



Working in Partnership



To all Members of the Planning Applications Committee

A meeting of the **Planning Applications Committee** will be held in the **Council Chamber, County Hall, St Annes Crescent, Lewes BN7 1UE** on **Wednesday, 05 April 2017** at **17:00** which you are requested to attend.

Please note the venue for this meeting which is wheelchair accessible and has an induction loop to help people who are hearing impaired.

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.

28/03/2017

Catherine Knight
Assistant Director of Legal and Democratic Services

Agenda

- 1 Minutes**
To approve the Minutes of the meeting held on 15 March 2017 (copy previously circulated).
- 2 Apologies for Absence/Declaration of Substitute Members**
- 3 Declarations of Interest**
Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct.
- 4 Urgent Items**
Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972. A Supplementary Report will be circulated at the meeting to update the main Reports with any late information.
- 5 Petitions**

To receive petitions from councillors or members of the public in accordance with Council Procedure Rule 13 (Page D9 of the Constitution).

Planning Applications OUTSIDE the South Downs National Park

- 6 LW/16/0542 - Former School Site, Western Road, Newhaven, East Sussex BN9 9ED (page 5)**
- 7 LW/16/1040 - Land To The Rear Of The Rosery, Valebridge Road, Burgess Hill, West Sussex, RH15 0RT (page 26)**

Planning Applications WITHIN the South Downs National Park

- 8 SDNP/16/05778/FUL - Hanover House, Timberyard Lane, Lewes, BN7 2AU (page 57)**

Non-Planning Application Related Items

- 9 Outcome of Appeal Decisions from 30 January - 27th February 2017 (page 77)**
To receive the Report of the Director of Service Delivery (Report No 56/17 herewith).
- 10 Outcome of Appeal Decisions from 27th February - 17th March 2017 - (page 85)**
To receive the Report of the Director of Service Delivery (Report No 67/17 herewith).
- 11 Date of Next Meeting**
To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 26 April 2017 in the Council Chamber, County Hall, St Annes Crescent, Lewes commencing at 5:00pm.

For further information about items appearing on this Agenda, please contact Jen Suh at Southover House, Southover Road, Lewes, East Sussex BN7 1AB (Tel: 01273 471600) or email jen.suh@lewes.gov.uk

Distribution: Councillor S Davy (Chair), G Amy, S Catlin, P Gardiner, T Jones, D Neave, V Ient, T Rowell, J Sheppard, R Turner and L Wallraven

NOTES

If Members have any questions or wish to discuss aspects of an application prior to the meeting they are requested to contact the Case Officer.

Applications, including plans and letters of representation, will be available for Members' inspection on the day of the meeting from 4.30pm in the Council Chamber, County Hall, Lewes.

There will be an opportunity for members of the public to speak on the application on this agenda where they have registered their interest by 12noon on the day before the meeting.

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

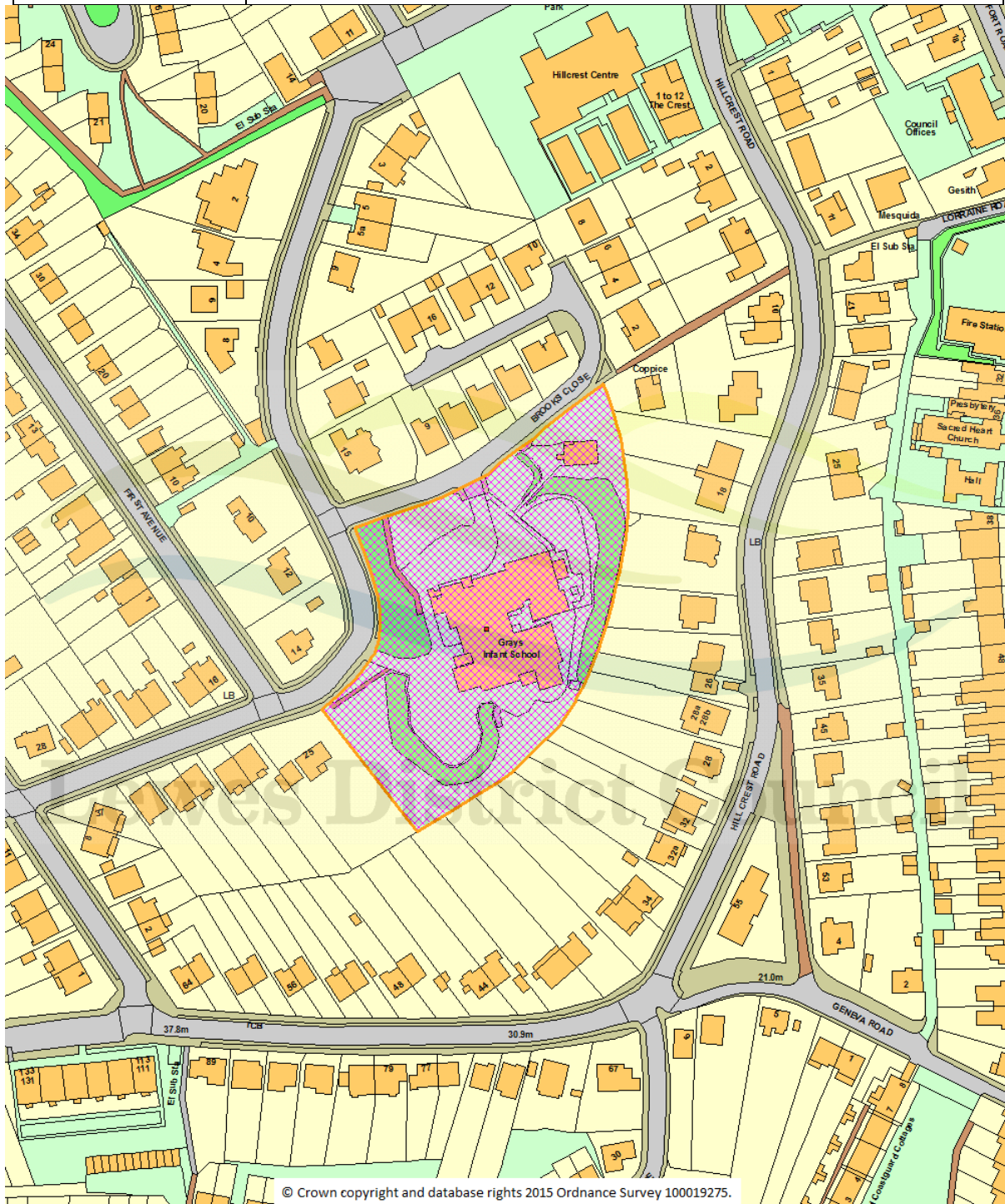
The two statutory purposes of the South Downs National Park designations are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas
- 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.

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APPLICATION NUMBER:	LW/16/0542	ITEM NUMBER:	6
APPLICANTS NAME(S):	Cayuga 001 Ltd	PARISH / WARD:	Newhaven / Newhaven Denton & Meeching
PROPOSAL:	Redevelopment to provide 31 dwelling houses (25 open market houses and 6 affordable)		
SITE ADDRESS:	Former School Site Western Road Newhaven East Sussex BN9 9ED		
GRID REF:	TQ 44 00		



1. SITE DESCRIPTION / PROPOSAL

SITE DESCRIPTION

- 1.1 The application site lies on the western side of Newhaven approximately 500m from the town centre. The site is located on the south-eastern side of Western Road and is bounded to the north by Brooks Close. The area is predominantly residential and comprises in the majority two storey dwellings.
- 1.2 The application site has an area of some 8243 square metres (0.82ha) and was formerly used as a school known as Grays Infants and Nursery School. The single storey flat-roofed school buildings remain in situ towards the middle of the site and they are falling into a dilapidated condition. There is a car park and vehicular access off Brooks Close and a children's playground to the south-west side of the school buildings.
- 1.3 The school is understood to have closed in 2014, East Sussex County Council determining that it was surplus to requirements and that a new Primary Academy, which opened in 2015, would take up the capacity. The new school is on Church Hill, not far from the application site.
- 1.4 Ground levels slope sharply downwards along the eastern boundary of the site, backing onto properties further down the hillside in Hillcrest Road. Ground levels also rise in a westerly direction and there is a raised bank on the south-west boundary of the site, rising to the level of the neighbouring house, 25 Western Road.
- 1.5 There are 13 individual protected trees within the application site (TPO No. 6 of 2003) along with three groups of protected trees (G1-G3) containing Sycamore, Birch, Beech, Corsican Pine and a large Wych Elm.

PROPOSAL

- 1.6 The application seeks full planning permission for the demolition of the school buildings and the redevelopment of the site with 31 houses.
- 1.7 The housing mix will be 24 x 3-bed units; 6 x 4-bed units; and 1 x 2-bed units.
- 1.8 Six of the houses will be affordable because the applicant has used the Government's Vacant Building Credit scheme to off-set the floor area of the existing school buildings to be demolished against the 40% affordable housing requirement.
- 1.9 The houses will be a mixture of detached and semi-detached properties with a contemporary design which draws on elements of traditional form, including the pitched roofs and integral garages. The palette of external materials and finishes includes red brick/red brick with raced joints; Cedral Lap Weatherboard; Timber and aluminium composite windows; Metal balconies; and Timber doors.
- 1.10 With the exception of plot 27 which will have 1 off-street car parking space, each new house will have 2 off-street car parking spaces making a total of 62 for the development as a whole. Secure and covered cycle parking facilities are proposed within the back gardens to the properties and each will have a first floor level balcony on the rear elevation.

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: – CP11 – Built and Historic Environment & Design

LDLP: – CP13 – Sustainable Travel

3. PLANNING HISTORY

P/63/0035 - Outline for demolition of existing house and erection of 22 dwellings with garages. - **Refused**

P/63/0071 - Outline for the erection of 18 dwellings with garages. - **Refused**

P/63/0147 - Outline for demolition and erection of 20 dwellings. – **Approved**

P/64/0145 - Change of use to educational purposes. ESCC Deemed Permission - **No Objection**

LW/91/0580 - Alterations & extensions; 3 new classrooms & ancillary accommodation; library & storage; office & toilets; new playground & path; additional car parking & other landscaping - **Approved**

LW/09/0158 - Installation of a cycle shelter to the northern boundary - **Approved**

TW/12/0014/TPO - Beech (T14 of the Order - Crown lift; Corsican Pine (Nos. T12, T11, T9, T10, T8, T7 and T6 of the Order) - remove major deadwood; Sycamore (T4 of the Order) - remove deadwood; Scots Pine (T3 of the Order) - remove deadwood and crown lift; Sycamore (G1 of the Order) - fell; 2 x Sycamore (G2 of the Order - remove deadwood; Wych Elm (T1 of the Order) - reduce and reshape crown by 2.5-3m; Sycamore group (G3 of the Order) - crown lift and remove deadwood - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1. **British Telecom** – No objection

4.2. **Main Town Or Parish Council** – Objection

- Over development of the site
- Design of houses is out of keeping with surrounding house types
- Concerns over safety of vehicular access onto Western Road

- Concerns that parking provision is inadequate
- Overlooking of neighbouring properties particularly in Brooks Close
- Loss of protected trees particularly the large, well-known Elm
- Loss of flora and fauna
- Concerns whether the main sewer is adequate to cope with the additional houses
- Surface drainage – the effect of concreting over so much of the site on rainwater drainage
- Concerns about the effect on neighbouring properties of the construction works and the demolition of the old school
- An ecological survey is required to identify protected species and for a second opinion as to the Wych Elm on site, which is highly valued by the local community

4.3. Housing Strategy –

4.3.1 The mix of dwellings appears to have a relatively high proportion of 3 bed houses. We would normally like to see a considerably higher proportion of 2 bedroom dwellings in line with the needs of the District.

4.3.2 Affordable Housing Contribution

4.3.3 The affordable housing contribution is currently 12.8 units at 40% but off-setting the floor area of the existing buildings against that of the proposed houses under the Vacant Building Credit gives a reduction of 52% x 12.8 = 6.72 [taking into account the Vacant Building Credit].

4.3.4 The new affordable housing contribution sought with vacant building credit applied would be 6.72 units (rather than the previous 12.8 units at 40%).

4.3.5 After the 6 affordable units are provided on site a financial contribution would be sought for the additional 0.72 units.

4.3.6 Commuted Sum

4.3.7 Newhaven is in the Low Value Market Area. The Contribution per square metre for a 3 bedroom house in the Low Value Market Area is £908.19. So: 0.72 units x 98 sq m x £908.19 = **£64,081.89**.

4.3.8 The methodology for calculating the commuted sums can be found in the [New Affordable Housing Policy Guidance](#) consultation document. The second round of consultation ended on Thursday 2 March.

4.4 **Natural England** – No objection

4.4.1 Natural England does not consider that this application poses any likely or significant risk to those features of the natural environment for which it would otherwise provide a more detailed consultation response and so does not wish to make specific comment on the details of this consultation.

4.5 **ESCC Highways** – No objection

4.5.1 1. Access/Visibility

Visibility splays of 2.4 metres x 37 metres to the east and 34 metres to the west should be provided at the proposed junction of the main access onto Western Road.

- 4.5.2 It is also noted that this plan shows the proposed hedges fronting Western Road and Brooks Close to plots 28, 29,30,31,32,21,1,2,3,4 and 5 and alongside the internal access road between plots 27 & 28 would be positioned such that they would affect the visibility at both the 2 main access points to the site and at private access points. It should be noted that where there is a public footway hedges within visibility splays need to be no higher than 600mm.
- 4.5.3 2. Road Layout/Parking/Tracking
The new internal access road layout is not conducive to forming part of the adopted public highway and would therefore remain private but should still be built to adoptable standards.
- 4.5.4 3. Existing Pedestrian Accesses
There are two existing pedestrian access points to this site, together with associated pedestrian guard railings, onto Western Road. These access points would need to be closed off as necessary and the guard railings removed at the applicant's expense.
- 4.5.5 The former school keep clear markings on Western Road have been removed when the road was recently resurfaced. However, the school keep clear markings in Brooks Close would need to be removed and the existing Traffic Regulation Order amended accordingly.
- 4.5.6 The former school keep clear markings on Western Road would need to be replaced with parking restrictions and new parking restrictions to be considered at the junctions of the proposed site accesses at their junctions with both Brooks Close and Western Road. A £5,000 contribution would be required towards the TRO process.
- 4.5.7 4. Pedestrian Connections The existing footways on the southern side of Brooks Close and on the western side of Western Road along the whole off the site boundary need to be widened to 2 metres. The provision of dropped kerbs and tactile paving are also required across both of the two main accesses to the site and across Brooks Close at its junction with Western Road.

4.6 Environmental Health – No objection

- 4.6.1 Noise: The proposed development site is located in a residential area with residential dwellings bordering the site on all sides. There are no major roads or other transport sources immediately adjacent to the site and there do not appear to be any other noise generating sources close enough to the site to present a potential risk of adverse impact on the proposed development.
- 4.6.2 Air Quality: The development site is not situated within the Air Quality Management Area (AQMA) in Newhaven, although it is located close to the AQMA, and given the number of dwellings proposed, air quality does need to be considered.
- 4.6.3 The transport report accompanying the planning application indicates that there will be a reduction in car movements with the new development, compared with the levels when the school was in operation.
- 4.6.4 This information suggests that a full air quality assessment may not be required, however, given the close proximity to the AQMA, it is advisable that an emissions mitigation assessment is carried out, to assess the local emissions and determine

the appropriate level of mitigation required. This requirement should be conditioned should permission be granted.

4.6.5 Contaminated Land: No objection

4.6.6 Due to the residential setting of the proposed development, and in order to limit the impact on existing nearby residents during the construction phase, the following conditions are recommended: Construction Environmental Management Plan (CEMP); Wheel Cleaning Facility; and Construction and delivery hours.

4.6.7 Due to the age of the buildings there is potential for localised contamination in areas which may have housed boilers or oil tanks for heating (including in the bungalow in the north east), as well as the potential for other harmful materials such as asbestos to be present in made ground and soils beneath the site. Contamination is not anticipated to be either significant or widespread, however based on the sensitive nature of the development we recommend the following conditions in relation to contamination: full contaminated land condition; verification report; and unsuspected contamination.

4.7 Trees and Landscape –

4.7.1 The following comments take into consideration changes to the layout and soft landscaping. The revised scheme appears to adequately reflect the changes outlined in our meeting with the applicants and their agents.

4.7.2 The scheme will result in the loss of trees subject to the above Order. The tree survey plan, which shows some trees to be retained, has now been superseded. The layout plans should be referred to determine which trees are to be removed.

4.7.3 The scheme shows the majority of the protected tree stock will be removed as part of the development proposal. Of those retained, for example the Sycamore trees in G1 of the Order, these will be under pressure from future occupants to lop, top or remove trees to allay fear of wind-throw, branch shedding episodes and because of low light levels to the house and small domestic garden areas. The issue of heavy shade and branch encroachment will be partially dealt with via a combination of the topography of the site and pruning interventions. Nonetheless, where heavy shade remains, for example trees located in G1 of the Order, pressure will be brought to bear to allow lopping, topping or otherwise complete removal from future occupants on the grounds that the trees will continue to have a significant impact on the reasonable use and enjoyment of the property.

