


APPLICATION NUMBER:	LW/07/0325	ITEM NUMBER:	1
APPLICANTS NAME(S):	Malling Brooks (Sussex) Ltd	PARISH / WARD:	Lewes / Lewes Bridge
PROPOSAL:	Approval of Reserved Matters Application for Mixed use development to provide 3062sqm of B1 commercial office floorspace and a mix of 125 one and two bedroom residential units following outline LW/05/1049		
SITE ADDRESS:	Land At, Southdowns Road, Lewes, East Sussex, BN7 2NW		
GRID REF:	TQ 4110		



1. SITE DESCRIPTION / PROPOSAL

1.1 The site is located at the junction of Southdowns Road and Mayhew Way. Covering an area of 1.19 ha, the site is located within the Planning Boundary and opposite Malling Recreation Ground. The site is flat, sitting below the level of the adjacent roads, and covered in scrub vegetation. The site is situated on the western edge of the industrial estate and abutting the residential development at Cranmer Close and De Grey Close on the northern side.

1.2 Outline planning permission (LW/05/1049) was granted on 03.01.06 following consideration by the Planning Applications Committee on 10 August 2005 and the subsequent completion of a comprehensive legal agreement (signed on 9.12.05) for the erection of a mixed use development comprising 3042sq.m of B1 office floorspace and 9520sq.m of residential floorspace (125 units), together with associated car parking, servicing and landscaping. A copy of the previous committee report is attached at **Appendix 1**, which sets out the background to the current application and addresses the key considerations in reaching the decision to grant outline permission.

1.3 This current application is seeking approval of the reserved matters, principally dealing with the design/appearance of the development.

1.4 This application was due to be reported at the last meeting of the Planning Applications Committee on 11 July but was deferred following late objections from the Environment Agency with regard to the provision of some residential accommodation on the lower ground floor, below the previously experienced flood level. Amended plans have now been received repositioning the kitchens to first floor level, with utility/storage, wc and garaging on the lower ground floor. A fresh round of public consultation has taken place and the Environment Agency has been sent a copy of the latest drawings. They have indicated that on this basis they would withdraw their objection to the proposal, but their formal response was still awaited at the time of the preparation of this report.

2. RELEVANT POLICIES

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

LDLP: – E01 – Planning for Employment

LDLP: – RES05 – Unidentified Residential sites

3. PLANNING HISTORY

LW/05/1049 - Outline application for development for mixed use scheme to provide B1 commercial and residential (resubmission of LW/04/1717) - **Approved**

LW/04/1717 - Outline application for development for mixed use scheme to provide B1, live/work & residential - **Refused**

LW/95/1058 - Erection of a public house with restaurant and surface car parking. - **Refused**

LW/90/1286 - Outline application for construction of office units Class B.1. - **Approved**

LW/88/0754 - Outline application for development for use within B.1. and /or B.2. and/or B.8. Business/Industrial/ Storage. - **Approved**

N/69/7095 - Raising level of land by tipping and using raised ground for recreational purposes. - **Approved**

N/65/2329/5865 - Raising level of land by controlled tipping in preparation for use as open space. ESCC Determined. - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

ESCC Highways – Following receipt of amended plan numbered 0690-02A confirms that this addresses concerns raised in previous response and recommends permission subject to conditions and informatives.

Southern Water Plc – Southern Water can provide foul sewage disposal to the proposed development. Southern Water is not aware of any particular problems in the vicinity of the site. Our initial investigations indicate that there is inadequate capacity in the local network to provide surface water disposal and alternative means of surface water disposal should be considered including soakaways, discharge to a watercourse, requisition of a public surface water sewer. Suggest conditions on surface water drainage. [This was the subject of a condition on the outline permission.]

Environment Agency – Satisfied with the proposed method of surface water drainage. Comments relating to layout to be reported.

Sussex Police - C.P.D.A. – Very pleased that the current application in the additional information fully covers the issue of crime prevention in the design.

Main Town Or Parish Council – The Members concurred with the objections received from a local resident with regard to the height of the building, possible flooding and decontamination of the site, and the density and associated parking of the proposals. Concern over the loss of small trees and shrubbery and the non-implementation of the designated screening to the north of the site. Members also expressed concern that no affordable housing had been included in the development.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 22 letters of objection have been received in relation to the application on the following grounds: overdevelopment, impact on flooding, increased traffic, overlooking, overshadowing, lack of affordable housing, impact on wildlife, loss of habitat, inappropriate design for the area, increased height of development compared to the approved scheme, loss of the 20m buffer zone, loss of views, altered car parking layout, unsatisfactory drainage, inadequate consultation process, methane gas from former use of land, inappropriate use of land.

5.2 Friends of Lewes - object as the housing mix seems unbalanced, too many small dwellings. Drawings too small to properly assess.

5.3 One letter supporting the application but raising concerns over drainage, parking, height of blocks, architectural style.

5.4 Notes of a public meeting held at Malling Community Centre on 30.04.07 were submitted to the Local Planning Authority, a copy of which is attached at **Appendix 2**.

