative

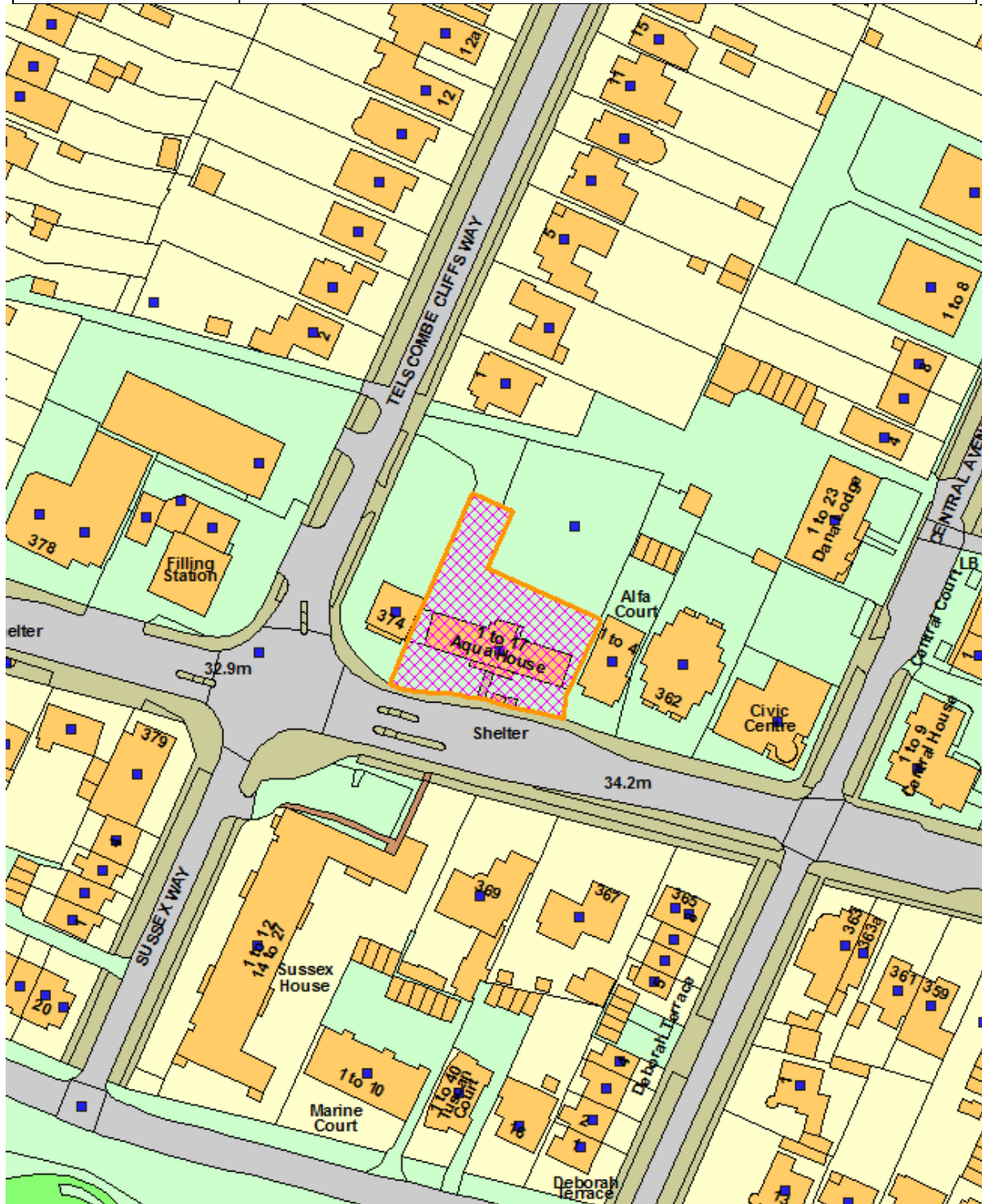
1. The applicant is advised to consider how the development can reduce locally contributing causes of climate change and utilise renewable and low carbon technology such as air or ground sourced heat pumps in the development.

2. The applicant's attention is drawn to the need for a licence for construction of the access and the relocation of the bus stop. The applicant should contact ESCC to apply for a licence to ensure the construction is to an acceptable standard.

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Agenda Item 10

APPLICATION NUMBER:	LW/19/0088		
APPLICANTS NAME(S):	Morten Investments	PARISH / WARD:	Telscombe / East Saltdean & Telscombe Cliffs
PROPOSAL:	Planning application for proposed extension of existing building to create 2 no. studios on the ground floor.		
SITE ADDRESS:	Aqua House 370 South Coast Road Telscombe Cliffs East Sussex		
GRID REF:			



1. SITE DESCRIPTION / PROPOSAL

1.1 The site is located on the northern side of South Coast Road and is adjacent to a caravan sales business. The site is currently a building site, currently being developed to provide residential properties approved under previous applications. There are currently 28 units approved for the site, 8 one bed flats and 20 studio units, all of which are rented to a neighbouring authority and used as temporary housing accommodation.

1.2 The current proposal is seeking planning permission to create two new one person studio flats on the ground floor to the rear of the approved building. The studio flats would sit either side of an existing projecting rear element. These proposed studios would be stepped in from the existing side elevations of the main building and would have flat roofs. The proposal also includes the removal of parking spaces to provide for cycle storage, bin storage and an outside amenity space.

2. RELEVANT POLICIES

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

LDLP: – **RES13** – All extensions

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

3. PLANNING HISTORY

E/49/0011 - Addition to Workshop. - **Approved**

LW/15/0018 - Creation of additional storey on top of existing three storey residential block, providing four new dwellings and partial re-clad of existing facade - **Refused**

LW/15/0773 - Top floor extension of existing three storey residential block to create four new dwellings and partial re-cladding of existing facade - **Approved**

LW/16/1009 - Erection of a rear extension to form six new studio flats - **Approved**

LW/17/0329/CD - Discharge of condition 2 relating to planning approval LW/16/1009 - **Approved**

LW/17/0330/CD - Discharge of condition 1 relating to planning approval LW/15/0773 - **Approved**

LW/85/1872 - Erection of internally illuminated projecting sign. - **Approved**

LW/87/1876 - Internally illuminated free-standing sign. - **Approved**

LW/76/1220 - 33' x 1' illuminated fascia box sign to existing canopy. - **Refused**

E/68/0209 - Planning and Building Regulations Application for Public Bus Shelter. Building Regulations Approved. Completed. - **Approved**

E/68/0032 - Bus Shelter to be erected in front of 370 - **Not Proceeded With**

EV/67/0029 - Illuminated signs in windows. - **Not Proceeded With**

LW/74/2221 - Outline application for re-development including flats and builders yard and offices - **Refused**