4.7.4 The specimen tree planting is considered to be broadly acceptable. The installation of 'native hedge planting' is also considered to be acceptable but the landscape master plan should be referred to for other soft landscaping such as hedge planting, and grass and turf laying.

4.7.5 The use of reinforced 'grass mesh' to lessen the visual impact of the hard standing areas is acceptable in terms of lessening the visual impact of large areas of hard surfacing.

4.7.6 The Landscape Management & Maintenance Plan needs updating to take into consideration the changes and revisions to date – this may just require the plan to be updated.

4.7.7 **Update Comments 13 March 2017:** The Wych Elm (T1 of the Order) was found to have succumbed to wind-throw and is scheduled to be completely removed.

4.8 **ESCC SUDS** – No objection

4.8.1 The County Council as the LLFA concludes that the proposal for managing surface water runoff from the development is acceptable in principle.

4.8.2 If the Local Planning Authority is minded to grant planning permission, the LLFA requests conditions to ensure surface water runoff from the development is managed safely.

4.9 **Sussex Police** – No objection

4.9.1 In general terms the proposed layout and design is supported, whereby all dwellings are outward facing to allow overlooking and good natural surveillance of the road and footpath network. Good provision has been made for car parking, either in garages or within the curtilage of the dwellings, with similar arrangements for secure cycle storage. Each dwelling should have a secure rear garden that is adequately protected with fencing and gates.

4.10 **Southern Water** – No objection

4.10.1 Initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

4.10.2 It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order:

- a) Adequate soak-away or infiltration system
- b) Water course
- c) Where neither of the above is practicable, sewer.

4.10.3 The planning application makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation, SUDS rely upon facilities which cannot be adopted by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities.

4.10.4 Should the application be approved, the following condition is recommended:
“Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the local planning authority in consultation with Southern Water.”

4.11 **Southern Gas Networks** – No objection

4.11.1 Standard letter providing gas pipe and mains advice.

5 REPRESENTATIONS FROM LOCAL RESIDENTS

Representations have been received from 10, 11, 12, 15 and 25 Western Road; 51 South Road; 32 First Avenue; Coppice, 1 and 6 Brooks Close; 14, 16, 20, 24, 32A and 159 Hill Crest Road, objecting to the application for the following reasons:-

- Out of character
- High density
- Loss of space
- Out of keeping with surroundings
- Poor design and layout
- Intrusive
- Over development
- Loss of trees including Wych Elm, which is subject to a Tree Preservation Order
- Impact on biodiversity
- Overbearing building/structure
- Conservation Significance
- Contextual significance
- Loss of amenity
- Loss of light
- Overshadowing
- Overlooking, loss of privacy
- Noise and disturbance
- Smells/fumes
- Light pollution
- Dust and contamination
- Asbestos content
- Inadequate access
- Parking issues
- Traffic generation
- Traffic on A259
- Garages too small
- Highway hazards
- Paths not wide enough for all users
- Drainage
- Main sewer/drainage discharge
- Flooding
- Lack of infrastructure
- Not sustainable
- Inadequate local facilities
- Insufficient information
- Bequeath/covenant from Doctor Gray for the land/property to be used for the eternal education and betterment of the children and peoples of this area.
- Shortage of schools places
- Contrary to policy
- Effect on wildlife

6 PLANNING CONSIDERATIONS

6.1 The main considerations in the determination of this application include the principle of development; affordable housing; design and appearance; impact on neighbour amenity; impact on protected trees; and accessibility and sustainable transport.

Principle of development

6.2 The application site was formerly a primary school and was closed by East Sussex County Council in September 2014 because it was surplus to requirements. Replacement provision has been made in a new Primary Academy known as Harbour Primary & Nursery School, which is a short distance from the application site. East Sussex County Council has advised as follows:-

"Grays Infant School amalgamated with Southdown Junior School on 1 January 2013 to create Harbour Primary School, initially operating from two sites (Western Road and Church Hill). The school subsequently moved wholly on to the Church Hill site, leading to the site on Western Road being declared surplus to requirements.

High Cliff Academy (formerly known as Newhaven Primary Academy) opened on 1 September 2015 on Southdown Road in response to an increasing demand for primary places in Newhaven."

6.3 The former school is therefore surplus to requirements and has not been used for approximately two years and the release of the land for housing is considered acceptable in principle.

6.4 Spatial Policy 2 of the Joint Core Strategy "Distribution of Housing" states that excluding site allocations, a minimum of 425 residential units are required in Newhaven over the plan period up to 2030.

6.5 The application site is within the Planning Boundary of Newhaven and the proposal will re-use this now redundant site for housing. This is considered to be appropriate in-fill development on previously developed land, which is in a predominantly residential area of the town.

6.6 In principle the development of the site with housing is acceptable and will help to meet the demand for housing in the District.

Affordable housing

6.7 The application seeks planning permission for 31 residential units and as such the 40% affordable housing requirement set out in Core Policy 1 of the Joint Core Strategy applies.

6.8 In May 2016 the Government published "*vacant building credit*" guidelines which states that in order to encourage the re-development of brownfield sites as set out in paragraph 51 of the National Planning Policy Framework (NPPF), it is possible to off-set the floor area of existing buildings with the floor area of the proposed development and to reduce the affordable housing requirement proportionally.

6.9 The affordable housing requirement is therefore 52% of the full 40% required by Core Policy 1, meaning that in this instance 6.72 affordable homes should be provided on site as opposed to 12.8, which would be the full 40% requirement. The applicant proposes 6 affordable housing units on site and a financial contribution to cover the remaining 0.72

to be used for affordable housing provision off-site. This is considered to be acceptable and the applicant has agreed to such provision.

Design and appearance

6.10 The proposed layout features vehicular access points off Brooks Close and Western Road with the road forming a curve through the site. A secondary road behind plots 28-31 will provide access to the parking spaces for those properties. The hard surfaces will be porous and comprise grass/gravel mesh and hydropave setts. There will be six property types, each following a similar form and style with two mono-pitched roofs sloping from front to back in opposing directions and a secluded terrace at first floor level on the rear elevations.

6.11 The palette of external materials and finishes includes red brick walls, parts of which will have 'racked joints' to add visual interest; single ply roof membrane; grey cedar lap weatherboard; grey composite framed windows; and small areas of metalwork detailing (such as the balcony balustrades) and flashing (to the edges of the roofs for example) to match the windows.

6.12 Four of the property types will be two storeys in height (2-bed Type A, 3-bed Type A, 3-bed Type D and 3-bed Type G). Property type 3-bed Type E/C will be three storeys in height at the front and two storeys at the rear, due to the changes in ground levels within the site. The 4-bed Type A properties, of which there will be six, will be three storeys in height front and rear.

6.13 The scale, layout and spatial characteristics of the proposed development are considered to be appropriate in this predominantly residential location and the amount of development together with the size of the site has the capacity to accommodate the modern and contemporary styling of the dwellings without appearing unduly incongruous or harmful to visual amenity. The standard of design is of a high quality and the proposals should serve to enhance the street scene whilst also providing much needed housing, including affordable housing.

Amenity

6.14 The proposed development has been designed so that each dwelling will provide a satisfactory standard of accommodation for future occupiers, including back gardens and rear roof terraces that are stepped back so as to prevent overlooking into the adjoining or neighbouring house. Within the site the separation distances and spaces between the dwellings are considered to preclude undue overlooking, loss of light or an overbearing impact.

6.15 The comments received from neighbours are acknowledged and it is noted that residents in Brooks Close including those whose properties back onto the street, consider they will be overlooked by the new houses. Plots 1-5 are to front Brooks Close, but they will be set back from the street by between 5.5m and 8.7m. The properties in Brooks Close are at lower level to the application site and will be at least 21m from the new houses. This is a sufficient separation distance and refusal of planning permission based on overlooking between these properties would be difficult to substantiate, particularly as there is a public highway between the buildings as well.

6.16 The new house at Plot 1 will be 16m from the neighbouring property further down the hillside, Coppice, and on the opposite side of the application site, Plots 15-18 will be at least 15m from the flank elevation of 25 Western Road. These factors indicate that the

new houses will not give rise to undue overlooking or overshadowing of neighbouring homes.

Accessibility and sustainable transport

6.17 The application site is a 450m walk from Newhaven town centre, 400m from the nearest bus stop along the A259 and 190m from the Compass Travel 145 bus stop at the end of Second Avenue. The site is also 1100m from Newhaven Town mainline railway station, less than a 15 minute walk. For these reasons the application site has reasonable levels of accessibility to alternative modes of transport to the private car and is in a sustainable location in terms of access to shops, facilities and services within the town.

6.18 The scheme also proposes to provide 2 off-street car parking spaces for each dwelling by way of surface car parking and garages. Neighbour representations in respect of parking are acknowledged and this is a sensitive issue. It is recommended that should permission be granted a condition is imposed to ensure the garages are used only for the parking of private motor vehicles and not as storage or converted to additional habitable accommodation for example, as this would lead to increased car parking on the surrounding streets.

6.19 The Highway Authority has confirmed that adequate visibility can be achieved at both vehicular access points onto Brooks Close and Western Road, but the pedestrian openings to the properties fronting these streets should be reduced in width to 1.5m in order to prevent opportunist car parking. This minor amendment to the proposed layout can be controlled by imposing a condition accordingly.

6.20 The Highway Authority advises that the block paving to the streets at the junctions with Brooks Close and Western Road will not be acceptable and should be tarmac. The hedges at these junctions will also need to be set back from the road by 1m and kept at a height of 600mm or lower so as not to obscure visibility. This can be secured by imposing a condition in the event approval is granted.

6.21 The "School - Keep Clear" markings on the road in Brooks Close will need to be removed and parking restriction markings put along Western Road. The applicant is required to pay a commuted sum of £5,000 to go towards the Traffic Regulation Order (TRO) process and this should be secured by way of a S106 Agreement.

6.22 The proposals also include improvements to the existing public footways and provision of new dropped kerbs and tactile paving across Brooks Close at its junction with Western Road, which again will need to be secured by way of a S106 Agreement. In addition the footways along the southern side of Brooks Close and the eastern side of Western Road should be increased in width to 2m, and at least 1.2m, in order to be accessible for less able people and those with pushchairs.

Impact on protected trees

6.23 The application site contains 13 protected trees and three groups of trees which are covered by Tree Preservation Order No. 6 of 2003.

6.24 T1 of the preservation order is a Wych Elm tree which is a large tree of over 100 years old and is located in the north-eastern part of the application site. This was identified as being potentially dangerous in the Arboricultural Assessment submitted with the application and in March suffered wind throw during strong winds and will now have to be removed from the site for safety reasons.

6.25 Other individually protected trees include mostly Corsican Pine along with Sycamore, Beech and Scots Pine. Five of these trees are reported as being either in a dangerous condition or having a very limited remaining safe lifespan.

6.26 There are also three protected groups of trees on site:

- G1 comprises 9 Sycamore and 1 Beech. This is located in the south-eastern corner of the site along the boundary to the back gardens of properties in Hillcrest Road.
- G2 comprises 8 Sycamore trees arranged in a row next to the boundary with 25 Western Road.
- G3 is 4 Sycamore trees next to Brooks Close.

6.27 The trees within the site are the results of various landscaping schemes over many decades.

6.28 Of the 24 individual trees and 3 groups of trees proposed to be removed only 4 individual trees and 1 group fall into BS category B, meaning that the majority of trees to be removed are of limited visual amenity value or of limited lifespan.

6.29 The loss of these trees should be considered against the need for housing in the district and the contribution that the proposed development will make towards housing provision. Furthermore there are mitigating factors including the retention of trees along the eastern and southern boundaries of the application site along with the proposed landscaping plan which includes new tree planting marking the junctions with Brooks Close and Western Road, and providing tree planting around the edges of the site including the north-westerly corner, which on the approach up Western Road is prominent. The landscape plan will go some way to maintaining the sylvan character of the site perimeter and thereby maintain a relatively green appearance in the wider street scene.

6.30 Some of the trees along the easterly boundary to the application site, including G7 and G30, which are to be retained, have crowns which are close to the rear elevation of the proposed dwellings at Plots 1, 11, 12, 13 and 14, and the Trees/Landscape consultee has raised this as a potential issue as pressure may be brought to bear by future residents for the removal of these trees due to overshadowing and the impact of sap.

6.31 To these trees the Arboricultural Assessment submitted with the application puts forward tree surgery requirements including reducing the crowns back and raising the crowns. This will not significantly affect the amenity value of the trees. Trees can also be important for family orientated units to avoid the over-exposure of children to the sun while playing in the garden.

6.32 In view of the relatively small number of properties to be affected by this issue, and taking into consideration the proposed crown lifting and reduction being proposed, it is considered that future occupiers' standard of living accommodation will not necessarily be adversely affected by the presence of these remaining trees. Any future applications for removal of these trees by new residents will need to be assessed on their merits at that time.

Community Infrastructure Levy

6.33 The development will attract a Community Infrastructure Levy (CIL) liability to fund infrastructure including:

Education facilities projects

- Transport schemes other than site-specific access improvements
- Police and emergency services facilities
- Community facilities projects
- Green infrastructure other than site-specific improvements or mitigation measures

S106 Agreement - Heads of Terms

- Six affordable housing units to be provided on-site.
- A commuted sum of £64,081.89 to be made for off-site provision of the remaining 0.72 affordable housing units.
- Amendments to the Traffic Regulation Order (£5000.00)
- Removal of pedestrian guard railings and new dropped kerbs/tactile paving across Brooks Close at its junction with Western Road and across the access points onto Brooks Close and Western Road.

7 RECOMMENDATION

The application is recommended for approval, subject to the completion of a S106 Agreement to secure the affordable housing element of the scheme, amendments to the TRO and improvements to the pedestrian network connecting the site.

The application is subject to the following conditions:

1. No development shall take place until details/samples of all external materials and finishes to be used in the construction of the development hereby permitted 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/samples.

Reason: To ensure a satisfactory appearance to the development in keeping with the locality having regard to retained policy ST3 and 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.

2. No development shall take place until full details of the existing and proposed ground levels within the site, together with the eaves and ridge heights of the approved development, and details of the ground levels, eaves and ridge heights of the existing buildings on land adjoining the site, to include 25 Western Road; 1 - 9 Brooks Close; and Coppice, Brooks Close, by means of spot heights and cross-sections to OS Datum, have been submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented and completed in accordance with the approved level details.

Reason: In the interests of visual amenity, neighbour amenity and to ensure a satisfactory appearance to the development in accordance with retained policy ST3 and Core Policy 11 of the Lewes District Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

3. No development shall take place 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, to include the boundary treatment/hedges fronting plots 1, 2, 3, 4, 5, 21, 28, 29, 30, 31 and 32. The boundary treatment shall be completed in accordance with the approved

details prior to the occupation of the dwelling units hereby permitted and retained as such thereafter.

Reason: To enhance the general appearance of the development and in the interests of road safety 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.

4. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the first occupation of the new dwelling units hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the general appearance of the development having regard to retained policy ST3 and 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.

5. Prior to any demolition or site clearance works necessary to implement the development hereby approved, until a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority. The CEMP shall provide for:

- the size of vehicles (contractors and deliveries);
- the routing of vehicles (contractors and deliveries) and traffic management (to allow safe access and turning for construction vehicles);
- contractors' parking and Travel Plan;
- temporary site-security fencing;
- lighting;
- measures to control the emission of dust and dirt during construction;
- loading and unloading of plant and materials;
- storage of plant and materials used during construction;
- the location of any site huts/cabins/offices.

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 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.

6. No development shall take place until details of a Wheel Cleaning Facility have been submitted to and approved in writing by the Planning Authority. The approved facilities shall be installed at the site prior to the commencement of construction work and shall be maintained in full and effective working order at all times and available for use throughout the period of construction works and shall be used by any vehicle carrying mud, dust or other debris on its wheels before leaving the site and re-entering the public highway.

Reason: In the interests of the residential amenities of the neighbours and highway safety, having regard to retained policy ST3 and Core Policy 13 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.

7. Prior to the occupation of the residential units hereby permitted, full details of the facilities for secure cycle storage shall be submitted to and approved in writing by the local planning authority. Each cycle parking facility shall provide Sheffield type stands allowing for secure storage of cycles by frame and wheel, together with details of a canopy or shelter over each cycle parking facility. The development shall be implemented in accordance with the approved

details and the cycle parking facilities shall be retained thereafter for the use of residents of, and visitors to the development.

Reason: In order to encourage the use of sustainable transport and minimise dependence on private car use in the interests of the environment and the amenity of the area in accordance with Core Policy 13 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to National Planning Guidance contained in the National Planning Policy Framework 2012.

