

SUPPLEMENTARY REPORT

Supplementary Report on correspondence received since the publication of the report relating to applications being considered at the meeting of the Planning Applications Committee on 5th December 2007

LW/07/0732
Wivelsfield

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1) Additional representations received in the form of a joint submission from Wivelsfield Parish Council, Burgess Hill Town Council and Worlds End Association which reiterates their previous objections. In summary, these relate to:

- the failure to meet planning policy and the Supplementary Planning Document, as the layout includes 3 storey flats and houses over 2 storeys
- failure to assess long term traffic impact on Worlds End
- number of houses proposed exceeds original limit of 50 dwellings
- emergency access onto Theobalds Road is not required
- inadequate parking will impact on existing streets
- proposal will exacerbate flooding and sewerage problems locally
- this site is premature and should be considered as part of the Core Development Plan for Mid Sussex

2) In order to reduce the disruption to local residents, officers are proposing the following:

Variation to Condition 6

No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Authority. The CEMP shall set out the arrangements for managing all environmental effects of the development during the construction period including traffic, parking of contractors vehicles during the demolition phase of the development, artificial illumination, noise, vibration, dust, details of any temporary fences to be erected to secure the site during the development and to protect adjoining occupiers from noise, the erection of temporary fences around retained habitats, prevention of damage to existing habitats, construction site drainage and a system of monitoring these arrangements during the development phase. The CEMP shall also include the arrangements for notifying local residents of the start date and likely timescale for the development, including the demolition phase, and for providing residents with contact details for the developer during the course of the development. These arrangements shall be implemented in full throughout the duration of the construction works unless a variation is agreed in writing by the Local Planning Authority.

Reason: In order to minimise the potential environmental impacts of construction on local residents and existing wildlife habitats having regard to Policy ST3 of the Lewes District Local Plan and PPS9 of the National Policy Guidance

Variation to Condition 16

Construction work (excluding the demolition of 25 and 26 Downscroft) 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.

Variation to Condition 17

No deliveries shall be taken at or despatched from the site outside the hours of 0900-1800 Monday to Friday and 0900-1300 on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: To protect residential amenities having regard to Policy ST3 of the Lewes District Local Plan.

Variation to Condition 19

The land and garages indicated on the approved plans for the parking and turning of vehicles for the development hereby permitted shall be laid out prior to the first occupation/use of the development and thereafter kept available for that purpose only.

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

New condition 35

Demolition works to 25 and 26 Downscroft shall be restricted to the hours of 0930 to 1800 Monday to Fridays and 0930 to 1300 on Saturdays and demolition 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.

Informative

The applicant is expected to comply with the recommendation of their safety audit and, in association with West Sussex County Council Highway Authority, arrange for the hedge at the junction of Valebridge Road and Valebridge Drive to be cut back to the highway boundary.

3) Additional comments received from The Badger Trust – Site survey on 28 November 2007 confirmed evidence of badger activity at the sett on boundary with Theobalds Farm. Reiterate the need for adequate controls to protect badgers during and after construction.

Officer response – suggested amendment to condition 29:

No development shall take place until a method statement for the protection of badgers, their setts and the wildlife corridors on the site both during and after the construction process has been submitted to and approved in writing by the Local Planning Authority. The agreed strategy shall be implemented in accordance with that consent.

Reason – To protect badgers on the site having regard to PPS9 of the National Policy Guidance

One letter of support received, commenting that there will not be traffic problem as parking would be provided, and it is the schools that cause the road safety concerns. Now that the school runs for the Newlands Court Annex have ceased the situation has improved. Newlands Court is falling into dereliction, and in the past several Edwardian properties have been lost to development.

One further letter of objection received, on grounds referred to in the main report.

Add condition 7:

“The development hereby approved shall not commence until details of the proposed means of surface water disposal have been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure satisfactory drainage arrangements, having regard to Policy ST1 of the Lewes District Local Plan”.

Add Informative:

“A formal application for connection to the public sewerage system is required in order to service the development. To initiate a sewer capacity check to identify the appropriate connection point for the development, the applicant is advised to contact Southern Water’s Network Development Team (Wastewater) based at Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, Hampshire, S023 9EH (01962 858688) or www.southernwater.co.uk”.

Kingston Parish Council has submitted further comments, objecting on the following points:

1. Access for construction vehicles by a field access by the nearby railway bridge would not be possible as there is a 6’ 6” width restriction on that access. Use of the access would be dangerous to other road users.
2. The proposed changes to the access at Nan Kemps corner (junction of Juggs Road / Ashcombe Lane) are minor and would not resolve safety problems there. Furthermore, the character of the banks alongside the road are highly valued by residents of the village, who wish to see them protected.
3. Access to the proposed windmill by school parties on foot or by cycle is untenable and dangerous, given restricted sightlines on the road and high traffic speeds.
4. It is believed that the access proposals would affect the grave of Nan Kemp, a feature of important local historical interest.

One further letter received, objecting and commenting that a precedent would be created for other sites in this area.

Paragraph 1.2 states that “The application proposal is a revision to LW/07/0063 (which proposed a larger dwelling and no stable block) which is currently at appeal and pending a decision”

The Council received the appeal decision today on the 5th December which dismisses the appeal. The Inspector concluded that there appeared to be a clear distinction between the built-up area and the countryside. The proposed development is outside the planning boundary and would be contrary to the relevant Local Plan policies.

The Inspector was also of the view that the proposed development comprises a substantial dwelling on two floors and would be significantly larger than the other few dwellings in the immediate area. The scale would be exacerbated by its raised and prominent location and would consolidate the sporadic development to the detriment of the character of the countryside.

