

APPLICATION NUMBER:	LW/07/0534	ITEM NUMBER:	5
APPLICANTS NAME(S):	Mr A Byles	PARISH / WARD:	Lewes / Lewes Castle
PROPOSAL:	Planning Application for Demolition of existing buildings and erection of three x three bedroom town houses with parking (amendment to planning approval LW/05/1224)		
SITE ADDRESS:	'Circa Fish' Site, Westgate Street, Lewes, East Sussex, BN7 1YR		
GRID REF:	TQ 4110		

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1. SITE DESCRIPTION / PROPOSAL

1.1 Planning permission was granted by the Planning Committee at their meeting on 8th March 2006 for the demolition of the former Circa Fish restaurant in Westgate Street and its replacement with a terrace of three traditional gable ended 2-bed, 2 storey town houses (LW/05/1224). This application is proposing a more contemporary scheme for the same site. Three dwellings are proposed as before, but on three storeys resulting in three bedrooms per property. The buildings would have rendered walls at ground floor with fired clay tile cladding of differing colours above and a copper roof. A glazed frieze would run under the eaves of the buildings and the overall impression would be of an overtly modern development. The development will incorporate sustainable measures, such as the use of natural lighting to the stairwells through glazed roof sections, and the provision of heating and hot water via solar energy panels on the inner roof slopes.

2. RELEVANT POLICIES

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

LDLP: – H05 – Conservation Areas

3. PLANNING HISTORY

LW/05/1224 – Demolition of existing buildings, construction of three new town houses with park. - **Approved**

LW/03/2383 - Change of use of ground floor from showroom to restaurant - **Approved**

LW/93/0398 - Conservation Area Consent for the demolition of existing buildings to facilitate redevelopment. - **Approved**

LW/93/0393 - Demolition of existing buildings and erection of new single storey and two storey building to comprise offices, design studio and storage, including car parking and turning area. - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Main Town Or Parish Council – Object. Inadequate detail on the drawings and no detail of proposed materials. The proposals appear to be even larger than earlier submissions and are unacceptably scaled in relation to the local environment and proximity to the Castle.

Tree & Landscape Officer Comments – The plans only differ slightly from the proposal granted permission under LW/05/1224. No objection.

East Sussex County Archaeologist – Recommends a programme of archaeological works

Environmental Health – Recommend contaminated land condition

Design & Conservation Officer – This design has features which offer a modern interpretation of a very Lewes feeling aesthetic and, subject to resolution of details of the cladding materials to avoid the unfortunate cutting of modules alongside openings, this could work well and prove a new challenging design for this site. The three resulting town houses are a great improvement on the previously approved scheme for this location and, subject to satisfactory materials and details, could be approved.

Environment Agency – Not received

ESCC Highways – No objection

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 None

6. PLANNING CONSIDERATIONS

6.1 The main considerations in the determination of this application are the impact on the character and appearance of Westgate Street and the Conservation Area and the impact on neighbouring occupiers.

6.2 The overall ridge height of the buildings will be marginally lower than the approved scheme (at 8m compared with 8.3m) but the massing will be greater by virtue of the revised form of the buildings, replacing the catslide roof and valleys between the gabled roofs, which broke up the massing, with shallow pitched roofs over a full three storeys. Decking is proposed at the rear of each unit which will face over the Paddock Sports Ground to the north. There is a considerable drop in levels at the rear of the site and details of the method of construction of the decking will be required before work commences.

6.3 The buildings will be higher than the existing building and will result in a greater mass of built form. However, each unit will be staggered to break up the uniformity of the front elevation. A backdrop of trees will soften the appearance when viewing the development from Westgate Street to the south. The development will also be partly obscured by existing buildings, including the YMCA premises which adjoin the site. It is not considered that the buildings will appear unduly dominant or out of scale when seen in context with the adjoining YMCA building. Furthermore, the contemporary design and use of coloured tile cladding will result in an interesting appearance which it is considered will enhance this part of the Conservation Area.

6.4 The Council's Design and Conservation Officer considers that the proposal, while modern, would represent a great improvement on the previously approved scheme. Final detailing of the use and form of materials

is essential in this case and the use of high quality materials will be expected. This will need to be very carefully controlled by condition.

6.5 No objections have been received from neighbouring occupiers to the revised design. While the end elevation facing Sycamore Lodge to the west will be bulkier than previously approved, there will be no windows within that elevation and the building will be some 25m from the adjoining house. Consequently, there should not be any adverse impact on residential amenity. The nearest property is the YMCA and Jigsaw Nursery. While some overlooking of the nursery may occur, the residential units are most likely to be occupied in the evenings and at weekends when the nursery is not in use. It is not considered therefore that these are sufficient grounds for refusing the application.

6.6 The applicant has previously produced a tree survey and a report on the stability of the existing flint boundary wall to the rear. These indicate that some minor works are necessary to the trees on the adjoining bank which the Council's Tree & Landscape Officer considers to be acceptable. The proposed dwellings will not necessitate additional foundations below or beyond the extent of the wall and this will avoid any damage to the rooting systems of the trees. The wall is to be given additional lateral support by the provision of wrought iron ties within the site. This approach is acceptable and no tree conditions are necessary.