8. 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 site investigation scheme based on the submitted Phase 1 Desk Study Report (carried out by Phlorum Limited and dated January 2016) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2. The site investigation results and the detailed risk assessment (1) 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.

3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) 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 in accordance with Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 120 and 121].

9. Prior to the first residential occupation of any part of the development hereby permitted, 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 in accordance with Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with National Planning Policy Framework, sections 120 and 121].

10. No development shall take place until details of the means of providing surface water drainage, to include an assessment of the hydrological and hydrogeological context of the development, system and including :

1. Details of the existing surface water management including the connection to the wider drainage network and existing peak discharge rate.
2. A demonstration using the relevant hydraulic calculations of how the proposed drainage is expected to function during a critical storm duration for a number of rainfall events such as event with an annual probability of 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change). These calculations should also show a "like for like" discharge from the site during the existing and proposed scenarios.
3. Evidence that the different proposed surface water attenuation measures can be connected using a gravity connection, allowing water to be conveyed safely from each structure until it reaches the outfall.
4. Confirmation of the proposed maintenance arrangements for the surface water drainage system through the lifetime of the development,

Reasons: In the interests of amenity and because contamination may be present at the site as a result of its historical uses and may be mobilised by the approved development, thereby posing a risk, and in accordance with Core Policies 12 and 13 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, in particular paragraph 109.

11. The residential units hereby approved shall not be occupied until the parking areas and garages have been provided in accordance with the approved plans and shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles used by occupants of and visitors to the development hereby permitted.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, and in the interests of safeguarding amenity 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 2012.

12. No development shall take place until details of the proposed surface water drainage to prevent the discharge of surface water from the application site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site, shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority and the Lead Local Flood Authority. The works shall be carried out in accordance with the approved details prior to the first occupation of the development and retained as such thereafter unless otherwise agreed in writing.

Reason: In the interests of highway safety and to manage flood risk in accordance with Core Policies 12 and 13 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.

13. The residential units hereby permitted shall not be occupied until turning spaces for vehicles have been provided and constructed in accordance with the approved plans and the turning spaces shall thereafter be retained for that use and shall not be used for any other purpose;

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to retained policy ST3 and Core Policy 13 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.

14. A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the residential units hereby permitted. The landscape management plans shall be carried out as approved and maintained as such unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity, neighbour amenity and to ensure a satisfactory appearance to the development in accordance with retained policy ST3 and Core Policy 11 of the Lewes District Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

15. The residential units hereby approved shall not 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: To secure satisfactory standards of access for the proposed development and in the interests of safeguarding amenity 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 2012.

16. The residential units hereby approved shall not be occupied until such time as the vehicular accesses onto Brooks Close and Western Road have been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in the interests of safeguarding amenity 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 2012.

17. The residential units hereby approved shall not be occupied until such time as any redundant sections of the two existing vehicular accesses onto Brooks Close and Western Road have been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and in the interests of safeguarding amenity 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 2012.

18. The residential units hereby approved shall not be occupied until visibility splays of 2.4metres by 37 metres to the east and 34 metres have been provided at the proposed site vehicular access onto Western Road [UC5286] in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

Reason: In the interests of highway safety and in the interests of safeguarding amenity 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 2012.

19. The residential units hereby approved shall not be occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular accesses for plots 1,2,3,4,5 and 32 onto Brooks Close in accordance with plans and details

submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 600mm.

Reason: In the interests of highway safety and in the interests of safeguarding amenity 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 2012.

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

Reason: In the interests of highway safety and in the interests of safeguarding amenity 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 2012.

21. No development shall be commenced until such time as revisions to an existing Traffic Regulation Order securing the removal of existing school keep clear markings and provision of parking restrictions along Western Road in the vicinity of the site has been approved by the County Council in writing and written confirmation of this approval has been made available to the Local Planning Authority.

Reason: In the interests of highway safety and in the interests of safeguarding amenity 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 2012.

22. Construction work and deliveries in association with the development hereby permitted shall be restricted to between the hours of 0800 and 1800 Mondays to Fridays and from 0830 until 1300 on Saturdays. No works in association with the development hereby permitted shall be carried out at any time on Sundays or on Bank/Statutory Holidays.

Reason: In the interests of the residential amenities of the neighbours having regard to policy ST3 of the Lewes District Local Plan, policy CP11 of Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

23. 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 Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy, and the National Planning Policy Framework.

24. 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 as described in Schedule 2, Part 1, Classes A, B, C, D and E, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing in an application on that behalf.

Reason: Further extensions, alterations and a more intensive development of the site would be likely to adversely affect the appearance and character of the development, the area and neighbour amenity, having regard to retained policies ST3 and RES13 and 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.

25. The approved tree protection measures and method statements submitted in support of the application (see Arboricultural Implications Assessment J52.71) shall be adhered to in full in accordance with the approved plans and may only be modified subject to written agreement from the planning authority. 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.

Reason: In the interests of visual amenity, neighbour amenity and to ensure a satisfactory appearance to the development in accordance with retained policy ST3 and Core Policy 11 of the Lewes District Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

26. 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 5 years from the date of the occupation of the final dwelling 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: In the interests of visual amenity, neighbour amenity and to ensure a satisfactory appearance to the development in accordance with retained policy ST3 and Core Policy 11 of the Lewes District Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

27. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a phasing programme to be submitted to and approved in writing with the Local Planning Authority. The landscape works shall be retained as such thereafter.

Reason: In the interests of visual amenity, neighbour amenity and to ensure a satisfactory appearance to the development in accordance with retained policy ST3 and Core Policy 11 of the Lewes District Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

28. In the event of the death or destruction of any tree, shrub or hedge, to which Condition 26 relates, within 5 years of the residential occupation of each dwelling, due to felling, cutting down, uprooting, ill health or any other manner, then there shall be replanted in its place another tree, shrub or hedge in the first suitable planting season, of a size and species to be submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with that approval.

Reason: In the interests of visual amenity, neighbour amenity and to ensure a satisfactory appearance to the development in accordance with retained policy ST3 and Core Policy 11 of the Lewes District Joint Core Strategy, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

INFORMATIVE(S)

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

2. The 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.

3. The off-site works to the highway (tactile paving, removal of pedestrian guard rails etc.) will need to be carried out under the appropriate Licence from the highway authority. The applicant should contact East Sussex County Council on 01273 482254 in order to apply for a Licence/agreement to ensure the construction is to an acceptable standard.

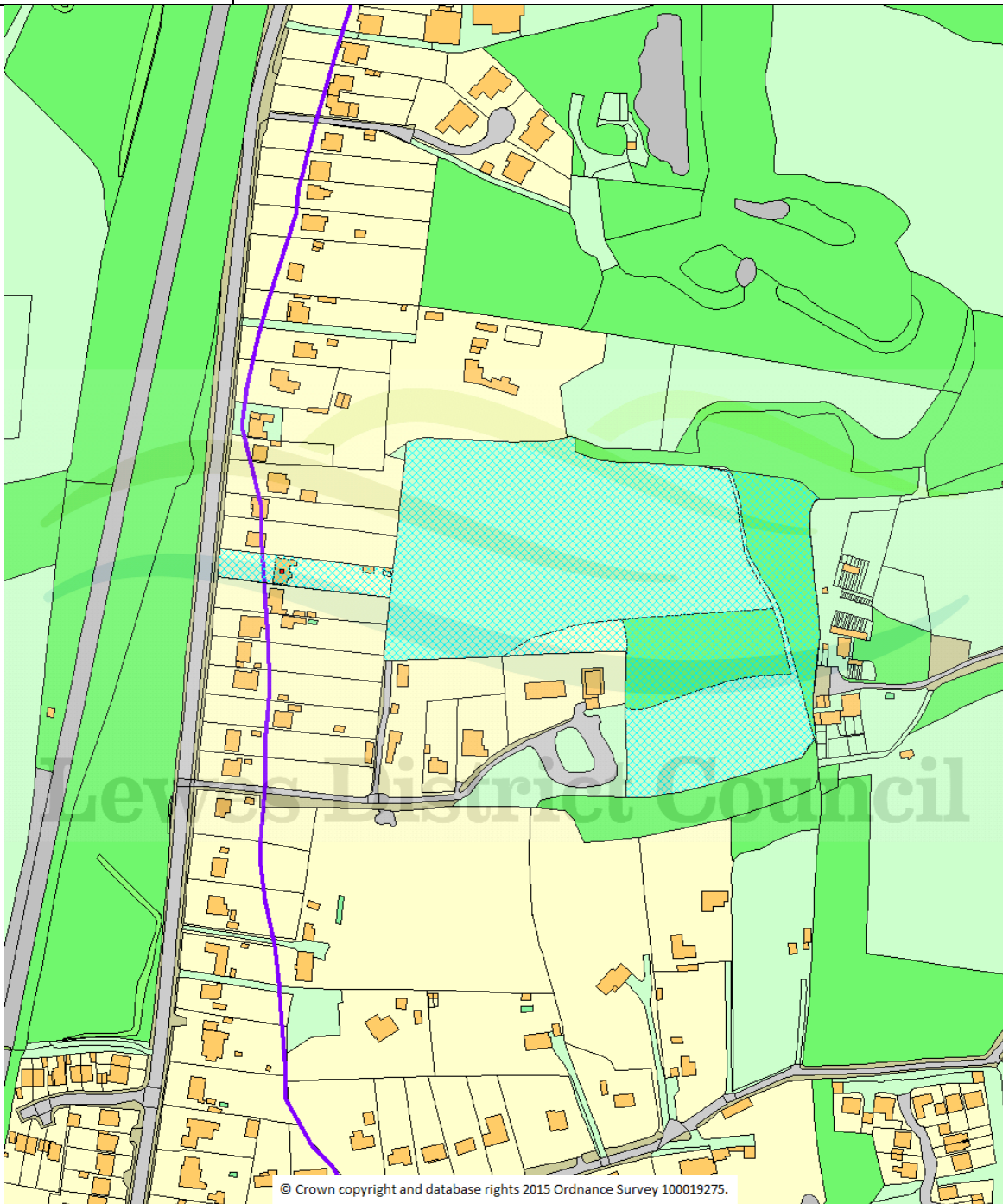
4. The vehicular accesses shall have maximum gradients of 2.5% (1 in 40) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	20 January 2017	85386-01-A-06-LOC-001 REVISION 1
Existing Block Plan	20 January 2017	85386-01-A-06-LOC-002 REVISION 1
Proposed Block Plan	20 January 2017	85386-01-A-06-SIT-501 REVISION 7
Proposed Block Plan	21 February 2017	85386-01-A-06-SIT-502 REVISION 9
Proposed Block Plan	20 January 2017	85386-01-A-06-SIT-503 REVISION 7
Street Scene	20 January 2017	85386-01-A-06-ELE-200 REVISION 6
Street Scene	20 January 2017	85386-01-A-06-ELE-201 REVISION 7
Proposed Floor Plan(s)	20 January 2017	85386-01-A-06-3B.A-100 REV 2
Proposed Elevation(s)	20 January 2017	85386-01-A-06-3B.A-200 REV 2
Proposed Section(s)	20 January 2017	85386-01-A-06-3B.A-200 REV 2
Proposed Floor Plan(s)	20 January 2017	85386-01-A-06-2BA-100 REVISION 1
Proposed Elevation(s)	20 January 2017	85386-01-A-06-2BA-200 REVISION 1
Proposed Section(s)	20 January 2017	85386-01-A-06-2BA-200 REVISION 1
Proposed Floor Plan(s)	20 January 2017	85386-01-A-06-3B.D-100 REV 2

Proposed Elevation(s)	20 January 2017	85386-01-A-06-3B.D-200 REV 2
Proposed Section(s)	20 January 2017	85386-01-A-06-3B.D-200 REV 2
Proposed Floor Plan(s)	20 January 2017	85386-01-A-06-3B.E/C-100 REV 2
Proposed Elevation(s)	20 January 2017	85386-01-A-06-3B.E/C-200 REV 2
Proposed Section(s)	20 January 2017	85386-01-A-06-3B.E/C-200 REV 2
Proposed Floor Plan(s)	20 January 2017	85386-01-A-06-3B.G-100 REV 2
Proposed Elevation(s)	20 January 2017	85386-01-A-06-3B.G-200 REV 2
Proposed Section(s)	20 January 2017	85386-01-A-06-3B.G-200 REV 2
Proposed Floor Plan(s)	20 January 2017	85386-01-A-06-4B.A-100 REV 1
Proposed Elevation(s)	20 January 2017	85386-01-A-06-4B.A-200 REV 1
Proposed Section(s)	20 January 2017	85386-01-A-06-4B.A-200 REV 1
Illustration	29 June 2016	85386-01-A-06-CG1-101 REV 1
Tree Statement/Survey	20 February 2017	0103.P.001 REV C
Tree Statement/Survey	20 February 2017	0103.P.002 REVISION B
Landscaping	20 February 2017	0103.P.101 REVISION F
Landscaping	20 February 2017	0103.P.301 REVISION E
Proposed Section(s)	21 February 2017	0103.P.51 REV A

APPLICATION NUMBER:	LW/16/1040	ITEM NUMBER:	7
APPLICANTS NAME(S):	Thakeham Homes Ltd	PARISH / WARD:	Wivelsfield / Chailey & Wivelsfield
PROPOSAL:	Planning Application for Demolition of The Rosery and the erection of 55 residential homes, with associated access, car parking, cycle parking, refuse/recycling storage and landscaping		
SITE ADDRESS:	Land To The Rear Of The Rosery Valebridge Road Burgess Hill West Sussex RH15 0RT		
GRID REF:	TQ 32 20		



1. SITE DESCRIPTION / PROPOSAL

1.1 The application site lies on the eastern side of Valebridge Road, on the eastern edge of Burgess Hill. The large majority of the application site falls within Lewes District, within the Parish of Wivelsfield, with a very small slither at the western extremity falling within Mid Sussex District.

1.2 The application site is an irregular L-shape and extends to approximately 3.1 hectares. The site includes the entire property known as The Rosery, along with the majority of the land and garden currently associated with the property known as The Homestead.

1.3 The majority of the application site is undeveloped greenfield land currently used in association with The Homestead. Some of the land has been cultivated as a small vegetable plot and there is a small pig enclosure and chicken coop also on site. An area of the land to the east of The Homestead appears to be used for the storage of building materials and the remainder comprises mown grassed gardens and related paved areas.

1.4 The main northern boundary of the application site is bordered by a band of mature trees, some of which is designated as Ancient Woodland. This woodland extends along the eastern side of the application site and tapers to the south-eastern corner of the site. A large portion of this Ancient Woodland actually falls within the application site.

1.5 The southern boundary of the application site is also bordered by mature trees, the southernmost section being a thick wooded band that extends onto the neighbouring land. The mid-section is less densely treed with effectively a single line of trees marking the rear boundary with the neighbouring property, Valentine.

1.6 The main western boundary is shared with a number of properties fronting Valebridge Road. The boundary treatment along this side of the site is a mixture of fencing, hedging and vegetation.

1.7 Levels change across the site from the south sloping down to the north. There is a change in levels across the site in the region of 11 metres (45-46 AOD at the highest point, 35-37 at the lowest point).

1.8 Planning permission is sought for the development of the site with 55 dwellings. This is a full application with all matter submitted for consideration.

1.9 The submitted details indicate that the existing dwelling, The Rosery, will be demolished and a new access road brought in through this plot. This access road would then sweep along the southern side of the middle section of the site before turning southwards towards the far southern corner of the site. Small feeder roads extend off this main access road to provide a series of small cul-de-sacs.

1.10 The proposed development will deliver a range of 1, 2, 3 and 4 bedroom dwellings broken down as follows:

	Housing Type	1 Bed	2 Bed	3 Bed	4 Bed	Total
Private	House		8	17	8	33
Affordable	House		9	5		22
	Flat	8				
Total		8	17	22	8	55

1.11 This achieves the provision of 40% of the proposed dwellings as affordable units.

1.12 All of the dwellings would be two storeys in height and are generally of traditional design. The construction materials would be a mix of brick, painted brick and hanging tiles. With the exception of the proposed flats, all of the dwellings would have private garden amenity space. The flats would share communal gardens.

1.13 A total of 125 parking spaces would be provided on site, made up of a mixture of on plot garaging and driveway parking, courtyards and car ports, and 16 on street visitor spaces.

1.14 Along the southern edge of the mid section of the application site, a small Local Area of Play (LAP) is indicated. In addition the proposals show there to be a woodland walk through the Ancient Woodland that is to be retained along the eastern side of the application site.