E/62/0062 - Planning and Building Regulations Applications for public omnibus shelter. Building Regulations Approved. - **Approved**

LW/86/0814 - Change of Use from residential to office at 2 Aqua House - **Approved**

E/67/0987 - Planning and Building Regulations application for canopy over entrance to offices and flats at 370 South Coast Road. Building Regs Approved. Completed. - **Approved**

E/60/0387 - Planning and Building Regulations applications for lavatory block at no. 370 South Coast Road. Building Regs approved. - **Approved**

EV/57/0001 - Proposed retention of trade sign and illuminated name board. - **Approved**

E/49/0454 - Planning and Building Regulations Applications for proposed temporary workshop, store and office. Building Regulations Approved. Completed. Restrictive Planning Condition No.1. Temporary Permission Expires 19/05/1958. - **Approved**

E/49/0155 - Application for consent in principle to the erection of shops and flats. - **Refused**

E/55/0251 - Planning and Building Regulations Application for proposed addition to builders premises. Building Regs Approved - **Approved**

E/55/0368 - Planning and Building Regulations Applications for proposed showroom, office and flats. Building Regulations Approved. - **Approved**

LW/01/0278 - Replace windows to three offices, with minor change of style to UPVC frames - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

ESCC Highways – concerned about the fact that, although the site is currently in use as short term / temporary accommodation and leased by Lewes District Council, there is potential for use as private housing in the future without a requirement to alter the planning consents. Should this be the case, the parking demand of the existing number of units would increase to 14 spaces, whilst the proposed number of units would require 15 spaces which could not be accommodated within the site and would add to the pressures on the surrounding roads.

District Services – Waste services have no issue with the above proposal , as the refuse from the block of flats is made from the communal rear area the provisions for the refuse from the additional studios will be collected from there also .

Environmental Health – No comments received

Main Town Or Parish Council – The committee recommend to OBJECT to the application due to the following reasons:

- i. Gross overdevelopment
- ii. No access for emergency and service vehicles
- iii. Restricted vehicle access
- iv. Large reduction of car parking spaces

- v. This development have failed to adhere to original conditions made on previous applications (e.g.height of building)
- vi. Major concerns on the safety of the building – there is no mention of fire safety or fire exits

5. REPRESENTATIONS FROM LOCAL RESIDENTS

Neighbours objections and comments have been received from 2 neighbours at Alfa Court and cover the following points:

- The communal garden is one meter away from the windows at Alfa Court and this will result in a loss of privacy
- The boundary fence has been damaged by the building contractor.
- The garden will result in noise and possible harassment
- The previous rear communal area was affected by rubbish and loud aggressive behaviour and this will get worse with more occupants.
- Hopes that there will sufficient bins provided.

6. PLANNING CONSIDERATIONS

Principle of development:

6.1 There is a presumption in favour of sustainable development with no objection in principle to developing the site provided it would be designed to a high standard, respect the established character of the area and would not have an adverse effect on the amenity and is in accordance with the Lewes District Local plan 2003, the Lewes District Joint core strategy and the National Planning Policy Framework 2019.

Amenity of future occupiers

6.2 The proposal would create two new one bedroom studio flats, single storey and flat roofed, to the rear of the main building. The proposal includes the creation of a new enclosed bin store on the northern boundary, enhancing the level of bin provision to meet the needs of the occupiers of the block. With the removal of the car parking spaces the level of cycle storage/parking provision will be increased, providing 15 spaces to the rear of the site (from the original previously approved 6 spaces). This provision (bins and cycle storage), is considered to meet the appropriate levels of provision required for the development as a whole.

6.3 The proposed studio units would be 43 and 37sq.m in area, both meeting the Nationally Described Space Standards sets out that a 1 person 1 bed properties and would provide adequate residential amenity for future occupiers.

Impact on residential amenity

6.4 Objections have been raised on the basis that the garden area would result in overlooking. It is considered that a landscaped garden would result in users spending more time in the communal area, However this area was already allocated as an communal area. Landscaping and improving the appearance of the area is not considered to be a significant additional impact of overlooking.

6.5 Due to the proposed extensions being single storey and set away (8.3m) from the boundary it is considered that they would not cause a significant adverse impact of overshadowing to neighbouring properties. The proposed windows on the side elevation facing Aqua House are considered to cause minimal overlooking on the basis of the

distance and the fact that they are single storey and that there are existing windows on the side elevation of the main building 3.8m away from Alfa Court. It is therefore considered that the one new window proposed on the side elevation would not result in additional overlooking and would not be detrimental to residential amenity.

Visual amenity/design

6.6 The proposal is only for single storey extensions that are located to the rear of the building and therefore would not be easily visible from the street scene. The proposal is not considered to large or bulky in relation to the site or the existing three storey building. It is therefore concluded that the proposed works would not create a significant adverse impact to the visual amenity of the neighbouring properties on the basis that it is undertaken in matching materials as conditioned and as such would be in accordance with policies ST3 and CP11 of the Lewes Local plan.

6.7 The proposed plans for the bin store and the cycle storage do not provide elevation plans or details of materials and as such it is recommended that a condition is imposed to ensure that the design of these are appropriate.

6.8 The plans include a communal garden and planting bed to the rear of the property however specific details of the landscaping has not been provided as such it is recommended that a condition is imposed that details of the landscaping need to be approved by the local planning authority.

Highway and road safety implications

6.9 The Highway Authority has raised concerns about the fact that, although the site is currently in use as short term / temporary accommodation and leased by Lewes District Council, there is potential for use as private housing in the future without a requirement to alter the planning consents.

6.10 In response to this the agents have confirmed that since October 2017 refuse lorries have accessed the site from the front of the site and this arrangement would continue. The site is used for the purpose of emergency accommodation for homeless people, the highways guidance only sets out the need for parking for dwellings and not for emergency accommodation. It is considered on balance that on the basis of the previous highways response on the previous permissions that 70% of people living in studio flats do not own vehicles and that on previous surveys of the site only 3 cars were using the site and that it is unlikely that there would be the need for parking provisions in this location for the proposed future occupiers. In addition the site is nearby to a bus stop which is served by 7 different bus routes. The proposal would result in the loss of 5 parking spaces but would result in 15 cycle storage spaces to be provided.

6.11 Objections have also been raised on the basis that the block could revert to standard accommodation and this potential use would not have enough parking provision. ESCC highways have requested a survey of the use of the parking however this would have little benefit as the building is currently under construction and unoccupied. It is not possible to take into account in planning applications 'potential use' only what has been proposed and submitted to the local planning authority. The proposed flats would have limited permitted development rights but a further condition will be added to the decision that the use of the building cannot be changed without planning permission.