6.7 In the light of the above considerations, it is concluded that this revised scheme will enhance the Conservation Area and can be supported.

7. RECOMMENDATION

That permission is granted

The application is subject to the following conditions:

1. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works and timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason – To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal having regard to Policy ST14 of the Lewes District Local Plan.

2. The method of demolition and construction for the development shall be carried out in accordance with a scheme to be approved in writing with the Local Planning Authority prior to any development commencing.

Reason – The site is in a very sensitive location with respect to groundwater, and in order to protect the quality of drinking water supplies the working methods will need

to be carefully considered having regard to Policy ST14 of the Lewes District Local Plan.

3. No development approved by this planning permission shall be commenced until:

a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might be reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.

b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- A risk assessment to be undertaken relating to groundwater and surface waters associated on and off site that may be affected, and
- Refinement of the Conceptual Model, and
- The development of a method Statement detailing the remediation requirements.

c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken.

d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters using the information obtained from the Site Investigation has been submitted to the Local Planning Authority. This will need to be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site and the development of the site shall be carried out in accordance with the approved method statement.

Reason: In the interests of health & safety of the future occupiers of the site having regard to Policy ST3 of the Lewes District Local Plan.

4. 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 an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with and from the date of approval the addendum(s) shall form part of the Method Statement.

Reason: In the interest of health & safety of the future occupiers of the site having regard to Policy ST3 of the Lewes District Local Plan.

5. Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation had been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason: In the interests of health and safety of the future occupiers of the site having regard to Policy ST3 of the Lewes District Local Plan.

6. No development shall take place within the area indicated (this would be the area of archaeological interest) until the applicant, or their agents or successors in title, has/have secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that approval.

Reason: To facilitate the recording of finds of archaeological interest having regard to Policy H11 of the Lewes District Local Plan.

7. The development hereby approved shall not be brought into use until full details of the proposed vehicular parking and turning arrangements have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the first occupation of the development.

Reason: To ensure adequate off-street parking provision having regard to Policy ST3 of the Lewes District Local Plan.

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

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

9. Before the development hereby approved is commenced on site, details/samples of all external materials including render colour, tile cladding, copper roof and fenestration shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent. The copper roof shall be pre-weathered before installation.

Reason: To ensure a satisfactory development in keeping with the locality having regard to Policy ST3 of the Lewes District Local Plan.

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

Reason: To ensure a satisfactory development in keeping with the locality having regard to [Policy ST3](#) of the Lewes District Local Plan.

11. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (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 [Policy ST3](#) of the Lewes District Local Plan.

12. No windows, doors or openings of any kind shall be inserted in the [west](#) elevation of the development hereby approved, other than those expressly permitted by this consent.

Reason: To protect the privacy and residential amenity of neighbours having regard to [Policy ST3](#) of the Lewes District Local Plan.

13. No development shall take place until details of the solar panels and glazed roof sections have been submitted to and approved in writing by the Local Planning Authority and thereafter carried out in accordance with that consent.

Reason - To ensure a satisfactory development in keeping with the locality having regard to [Policy ST3](#) of the Lewes District Local Plan.

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

Reason: To secure a proper standard of development having regard to [Policy ST3](#) of the Lewes District Local Plan.

15. No development shall take place until details of the rear decking and balustrading (including the means of providing screening to the decking on unit 1) and their method of construction have been submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

Reason – To ensure a satisfactory standard of development having regard to [Policy ST3](#) of the Lewes District Local Plan.

16. Before the development hereby approved is commenced on site, details of all new joinery (windows and doors) at a scale of at least 1:20 shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

Reason: To protect the historic fabric and character of the Conservation Area having regard to Policy H5 of the Lewes District Local Plan.

17. No development shall take place until details of the gutters, roof edges and the junction of the window openings with the tile cladding have been submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

Reason – To ensure a satisfactory standard of development having regard to Policy ST3 of the Lewes District Local Plan.

18. There shall be no external soil and vent pipes on the buildings hereby approved.

Reason – To protect the character and appearance of the Conservation Area having regard to Policy H5 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>
Design & Access Statement	24 April 2007	
Proposed Elevations	24 April 2007	1:100
Proposed Elevations	24 April 2007	1:100
Proposed Floor Plans	24 April 2007	1:100
Proposed Elevations	24 April 2007	1:100
Proposed Elevations	24 April 2007	1:100
Proposed Floor Plans	24 April 2007	1:100
Proposed Elevations	24 April 2007	1:100
Proposed Elevations	24 April 2007	1:100
Block Plans	8 June 2007	1:200
Location Plan	8 June 2007	1:2500
Other	8 June 2007	MONTAGE

Summary of reasons for decision and any relevant development plan policies/proposal:

It is considered that the proposal meets the aims and objectives of Local Plan Policy and respects the character of the location, complying with Policies ST3 and H5 of the Lewes District Local Plan.