2. RELEVANT POLICIES

LDLP: – CT01 – Planning Boundary and Countryside Policy

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

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

LDLP: – ST11 – Landscaping of Development

LDLP: – RES19 – Provision of Outdoor Playing Space

LDLP: – SP2 – Distribution of Housing

LDLP: – CP1 – Affordable Housing

LDLP: – CP1 – Affordable Housing

LDLP: – CP8 – Green 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: – WNPP1 – Development Boundaries

LDLP: – WNPP5 – Design

LDLP: – WNPP6 – Green Infrastructure & Biodiversity

3. PLANNING HISTORY

LW/78/1578 - Outline Application for replacement four bedroom chalet bungalow – Approved

LW/79/0600 - Planning Application for replacement bungalow – Approved

LW/80/1310 - Planning application for stables and haystore – Approved

LW/81/0121- Continuance of use without complying with condition 1 of planning approval LW/78/1578 (old bungalow to be retained as agricultural store and animal housing) – Approved

LW/99/1104 - Two storey side extension, garage and sun lounge - Approved

LW/16/0825 - Screening opinion in relation to development consisting of up to 80 dwellings - No EIA required.

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Wivelsfield Parish Council – Wivelsfield Parish Council wishes to object to the above application on the following grounds:

1. The proposal fails to comply with policy 1 of the Wivelsfield Neighbourhood Plan.
2. The proposal fails to meet policy 2 of the Wivelsfield Neighbourhood Plan, as it is promotes a larger site than the Neighbourhood Plan supports, on greenfield land.
3. Local residents have significant concerns about:
 - a. The speed of the road: much of Valebridge Road is derestricted, meaning that cars come along it very fast causing a hazard for vehicles trying to turn out of driveways.
 - b. The poor state of the pavement along Valebridge Road - which would be subject to increased foot traffic from a development of this size.
 - c. Drainage - drains blocked with silt and building waste have contributed to flooding in the area.

Planning Policy Comments – This planning application should be considered against the policies of the adopted Lewes District Joint Core Strategy (JCS), together with the retained 'saved' policies of the Lewes District Local Plan 2003 (LDLP) as listed in Appendix 2 of the JCS. In accordance with the Cabinet resolution of 17th April 2012, only those 'saved' LDLP policies that are consistent with national planning policies are applicable to the determination of planning proposals in the district.

Whilst the application site is located outside of the settlement planning boundaries, as defined in the Policy CT1 of the LDLP, a minimum of 100 net additional dwelling units in this general location (i.e. the edge of Burgess Hill within Wivelsfield Parish) is identified in Spatial Policy 2 of the JCS in order to help meet the District's housing needs over the period to 2030. The site is well-related to existing residential development along Valebridge Road and is screened by mature trees and woodland on its other boundaries, thus limiting any negative landscape impact on the surrounding countryside.

In principle, therefore, residential development is acceptable in principle on this site. If we are confident that the proposed development meets the requirements of all other relevant planning policies, in particular the policies for housing (JCS Core Policies 1 & 2), green infrastructure and children's play space (JCS Core Policy 8 & LDLP Policy RES19), conserving and enhancing biodiversity (JCS Core Policy 10), design (JCS Core Policy 11 & LDLP Policies ST3, ST4, ST11) and sustainable travel (JCS Core Policy 13), then the application should be recommended for approval.

ESCC Highways – I do not wish to raise an objection to the principle of the proposed development as the traffic and accessibility implications primarily impact upon transport networks under the responsibility of West Sussex County Council. The vehicular access point into the site also involves connections to the highway network that fall within West Sussex. There is a wider impact issue underlying this proposal and it is recognised that there is likely to be residual cumulative impact filtered to the south into East Sussex villages, particularly Ditchling village. However, any contributions towards this would be covered by the Community Infrastructure Levy [CIL] in this instance.

However, I have some concerns which need addressing prior to any conditions being issued - see file for details.

ADDITIONAL COMMENTS: The applicant has provided additional information and amended plans which address the ESCC highway issues. I therefore do not wish to raise an objection to the proposed development and recommend that highway conditions to be included in any grant of consent – see file for details.

Tree & Landscape Officer Comments – No material objections are raised in relation to the preservation of important trees and woodland as they appear to be reasonably well incorporated in to the scheme. No material objections are raised in relation to the wider visual impact of the development because the site is considered to be well screened and reasonably well contained within a localised area.

The only adverse comments would relate to ensuring that hard surfacing is kept to a minimum and soft landscaping is targeted at the entrance to the site to try and soften the long linear feature.

It is recommended that a planning condition or s106 agreement is made to ensure that communal or shared areas, including the woodland areas are managed by a separate management company financed by local residents. This will require a plan which clearly defines communal area or management areas and a suitable management plan. See file for full comments.

ESCC SUDS (revised) - This response follows from our original response of 18 January 2017 in which we requested additional information. We received the additional information on 1 February 2017 and are now able to comment.

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. The surface water drainage strategy outlined in the RGP Design Flood Risk Assessment (Ref 2016/D1178/FRA1.2) should be carried forward to detailed design. Surface water 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 detailed design should include how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
3. A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site. 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. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.

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.

Southern Water Plc – Please find attached a plan of the sewer records showing the approximate position of foul sewer and foul rising main within the site. The exact position of the foul sewer and foul rising main must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

- No development or new tree planting should be located within 3 metres either side of the centreline of the foul sewer and foul rising main.
- No new soakaways should be located within 5m of a public sewer.
- All existing infrastructure should be protected during the course of construction works.

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that noncompliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

Environmental Health – This proposal is for the demolition of The Rosery and the erection of 55 residential homes, with associated access, car parking, cycle parking, refuse/recycling storage and landscaping.

The site is bordered by residential properties to the south-west, south and west, north and north-west, with the main site access from Valebridge Road to the west. In addition the London to Brighton railway line is approximately 150m west. Following a review of the proposed plans of where the dwellings are to be located in relation to the above features, potential noise issues aren't considered to be significant at this distance.

However, based on the residential nature of the surrounding area, the construction phase should be carefully managed in order to limit the impact of the works to nearby residents. Therefore we consider that a Construction Environmental Management Plan (CEMP) is required to protect the amenity of the surrounding residential properties during the demolition and construction phases of the proposal.

Given the size of this development, East Sussex County Council will be assessing this development with regard to potential flood risk.

In the 1990's Lewes District Council was involved with Southern Water regarding incidents of flooding involving land drainage and foul water flooding issues to the south of the site. However, having reviewed the planning application and supporting information demonstrates that the land drains to the north and does not impact on the flow of water to the south.

Contaminate Land Officer - A desk study and ground investigation report (Geo-Environmental, Ref GE15496, dated November 2016) was submitted in support of the application. The report has been reviewed we are satisfied with the methodology used for the assessment of the site as well as the conclusions and subsequent recommendations.

Based on the findings from the ground investigation no further remedial measures are deemed necessary with regards to soil contamination and human health. A watching brief will be required as part of a discovery strategy to account for any unexpected soil conditions or contamination which may be encountered during the construction phase. Furthermore as a result of the initial ground gas assessment results we recommend the application is subject to conditions securing a verification and remediation plan, a verification report and a condition preventing works from continuing without remediation if any sources of unsuspected contamination are found.

Southern Gas Networks – No objection. General advice given in relation to working near gas pipelines. See file for details.

West Sussex County Council Highways – The site lies across East and West Sussex County borders, as well as the Mid Sussex and Lewes District Council boundaries. The vehicle access works and a short section of the access road are within West Sussex/MSDC, whereas the entire on-site layout is within East Sussex/LDC.

These comments only cover those aspects of the proposed development that affect the WSCC maintained highway network, namely the vehicle access and the potential capacity impacts upon WSCC maintained roads. These comments are also applicable to the corresponding planning application submitted for LDC (LW/16/1040).

A Transport Statement has been submitted in support of this proposal. It's noted that two sets of appendices are available on the Mid Sussex. However these both comprise the main body of the TS. A full version of the TS is though available on the Lewes DC website. This has been used in the preparation of this response.

The site is to be accessed by a new priority junction onto Valebridge Road. In the location of the access the posted speed limit is 60mph. A speed survey has though been undertaken to determine the actual 85th percentile traffic speeds. The use of recorded 85th percentile wet weather speeds is an accepted means of determining stopping sight distances for improvements (such as new accesses) onto existing roads rather than applying the actual speed limit.

The recorded 85th percentile speeds are 50.3mph northbound and 48.5mph southbound. It's unclear if these are wet or dry weather speeds. It is assumed that these are wet weather speeds as no adjustment has been applied to the recorded speeds (an adjustment to wet weather would in any case require the recorded speed to be reduced by approximately 2mph; applying the higher dry weather speeds would be more robust).

Given the speeds recorded, SSD requirements should be considered against the standards within the Design Manual for Roads and Bridges. Applying the braking and perception parameters from the DMRB, SSDs of 139 metres would be required to the north and 148 metres to the south. Such distances can be achieved within land forming part of the adopted highway from the proposed access.

The access arrangements have also been the subject of a Stage One Road Safety Audit. Whilst this raises two problems (both of which can be resolved by condition and through the detailed design), no in principle issues are raised with the principle or form of the vehicular access.

In summary, the proposed access is considered acceptable.

The proposed development will result in additional vehicle trips on the highway network. This has been estimated using TRICS. TRICS is a large database of traffic surveys of completed developments. The database can be refined so as to select only those developments comparable (in terms of use class, location, accessibility, etc.) to that proposed. Details of the selection parameters are included, although no details are included of the actual sites used.

The LHA has undertaken a comparison between the trip rate applied for the nearby development at Sunnybrae (BH/14/1673 and LW/14/0350) and those for the current proposal. The difference between the trip rates for the permitted and proposed developments is quite notable. The LHA in commenting upon the development at Sunnybrae recognised that the TRICS vehicle trip rate applied in that instance was very high. An independent TRICS assessment completed by the LHA for the trip rate applied for the current application suggests that this is more appropriate.

Based on the trip rates within the TS, the development is forecast to generate 26 two way movements in the AM and PM network peak hours. The impact has been considered upon the peak hours given that these are most sensitive to changes.

The WSCC Transport Assessment Guidance requires junctions to be assessed where a development is forecast to result in increased entry flows of 30 or more vehicle movements. Whilst the means of distributing traffic and anticipated increased traffic flows on the highway network are noted, given the level of vehicular trips generated, this proposal would not meet the criteria to require any off-site junction capacity assessments. The NPPF states that development should only be prevented or refused where the impacts would be severe. This proposal would not be expected to result in any capacity impacts that could be defined as severe.

The site is recognised as being on the periphery of Burgess Hill. It is accepted that walking and cycling have the potential to replace the use of the car for trips of up to 2km and 5km respectively. Whether trips are undertaken by these modes of course depends on the purpose of the trip. There are continuous walking routes to potential destinations, such as Wivelsfield train station and other local retail and education uses, some of these are though right on the limits of maximum walking distances. A wider range of facilities can be reached by cycling although there are no dedicated cycle routes available. Whilst there is a gradient for cyclists traveling into Burgess Hill, this is not considered a significant barrier. The location of the site has the potential to encourage trips by walking and cycling, and reduce dependency on the use of the private car.

In conclusion, the LHA are satisfied that this proposal would not give rise to any severe highway safety or capacity concerns. No highway objection would therefore be raised.

Conditions recommended.

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 and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts 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.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England.

ESCC SUDS – (original) - It is noted that the proposals are to restrict the surface water runoff rate to the Qbar greenfield runoff rate for the entire site. However, there are areas of the proposed development which would remain as open space and continue to contribute to surface water runoff. The greenfield runoff rate should instead be calculated for only the developable areas of the site which would be lower than the currently proposed discharge rate. Using the proposed rate would increase the amount of surface water runoff from the site and therefore the off site flood risk.

We request that the applicant recalculates the proposed surface water discharge rate for the site and revises the drainage design strategy accordingly.. This will increase the required surface water attenuation volume for the proposed development.

NHS Mid-Sussex/Horsham – Horsham and Mid Sussex Clinical Commissioning Group (CCG) are the GP led statutory NHS body responsible for planning, commissioning and monitoring the majority of local health services in the Horsham and Mid Sussex area. (CCGs having been created following the Health and Social Care Act 2012 and replaced Primary Care Trusts on 1st April 2013).

Horsham and Mid Sussex CCG cover the entirety of Mid Sussex District Council's catchment area and this proposed planning application borders Burgess Hill so that the residents/patients from this development are likely to register with nearby Burgess Hill GP surgeries.

The majority of existing surgeries in Burgess Hill have significant patient portfolios as a result of developments which have been constricted in and around the town since the 1980s therefore any further building will put pressure on NHS service delivery and we will need to reconfigure existing buildings so that they can more readily accept new patients.

Accordingly, we may consider making a future CIL bid once our requirements are known and indeed if this proposed development has a planning consent.

ESCC Archaeologist – The proposed development is of archaeological interest due to its location within a landscape that has seen human settlement and utilisation from at least the late Iron Age period. The application includes an archaeological desk based assessment, and the garden of The Rosery has been subject to evaluation excavation to identify any archaeological remains that may prohibit site access. The remainder of the site has not been subject to archaeological assessment and it is assumed that if significant

archaeological remains are identified in this area, the layout / design can be adjusted to preserve these remains in-situ.

The Historic Landscape Characterisation of Sussex defines this field as a surviving medieval assart field relating to Antye Farm.

The Rosery is a 20th century building of no architectural or historical merit.

In the light of the potential for loss of heritage assets on this site resulting from development the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded. These recommendations are in line with the requirements given in the NPPF.

Conditions recommended.

British Telecom – I write in response to your letter dated 18 December regarding the above and confirm that I have been unable to identify any land or buildings owned or occupied by BT or Telereal Trillium within the area you have indicated.

Please be aware that this advice does not extend to BT's telecommunications apparatus located in the public highway or under private land, nor does it include BT's deep level tunnels.

Sussex Police – The National Planning Policy Framework demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion, and with the level of crime and anti-social behaviour in Lewes district being below average when compared to the rest of Sussex, I have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends should be considered.

In general terms I support the proposed layout which, being a single access road leading to a series of small cul de sacs with no through route, will give residents a sense of ownership and community and will deter trespass. The orientation of the dwellings will allow for overlooking and good natural surveillance of the road and footpath layout, car parking areas, public open space and other communal spaces. Good provision has been made for car parking either in garages, within the curtilage of the dwellings or on small overlooked parking courts. Further provision has been made for the secure storage of cycles. I was very pleased to note that the accompanying Design and Access Statement includes direct reference to the measures being considered to create a safe and secure environment for this proposed development using the attributes of safe, sustainable places, and I am satisfied that the adoption of these measures will benefit any future residents.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 7 letters of objection received raising the following concerns:

- Existing surface water drainage pipe already flooding the land to the rear of Hawkesbury
- Only one access to the site via a very narrow access off Valebridge Road, will be dangerous
- Contractors vehicles parked on Valebridge Road will be dangerous
- Will make it difficult for us to exit our property

- Valebridge Road speed limit should be reduced from 60mph to 30 or 40 mph or a second road access provided for the development
- The quality of the pavement surface down Valebridge Road is appalling and dangerous. This should be reviewed in light of the increased footfall.
- Flooding has occurred recently as a result of drains being blocked by building waste
- We would like assurances that the clearance of drains will be reviewed and ongoing during the duration of the development.
- Number of houses is excessive and out of keeping
- Already huge increase in traffic as a result of the opening of the Haywards Heath relief road.
- Thakeham Homes have desecrated an ancient hedgerow on a site in Mid Sussex - can we be reassured that such a "mistake will not happen again?"

6. PLANNING CONSIDERATIONS

6.1. Planning law requires that all planning applications must be determined in accordance with the development plan, unless material circumstances indicate otherwise. The development plan for this area currently consists of recently adopted Joint Core Strategy, the retained policies of the Lewes District Local Plan 2003, and the recently adopted Wivelsfield Neighbourhood Plan.

Lewes District Local Plan

6.2. The application site falls outside of the planning boundary of Wivelsfield as defined by the Lewes District Local Plan and therefore is subject to policy CT1 which seeks to contain development within the defined Planning Boundaries, except in certain circumstances. Development of this site with 55 residential dwellings would not fall within any of the types of development listed as being potential exceptions to this policy and therefore the proposal would be in conflict with Policy CT1 of the Local Plan.

Lewes District Local Plan Part 1 - Joint Core Strategy (JCS)

6.3. The Joint Core Strategy (JCS) was adopted in 2016 and is the pivotal planning document for the District until 2030, forming Part 1 of the Local Plan setting out the overarching strategies that all other planning documents will need to be in conformity with.

6.4. The JCS has retained Policy CT1 of the Local Plan and as such it is considered that substantial weight can still be applied to this 'saved' policy.

6.5. Notwithstanding this the JCS also sets out the proposed housing delivery for the years 2010-2030, and Spatial Policy 2 (SP2) confirms the intended distribution of this proposed housing. Whilst Part 1 of the JCS allocates a number of large scale strategic sites, Policy SP2 confirms that individual sites to meet the remainder of the planned levels of housing provision will be identified in either the District Council's Site Allocations and Development Management Policies DPD i.e. Part 2, or the National Park Authority's Local Plan. Neighbourhood Plans are also noted as being used to identify the individual sites.