Other matters

6.12 The town council have objected on the grounds of gross overdevelopment. The proposal is for the addition of 81 square meters of extension. The main building is 273m

squared and as such the proposal is considered small in comparison to the footprint and the height of the three storey dwelling. The two unit fit comfortably on the site without detriment to the amenity of adjacent occupiers.

6.13 The town council have also objected on the basis of no access for emergency and service vehicles. There is direct access to the front of the building from South Cliff Road, there is also access available from the rear of the site. As such it is considered that there is adequate access for emergency vehicles. They have also raised concerns on the basis of restricted vehicle access. The proposal along with the previously approved applications provides for studio flats, based on previous studies of the vehicle parking in the area undertaken by ESCC highway there is limited need for parking for studio flats, in addition emergency accommodation is not provided for in the ESCC highways guidance as requiring parking provision. Emergency access is available from the front of the building.

6.14 Objections have been raised by the Town Council on the basis that the development is in breach of the original planning approval only listing the height as one example of this breach but not given specifics in order that this can be investigated, there has also been no other reports of breaches in planning made to the council.

6.15 Telscombe town council also object on the basis that there is no mention of fire safety of fire exits; this is not a planning concern and would be addressed under separate building control legislation.

6.16 Comments have been received from neighbours that the boundary fence has been damaged and removed as part of the existing works, this is not a planning concern that can be taken into account when deciding this application. Also that the previous occupants caused the rear area to be messy and rubbish being left in the gardens along with the previous occupants being aggressive and future occupants are likely to also do the same. The personality and behaviour of future occupants is not a material planning consideration that can be taken into account when deciding planning applications.

7. RECOMMENDATION

7.1 It is considered that the proposed development would not result in a significant adverse impact to visual or residential amenity and as such is in accordance with local and national planning policy and should be approved conditionally.

The application is subject to the following conditions:

1. This planning decision relates solely to the following plan(s):
2. The roof area of the extensions hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific approval in writing from the Local Planning Authority.

Reason: In the interest of residential amenity having regard to ST3 Design form and setting of development of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

3. Notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no change of use, under Schedule 2, other than hereby permitted as temporary housing accommodation, 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 ST3 Design form and setting of development; of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

4. The development hereby approved shall not be occupied until the elevations and materials relating to the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policies ST3 and CP11 of the Lewes District Local Plan.

5. The development hereby permitted shall not be commenced until details of secure cycle parking facilities, hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy ST3 and CP11 of the Lewes District Local Plan

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

Reason; To enhance the general appearance of the development having regard to ST3 and CP11 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

7. 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 ST3 Design Form and Setting of Development of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Proposed Floor Plan(s)	1 April 2019	YO133-120 Rev A
Existing Floor Plan(s)	4 February 2019	YO133-051
Existing Floor Plan(s)	4 February 2019	YO133-052
Existing Floor Plan(s)	4 February 2019	YO133-053
Existing Roof Plan	4 February 2019	YO133-054
Existing Elevation(s)	4 February 2019	YO133-060
Existing Elevation(s)	4 February 2019	YO133-061

Existing Elevation(s)	4 February 2019	YO133-062
Existing Elevation(s)	4 February 2019	YO133-063
Existing Section(s)	4 February 2019	YO133-070
Proposed Floor Plan(s)	4 February 2019	YO133-121
Proposed Floor Plan(s)	4 February 2019	YO133-122
Proposed Floor Plan(s)	4 February 2019	YO133-123
Proposed Roof Plan	4 February 2019	YO133-124
Proposed Elevation(s)	4 February 2019	YO133-200
Proposed Elevation(s)	4 February 2019	YO133-201
Existing Elevation(s)	4 February 2019	YO133-202
Existing Elevation(s)	4 February 2019	YO133-203
Proposed Section(s)	4 February 2019	YO133-300
Design & Access Statement	4 February 2019	
Planning Statement/Brief	4 February 2019	
Existing Floor Plan(s)	4 February 2019	YO133A-A04
Existing Floor Plan(s)	4 February 2019	YO133A-A05
Existing Roof Plan	4 February 2019	YO133A-A05
Location Plan	4 February 2019	YO133-001
Existing Block Plan	4 February 2019	YO133-001
Proposed Block Plan	4 February 2019	YO133-001
Location Plan	4 February 2019	YO133-002
Other Plan(s)	4 February 2019	YO133-011
Existing Floor Plan(s)	4 February 2019	YO133-050

Report to **Planning Applications Committee**
Date **26 June 2019**
By **Director of Planning**
Local Authority **Lewes District Council**
Application Number **SDNP/19/01270/FUL**
Applicant **Mr Gill**
Application **Erection of a four bedroom detached dwelling**
Address **West Laine House
Church Lane
Kingston
East Sussex
BN7 3LW**

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

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

Executive Summary

1 Site Description

1.1 The application site is an area of residential garden to the north side of West Laine House. West Laine House is located at the end of a private road accessed off of Church Lane in Kingston. The site is within the settlement boundary where the presumption of development is supported by the NPPF subject to material considerations and policies contained within the adopted Local Plan.

2 Proposal

2.1 The proposal is for the erection of a four bedroom detached dwelling.

3 Relevant Planning History

None.

4 Consultations

ESCC - Ecologist

Comments awaited.

LE - Tree & Landscape Officer

General comments:

With regards the existing trees: Trees of note have been assessed and categorised by the applicant's tree expert and having carefully read through the document and the associated documents I can confirm that I am in broad agreement with it. The tree report outlines tree protection measures before and during demolition and subsequent construction operations and

recommends monitoring throughout. I note that the report also mentions the site gradient, which is likely to be a significant factor in this case.

In the light of concerns raised by the neighbouring residents to the south at 'Montfort', The Avenue, Kingston I am mindful of the fate of the group of Beech trees categorised as 'A' under BS:5837. I note that their rooting systems (or Root Protection Area) overlap the footprint of the access driveway and that the tree report mentions that specific measures will need to be employed to ensure the vulnerable rooting systems survive post construction operations. This should be a straight forward problem to solve without harming the rooting systems or the volume of soil surrounding them.

The residents at 'Montfort' have also requested that a Tree Preservation Order (TPO) is imposed to protect these particular trees. Whilst the BS5837 tree survey categorised them as 'A' this is really a planning tool and not necessarily something that can be used to gauge whether a tree(s) both merits and qualifies for a TPO. Unfortunately, the trees are not considered to be a critical component of the character of the area and this is compounded by the fact that views of them are in actual fact relatively constrained and limited in scope. Contrary to appearances, it is also the case that these trees are not under significant threat, or at least any perceived threats can be dealt with via conditions, and a combination of this and additional factors I do not consider the trees fully merit or qualify for inclusion within a TPO.