COMMENTS MADE BY THE APPLICANT FOLLOWING REPRESENTATIONS FROM LOCAL RESIDENTS

The applicant has written in response to the representations made by local residents. His comments have been summarised as follows:

- Remedial works are being carried out to the building prior to the submission of any planning application because the building was considered to be structurally unsafe and in danger of collapsing. The works are being carried out free of charge to help out a local charity.
- Sculptures' has been in operation at 1A and 1B Blatchington Road, Seaford, for nearly six years. During this time no complaints have been made to the police.
- The gym is a fitness centre for the local community attracting a wide variety of people ranging from professionals to firemen and skilled persons such as electricians and plumbers. A local physiotherapist has also used the gym for the rehabilitation of her clients and it has also been used by some local schools for the training of 'unruly' children. A small group of power lifters would also use the gym.
- In relation to parking, the manager of St James Clubhouse has offered 3 dedicated spaces. However, most of the members using the gym live locally and walk to the gym.

- The gym would be open between 12 noon and 8.30 pm Monday to Friday. Most, if not all of the Members visit the gym after work and given that the existing uses at St James Clubhouse finish around 4pm there would be plenty of additional parking.
- Alternative premises have been looked at but St James' Clubhouse was considered to be the most suitable for the needs of members at Sculptures.

FURTHER REPRESENTATIONS FROM LOCAL RESIDENTS

Letters received in Support

One additional letter has been received from a resident of Seaford and former member of Sculptures in response to the article written in the Sussex Express dated Friday 9th November. Their comments have been summarised as follows:

- The proposal would not result in increased parking problems because the application site has off street parking unlike the former location in Blatchington Road which had no off street parking.
- Any music would not be disturbing to neighbours because the gym would only be open until 8.30pm.
- The gym is a very friendly place and used by a mix of men and women of all shapes and sizes.

A further 13 letters in support of the application from members of Sculptures Gym have been received from 11 households. Their comments have been summarised as follows:

- The gym is very convenient and has a friendly atmosphere
- There are a lot of loyal members of the former premises who would like to continue using the gym at the new premises
- Sculptures is predominantly a weights gym and there is no other facility like it within the vicinity
- It will benefit the community by providing an income for the charity that owns the premises

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Additional consultation responses received from the Crime Prevention Design Adviser Renaissance South East. 1 Additional letter of information received from the applicants. A second updated letter of objection has also been received from the Friends of Lewes.

The applicant also confirmed that the part of the application dealing with proposed new signage and interpretation boards is withdrawn. This will be dealt with under a separate Planning and Listed Building application.

Crime Prevention Design Adviser: It is considered that a determined trespasser would find a route in to the gun gardens regardless of the visitor centre, although this would make it easier. Given that the walls surrounding the Castle is untouchable due to its historic and listed status, the only recommendation made is that a 1 metre strip of the roof adjacent to the wall is treated with anti climb paint and that the requisite signs under the Occupiers Liability Act are displayed.

Officer Response: No objection has been raised regarding the scheme which means it cannot be supported. An informative will be added setting out the Crime Prevention Design Advisers advice. If any signs were to be erected regarding the Occupiers Liability Act, this could be dealt with under the proposed application for signage and interpretation boards.

Renaissance South East: The applicants have been working with the Heritage Lottery Fund for over 2 years seeking advice as to how the problems faced by the Castle could best be resolved. The access options for the Castle and Barbican House have been explored initially with an Access Audit and also with the relevant local and national bodies representing planning the built heritage and Renaissance South East.

Renaissance South East would support the current proposal, as all other options have been considered and proven unsuitable. The proposed development is an option that offers not only an access solution to sites that do not lend themselves to easy access by those with limited mobility or visual impairment but also improves access to information to other visitors to the sites.

Additional Letter of Information: The proposed development increase both the physical and intellectual access to the Castle which is the most important and iconic monument in Lewes. The development is being partially carried out in order to improve accessibility and to meet the requirements of the Disability Discrimination Act 2005 (DDA). An Access Audit identified a range of problems which need to be addressed. As many disabled visitors are unable to climb the 180 steps to the top of the Castle steps are required to provide alternative facilities.

The location of the visitor pavilion minimises its impact on those using the Gun Gardens and will not restricts its uses. The pavilion will also provide discreet and secure rubbish and garden equipment storage. All care has been taken to consider appropriate materials and design in order to ensure the development is as sensitive as possible. The path around the Gun Garden will afford visitors with poor mobility convenient access around a part of the Castle.

Additional Letter from the Friend of Lewes: No objection is raised with regards to the developments to Barbican House, the Castle itself, the Education Resource Centre or the removal of the iron fence and gate within the Gun Garden. An objection is maintained to the other proposals relating to the Gun Garden. It is not considered that a pathway round the entire Gun Garden is necessary or desirable. It will disfigure a historic part of the Lewes Environment and alternatives, such as the use of modern technology, housed in the Education Resource Centre could be considered.

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One Addition letter received from Parker Dann Chartered Town Planning Consultants on behalf of the applicant. Responses were given to an earlier letter of objection from DMH Stallard Consultants submitted on behalf of the neighbouring property 3 Montacute Road.

The letter largely backs up comments made in a previous letter on behalf of the applicants. It is stated that the provision of a restraining bar to the bathroom window, as suggested by DMH Stallard, would be excessive. The use of obscure film on the bedroom and bathroom window should be considered acceptable as the window is obscured. It would not require a new window to achieve this.

When the original application, LW/02/1815, was passed, a condition removing permitted development was included which should sufficiently control the use of the garage as a habitable room. Any light spillage would have no impact on the neighbouring property.

The window serving the basement stairwell is sufficiently screened by a 1.9 metre high fence and it is not possible to see back to the neighbouring property 3 Montacute Road. The suggestion to raise the height of the fence is excessive, and any planting would impact on the properties underground services.