6.6. Under the planning distribution Policy SP2 notes that a minimum of 100 dwellings are to be provided at Burgess Hill (within Wivelsfield Parish).

6.7. The housing distribution set out by Policy SP2 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.

6.8. The site the subject of this application 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.

6.9. On this basis, whilst it is accepted that the site is not currently allocated for development within the Development Plan, and that the SHLAA is not itself an allocations document, development of this site with 55 dwellings would accord with the broad distribution of Policy SP2 of the JCS and would help meet the District's housing needs over the period to 2030. Furthermore the site is well related to existing residential development. On this basis, there is no "in principle" objection to the development of this site as proposed.

Wivelsfield Neighbourhood Plan

6.10 Wivelsfield Parish Council has produced the Wivelsfield Neighbourhood Plan (WNP) to guide development in the parish until 2030. The plan allocates three sites for the development of up to 30 dwellings to meet the JCS's requirement for the delivery of a minimum of 30 net additional dwellings on new site allocations in and around the settlement (Wivelsfield Green) over the period to 2030 and development boundaries have been drawn to incorporate the allocated sites. Otherwise the planning boundary remains tightly drawn around the existing settlement of Wivelsfield Green. This site falls outside of the planning boundary as defined by the WNP.

6.11 However as stated above, the JCS also allocates a minimum of 100 new dwellings at Burgess Hill. In this respect the supporting text in relation to Policy 1 of the WNP that defines the planning boundaries states:

"5.10 The LDLP1 requires that the Low Weald villages (which cover this area) and their wider countryside retain and, where possible, enhance their attractive and distinctive character and identity. A small area of Burgess Hill lies within the Parish on its most western boundary and a small area of Haywards Heath lies within the boundary on its northern edge, given recent planning consents, whilst the towns are defined as a District Centre and Secondary Regional Centre respectively, the WNP makes no proposals for those areas.

5.11 Rather, the Parish Council and local community maintain their objections to the proposals of LDLP1 Spatial Policy 2 for a minimum of 100 homes at Burgess Hill within the Parish. That proposal is not considered sustainable with regard to its traffic implications for the local area and the impact of this scale of development on the integrity of the green gap between Burgess Hill and Wivelsfield. The proposal is unacceptable to the local community and therefore no provision is made for it in the WNP. Should the proposal remain in the adopted LDLP1 then a planning application should be considered in relation to Policy 5 of the WNP and to other relevant policies of the LDLP1"

6.12 Paragraph 184 of the NPPF is quite clear that "Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies. On this basis, whilst the proposed development of this site does not necessarily accord with the overall vision of the WNP, on the basis that the JCS is the overarching strategic policy document and this does allocate land at Burgess Hill for a minimum of 100 dwellings, conflict with the WNP in this respect would not amount to a reason to resist the proposal in principle.

6.13 As well as conflict with Policy 1 of the WNP, Wivelsfield Parish Council has suggested that the proposal would also conflict with Policy 2. However this policy simply states that proposals seeking to develop the three allocated sites will be supported, and provides basic development principles. The policy does not explicitly prevent other sites coming forward and therefore there is no direct conflict with this policy, albeit it is accepted that the application site is not one of the allocated sites and therefore clearly not a preferred location for development for the Parish.

Design, Layout and Visual Impact

6.14 One of the NPPF's main planning principles is to ensure that the different roles and character of different areas are taken into account when making planning decisions, recognising the intrinsic character and beauty of the countryside.

6.15 Core Policy 11 of the JCS seeks to ensure that all new development respects and where appropriate positively contributes to the character and distinctiveness of the district's unique built and natural heritage. Development is also expected to respond sympathetically to the site and its local context and to be well-integrated in terms of access and functionality with the surrounding area. These objectives are also reflected in saved Policy ST3 of the Local Plan.

6.16 As set out above the application site sits largely behind existing residential development, the western boundary abutting the rear gardens of dwellings fronting Valebridge Road, and the southern boundary being shared with lower density more sporadic housing. With mature vegetation along the northern, eastern and southern boundaries the site is well enclosed with limited longer views of the site available.

6.17 Demolition of The Rosery and its replacement with a single access road to gain access to the main section of the application site will open up views into the rear of the site, however with the access road being some 100 metres long before any houses are to be constructed, views of the development itself from Valebridge Road will be limited.

6.18 Where views of the development are available this will be in the context of the existing residential development surrounding the site. From the other side, the dense Ancient Woodland buffer along the eastern boundary contains the site and prevents it encroaching significantly into the more open landscape beyond.

6.19 The existing properties fronting Valebridge Road are largely bungalow or chalet style dwellings set within long narrow plots. There is a strong building line along Valebridge Road, with the majority of dwellings set well back from the road frontage. This gives the road a pleasant, relatively low density appearance.

6.20 As outlined above, the proposed development will be all two storey in height. Plot sizes are also significantly smaller than the majority of the surrounding existing residential development. Notwithstanding this, the arrangement of the scheme ensures that it will read as a stand alone development and will not compete or jar with its surroundings.

6.21 Core Policy 2 of the JCS recommends development at a density of 47 to 57 dwellings per hectare (dph) for the towns and 20 to 30 dph for the villages. At a density of approximately 18 dph the scheme doesn't necessarily accord with the objectives of this policy. However the proposed density ensures the retention of large areas of open space around the periphery of the site and is considered reflective of the edge of town location. Therefore, in this instance, the lower density is considered appropriate.

6.22 The traditional design approach of the development is also considered to be acceptable, the design and materials seeking to reflect those used in the locality in accordance with the objectives of Policy ST3 of the Local Plan, Core Policy 11 of the JCS and Policy 5 of the WNP.

6.23 Furthermore the layout of the scheme ensures the retention of all the significant mature tree specimens, the wooded boundary edges and most importantly the ancient woodland (this is discussed in more detail below).

6.24 The perimeter block arrangement of the scheme ensures good surveillance of the overall site which will help it feel a safe and comfortable living environment for future occupiers.

6.25 Overall the general design, layout and visual impact of the proposal is considered acceptable and in accordance with Development Plan policies.

Housing Mix and Affordable Housing

6.26 Core Policy 2 of the Joint Core Strategy seeks to ensure new housing developments deliver sustainable, mixed and balanced communities. To this effect new developments are expected to deliver a range of dwelling types and sizes to meet identified local need whilst also taking into account the existing character and housing mix of the vicinity.

6.27 One of the key objectives of the WNP is to provide a mix of dwelling types including particularly smaller dwellings for young families and older people wishing to downsize, and starter homes for younger people and key workers.

6.28 Core Policy 1 of the Joint Core Strategy requires developments of 11 or more dwellings to provide 40% of the units as affordable dwellings. The breakdown of the proposed dwelling sizes and tenure is outlined above at paragraph 1.10. This confirms that 40% of the units will be affordable and that the remainder of the scheme will provide a mixture of dwelling types but with the majority being three-bedroom units.

6.29 The Council's Housing Policy Officers have confirmed that the proposed number and mix of affordable units are acceptable. The mix of the remaining dwellings is considered acceptable and in line with the objectives of the JCS and WNP.

Access to services and facilities

6.30 Another of the NPPF's objectives is to manage patterns of growth to make fullest use of public transport and focus significant development in locations which are or can be made sustainable (paragraph 17).

6.31 Core Policy 13 of the emerging Joint Core Strategy seeks to ensure that new development is located in sustainable locations with good access to schools, shops, jobs and other key services by walking, cycling and public transport in order to reduce the need to travel by car.

6.32 Whilst the application site falls within Wivelsfield Parish and is distant from Wivelsfield Green, it is clearly closely related to the town of Burgess Hill. Within the JCS Burgess Hill is recognised within the settlement hierarchy as being a "District Settlement" i.e. *"Accessible settlements by road and public transport containing a range of shops, employment opportunities and facilities including a secondary school. Such settlements are*

not reliant upon other centres to meet day to day needs, but they require support from nearby secondary or primary centres to meet the higher level needs of their residents."

6.33 In considering the accessibility of the application site the Highways Authority has made the following comments:

"It is accepted that walking and cycling have the potential to replace the use of the car for trips of up to 2km and 5km respectively. Whether trips are undertaken by these modes of course depends on the purpose of the trip. There are continuous walking routes to potential destinations, such as Wivelsfield train station and other local retail and education uses, some of these are though right on the limits of maximum walking distances. A wider range of facilities can be reached by cycling although there are no dedicated cycle routes available. Whilst there is a gradient for cyclists traveling into Burgess Hill, this is not considered a significant barrier. The location of the site has the potential to encourage trips by walking and cycling, and reduce dependency on the use of the private car."

Access and parking

6.34 The application has been submitted with a detailed Transport Statement that outlines the key transport planning matters such as the proposed development layout, car and cycle parking requirements, access arrangements, servicing arrangements, and the proposed trip impact on the local road network. This has been considered by both East and West Sussex County Councils in their capacity as Local Highway Authorities due to the fact the application site spans both Counties.

6.35 The proposed development would be served from a new access adjoining Valebridge Road. The access would take the form of a T-junction with a simple priority arrangement including a crossing facility for pedestrians. The new access would be flanked by a 2m wide footway on its southern side. Visibility splays of 148m looking north and 139.2m looking south are proposed, which account for the 85th percentile speeds recorded during a 7 day speed survey on Valebridge Road.

6.36 On entry to the site two traffic calming features would be provided to encourage low vehicle speeds. A kerb build out reducing traffic to a one-way flow with a priority arrangement would be provided 20m from the site access. Priority would be given to vehicles entering the site, to avoid vehicles tailing back on to Valebridge Road.

6.37 The access arrangements have been the subject of a Stage One Road Safety Audit. Whilst this raised two problems both are considered to be resolvable by appropriately worded planning conditions and through the detailed design. On this basis no objections are raised to the principle or form of the vehicular access.

6.38 The proposed access road would maintain a width of 6.0m within the main body of the site with the exception of traffic calming and overrun features. The access road would act as a spine road from which 4 cul-de-sacs would branch. All internal carriageways provide a minimum 4.8m width. Turning head facilities are provided to facilitate large service vehicle turning manoeuvres on internal carriageways.

6.39 East Sussex County Council has considered the submitted details and following some minor alterations to the internal road layouts they have confirmed that they have no objections to the proposals.

6.40 In terms of parking the scheme provides 109 allocated parking bays plus 16 unallocated visitor/resident overspill bays. In addition each property will be provided with secure cycle parking in the form of a shed, store or garage.

6.41 East Sussex County Council's adopted parking guidelines would require the proposal to be provided with 128 car parking spaces (108 allocated, 9 unallocated for residents and 11 unallocated for visitors). Whilst the number of proposed visitor spaces falls slightly of ESCC's guidelines, this is by 4 spaces only.

6.42 Policy 5 of the WNP states that *"Proposals for housing development must provide an appropriate number of car parking spaces as guided by the highways authority parking calculator but as a minimum must provide two off-street car parking spaces per dwelling unless a clear case can be made for why the proposed nature of the occupation of the dwellings will result in fewer spaces being required."* With the overall number of allocated spaces being in line with ESCC's guidance, on balance the level of parking is considered acceptable.

6.43 The proposed development will result in additional vehicle trips on the highway network. This has been estimated using TRICS. TRICS is a large database of traffic surveys of completed developments. The database can be refined so as to select only those developments comparable (in terms of use class, location, accessibility, etc.) to that proposed.

6.44 Based on the trip rates within the Transport Statement, the development is forecast to generate 26 two-way movements in the AM and PM network peak hours. The impact has been considered upon the peak hours given that these are most sensitive to changes.

6.45 One the basis that the proposed access falls within West Sussex, the comments of WSCC Highways Authority have been sought. They have confirmed that WSCC Transport Assessment Guidance requires junctions to be assessed where a development is forecast to result in increased entry flows of 30 or more vehicle movements. Whilst the means of distributing traffic and anticipated increased traffic flows on the highway network are noted, given the level of vehicular trips generated, this proposal would not meet the criteria to require any off-site junction capacity assessments. The NPPF states that development should only be prevented or refused where the impacts would be severe. This proposal would not be expected to result in any capacity impacts that could be defined as severe.

6.46 In conclusion, the Local Highway Authorities are satisfied that this proposal would not give rise to any severe highway safety or capacity concerns and on this basis no highway objection is raised.

Trees and Ancient Woodland

6.47 As set out above the application site is bordered by and partly covered by ancient semi-natural woodland. The application proposals have been designed to retain all of the existing woodland plus other mature tree specimens elsewhere within the site.

6.48 Paragraph 118 of the NPPF states: *"planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweighs the loss."*

6.49 Standing advice produced by Natural England in association with the Forestry Commission provides suggested mitigation measures for developing near ancient woodland. One of these measures is the retention of an appropriate buffer zone of semi-

natural habitat between the development and the ancient woodland. Depending on the size of development the standing advice recommends a minimum buffer of at least 15 metres.

6.50 The submitted application has been developed with these recommendations in mind and all of the proposed dwellings are a minimum 15 metres away from edge of the ancient woodland. The applicants have confirmed that a long term management plan for retained habitats on the site, including the area of ancient woodland will be developed. Furthermore construction will be carried out in such a way as to minimise indirect impacts, resulting from construction noise, dust, pollution etc. Native species are to be planted between the woodland edge and the development edge to enhance the buffer zone.

6.51 The Council's Tree and Landscape Officer has considered the application proposals and raises no material objection on the basis that the important trees and woodland are reasonably well incorporated into the scheme. In addition sufficient space has been allocated to ensure that future conflicts with residents are kept reasonably manageable.

6.52 It is noted that a woodland walk is proposed through the ancient woodland that will be accessible to future residents. Public access could potentially cause the deterioration of an irreplaceable habitat such as this and therefore careful management of this element of the scheme will be required. As set out in the applicants supporting documents the provision of pathways within the woodland, and the creation of a specific, predetermined trail, should reduce informal paths being made. A specific access management plan will also ensure recreational pressure on the woodland is mitigated. On this basis the impact on the Ancient Woodland is considered acceptable.

Biodiversity

6.53 The application has been submitted with a Preliminary Ecological Appraisal (incorporating an Internal and External Bat Survey), an Ecological Impact Assessment, and a Reptile mitigation report.

6.54 These reports confirm that the site is not affected by any statutory biodiversity designations and that the proposals are unlikely to affect any nearby designated sites, due to the nature and extent of works proposed. The majority of habitats on the site (other than the Ancient Woodland referred to above) are considered to be common and widespread throughout the UK and as such are of limited ecological interest.

6.55 Surveys of the site have indicated that the site provides limited suitable habitats for protected species such as badgers, bats, Great Crested Newts and other reptiles. Notwithstanding this, two species of reptiles were identified to be using the site, with bats also using the site for foraging and commuting.

6.56 A reptile presence/likely absence survey identified the site as supporting an exceptional population of slow worms and a low population of grass snakes. As such the applications ecologists have proposed a reptile translocation strategy be employed removing the reptiles off site to a pre-agreed off site receptor site. Such measures will ensure that there are no significant residual impacts on reptiles and that the proposed development will remain within the law. Nearby Bedelands Site of Nature Conservation Importance (SNCI) and Bedelands Farm Local Nature Reserve (LNR) has been identified as a suitable receptor site and the applicants have already negotiated with the land owner (Mid Sussex District Council) and agreed that Bedelands Farm will be used as a receptor site and that the application will contribute £1000.00 to the Council towards the delivery of

reptile hibernacula. This payment will need to be secure through a Section 106 Legal Obligation.

6.57 Other mitigation proposals have also been recommended and incorporated into the design of the proposed scheme to ensure that any other protected species that do exist on or around the site are not harmed by the proposed development.

6.58 On this basis there is no reason to believe that any ecological designations, habitats of nature conservation interest or protected species would be adversely affected by the proposed development. Furthermore, the recommended enhancement measures should provide benefits to biodiversity at the site in the long term.

Living conditions

6.59 Whilst this is a large site at the edge of a built up area, impact on the living conditions of neighbouring occupiers is limited due to the generous distances that will be maintained between the proposed and existing properties.

6.60 To the west the application site is bordered by only 8 properties. All of which front Valebridge Roads with good sized rear gardens. The closest of these dwellings would be some 50 metres from the mutual boundary, with the closest proposed dwellings being a further 25 metres away. With the retention and enhancement of the boundary vegetation it would be very difficult to demonstrate any significant harm to the living conditions of these neighbouring properties as a result of overlooking, loss of privacy, light or outlook.

6.61 Two of these western properties will of course be affected by the introduction of the proposed access road through the existing Rosery site. Chideock lies to the north of the proposed access road and Valewood lies on the southern site. The proposed access road will pass along the entire length of these neighbouring plots. A buffer of some 3.5 - 4.5 metres is retained along either side of the access road allowing space for the introduction of some additional soft landscaping. Whilst these properties will no doubt be aware of passing cars it is not considered that the scale of development and frequency of vehicle movements would be so harmful to the quiet enjoyment of these neighbouring occupiers to warrant the refusal of consent bearing in mind the generous spacing around the access road.