Having said that, the Council is under a duty to protect trees including those of land adjacent to a development site. They will rank as a 'material consideration' when determining the above planning application. Section 197 of the Town & Country Planning Act 1990 states:

'it shall be the duty of the local planning authority to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made by the imposition of conditions, for the preservation or planting of trees'

Recommended Planning Conditions:

In the event planning permission is granted the following conditions should be considered.

Condition: Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- e) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- f) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- g) a specification for scaffolding and ground protection within tree protection zones.
- h) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires

- k) Boundary treatments within the RPA
- l) Arboricultural supervision and inspection by a suitably qualified tree specialist
- m) Reporting of inspection and supervision

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with (Insert relevant policies here) and pursuant to section 197 of the Town and Country Planning Act 1990

Informative:

The following British Standards should be referred to:

- a) BS: 3998:2010 Tree work - Recommendations
- b) BS: 5837 (2012) Trees in relation to demolition, design and construction –

Recommendations

Condition 2: No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development process and up until completion and full occupation of the buildings for their permitted use within 2 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of 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.

Condition 3: The approved tree pruning works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

Parish Council Consultee

Kingston Parish Council (KPC) has no objection to the proposed site of the new house nor to the proposed design for the house. However there are a number of significant concerns related to the project which, if approval is granted, KPC wishes to see addressed through conditions to any approval. These concerns are:

1. Arboricultural Impact Assessment

An Arboricultural Impact Assessment of the site has been provided as part of the application. However this is dated January 2019 since when extensive clearance work has been done at the site including removal of trees, shrubs and hedges...The submitted study does not therefore reflect the existing condition of the site and KPC submits that this study, including its recommendations, should be updated and submitted to the Planning Authority. The recommendations should also be aligned with the comments of the Council's Specialist Advisor (Arboriculture).

2. Preliminary Ecological Appraisal

A Preliminary Ecological Appraisal of the site has been provided as part of the application. However this is dated January 2019 since when extensive clearance work has been done at the site including removal of trees, shrubs and hedges which KPC submits will have had a significant

impact on the ecology of the site. The submitted study does not therefore reflect the existing condition of the site and KPC notes the comments of the County Ecologist that further information is required to assess the ecological impact of the proposed development. Once the clarifications required by the County Ecologist have been provided, KPC submits that the study, including its recommendations, should be updated and submitted to the Planning Authority.

3. Character of the Site and Screening

Until recently, the site was extensively covered with mature trees and shrubs which provided screening of the site as noted in the SDNPA's pre application advice letter dated October 2018. The site clearance works noted above are in addition to previous clearance works, some of which were undertaken between the preparation of the pre-application advice and the two studies referred to above.

KPC submits that it is essential that a programme of tree and shrub planting is agreed to ensure effective screening and overlooking which as noted in the pre-application advice, was a key consideration in the evaluation of the initial positive advice on the project. KPC also notes and supports the submission of the Council's Specialist Advisor (Arboriculture) who has set out specific conditions requiring the preparation of a Tree Protection Plan, an Arboricultural Method Statement, provision of protection to existing trees and proper pruning of trees, where required, in accordance with the established Standard. KPC submits that these conditions should also cover existing hedges around the site.

4. Protection of neighbour's trees

There are 13 tall Cat A Beech trees in the neighbour's garden which is adjacent to the southern boundary of the project site. It is believed that the root system of these trees extends into the development site, and KPC submits that it is essential to ensure that the root systems are properly understood and protected and that the design of the access arrangements for vehicles using the site ensures that these roots are not damaged and that the proposals are submitted for approval by the Council's Specialist Advisor (Arboriculture).

5. Access to the site for construction purposes

Access to the site both during and after completion of any construction works is only possible along Church Lane. This initially consists of a tarmac bridleway section between 2 and 3 metres wide running from the Avenue up a steep slope at which point vehicles need to make a sharp turn to the right using a narrow corner (2.5 to 3m wide). The rest of the track to the site is less than 3 metres wide and has a gravel surface which is constantly in need of attention.

KPC submits that this track is unsuitable for the large vehicles typically used by building contractors and building supplies companies. KPC submits that if it is agreed that this track is suitable for construction traffic then clear and legally binding conditions should be agreed between the Applicant, the owners of Church Lane and the Building Contractors to

- a. Limit the width, length and weight of vehicles permitted to use Church Lane to access the site, and
- b. Ensure that any necessary remedial works are undertaken on completion of the works to return Church lane to the same condition as it was at the start of the works.

6. The proposed garage

The proposed design for the dwelling submitted as part of the request for pre-application advice incorporated a garage within the main dwelling. The present application proposes a free standing double garage away from the house on the south east corner of the site with usable room space within the roof space above the vehicle spaces. This is not mentioned in the Design and Access statement and a detailed design for the garage has not been prepared although an extract from a

commercial brochure of a typical 'off the shelf' suitable wooden building has been included. This shows a window in the top floor room overlooking two neighbouring properties on the south side of the site.

KPC submits that either:

- a. The dwelling is redesigned to incorporate a garage within the main structure as originally envisaged, or
- b. A single story garage with no upper floor accommodation is located alongside the proposed dwelling and away from the neighbours' boundaries with the proposed design provided as part of the application.

7. The proposed driveway

The submitted documentation does not clearly describe the design of the driveway. KPC submits that a more specific design should be submitted for approval including details of how the proposed construction will not impinge on the roots of the neighbour's beech trees, and using 'no dig' construction as required by the Council's Specialist Advisor (Arboriculture),

8. Control of water run off

It is essential that a water run off scheme is put in place both during and after construction to ensure that storm water does not run off the site into the southerly neighbour's gardens. KPC submits that the Applicant should submit detailed arrangements for limiting water run both during construction and following completion off for approval by the Planning Authority/Building Control. This should include details of the driveway surfacing material and design of the drainage.

9. Existing Utility Services

No information has been provided in the Application on the location of existing utility services although neighbours believe that some may run across the site and under Church Lane. KPC submits that the Applicant should commission a study to identify any such services and include any necessary protection measures as part of the project design for approval.

10. Construction Management Plan

Given the range of technical, design and environmental concerns which been identified both by KPC itself and neighbours, KPC submits that the Applicant should be required to prepare a detailed Construction Management Plan for approval by the Planning Authority/Building Control. This should include consideration of all the design, technical and environmental/ecological requirements for the construction and design of the project identified above.

If these conditions are not attached to any approval, then KPC objects to the Application.

ESCC - Flood Risk Management Team

Following the submission of additional information, the LLFA wishes to withdraw our earlier objection and instead recommends the imposition of appropriately worded planning conditions.

It is our understanding that the applicant will discharge into a sewer rather than use of infiltration. Whilst this is acceptable, we will require an investigation of the extent, condition and capacity of this system to ensure that it can serve as a viable discharge point for surface water runoff. Furthermore, it is assumed that this is a private drain as it is not recorded on any public sewer records.