5.5 Comments received in respect of revised layout – to be reported.

6. PLANNING CONSIDERATIONS

Background

6.1 Outline permission for the redevelopment of this site to provide a mixed development of 125 residential units and 3069sq.m of B1 floorspace was granted on 03.01.06. The committee report for that application is attached at **Appendix 1** and comprehensively deals with the key factors in the determination of that application including history of the site, policy, viability, design, flood risk, impact on residential amenity, traffic, and affordable housing.

6.2 The site was identified for employment use but due to a number of factors including flooding, contamination, ground conditions and period of vacancy it was accepted, on the advice of the District Valuer, that the site was not viable for a pure commercial development without some form of enabling development. In this case the enabling development was general needs housing. In terms of the policy position it was considered that a balanced development, incorporating an element of employment floorspace (approaching the amount of floorspace that the site could accommodate in a single storey development across the whole site) would be an acceptable compromise, albeit that this would be at the expense of any affordable housing. Permission was therefore recommended and granted on that basis.

6.3 Whilst the application was in outline form the submitted and approved information did show a detailed layout, building heights, building forms,

access and parking. The building form was contemporary with curved roofs, covered in sedum, to respect the backdrop of the Downs to the east. This information was considered acceptable and therefore a condition was attached to the outline permission requiring the 'reserved matters' details to accord with details submitted and approved in the outline Design Statement.

Material Considerations

6.4 With regard to the determination of this application for reserved matters it is considered that layout, building form and design, impact on residential amenity, and public consultation responses are the key material considerations.

Layout

6.5 The submitted layout now follows that which was approved at the outline stage. The original submission did show blocks H/J located further to the north but the applicant has submitted amended plans which show these blocks in their original location, as per the approved outline plans. The layout consists of six main blocks of buildings arranged around an access road which provides circulation to the car parking and servicing the development, pedestrian access to the individual blocks and cycle parking. A single vehicular access point is provided off Southdowns Road.

6.6 The blocks are arranged with the proposed office (B1) floorspace accommodated in two blocks located along the eastern boundary of the site. This location was selected to act as a barrier to the general noise and disturbance created by the adjacent commercial users, to protect residential amenity. The remaining four blocks are located to the west of the commercial blocks and the access road and are entirely residential.

6.7 The internal layout of the access road, car parking provision, refuse and servicing arrangements meet the requirements of the Highway Authority who have raised no objection to the proposal following receipt of an amended layout plan. They have requested a condition in relation to the detailed design of the access.

Building Form and Design

6.8 On the outline permission a condition was imposed which prevented the height of any element of the development exceeding the maximum ridge height of Sackville House, a three storey office building with traditional pitch roof, located opposite the site on the southern side of Southdowns Road.

6.9 A small amount of excavation will take place on the site. The lower ground level, which will accommodate the car park/servicing, will be 2.8m below the level of Southdowns Road. Therefore the 'ground floor' accommodation will be 0.6m above the level of the adjacent Southdowns Road. The whole development is kept at or below the maximum height of Sackville House.

6.10 In terms of storeys of accommodation, the submitted scheme broadly complies with the approved indicative plan showing the storey heights of the blocks. The only differences are block H/J which uses the lower floor to provide garaging, utility/storage and a wc, actually providing accommodation over three floors instead of two, but this does not increase the height of the block. Also, blocks D, E, G and K have added a partial fourth floor within the central body of the blocks. This extra partial floor does not exceed the maximum permitted height of the development, neither does it increase the amount of development permitted on the site in terms of the total number of residential units.

6.11 The massing of the blocks on the site have been developed to respond to the immediate surroundings, with two storey residential houses to the north, the 15m high Sackville House to the south, the industrial warehouse sheds to the east, and the open space to the west, with the height and mass of the development being maximised at the corner of Southdowns Road and Mayhew Way. The most striking element of the buildings is the curved roof form which reflects the gentle curve of the Downs at Malling Down to the east. These roofs will be covered in sedum, which will reduce the visual impact of the development when viewed from the Downs and will serve to control water run-off.

6.12 The main elevations will utilise a small palette of high quality materials, which have been used successfully over recent years in Lewes, including horizontal timber cladding, coloured render and glazed tiles. Samples of all materials have yet to be seen and approved. The extensive facades will be articulated through the relationship of solid to void, through the addition of steel and glass balconies, and through the reveals in the facades. The lower walls will include retaining gabions and tension wire green walls with climbing plants to allow the development to 'grow' out of the site.

6.13 The site will be landscaped around its perimeter, (details yet to be submitted and approved) with an extensive landscaped podium courtyard within the centre of the site for the benefit of the future residents. The building form, the architectural treatment and location helps to create a development that address this key pivotal site, responds to its surroundings and yet provides a contemporary architectural solution that very much reflects elements of Lewes' historic and modern buildings.

Impact on Residential Amenity

6.14 The impact of the proposed development on the amenity of the existing occupiers in Cranmer Close and De Grey Close, in terms of loss of privacy, overlooking, overshadowing, and noise were all fully considered at the outline stage and are detailed within the attached report. As the current submission complies with the approved layout it is not considered that the impact with regard to amenity has altered.