6.62 To the south of the application site, along with the existing host dwelling (The Homestead) there are three further dwellings that sit adjacent the application site. All four of these dwellings will be well screened from the new development by existing and enhanced landscaping. In addition the minimum intervening distance will be 32 metres.

6.63 Where the proposed dwellings are more density laid out this is in the south eastern corner of the site where only one dwelling, The Homestead, closely abuts the application site. New landscaping is proposed along this boundary to help screen the proposed development. Other neighbouring dwellings beyond this end of the application site benefit from dense woodland screening and the same applies for those properties to the north and east.

Play space

6.64 Policy RES19 of the Lewes District Local Plan seeks to ensure that in areas where there is a deficiency of outdoor sports and/or children's play space in quantitative or qualitative terms planning applications for all residential development include a level of provision for outdoor sports and/or children's outdoor play space.

6.65 As set out above the proposed development includes a small LAP (Local Area of Play) measuring some 270 sqm, the applicants relying on future residents being able to access the existing playground located at Janes Lane. This playground is approximately 15 minutes walking time from the application site and would require residents crossing a busy road.

6.66 The applicants were advised therefore during pre-application discussions that in order to accord with the requirements of Policy RES19, it would be preferable for a LEAP (Local Equipped Area of Play) measuring some 400 sqm to be provided on site.

6.67 Whilst the applicants have explored this as an option, in their opinion on-site provision is heavily restricted due to the required separation distances and a requirement for good natural surveillance being severely limited by trees to be retained and the Ancient Woodland buffer. Notwithstanding this, whilst it is not proposed to provide an on-site LEAP, the scheme by virtue of its woodland buffers and the proposed woodland walk, does in fact overprovide in terms of general open space providing approximately 1.1 hectares of open space, not including the Ancient Woodland. On this basis whilst it is disappointing the an on-site LEAP is not being provided in this instance, on balance it is considered that the generally high level of open space sufficiently compensates for its absence in this instance, especially as there is still a playground within walking distance of the site.

Flood Risk and Drainage

6.68 The application has been submitted with a detailed Flood Risk Assessment that has been considered by ESCC's SUDS Officers.

6.69 The FRA confirms that the application site falls within Flood Zone 1 (lowest risk of flooding) and that the risk flooding from all sources is either low or very low.

6.70 The proposed surface water drainage strategy will be designed to accommodate a 1 in 100 year critical design storm and cater for the effects of climate change by including a 20% increase in peak rainfall intensity. It will comprise flow restriction and surface water storage to ensure that the rate of run-off leaving the site will be no more than the existing situation. Surface water storage will be provided using cellular tanks and a swale. The swale will provide storage and will also help to improve the water quality of the run-off before it is discharged to the local watercourse on the north boundary.

6.71 This strategy will ensure that there is no increase in the amount of run-off leaving the site, and therefore the proposed development will not increase the risk of flooding elsewhere.

6.72 ESCC SUDS officers have considered the submitted details and confirmed, following the submission of revised/additional information, that they have no objections to the proposal subject to conditions.

6.73 Foul drainage from the site will be dealt with by means of a new connection to the public foul water sewer. Southern Water has confirmed that it can provide foul sewage disposal to service the proposed development.

S106

6.74 General infrastructure improvements required as a result of this development (play space, education etc.) will be secured by a CIL contribution. The levy is intended to focus on the provision of new infrastructure and should not be used to remedy pre-existing deficiencies in infrastructure provision unless those deficiencies will be made more severe

by new development. The levy can be used to increase the capacity of existing infrastructure or to repair failing existing infrastructure, if that is necessary to support development. Whilst the contribution will be paid to and held by Lewes District Council there is nothing to prevent either Mid Sussex District Council or West Sussex County Council bidding for CIL funding for infrastructure projects outside of the Lewes District.

6.75 In terms of the S106 agreement the following contributions are considered necessary to be secured by a S106 agreement:

- Financial contribution towards recycling - @ £19 per dwelling
- Provision of 40% affordable housing on the site - equating to 22 dwellings - 8 x 1 bed, 9 x 2 bed houses, 15 x 3 bed houses.
- £1000 towards MSDC for reptile translocation.

CONCLUSION

6.76 Whilst the site is not currently allocated for housing within the Development Plan the erection of 55 dwellings on this site would accord with the broad distribution of housing as set out by Policy SP2 of the JCS and would help meet the District's housing needs over the period to 2030, whilst at the same time securing 22 much needed affordable homes.

6.77 The site is reasonably well laid out, offering a mix of dwellings types and sizes of a design that is reflective of the surrounding area. Retention of the wooded boundaries will ensure that the site will be visually enclosed and will relate well to the existing built form without encroaching into the open landscape. Retention of the woodland and provision of generous buffer areas also means the scheme will deliver a large amount of open space whilst at the same time securing the retention of the Ancient Woodland.

6.78 As well as being visually well related to the existing built form, the location of the site ensures that residents will have good access to the existing services and facilities of Burgess Hill, as well as reasonable access to alternatives means of transport.

6.79 It is not considered that this proposal will give rise to any severe highway safety or capacity concerns and on-site, parking and turning provisions are satisfactory. The relationship with, and impact on, the living conditions of surrounding properties are also considered acceptable.

6.80 Overall it is considered that the proposal would create an acceptable form of development without detriment to the wider surroundings or the amenity of the area in general and sufficiently accords with the provisions of the Development Plan to be supported.

7. RECOMMENDATION

7.1 Recommend that, subject to the applicants first entering into a Section 106 Agreement to secure the obligations set out at paragraph 6.75 above, the application be approved subject to the conditions outlined below.

The application is subject to the following conditions:

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

Reason: In the interests of road safety.

2. No part of the development shall be first occupied until visibility splays of 2.4 metres by 139 metres to the north and 148 metres to the south have been provided at the proposed site vehicular access onto Valebridge Road in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety.

3. 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. The garage buildings shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety.

5. No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

6. 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: To secure satisfactory standards of access for the proposed development.

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

Reason: In the interests of road safety

8. No part of the development shall be occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

9. In this condition 'retained tree' means an existing tree or hedge, which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the first occupation of the development.

- a) no retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Council. Any pruning shall be carried out in accordance with British Standard 3998 (tree work) and in accordance with the arboricultural method statement.
- b) if any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Council.
- c) tree protection measures shall be maintained in-situ and not moved or removed until all construction has finished and equipment, materials, or machinery are removed from site. Nothing shall be stored or placed in any area fenced in accordance with this condition nor shall any fires be started, no tipping, refuelling, disposal of solvents or cement mixing carried out and ground levels within those areas shall not be altered, nor shall any excavation or vehicular access be made, without the written consent of the Council.
- d) any arboricultural protection information and plans submitted as part of the application, and listed in the approved plans condition, shall be implemented and adhered to at all times during the construction process unless otherwise agreed in writing with the Council. This shall include the requirement for arboricultural supervision.
- e) 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.

Reason: To preserve trees on the site and in the interest of visual amenity and environment having regard to Policy ST3 of the Lewes District Local Plan.

10. No development 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. If within a period of two years from the date of the planting any tree, or any tree planted in replacement for it, is removed, uprooted destroyed or dies, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

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

Reason: To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

12. Any works or deliveries in connection with this permission shall be restricted to the hours of 0800 to 1800 Mondays to Fridays and 0830 to 1300 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason: In the interest of the amenities of the adjoining residents having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012

13. Any works or deliveries in connection with this permission shall be restricted to the hours of 0800 to 1800 Mondays to Fridays and 0830 to 1300 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason: In the interest of the amenities of the adjoining residents having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012

14. A verification plan based on the findings of the desk-study and ground investigation regarding the ground gas results providing details of the data that will be collected in order to demonstrate that the works set out in the recommendations 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 Planning Policy Framework, sections 120 and 121).

15. 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 Planning Policy Framework, sections 120 and 121).

16. 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 amendment to the 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 National Planning Policy Framework, sections 120 and 121).

17. The surface water drainage strategy outlined in the RGP Design Flood Risk Assessment (Ref 2016/D1178/FRA1.2) should be carried forward to detailed design. Surface water 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 and the detailed design should include how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

Reason: To reduce the risk of flooding, both on and off site and to accord with Policy CP12 of the Joint Core Strategy and the National Planning Policy Framework 2012.

18. A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site. 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. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.

Reason: To reduce the risk of flooding, both on and off site and to accord with Policy CP12 of the Joint Core Strategy and the National Planning Policy Framework 2012.

19. Prior to occupation of the development evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

Reason: To reduce the risk of flooding, both on and off site and to accord with Policy CP12 of the Joint Core Strategy and the National Planning Policy Framework 2012.

20. No development shall commence unless and until details of the proposed means of foul water sewerage water disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The development shall be implemented in accordance with the approved details.

Reason: To ensure that sewage disposal can be provided from the site without detriment to the existing sewage system, having regard to guidance within the National Planning Policy Framework 2012.

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

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

22. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 22 and that provision for analysis, publication and dissemination of results and archive deposition has been secured, unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

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

23. No development shall take place until details of finished floor levels and ground levels in relation to the existing ground levels 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: In the interest of the character of the locality having regard to Policy ST3 of the Lewes District Local Plan and the National Planning Policy Framework 2012.

24. Boundary treatments shall be erected in accordance with the details shown on drawing no. CB_35_085_009 Rev B unless otherwise agreed in writing by the Local Planning Authority. The boundary treatment shall be completed before the associated dwellings are occupied or in accordance with a timetable to be first agreed in writing with the local planning authority.

Reason: To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

25. No development shall take place above the ground floor slab level until details and samples of all external facing, roofing and surfacing materials 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.

Reason: To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

26. No more than 35 dwellings shall be occupied unless and until the public open space (including the woodland walk) has been provided in accordance with details which shall be submitted to and approved by the local planning authority. The submitted particulars shall include details of its on-going management and maintenance. The development shall be carried out, managed and maintained thereafter in accordance with the approved details.

Reason: To provide an adequate amount of open space on the development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

27. No development shall take place until a detailed scheme of ecological enhancements and mitigation measures, to include ongoing management as necessary, based on the recommendations of the Ecological Impact Assessment (January 2017) by The Ecology Partnership has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out and managed thereafter in accordance with the approved details.

Reason: To protect and enhance habitats on the site having regard to guidance within the National Planning Policy Framework 2012.

INFORMATIVE(S)

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

2. The 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.

3. A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Technical Report	6 January 2017	ADDENDUM GROUND GAS ASSESSMENT
Biodiversity Checklist	6 January 2017	ECOLOGICAL IMPACT ASSESSMENT
Biodiversity Checklist	6 January 2017	REPTILE MITIGATION REPORT
Location Plan	9 December 2016	1:1250
Existing Block Plan	9 December 2016	1:500
Proposed Elevation(s)	9 December 2016	P100 PLOT 1
Proposed Floor Plan(s)	9 December 2016	P100 PLOT 1
Proposed Roof Plan	9 December 2016	P100 PLOT 1
Proposed Elevation(s)	9 December 2016	P101 PLOT 2
Proposed Floor Plan(s)	9 December 2016	P101 PLOT 2
Proposed Roof Plan	9 December 2016	P101 PLOT 2
Proposed Elevation(s)	9 December 2016	P102 PLOT 3 & 4
Proposed Floor Plan(s)	9 December 2016	P102 PLOT 3 & 4
Proposed Roof Plan	9 December 2016	P102 PLOT 3 & 4
Proposed Elevation(s)	9 December 2016	P103 PLOT 5
Proposed Floor Plan(s)	9 December 2016	P103 PLOT 5
Proposed Roof Plan	9 December 2016	P103 PLOT 5
Proposed Elevation(s)	9 December 2016	P104 PLOT 6
Proposed Floor Plan(s)	9 December 2016	P104 PLOT 6
Proposed Roof Plan	9 December 2016	P104 PLOT 6
Proposed Elevation(s)	9 December 2016	P105 PLOT 7 & 8
Proposed Floor Plan(s)	9 December 2016	P105 PLOT 7 & 8

Proposed Roof Plan	9 December 2016	P105 PLOT 7 & 8
Proposed Elevation(s)	9 December 2016	P106 PLOT 9 & 10
Proposed Floor Plan(s)	9 December 2016	P106 PLOT 9 & 10
Proposed Roof Plan	9 December 2016	P106 PLOT 9 & 10
Proposed Elevation(s)	9 December 2016	P107 PLOT 11
Proposed Floor Plan(s)	9 December 2016	P107 PLOT 11
Proposed Roof Plan	9 December 2016	P107 PLOT 11
Proposed Elevation(s)	9 December 2016	P108 PLOT 12
Proposed Floor Plan(s)	9 December 2016	P108 PLOT 12
Proposed Roof Plan	9 December 2016	P108 PLOT 12
Proposed Elevation(s)	9 December 2016	P109 PLOT 13 & 14
Proposed Floor Plan(s)	9 December 2016	P109 PLOT 13 & 14
Proposed Roof Plan	9 December 2016	P109 PLOT 13 & 14
Proposed Elevation(s)	9 December 2016	P110 PLOT 15 & 16
Proposed Floor Plan(s)	9 December 2016	P110 PLOT 15 & 16
Proposed Roof Plan	9 December 2016	P110 PLOT 15 & 16
Proposed Elevation(s)	9 December 2016	P111 PLOT 17
Proposed Floor Plan(s)	9 December 2016	P111 PLOT 17
Proposed Roof Plan	9 December 2016	P111 PLOT 17
Proposed Layout Plan	17 February 2017	001 REV C
Other Plan(s)	17 February 2017	002 REV B LAND USE
Other Plan(s)	17 February 2017	003 REV B HOUSING MIX
Other Plan(s)	17 February 2017	004 REV B AFFORDABLE HOUSING
Other Plan(s)	17 February 2017	005 REV B BUILDING HEIGHTS
Other Plan(s)	17 February 2017	006 REV B PARKING STRATEGY
Other Plan(s)	17 February 2017	007 REV B BIN_CYCLE STORAGE
Other Plan(s)	17 February 2017	008 REV B EXTERNAL FINISHES

Other Plan(s)	17 February 2017	009 REV B EXTERNAL ENCLOSURES
Other Plan(s)	17 February 2017	010 REV B HARD SURFACING PLAN
Transport Assessment	17 February 2017	
Tree Statement/Survey	20 February 2017	IMPACT ASSESSMENT
Proposed Elevation(s)	9 December 2016	P112 PLOT 18
Proposed Floor Plan(s)	9 December 2016	P112 PLOT 18
Proposed Roof Plan	9 December 2016	P112 PLOT 18
Proposed Elevation(s)	9 December 2016	P113 PLOT 19
Proposed Floor Plan(s)	9 December 2016	P113 PLOT 19
Proposed Roof Plan	9 December 2016	P113 PLOT 19
Proposed Elevation(s)	9 December 2016	P114 PLOT 20 & 21
Proposed Floor Plan(s)	9 December 2016	P114 PLOT 20 & 21
Proposed Roof Plan	9 December 2016	P114 PLOT 20 & 21
Proposed Elevation(s)	9 December 2016	P115 PLOT 22 - 25
Proposed Floor Plan(s)	9 December 2016	P115 PLOT 22 - 25
Proposed Roof Plan	9 December 2016	P115 PLOT 22 - 25
Proposed Elevation(s)	9 December 2016	P116 PLOT 26 & 27
Proposed Floor Plan(s)	9 December 2016	P116 PLOT 26 & 27
Proposed Roof Plan	9 December 2016	P116 PLOT 26 & 27
Proposed Elevation(s)	9 December 2016	P117 PLOT 28 - 31
Proposed Floor Plan(s)	9 December 2016	P117 PLOT 28 - 31
Proposed Roof Plan	9 December 2016	P117 PLOT 28 - 31
Proposed Elevation(s)	9 December 2016	P118 PLOT 32 & 33
Proposed Floor Plan(s)	9 December 2016	P118 PLOT 32 & 33
Proposed Roof Plan	9 December 2016	P118 PLOT 32 & 33
Proposed Elevation(s)	9 December 2016	P119 PLOT 34
Proposed Floor Plan(s)	9 December 2016	P119 PLOT 34
Proposed Roof Plan	9 December 2016	P119 PLOT 34