Alternatively, the applicant could propose to use infiltration subject to the required BRE365 testing and in consultation with the Environment Agency regarding the suitability of using infiltration in a Source Protection Zone 2.

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. Assessment into the catchment served by the surface water pipe, its capacity and condition to accommodate surface water runoff from the development should be undertaken as part of the detailed design. If capacity is not available, an alternative outfall to the watercourse should be investigated.
2. Any proposals to use infiltration for surface water drainage should be supported by infiltration testing in accordance with BRE365 and groundwater monitoring between autumn and spring.
3. Hydraulic calculations indicating pre and post development runoff rates should be provided along with detailed design drawings of drainage features including the proposed green roof.
4. 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.

ESCC Ecologist

Recommended for approval in principle subject to the imposition of conditions.

With reference to your email of 23 May providing an updated Preliminary Ecological Appraisal and a Reptile Survey report, I have now had the opportunity to consider the above application and offer the following comments on ecological issues.

Policy Context

1. Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that: "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." The Duty applies to all public authorities in England and Wales, including all local authorities. Conserving biodiversity includes restoring and enhancing species and populations and habitats, as well as protecting them.
2. The National Planning Policy Framework (NPPF, 2018) states that "the planning system should contribute to and enhance the natural and local environment by... protecting and enhancing ...sites of biodiversity or geological value..." and "minimising impacts on and providing net gains for biodiversity ..." (paragraph 170).
3. The NPPF sets out principles that local planning authorities should seek to apply when determining planning applications to protect and enhance biodiversity; these include refusing planning permission if significant harm to biodiversity from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for; refusing development that would result in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees), unless there are wholly exceptional reasons and a suitable compensation strategy exists; and encouraging opportunities to incorporate biodiversity improvements in and around developments, especially where this can secure measurable net gains for biodiversity (paragraph 175).

Designated Sites and Protected Species

4. It is noted that the ecological reports have been updated to include dormouse and reptile surveys, additional information with respect to badgers and a data search from the Sussex Biodiversity Record Centre, all of which is welcomed. However, the reports still provide little certainty over what mitigation, compensation and enhancement will be carried out and is therefore not in line with BS42020: 2013 Biodiversity - code of practice for planning and development or CIEEM Technical Guidance.

5. The proposed development lies within the South Downs National Park and Kingston Hollow Local Wildlife Site (LWS) lies approximately 243m to the east. Given the nature and scale of the proposed development, there are unlikely to be any impacts on the nature conservation interests of the National Park or any other sites designated for their biodiversity value.

6. Habitats on site currently include a residential property with amenity garden and introduced shrubs, scattered trees, an intact hedgerow, and a mosaic of rough grassland, scrub and tall ruderal vegetation. The site has good connectivity with off-site areas of woodland. Boundary habitats should be retained, protected and enhanced, and any loss of trees should be replaced with native berry producing species.

Badgers

7. Badgers are protected under the Protection of Badgers Act 1992. Whilst there is no evidence of sett building on site or in the land adjacent, there is evidence that badgers use the site for commuting and foraging. It is recommended that boundaries should be kept permeable to badgers, e.g. through the use of hedgerows rather than fences, and that a pre-construction badger survey should be carried out. If setts are found within 30m of the proposed development, suitable mitigation will be required. Best practice construction methods should be employed during development to ensure badgers are not trapped or harmed on site.

Bats

8. All species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and the Conservation of Habitats and Species Regulations 2010, making them European Protected Species. Whilst no roosts are likely to be impacted by the proposed development, there will be temporary loss of foraging and commuting habitat. Compensation in the form of native hedgerow and tree planting should be provided. Boundary hedgerows should be protected during development.

9. Artificial light can negatively impact on bats through e.g. causing disturbance at the roost, affecting feeding behaviour, avoidance of lit areas and increasing the chances of bats being preyed upon. It is therefore recommended that a sensitive lighting scheme is required with lighting design taking account of national guidance.

Breeding birds

10. The site has the potential to support breeding birds. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. To avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation.

Hazel Dormouse

11. The hazel dormouse is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981, as amended, and Schedule 2 of The Conservation of Habitats and Species Regulations 2010, as amended, making it a European Protected Species. A fingertip search of the site found no evidence of nests on site. However, given the presence of suitable habitat on site, albeit suboptimal, and connectivity of the site to high quality habitat, a precautionary approach to site clearance should be taken. The measures outlined in the Preliminary Ecological Appraisal report (Arbeco, 16/05/19) are acceptable and in line with best practice guidance, although it is noted that there are inconsistencies between these recommendations and those outlined in the Reptile Survey Report and Mitigation Strategy (Arbeco, 23/05/19). These are addressed below.

Reptiles

12. Slow worms, grass snakes, common lizards and adders are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. Reptile surveys were carried out broadly in accordance with best practice, albeit over a compressed period. Surveys concluded that the site supports a good population of slow worms and a low population of grass snakes. As such, suitable mitigation is required to ensure no harm to reptiles during construction and no net loss of local reptile conservation status.

13. The mitigation strategy outlined in the Reptile Survey Report is broadly acceptable although the following issues should be addressed.

- a. It is stated that c. 0.17ha of suitable reptile habitat will be lost. The proposal to retain the population on site is supported. However, the area of the receptor site is not provided.
- b. Scrub clearance within the receptor area must be timed to avoid impacts on breeding birds and dormice, or appropriate precautions taken. The strategy states that scrub thinning and clearance will be undertaken between December and February, and that roots and stumps will be removed following a fingertip search by a suitably qualified ecologist. Whilst this will avoid the bird breeding season, it is not in line with the precautionary approach for dormice described in paragraph 6.9 of the Preliminary Ecological Appraisal. Roots and stumps should not be removed until dormice and reptiles have come out of hibernation.
- c. The minimum capture effort for a good population of slow worms is 70 suitable days, rather than the 60 stated. There is also a contradiction between the text in paragraph 6.10 and table 6.1 of the Reptile report. Five clear survey days following the minimum capture effort, as stated in table 6.1, would be sufficient.
- d. It must be made clear that vegetation clearance can only be undertaken once the translocation exercise has been completed.

Other species

14. There is suitable terrestrial habitat for great crested newts on site. However, given the lack of water bodies within 500m, they are unlikely to be present on site. The precautionary approach to site clearance for reptiles and dormice is sufficient to address any residual risk to amphibians.

15. The site supports suitable habitat for hedgehogs. The hedgehog is a Species of Principal Importance under Section 41 of the NERC Act, having suffered significant declines in recent years. Care should be taken during site clearance to avoid disturbance of potential hibernation sites, and boundaries should be made permeable to hedgehogs.