6.15 However, as a result of assessing the final design and internal layout of the buildings it was considered that two issues required resolving. The first relates to the blocks H/J and the provision of the main living accommodation at first floor level. Whilst bedrooms at this level would be acceptable and would not result in severe overlooking, living accommodation is more intensively used and could result in a greater feeling of being overlooked. Therefore amended plans have been received which show a timber louvred screen on the rear elevation at first floor level, integrated into the design, to prevent any overlooking.

6.16 The second issue related to the windows on the northern elevation of block C, the office accommodation. Due to the proximity to the Cranmer Close properties it is necessary to impose a condition requiring these windows on the north elevation to be obscure glazed and fixed shut. These are both issues that could not have been fully considered until a final design was submitted.

6.17 With these measures in place it is considered the impact of the proposed development on residential amenity would remain unchanged from the previous approval.

Public Consultation and Issues Raised

6.18 As set out in section 5 of this report, 22 letters of objection have been received raising issues that have largely been raised previously and which were addressed in the previous report, attached at **Appendix 1**, and were fully considered and accepted by the Planning Committee. However there are three issues that require further clarification.

(1) Buffer Zone – as a result of the designation of the land for employment /industrial use it was considered that a buffer zone of at least 20m should be provided to the northern boundary to give some protection to residential amenity to the occupants of Cranmer Close and De Grey Close from noise and general disturbance that could result from industrial activities taking place. However the current scheme is for residential use, with B1 office accommodation in two blocks on the western boundary. By the very nature of the commercial use, B1 office, it is unlikely that normal operations would prejudice residential amenity. Neither is it necessary to maintain a back to back distance between existing and proposed residential of 34m. Therefore it is considered unnecessary to require a 20m buffer zone to the south of Cranmer and De Grey Close. As such the buffer zone, which is now principally made up of the gardens to the new dwellings together with some open landscaped areas, is approximately 14m deep and has been conditioned so that it can only be used as amenity space. Therefore it is considered that the approved use and layout of the site overcomes the necessity to provide a 20m deep landscaped buffer.

(2) Flooding – The Environment Agency have indicated that, with the revisions to the lower ground floor accommodation, they have no objection to the proposal. As flood defences have been constructed in the area they are

satisfied with the proposal but suggested at the outline stage that a precautionary approach should be employed, and car parking reserved for the ground level space. As such all finished residential floor levels are at least 0.7m above the highest recorded 2000 flood level. Whilst consultation responses have raised flooding as an issue the Environment Agency have not received any information to suggest that there is a problem with the site or its future use.

(3) Drainage – some concern has been raised with regard to surface water drainage. Details of the means of providing surface water drainage to the site was made a condition of the outline permission and the submitted details have been approved by the Environment Agency.

7. RECOMMENDATION

It is considered that the submitted details accord with the outline approval in relation to layout, form, height, massing, and amount of development. The architectural treatment of the buildings has evolved further from that which was indicated in the illustrative material submitted at the outline stage. The contemporary finish to the elevations, utilising a limited yet high quality palette of materials, results in a design that is sympathetic to and integrates with its immediate surroundings and the wider, richer fabric of the town.

The application is subject to the following condition:

1. All windows in the north elevation of the Block C (as shown on the approved plans numbered 0690 - 12, to serve the office accommodation) shall be:
(a) glazed in obscure glass only in accordance with details which shall first have been submitted to and approved in writing with the Local Planning Authority
(b) fixed shut, except for the provision of fanlight windows, only in accordance with details which shall first have been submitted to and approved in writing with the Local Planning Authority
(c) following installation in accordance with (a) and (b) above, all of the said windows shall be maintained in accordance with the approved details, and none shall be reglazed in clear glass or shall be opening other than with any approved fanlights.

Reason: To help safeguard the privacy of nearby occupiers, having regard to Policy ST3 of the Lewes District Local Plan.

2. During any form of earthworks or excavations that are carried out as part of the development suitable vehicle wheel washing equipment should be provided within the site throughout the construction period and used to clean the wheels of vehicles before they leave the site and use the surrounding public highway.

Reason: To prevent contamination and damage to the adjacent roads and in the interest of highway safety having regard to Policy ST3 of the Lewes District Local Plan.

3. The development shall not be used or occupied until the details of the layout of the access and a specification for its construction has been submitted to and approved in writing by the Local Planning Authority and the access has been completed in accordance with the approved plans.

Reason: In the interests of highway safety having regard to Policy ST3 of the Lewes District Local Plan.

4. 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 of Schedule 2 Classes A to G, other than hereby permitted, shall be undertaken by the Blocks H and J houses unless the Local Planning Authority otherwise agrees in writing.

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area and prejudice the amenity of adjacent occupiers having regard to Policy ST3 of the Lewes District Local Plan.

INFORMATIVE(S)

1. The lay-by proposed within the public highway should be secured through a S.278 agreement and be subject to the Safety Audit Procedure.

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, EO1 and RES05 of the Lewes District Local Plan.