Proposed Elevation(s)	9 December 2016	P120 PLOT 35 & 36
Proposed Floor Plan(s)	9 December 2016	P120 PLOT 35 & 36
Proposed Roof Plan	9 December 2016	P120 PLOT 35 & 36
Proposed Elevation(s)	9 December 2016	P121 PLOT 37 - 40
Proposed Floor Plan(s)	9 December 2016	P121 PLOT 37 - 40
Proposed Roof Plan	9 December 2016	P121 PLOT 37 - 40
Proposed Elevation(s)	9 December 2016	P122 PLOT 41
Proposed Floor Plan(s)	9 December 2016	P122 PLOT 41
Proposed Roof Plan	9 December 2016	P122 PLOT 41
Proposed Elevation(s)	9 December 2016	P123 PLOT 42
Proposed Floor Plan(s)	9 December 2016	P123 PLOT 42
Proposed Roof Plan	9 December 2016	P123 PLOT 42
Proposed Elevation(s)	9 December 2016	P124 PLOT 43 - 45
Proposed Floor Plan(s)	9 December 2016	P124 PLOT 43 - 45
Proposed Roof Plan	9 December 2016	P124 PLOT 43 - 45
Proposed Elevation(s)	9 December 2016	P125 PLOT 46 - 48
Proposed Floor Plan(s)	9 December 2016	P125 PLOT 46 - 48
Proposed Roof Plan	9 December 2016	P125 PLOT 46 - 48
Proposed Elevation(s)	9 December 2016	P126 PLOT 49 & 50
Proposed Floor Plan(s)	9 December 2016	P126 PLOT 49 & 50
Proposed Roof Plan	9 December 2016	P126 PLOT 49 & 50
Proposed Elevation(s)	9 December 2016	P127 PLOT 51 & 52
Proposed Floor Plan(s)	9 December 2016	P127 PLOT 51 & 52
Proposed Roof Plan	9 December 2016	P127 PLOT 51 & 52
Proposed Elevation(s)	9 December 2016	P128 PLOT 53 & 54
Proposed Floor Plan(s)	9 December 2016	P128 PLOT 53 & 54
Proposed Roof Plan	9 December 2016	P128 PLOT 53 & 54

Proposed Elevation(s)	9 December 2016	P129 PLOT 55
Proposed Floor Plan(s)	9 December 2016	P129 PLOT 55
Proposed Roof Plan	9 December 2016	P129 PLOT 55
Proposed Elevation(s)	9 December 2016	P130 GARAGES
Proposed Floor Plan(s)	9 December 2016	P130 GARAGES
Proposed Roof Plan	9 December 2016	P130 GARAGES
Proposed Elevation(s)	9 December 2016	P131
Proposed Floor Plan(s)	9 December 2016	P131
Proposed Roof Plan	9 December 2016	P131
Other Plan(s)	9 December 2016	906 DISTRICT BOUNDARIES
Other Plan(s)	9 December 2016	1/001G TOPOGRAPHICAL 1
Other Plan(s)	9 December 2016	1/001G TOPOGRAPHICAL 2
Other Plan(s)	9 December 2016	1/001G TOPOGRAPHICAL 3
Other Plan(s)	9 December 2016	03 TREE PROTECTION
Design & Access Statement	9 December 2016	
Planning Statement/Brief	9 December 2016	
Technical Report	9 December 2016	ARCAHEOLOGY & HERITAGE
Technical Report	9 December 2016	ECOLOGICAL APPRAISAL
Technical Report	9 December 2016	GROUND INVESTIAGTION
Technical Report	9 December 2016	UTILITES REPORT
Technical Report	9 December 2016	VISUAL APPRAISAL & STRATEGY
Tree Statement/Survey	9 December 2016	
Flood Risk Assessment	31 January 2017	
Proposed Layout Plan	14 March 2017	2016/3237/009 E
Proposed Layout Plan	14 March 2017	2016/3237/005 G

Report to	Planning Committee
Date	5 April 2017
By	Director of Planning
Local Authority	Lewes District Council
Application Number	SDNP/16/05778/FUL
Applicant	Mr R Williams
Application	Demolition of the existing building, which is currently B1 office use, and erection of five-bedroom house with double garage
Address	Hanover House Timberyard Lane Lewes BN7 2AU

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

Executive Summary

This is brownfield site, within the defined planning boundary of Lewes in close proximity to the town centre and all its amenities. Whilst this proposal will result in the loss of a small amount of existing business floorspace, on the basis that the site has historically been allocated for residential redevelopment and is actually the only parcel of land within this former allocation that has not already been redeveloped for housing, in this particular instance, the loss of the business floorspace is considered acceptable.

The scale and massing of the proposed dwelling and its contemporary design is not considered to be out of keeping with its immediate context and overall the scheme is considered to preserve the character and appearance of this part of the Conservation Area. Given the localised impact of the proposed development it is not considered that this proposal would significantly affect the natural beauty or cultural heritage of the wider National Park.

The relationship with the neighbouring dwellings is considered acceptable and will not cause significant harm to the living conditions of the existing occupiers.

The access and parking arrangements are deemed satisfactory and it is not considered that the proposal will be at risk of flooding nor will it increase flood risk elsewhere.

Overall the proposal is considered comply with the relevant policies of the Development Plan and can be supported.

1 Site Description

1.1 The application site lies at the western end of Timberyard Lane on the eastern side of the River Ouse, towards the eastern edge of Lewes. The site is currently occupied by Hanover House, a large barn like building currently occupied as offices.

1.2 The site falls within the [Page 57 of 104](#) boundary of Lewes as defined by the Lewes District Local Plan and also falls within a designated Conservation Area and the South Downs National Park.

1.3 The footprint of the existing building effectively fills the entire site. It is a two storey building, set under a pitched corrugated roof, with a hip at the eastern end. The walls are mainly finished with flint on the ground floor with dark timber cladding at first floor. There is a feature window in the west facing gable end looking towards the river.

1.4 To the north east the application site abuts a vacant piece of land on which permission has been granted for the erection of a garage and the creation of a communal garden. It does not appear however that any works in association with this consent have commenced and the approval will time expired if not commenced before 18th September 2017 (SDNP/14/02257/FUL). For now the land remains vacant and enclosed by a mixture of timber fencing and brick and flint walling.

1.5 To the north west the application site abuts 52 Morris Road, the last of a terrace of Victorian dwellings, running to the north west. The north western wall of the existing building is a prominent feature along the mutual boundary between the application site and this neighbouring dwelling.

1.6 Opposite the site, on the other side of Timbryard Lane to the south east is a three storey block of flats, constructed as part of the Hillman Close development in the late 1990s.

1.7 To the south west of the application site, just before the river, is a small area of land that has been landscaped in association with the development of the neighbouring Chandlers Wharf development. This is a development of 13 new dwellings that has recently been completed along the river frontage. Access to this development abuts the application site to its south west. An application has recently been submitted seeking the development of the area of landscaping with a further three bedroom dwelling (SDNP/17/00775/FUL). A decision on this application is currently pending.

1.8 Further along Timbryard Lane to the north east of the application site are a number of sites, that have been redeveloped with more dense development, e.g. the former St Johns Ambulance site which has been redeveloped with four three-storey terraced town houses, and its neighbouring site that has been re-developed, also with terraced houses.

2 Proposal

2.1 Planning permission is sought for the demolition of the existing office building and the redevelopment of the site with a new five bedroom dwelling.

2.2 The applicant's describe their proposal as follows:

"The proposal is for a two-storey house with a courtyard space on the north side of the site that allows for the addition of a ramp for wheelchair access. The courtyard also means that the house is set further away from the end property on Morris Road so as to reduce the impact upon their amenity.

The main entrance is situated at the south corner where steps lead from the road up to the entrance area bounded by a brick built planter over the bin store. The double garage is accessed via the new road serving the Riverdale development to the northwest.

The internal layout of the ground floor is such that the living/ dining has access to the courtyard space, and the communal areas of the house and five bedrooms will receive solar gain from the

south east elevation which faces out onto Timberyard Lane. Many of the bedrooms have a second window which will enliven the quality of light within.

The ground floor includes an entrance hall with utility room, the main living spaces and kitchen which includes a double height with the stairs leading to the first floor in an open plan arrangement. At the far end, is a single bedroom plus a fully accessible double bedroom and shower room, both of which are designed in accordance with the Lifetime Homes standard. The first floor includes three further bedrooms grouped either side of the double height space as well as the main bathroom. The westernmost is the master bedroom with an en suit bedroom...

The proposed dwelling presents a two storey elevation to the road with a south facing pitched roof. A lower north facing pitch roof forms the northern part of the house nearest to Morris Road.

Paying homage to the dark grey bricks of Lewes (wood fired kilns or clamps), a mottled grey brick is proposed mainly to the plinth zone but also extending upwards to provide variation in texture and tone. Elsewhere the cladding would be western red cedar cladding to tie in with the new Riverdale development to the north and west and also the early developments down Timberyard Lane. Timber can also be said to have been frequently used around the old riverside areas of Lewes where it was used as a cladding for both residential and commercial/industrial buildings. The cladding can be both vertical and horizontal boarded to provide an agreeable visual rhythm down the street. We are suggesting the use of a standing seam zinc roof finish. Photovoltaic panels are also proposed for the main roof pitch."

3 Relevant Planning History

LW/07/1006 - Demolition of shop, showroom and storage buildings - Conservation Area consent refused

LW/07/1007 - Change of use of land to provide 55 car parking spaces and modified entrance gate - Approved

LW/07/1009 - Replacement of external walls and roofing materials; demolition of section of building; new disabled ramp - Approved

4 Consultations

RE: ORIGINAL PLANS

Lewes Town Council Consultee

Members considered the architectural style was at odds with surrounding buildings and had a very ugly and dominant visual aspect. They regret the lost opportunity for multiple smaller units and the loss of the last workspace and attendant employment opportunities in that locality.

East Sussex County Archaeologist

The proposed development is situated within an Archaeological Notification Area defining the historic core of the medieval and post-medieval town of Lewes. The site lies in a section of the town that formed in 18th century as an industrial area. Certainly by the late 19th century the site is occupied by a large industrial building, probably associated with the adjacent gasworks.

Recent archaeological monitoring immediately to the north and south of the site has recorded earlier remains, comprising wooden structures relating to the reclaiming of this section of flood plain possibly as early as the medieval period. It is quite likely similar remains survive at depth under Hanover House.

In the light of the potential for loss of heritage assets on this site resulting from development the area affected by the proposals should be the subject of a programme of archaeological works.

This will enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded. These recommendations are in line with the requirements given in the NPPF.

Condition requested.

LE - Design and Conservation Officer

The existing building is modern and not considered to contribute to the character and appearance of the Lewes Conservation Area. The principle of its demolition is acceptable.

The scale and massing of the proposed dwelling is generally comparable with other residential properties within the immediate surrounding area, most notably the three storey terraced houses along 2-6 Timber Yard Lane, the Hillman Close flats block numbers 29 to 64 and 17-28 and the three/four storey terraced houses along Chandlers Wharf.

However concern is raised over the proposal, specifically the proposed north east elevation. The scale and massing of the proposed development from the eastern end of Morris Road and from Timber Yard Lane is considered overly bulky and awkward. Specifically of concern is a combination of this elevations width and height. It is considered this impact is unacceptable as it would have a detrimental impact on the streetscene and conservation area.

It is advised a reduction in the scale and massing in this part of the site and better separation between the site and Morris Road is required. It is advised the element of the proposed dwelling closest to 52 Morris Road shown as two storeys on a plinth with a two storey oriel window, containing 'bedroom 2' and 'bedroom 5' be removed from the proposal to address this concern.

The loss of this habitable floor area could be accommodated within the proposed dwelling through a more restrained use of the internal space. It is suggested this could be achieved through more careful consideration of the use of the internal floor area and will involve considering the loss and/or reduction of some of the following: the double height void space within the lounge; the larger part of the landing area (which contains a desk on the first floor to the left of the staircase); bedroom sizes which are all generous as proposed; and number of bathrooms. Please note these are suggestions only and other solutions may be possible.

There is also a general concern that the relationship with 52 Morris Road is not shown clearly enough. To allow the impact of the works to be properly considered it is advised a number of sections though the proposed dwelling and its immediate context are required. These need to show the plinth, the floor level relationship with 52 Morris Road from the level parts of the access ramp, the courtyard, the wall and trellis screen

It should also be noted the roof terrace is considered to result in unacceptable overlooking to the rear garden of Morris Road. This element of the proposal needs to be removed. A privacy screen to address this overlooking is likely to be considered an awkward and contrived design feature that would not be acceptable.

It is advised the application is amended to address the above concerns. If the application/agent does not agree to amendments the application should be refused.

Environment Agency

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In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal on this basis for the following reasons:

Reason

The FRA submitted with this application does not comply with the requirements set out in paragraph Section 9 & 10 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to

1. Take the impacts of climate change into account
2. Consider how people will be kept safe from flood hazards identified
3. Consider the effect of a range of flooding events including extreme events on people and property.

Southern Gas Networks

Standard advice regarding development near gas mains given. See file.

LE - Environmental Health

Contaminated land conditions requested.

LE - Environmental Health

Conditions recommended to protect neighbouring residents from impacts associated with the construction of this proposed building.

RE: AMENDED PLANS:

Environment Agency

We previously objected to the proposals in our letter of 28 December 2016 (ref. HA/2016/118952/01-L01). We considered that the Flood Risk Assessment (FRA) submitted failed to demonstrate that the development was appropriate in this area of flood risk.

An amended FRA has since been submitted. We have reviewed this FRA and have the following comments to make.

We remove our objection to the proposed development, as amended, subject to the inclusion of the below condition in any permission granted. See file for detail.

LE - Design and Conservation Officer

The existing building on the site is a modern, single storey office that has a warehouse like appearance. It is not considered to be of historic or architectural interest and has a neutral impact on the character and appearance of the conservation area. The principle of its demolition is considered acceptable.

The proposed dwelling is comparable in scale to existing residential development along Timberyard Lane, Hillman Close and Chandlers Wharf. It is considered in keeping with the scale and massing of its immediate context and therefore if approved would preserve the character and appearance of this part of the Lewes Conservation Area.

The proposed dwelling has a modern appearance, constructed primarily of brick, cedar cladding, zinc roof with an informal fenestration arrangement and two shallow mono-pitched roofs. This modern appearance is not out of keeping with its immediate context on Timberyard Lane and the River frontage which is notable for its modern residential development.

Concerning the impact of the proposal of historic buildings within its setting, Timber Yard Cottages, a row of Victorian terraced houses to the north east of the site, are considered too distant to be significantly affected by the proposal.

The proposed dwelling can partially be seen from the south-east end of Morris Road, where there are rows of Victorian terraced houses. The massing of the proposed dwelling on the north-east elevation is notable as it increases the bulk of built form in this location compared to the existing relationship. This was previously considered an awkward relationship but has been amended so this elevation is now sets this mass away from the boundary with Morris Road so there is a 5.4m gap between them. Although as a result of the amendment the proposed dwelling would come slightly forward of the building line along Morris Road, its impact is reduced to the extent that, on balance, it is considered a sufficient set back to avoid this elevation being overbearing and having an incongruous appearance within Morris Road.

Notably the proposed trellis screen will be visible above the existing north-east and north-west boundary walls. This trellis screen is necessary to allow the raised courtyard to be safely used. It is important this is detailed correctly to avoid it appearing awkward within Morris Road, it is advised within the conditions further details of this is provided.

Concerning the impact of the proposed dwelling on the setting of the conservation area from the River Ouse, while it will be visible from the riverbank opposite and the adjacent wharf, it is set back from this frontage and as a result is less prominent. Importantly the small open space between the site and the river to the south-west helps to break up the dense built form along the river frontage.

As a result of the above considerations no objection is raised to the proposed works subject to conditions. See file for details.

Parish Council Consultee

Comments awaited.

5 Representations

ORIGINAL PLANS:

Lewes Conservation Area Advisory Group: The unsightly existing shed is the last remnant of the industrial/workshop structures that occupied this site before the adjacent buildings which are now almost entirely residential.

LCAAG agrees that the site be redeveloped for residential purposes.

It is understood that the proposed 2 storey house will sit upon a brick plinth to raise it above flood level. The Group appreciates that the design is appropriate to the site and reflects its former use. The building footprint is broken down into discrete blocks, linked by the roof. The palette of materials appears to be deliberately restricted creating simple and uncluttered elevations.

Our view is that the building relates comfortably to its neighbours in terms of scale, form and materials. The elevation to Morris Road forms a visual bridge between the two storeys of Morris Road and the three storeys of Hillman Close opposite. The prominent south west corner of the site forms an effective entrance to the recently completed Chandlers Wharf development, with its curved brick wall and set back block behind. The potential impact on the neighbour at 52 Morris Road is mitigated by providing an eaves height along the shared boundary that is lower than the existing eaves.

LCAAG believes that this proposal responds positively to a challenging site. Subject to good detailing and execution the final result has the potential to have a positive impact upon the Conservation Area.

We therefore support this development.

Friends of Lewes: Friends of Lewes have no objection to this proposed development and consider it to be an imaginative design solution for this particular site.

Residents of Hillman Close:

- o Strongly object to and oppose the build.
- o Will make side windows of the flats looking out over the road very dark.
- o Have already had to put up with the build on the old Chandlers site.
- o It will be an eyesore and not fit in with the buildings already here.
- o Squashed.
- o We have lost our view as it is.
- o Loss of privacy.
- o Inadequate parking in area already
- o Site could still flood.