16. If any protected species are encountered during development, work should stop and advice should be sought on how to proceed from a suitably qualified ecologist.

Mitigation Measures and Enhancement Opportunities

17. In addition to the mitigation measures required for the loss of habitat and impacts to protected species, the site offers opportunities for enhancement, as required by the NERC Act and NPPF.

The recommendations made in the Preliminary Ecological Appraisal are appropriate and should be implemented, although it should be noted that many of these are compensation and mitigation measures rather than enhancements. Deadwood habitat piles and compost piles should be provided in addition to those within the reptile receptor area. Similarly, native hedgerow and grassland should be provided throughout the site. In addition to bird and bat boxes, insect and hedgehog boxes should also be provided. The Design and Access Statement refers to a meadow roof which is supported.

18. In light of the above, and in line with BS42020:2013, if the local planning authority is minded to approve, it is recommended that the following conditions are applied.

19. Biodiversity Method Statement

No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of reptiles, hazel dormice, breeding birds and badgers has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Lighting Design Strategy for Light Sensitive Biodiversity

Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the planning authority.

Reason: Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation.

Ecological Design Strategy

No development shall take place until an ecological design strategy (EDS) addressing retention and protection of existing habitats during construction, the creation, restoration and enhancement of semi-natural habitats and the provision of new wildlife features has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;

- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this.

Pre-construction Badger Survey

No development shall take place until a further survey for the presence of badgers is carried out and the results plus appropriate mitigation measures in the form of a method statement has been submitted to and approved in writing by the local planning authority. The method statement shall set out the organisation or personnel responsible for implementing and supervising the method statement. The scheme shall be implemented as approved by the local planning authority. Any modifications to the approved details, for example as a result of a protected species licence being required, must be submitted to the local planning authority.

Reason: To ensure that important biodiversity is conserved and in accordance with OPDM Circular 06/2005 plus National Planning Policy Framework Paragraphs 170 and 175. This is also in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006, which confers a general biodiversity duty upon Local Authorities.

Summary

In summary, provided the recommended mitigation measures are implemented, the proposed development can be supported from an ecological perspective. An ecological design strategy should be provided describing how the site will be enhanced to provide a net gain in biodiversity.

5 Representations

One letter of support received from the neighbour to the north commenting that the house is well designed and the proposed materials are local in character.

Fifteen letters of objection received from neighbours concerned with impact building work would have on the private shared access road and about effects the proposals would have on trees, wildlife and drainage and requesting screening be provided. A report on the condition of the private road was also submitted.

Following receipt of Ecological Survey and assessment an additional objection was received commenting that there are badgers present close to the site.

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):

- South Downs National Park Local Plan - Submission 2018

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:

- CPII - Built and Historic Environment and Design

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

- Strategic Policy SD25 - Development Strategy
- Strategic Policy SD5 - Design

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 Pre-Submission version of the **South Downs Local Plan (SDLP)** 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. The Local Plan process is in its final stage before adoption with consultation on relatively minor Main Modifications from 1st February 2019 to 28th March 2019. Based on the very advanced stage of the examination the draft policies of the South Downs Local Plan can be afforded significant weight.

The following policies are of particular relevance to this case:

- Strategic Policy SD25 - Development Strategy
- Strategic Policy SD5 - Design

8 Planning Assessment

8.1 The plot is approximately 24.0m wide, slightly narrowing at the rear and approximately 56.0m in depth. The site area is approximately 1,525 square metres. The plot slopes considerably from north-west to south-east, due to this the proposed dwelling has been designed so that the ground floor at the rear sits within the hillside enabling the dwelling to bed down into the landscape. Vehicular access will be from the existing private road.

8.2 The dwelling is a two storey upside down dwelling with four bedrooms at ground floor and living accommodation at first floor. As outlined above, due to the sloping nature of the plot the ground floor is set down into the hillside so that the south-east facing rooms have access to natural light and the rooms at the rear are entirely within the ground. The first floor of the building projects entirely above ground level with direct access to the rear garden from the rear of the property. The front of the property has a full width raised balcony at the first floor.

8.3 The dwelling has a rectangular foot print at ground level and an 'L' shaped footprint at first floor. The dwelling measures approximately 17.0m wide and 11.0m deep at its maximum projection. Where the property is sunk into the slope the front elevation measures approximately 7.0m high and the rear elevation is 3.5m high. It will have a green roof and the balcony will also have meadow style planting around the edges to assist the property to blend in with the landscape. At ground floor the building will be constructed from brick and the first floor will be timber clad.

8.4 The internal ground floor area measures 103m² and the first floor area is 112.15m² providing a total internal floor area of 215.15m². A detached dual pitched timber frame and clad garage with room over is proposed adjacent to the south-east boundary of the site. The building is 6.5m wide, 6.3m deep and 6.0m high with an eaves height of 2.2m. If approval is granted a condition is proposed tying the use of the building to the main dwelling in order to avoid the creation of a self-contained dwelling.

8.5 The property is well screened by established planting to the north-west, north-east and south-east boundaries. The location of this planting combined with the hillside setting of the property will result in the development being hidden from views from the neighbouring properties other than West Laine House to the south. New planting is proposed along this boundary with West Laine House. Concerns have been raised from neighbours regarding works to the existing trees, however none of these trees are protected and the existing boundary planting will be retained and enhanced where required. Due to the back-land location of the site it cannot be readily seen from the public realm. The site along with the village of Kingston as a whole can be seen in views from Kingston Ridge which is to the south-west. The green form of the roof will allow the dwelling to blend in with the surrounding area.

8.6 The property would be accessed via a private road that currently serves five dwellings including the host dwelling. The road is unmade and concerns have been raised by residents over the effect any building work would have on the quality of the road. These points are noted and if approved a condition would be added requiring the submission of a 'Construction Management Plan' that would address any damage that could be caused to the road during construction and

require its repair post-construction. It is considered that the current access, which already serves five properties, is capable of serving an additional dwelling in terms of ease of access, width and vehicular safety. The existing road where it currently stops at West Laine House will be extended on to serve the new dwelling.

Policy Considerations

South Downs Local Plan (SDLP)

8.7 Policy SD25 (Development Strategy) of the SDLP states that "the principle of development within Kingston will be supported, provided that development:

- a) Is of a scale and nature appropriate to the character and function of the settlement in its landscape context;
- b) Makes best use of suitable and available previously developed land in the settlement; and
- c) Makes efficient and appropriate use of land.

SD25 goes on to say that "within the settlement boundary, the principle of further development is established subject to other policies in this plan".

8.8 It is considered that a new dwelling in this location within the settlement boundary and surrounded by other dwellings would not be out of place in terms of character and function. The dwelling in this large area of existing residential garden is considered to be a suitable and appropriate use of the land in accordance with the aims of SD25.

8.9 Policy SD5 (Design) states that "development proposals will only be permitted where they adopt a landscape-led approach and respect the local character, through sensitive and high quality design that makes a positive contribution to the overall character and appearance of the area". The purpose of Policy SD5 is to ensure that all development is of the highest possible design quality which reflects and respects the exceptional quality of the natural, agricultural and built environment of the National Park.

8.10 The dwelling has been designed so as to reflect the local vernacular in terms of materials whilst appearing contemporary in design. The appearance and a scale of the contemporary design helps reduce the impact of the dwelling in its location resulting in a relatively low massing and built form. It is considered that the design and the proposed materials respect the appearance of the local vernacular whilst reducing potential impact on the character and appearance of the surrounding area in order to comply with policy SD5 (Design) of the South Downs Local Plan.

Lewes District Local Plan

8.11 Core Policy 11 (Built and Historic Environment and Design) of the LDLP requires that new development should "Respects and, where appropriate, positively contributes to the character and distinctiveness of the district's unique built and natural heritage" and "Responds sympathetically to the site and its local context". It is considered that the design, setting, materials and location of the dwelling enable it to both respect and positively contribute to the character of the built environment. The dwelling has been designed to be low impact, set into the slope and contemporary in appearance, all things that allow it to sit comfortably within its backland location, whilst resulting in virtually no material impact on the wider area.

Consultees and Representations

8.12 Kingston Parish Council had no objection but raised specific concerns which they would like to see addressed by conditions.

Their concerns were:

1. Arboricultural Assessment: This has been addressed by the Tree and Landscape Officer
2. Preliminary Ecological Appraisal: A further biodiversity survey was commissioned.
3. Character of the Site and Setting: Addressed by condition.

4. Protection of Neighbours Trees: Addressed by condition.
5. Access to the Site for Construction Purposes: Addressed by condition.
6. The proposed garage: Addressed by condition.
7. Driveway: Addressed by condition.
8. Control of Water Run-off: Addressed by condition.
9. Existing Utility Services: Addressed by condition.
10. Construction Management Plan: Addressed by condition.

These comments are noted and it is considered that the concerns raised have been addressed during the determination process and can also be addressed through use of conditions if the application is approved.

8.13 LDC Tree and Landscape Officer and ESCC SuDS had no objection subject to conditions.

8.14 ESCC Ecologist initially objected to the application due to concerns over the lack of surveys and information submitted on biodiversity. Following these comments the applicant commissioned a biodiversity survey and mitigation report on the site. The Ecologist was re-consulted and commented that they had no objections subject to conditions to be added to any approval.

8.15 One letter of support received from the neighbour to the north commenting that the house is well designed and the proposed materials are local in character.

8.16 Fifteen letters of objection received from neighbours concerned with impact building work would have on the private shared access road and about effects the proposals would have on trees, wildlife and drainage.

8.17 Concerns are raised over the nature of the private access road to the property that also serves four other properties and the effect building works would have on the road. These concerns are noted however the ownership and maintenance of the private road is not a material planning consideration. If approved a condition is to be added requiring that a Construction Management Plan is submitted prior to works commencing. This Plan would require the agreement by the Planning Authority of the details of the construction of the building, including limitation of delivery vehicles, notification to other residents of the road regarding building works and details of the methods proposed to make good any damage to the road caused by construction vehicles.

9 Conclusion

9.1 It is considered the proposed dwelling will not have a detrimental impact on the character or appearance of the national park or the surrounding area, and will not unduly impact on the residential amenities of local residents, in accordance with Policies SD5 (Design) and SD25 (Development Strategy) of the South Downs Local Plan and CPI I (Built and Historic Environment) of the Lewes District Local Plan.

9.2 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

10 Reason for Recommendation and Conditions

It is recommended that the application be Approved for the reasons set out 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. 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 (including size) of vehicles used during construction,
- o the method of access and egress and routing 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/neighbour engagement both prior to and during construction works.
- o confirmation of works proposed to make good the private access road once building work has been completed including survey of the condition of the existing access road prior to and after building works
- o the means of identification and protection proposed for any existing utilities supplies that may cross the site and be affected by the building works

Reason: In the interests of highway safety and the amenities of the area in accordance with SD5 of the South Downs Local Plan.

4. All hard surfaces, including vehicular access, incorporated into the development hereby approved shall be constructed from porous or permeable materials or designed to direct surface run-off to soakaways within the application site.

Reason: In order to drain surface run-off water naturally in the interests of sustainability and reducing the risk of flooding, in accordance SD49 of the South Downs Local Plan and having regard to National Planning Guidance contained in the National Planning Policy Framework 2019.

5. The development hereby approved shall not be occupied until covered, secure cycle parking areas, have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use.

Reason: In the interests of amenity of future occupiers of the development having regard to Policy SD5 of the South Downs Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

6. The development hereby approved shall not be occupied until details of the facilities for the storage and removal of refuse from the permitted scheme have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To secure a proper standard of development having regard to policy SD5 of the South Downs Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

7. Details of the siting and design of the external electric car charging points 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 SD51 of the South Downs Local plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

8. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of how the development will incorporate measures to reduce carbon energy use, facilitate renewable energy installations, and lower household water consumption, have been submitted to and approved in writing by the local planning authority. The approved measures shall be put in place prior to the first residential occupation of the new dwelling, and retained as such thereafter.

Reason: In order to reduce locally contributing causes of climate change in accordance with policy SD1 of the South Downs Local Plan Part One: Joint Core Strategy and the National Planning Policy Framework 2019.

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

Reason: To ensure that risks from 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 SD54 of the South Downs Local Plan and the National Planning Policy Framework 2019.

10. Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
- e) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- f) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- g) a specification for scaffolding and ground protection within tree protection zones.
- h) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires

- k) Boundary treatments within the RPA
- l) Arboricultural supervision and inspection by a suitably qualified tree specialist
- m) Reporting of inspection and supervision

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with (Insert relevant policies here) and pursuant to section 197 of the Town and Country Planning Act 1990

Informative:

The following British Standards should be referred to:

- a) BS: 3998:2010 Tree work - Recommendations
- b) BS: 5837 (2012) Trees in relation to demolition, design and construction.

11. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development process and up until completion and full occupation of the buildings for their permitted use within 2 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of 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.

12. The approved tree pruning works shall be carried out in accordance with BS3998:2010. The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

13. No development above ground floor slab level of any part of the development hereby permitted shall take place until details/samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

Reason: To ensure a satisfactory development in keeping with the locality having regard policy SD5 of the South Downs Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

14. The development hereby approved shall not be occupied until details of the surface water drainage as outlined below have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

- a. Assessment into the catchment served by the surface water pipe, its capacity and condition to accommodate surface water runoff from the development should be undertaken as part of the detailed design. If capacity is not available, an alternative outfall to the watercourse should be investigated.
- b. Any proposals to use infiltration for surface water drainage should be supported by infiltration testing in accordance with BRE365 and groundwater monitoring between autumn and spring.

- c. Hydraulic calculations indicating pre and post development runoff rates should be provided along with detailed design drawings of drainage features including the proposed green roof.
- d. 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.

15. The detached garage hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling house.

Reason: To prevent the creation of an additional dwelling having regard to policy SD5 of the South Downs Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

16. No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of reptiles, hazel dormice, breeding birds and badgers has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from the works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

17. Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the planning authority.

Reason: Many species active at night (e.g. bats and badgers) are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and /or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation.

18. No development shall take place until an ecological design strategy (EDS) addressing retention and protection of existing habitats during construction, the creation, restoration and enhancement of semi-natural habitats and the provision of new wildlife features has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;
- i) details for monitoring and remedial measures;
- j) details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this.

19. No development shall take place until a further survey for the presence of badgers is carried out and the results plus appropriate mitigation measures in the form of a method statement has been submitted to and approved in writing by the local planning authority. The method statement shall set out the organisation or personnel responsible for implementing and supervising the method statement. The scheme shall be implemented as approved by the local planning authority. Any modifications to the approved details, for example as a result of a protected species licence being required, must be submitted to the local planning authority.

Reason: To ensure that important biodiversity is conserved and in accordance with OPDM Circular 06/2005 plus National Planning Policy Framework Paragraphs 170 and 175. This is also in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006, which confers a general biodiversity duty upon Local Authorities.

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

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to policies SD5 & SD30 of the South Downs Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

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.

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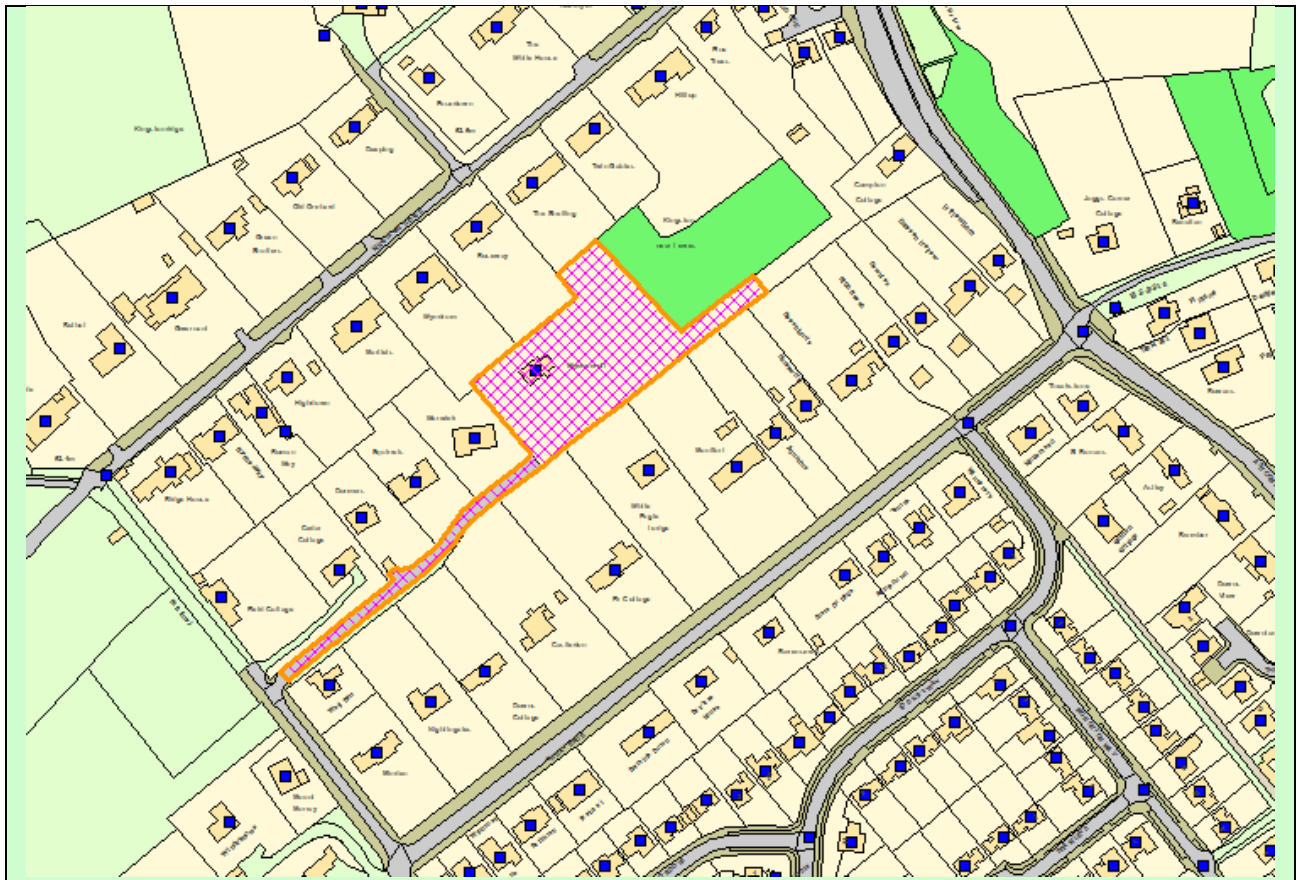
Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

Appendix I

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date on Plan	Status
Plans -	170359.3/001 - Plan, Section, Elevations & Perspective		15.03.2019	Approved
Plans -	P001 B - Site Location Plan		15.03.2019	Approved
Plans -	P002 B - Block Plan		15.03.2019	Approved
Plans -	PL_108 B - Perspective View		15.03.2019	Approved
Plans -	PL_101 B - Proposed Site Plan		15.03.2019	Approved
Plans -	PL_102 B - Proposed Floor Plans		15.03.2019	Approved
Plans -	PL_104 A - Proposed North South Elevations		15.03.2019	Approved
Plans -	PL_105 A - Proposed East West Elevations		15.03.2019	Approved
Plans -	PL_106 B - Proposed Sections		15.03.2019	Approved
Plans -	PL_107 B - Materials		15.03.2019	Approved
Miscellaneous -	Arboricultural Impact Assessment		15.03.2019	Approved
Miscellaneous -	Design & Access Statement		15.03.2019	Approved
Miscellaneous -	Preliminary Ecological Appraisal		15.03.2019	Approved
Miscellaneous -	Technical Note - Highways _ Transport		15.03.2019	Approved
Application Documents -	Reptile Report		23.05.2019	Approved
Application Documents -	Preliminary Ecology Appraisal		23.05.2019	Approved

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