31 Hillman Close:

- o Overdevelopment
- o Out of keeping in terms of scale and materials
- o Reduction of light/sunlight

52 Morris Road:

- o Will impact our rear amenities and light.
- o The overall size of the property is enormous and overbearing and will dwarf our property.
- o Will block light - the proposed sun trajectory shown on the drawings, is wrong and misleading.
- o Will look directly down into our property.
- o The Courtyard with its associated noise and light pollution, will have a detrimental impact on our house.
- o The height of the building is unnecessary high.
- o Will cause reflected light pollution during the summer.
- o Is also out of character for this area
- o A couple of smaller houses would be better,

AMENDED PLANS:

31 Hillman Close:

- o I would like to reiterate my main objection: a reduction in the amount of sky which will be visible.
- o Still feels cramped.
- o Loss of privacy

52 Morris Road:

- o Acknowledge the changes but is still very high and overpowering
- o The courtyard will still create both noise and light pollution, which will affect our house due to the proximity to bedrooms.
- o Is important that materials used for all the boundary walls, fencing, trellis etc, are appropriate.
- o Would welcome strict time constraints for the working hours

From 3 Chandlers Wharf residents:

- o The location of the garage/parking is likely to cause a problem with access to Chandlers Wharf, and a possible safety issue.
- o Would prefer that the access to the parking/garage is from Timberyard Lane and that permission to restricted to a maximum of 2 cars.
- o This is a large property that will involve much disruption.
- o This is a classically over designed property designed to make maximum return to the land owner with little regard for the development.
- o Concerned about impact on parking and level of traffic
- o Where will tradesmen park?
- o The Highways Authority should be made to sort out the state of Timberyard Lane.

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

- Lewes District Local Plan (2003)
- SDNPA Partnership Management Plan 2014

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 and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also 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
- NPPF - Conserving and enhancing the historic environment

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

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

- CP4 - Economic Development and Regeneration
- CP11 - Built and Historic Environment and Design
- CP12 - Flood Risk, Coastal Erosion and Drainage

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

- ST3 - Design, Form and Setting of Development

- H5 - Within / Affecting Conservation Area

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

- General Policy 1
- General Policy 9
- General Policy 50

Partnership Management Plan

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

The South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16th July 2015 to go out for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period ran from 2nd September to 28th October 2015. The responses received are being considered by the Authority. The next stage in the plan preparation will be the publication and then submission of the Local Plan for independent examination. Until this time, the Preferred Options Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the National Planning Policy Framework, which confirms that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation the policies within the Preferred Options Local Plan are currently afforded limited weight and are not relied upon in the consideration of this application.

8 Planning Assessment

8.1 The main issues for consideration in relation to this application are:

- 1) The principle of the development/loss of business floorspace
- 2) Design and impact on conservation area
- 3) Impact on neighbour amenity
- 4) Flood risk issues
- 5) Access and parking arrangements

Principle/loss of business floorspace

8.2 As noted above the site falls within the Planning Boundary of Lewes and as such the principle of residential development would generally be acceptable subject to compliance with other relevant District Wide Policies.

8.3 In this respect Core Policy 4 of the Joint Core Strategy is relevant. This policy seeks to safeguard existing employment sites from other competing uses unless there are demonstrable economic viability or environmental amenity reasons for not doing so. The supporting text of this policy explains:

"Where an application is made to change the use of an employment site to another use it will need to be supported by appropriate and robust evidence to demonstrate the economic viability or environmental amenity case proposed for not retaining the site for employment use. A demonstrated lack of developer or tenant/occupier interest would include, as a minimum, evidence of at least 12 months of active and continuous marketing, including advertising, for employment use at an appropriate market level and

evidence of no unreasonable barriers to potential employment tenants/occupiers. Details of the numbers and types of interested parties and reasons for not pursuing their interest in the site for employment use will be expected."

8.4 The only evidence in this respect that has been submitted with this application is a statement from the applicant which states:

"The upstairs office was originally used as an office by the owner's contracting business that has since relocated within the Lewes District due to an increase in office based staff from 3 office based staff to 7. The upstairs office was then used as a site office for Riverdale developments for two years whilst the Former Chandlers Site was redeveloped. Riverdale Developments left this office in July 2016 and the office has remained unoccupied since. The upstairs offices are hindered by the shallow pitch off the roof which significantly restricts the total usable space making it difficult to rent commercially.

The down stairs office has been occupied on a 5 year lease to Think Telecom Solutions Limited. This lease ends in March 2017 and the business has out-grown the floor space available. Think Telecom Solutions Limited are currently planning to relocate to larger new office premises in the town due to its central location and close proximity to the local bus and train network.

As such this proposed development which is in an area zoned for future residential use by the local planning authority, will not impact the local employment in the area as both local business using the premise will continue to operate in the Lewes district area and have outgrown the existing building."

8.5 Clearly this doesn't meet the requirements of the above policy however, it does also have to be noted that the site was previously allocated as a potential site for residential redevelopment under policy RES3 of the Local Plan. Whilst this policy has now been superseded by the policies of the Joint Core Strategy, it has been historically accepted that the site could be redeveloped for housing and in fact a large proportion of this former allocation has now been developed i.e. Chandlers Wharf, the former St John's Ambulance Site and its neighbouring site. In fact Hanover House is the only part of this former allocation that has not been redeveloped for housing.

8.6 Whilst therefore technically the application has noted fully fulfilled the current requirements of CP4 of the JCS, in light of its previous allocation and the surrounding development that has taken place, in this particular instance no objection is raised to the principle of the loss of the existing business floorspace.

Design, Scale and Impact on the Conservation Area

8.7 With the application site falling within a designated Conservation Area, its design and impact on this heritage asset are important considerations in the determination of this application. For this reason the comments of the Council's Design and Conservation Officer have been sought. As can be seen above, no objections are raised to the principle of the demolition of the existing building, on the basis that it is not considered to contribute to the character and appearance of the Conservation Area. However concerns were raised in respect of the scale and massing of the proposed dwelling as originally submitted.

8.8 The proposed dwelling has a footprint that is almost the same as the footprint of the existing building, occupying practically the entire site. Whilst the dwelling is only proposed to provide two floors of accommodation, due to flood risk mitigation measures (discussed in more detail below) the ground floor of the dwelling is set at 5.45m above Ordnance Datum. This pushes the entire scale of the building up and means that overall the building will be taller than the existing building on site (by some 0.8 metres).

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8.9 The design of the dwelling seeks to minimise the overall bulk of the structure by proposing a shallow mono-pitched roof over the main bulk of the dwelling. Lower "blocks"

are proposed on the north western side of the site where it adjoins 52 Morris Road, where the overall height will be lower than the existing structure. When a direct comparison to the existing building is made the proposed dwelling is actually smaller in overall volume.

8.10 A set back in the main front (south east) elevation and the use of varying materials helps break up the visual massing of the most prominent elevation. In response to comments made by the Design and Conservation Officer the north east elevation has also been reduced with the courtyard now extending to the northern corner. This amendment significantly reduces the visual bulk of the building when viewed from the north east (Timberyard Lane), and greatly assists with the visual relationship with the adjacent Victorian Terrace, 52 Morris Road.

8.11 Whilst the proposed dwelling will be visible from Morris Road, by virtue of the fact it will sit slightly forward of the main building line along Morris Road, the reduction of the north east elevation now provides a generous gap between the existing and proposed buildings and should ensure that the proposed structure does not appear overbearing.

8.12 When viewed in its Timberyard Lane context it is considered that the scale of the dwelling, as amended, is comparable with the other residential properties within the immediate surrounding area, most notably the three storey terraced houses along 2-6 Timberyard Lane, the Hillman Close flats (block numbers 29 to 64 and 17-28) and the three/four storey terraced houses along Chandlers Wharf. Likewise the modern appearance of the proposed dwelling will not be out of keeping with its immediate context and overall the scheme is now considered to preserve the character and appearance of this part of the Conservation Area and therefore accords with the requirements of policies ST3 and H5 of the Local Plan and Policy CP11 of the JCS in this respect.

Impact on neighbour amenity

8.13 As set out above the application site immediately abuts the neighbouring terraced dwelling, 52 Morris Road. This is a simple two storey Victorian dwelling that has been extended to the rear with a part single, part two-storey rear projection. The dwelling has a ground and first floor windows in its front elevation (facing north east) and in the rear has both ground and first floor windows facing south west and towards the application site.

8.14 With the existing building built hard up to the mutual boundary the existing structure is already a significant feature from this neighbouring dwelling, its eaves sitting at the approximate level of the bottom of its first floor rear facing bedroom window.

8.15 It is proposed to erect the new dwelling with a small gap between the mutual boundary and the side wall of the new dwelling. As noted above, the closest elements of the proposed dwelling are single storey only, containing a double garage and the kitchen/dining room area. However due to the raised floor levels the elements are taller than a standard single storey. To mitigate this, low mono-pitched roofs are proposed and as a result the overall height of this closest part of the dwelling will actually be no taller than the existing building and lower in parts. In addition the length of the two storey section, whilst taller than the existing building, is less deep finishing some 3 metres shorter than the existing structure. On this basis, it is considered that the existing living conditions of the occupiers of no. 52 should not be significantly worsened by this proposal.

8.16 Timber screening is proposed to ensure no significant overlooking from the ramp that is proposed to run up the gap between no. 52 and the proposed dwelling and likewise screening is proposed around the courtyard which now projects slightly forward of the front elevation of no. 52. The specific detailing of this screening can be secured by means of a suitably worded planning condition, however officers are content that this should ensure no significant overlooking into the adjacent property.

8.17 The neighbour's concerns regarding the close proximity of the raised courtyard to their first floor bedrooms are noted. However this relationship is not considered to be so different from a normal garden/bedroom relationship to warrant the refusal of planning permission. Notwithstanding this landscaping details, to be secured by way of a condition, could help mitigate noise disturbance by providing an additional barrier between the courtyard and this neighbouring dwelling.

8.18 Objections have been received from the occupiers of the flats directly opposite the application site, at Hillman Close. Amongst other reasons they have objected to the proposal on the basis that it will cause a loss of light and privacy.

8.19 With regard to the comments about loss of light, whilst it is accepted that the proposed dwelling will be taller than the existing building and increases the eaves height closest to these flats, it also has to be acknowledged that the proposed building is not as long as the existing structure and located to the north west of these flats. Loss of direct sunlight is therefore likely to be limited and with an intervening distance of some 10 metres at the very closest it is also considered that it would be difficult to substantiate the proposed dwelling will be overbearing to the occupiers of these existing dwellings. Whilst some additional loss of views are likely to result from the slightly higher structure, there is no right to a view in planning terms and for this reason a refusal on this basis would be unreasonable.

8.20 With regard to loss of privacy, the facing block of flats is a three storey structure with a number of living room windows/doors (with balconies) and bedroom windows facing the application site. With the main aspect of the proposed dwelling facing these units there are a number of windows that will be introduced in its facing elevation. With an intervening distance of some 10 metres this is a relatively close arrangement. However, in a built up situation such as this where mutual overlooking is to be expected to a certain degree, and with the road intervening providing intervening public space as opposed to private garden/amenity space, whilst it is accepted that there will be some loss of privacy to these existing units, it is not considered that harm to the living conditions of the resident would be so significant to warrant the refusal of permission.

8.21 For these reasons the application is considered to comply with the requirements of policy ST3 of the Local Plan and policy CP11 of the JCS in respect of neighbour amenity.

Flood risk issues

8.22 The application site was flooded during the October 2000 event. It is understood that the flood level during this event, in the vicinity of the site, was 5.15m AOD.

8.23 Following the 2000 flood event, temporary flood defences were installed by the EA and permanent improvements have subsequently been carried out by the developers of the adjacent Chandlers Wharf site. These complete works complete the defences to the Cliffe flood cell and raise the defence level to 5.35m. These defences should be sufficient to withstand a 1:100 fluvial event and a 1:200 tidal event, thereby locating the site in Flood Zone 2.

8.24 Notwithstanding this, the proposed dwelling has been designed with all of its habitable rooms with a finished floor level (FFL) set at 5.45mAOD. This matches the floor levels agreed at the adjacent development and ensures that FFLs are 300mm above the previous flood level. This is considered to satisfactorily mitigate the flood risk to the proposed dwelling and ensures compliance with Core Policy 12 of the Joint Core Strategy.

Access and parking arrangements

8.25 The proposed dwelling has been designed to incorporate an integral double garage to be accessed from the south west, directly off the access drive to the Chandlers

Wharf development. The provision of two parking spaces to serve this dwelling is considered acceptable and in line with East Sussex County Council's parking guidelines. With the site being close to the town centre and all its amenities and alternative means of transport the proposed level of parking is considered acceptable.

8.26 Whilst the close proximity of the garage to the junction is not ideal, as this is on private land no objection would be raised by the Highways Authority.

8.27 When the proposals on the adjacent site Chandlers Wharf site were considered it was noted that *"In terms of wider traffic generation, the current proposal would generate significantly less vehicle movements (65 daily) than the previously approved car park or the previous use as a builders yard."* The increase in the use of the access drive and Timberyard Lane by one additional dwelling is not therefore considered to have a material impact and in this respect no objection is raised.

9 Conclusion

9.1 For the reasons outlined above it is considered that the proposals comply with overall aims and objectives of Development Plan and can therefore be supported.

10 Reason for Recommendation and Conditions

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

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

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

2. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved 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 any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

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

3. No development shall take place until a scheme to control the emission of dust from the demolition and construction works at the site has been submitted to and approved in writing by the Planning Authority. The approved scheme shall be fully implemented throughout the duration of demolition and construction works, with all equipment maintained in accordance with the manufacturer's instructions at all times until completion of the development.

REASON: to protect the amenity of the locality in accordance with policy ST3 of the Lewes District Local Plan.

4. Hours of operation at the site during any tree works, site clearance, preparation and construction shall be restricted to 08:00 to 18:00 hours Monday to Friday and 09.00 to 13:00 hours on Saturdays. No working is permitted at any time on Sundays or Bank Holidays. No machinery shall be operated, no process shall be carried out and no deliveries shall be made at the site outside of these specified times.

REASON: to protect the amenity of the locality in accordance with policy ST3 of the Lewes District Local Plan.

5. Prior to commencement of works details of the external materials, to include samples, product information and finish, shall be submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory development in keeping with the locality having regard to Policies ST3 and H5 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012

6. Prior to the commencement of works details of all windows (to include rooflights which shall be a conservation type) and doors, into include product details and elevations to a scale of 1:10 and cross sectional details to a scale of 1:2, shall be submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory development in keeping with the locality having regard to Policies ST3 and H5 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012

7. Prior to the commencement of works further details of enabling works to include vents, flues, downpipes, meter box, hit and miss brick detail, section plan of the hidden gutter, photovoltaic panels in context (which shall be flush with the roof), brise soleil, external lighting and any other associated works, shall be submitted to and approved in writing by the local planning authority. The works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory development in keeping with the locality having regard to Policies ST3 and H5 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012

8. Prior to completion of works details of the timber screening/ trellis boundary treatment shall be submitted to and approved in writing by the local planning authority. The approved screening/boundary treatment shall be erected in accordance with the approved details prior to the occupation of the dwelling and retained in situ thereafter.

Reason: To ensure a satisfactory development in keeping with the locality and to protect the amenity of the neighbouring occupiers having regard to Policies ST3 and H5 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012

9. Full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of the dwelling.

Reason; To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

10. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (13 Jan 2017) and the following mitigation measures detailed within the FRA:

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1. Finished floor levels set no lower than 5.45 m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/ phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reasons: In order to comply with Policy CP12 of the Joint Core Strategy and the objectives of the National Planning Policy Framework.

11. The dwelling hereby approved shall not be occupied until the vehicle parking spaces shown on drawing P-101 Rev D been provided and this space shall be made permanently available for that use.

Reason: To secure satisfactory standards of parking for the proposed development having regard to Policy ST3 of the Lewes District Local Plan.

12. 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 Classes A to E of Part 1 of Schedule 2, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

13. 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 including a site walkover which has identified:
 - o all previous uses
 - o potential contaminants associated with those uses
 - o a conceptual model of the site indicating sources, pathways and receptors
 - o 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: In the interests of health & safety of the future occupiers of the site having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

14. 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: In the interests of health & safety of the future occupiers of the site having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

15. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the local planning authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

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 and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

16. Buildings constructed or refurbished before 2000 may contain asbestos. Accordingly a Demolition asbestos survey should be undertaken by a competent person in accordance with the guidance given in HSG264 Asbestos: The survey guide. A copy of the report should be provided to the local planning authority together with a mitigation plan that removes the risk to future occupiers of exposure to asbestos.

Reason: To ensure that risks from asbestos to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors (in accordance with National Planning Policy Framework, sections 12.0 and 12.1).

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

14.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant

planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Tim Slaney
Director of Planning
South Downs National Park Authority

Contact Officer: Sarah Sheath
Tel: 01273 471600
email: sarah.sheath@lewes.gov.uk

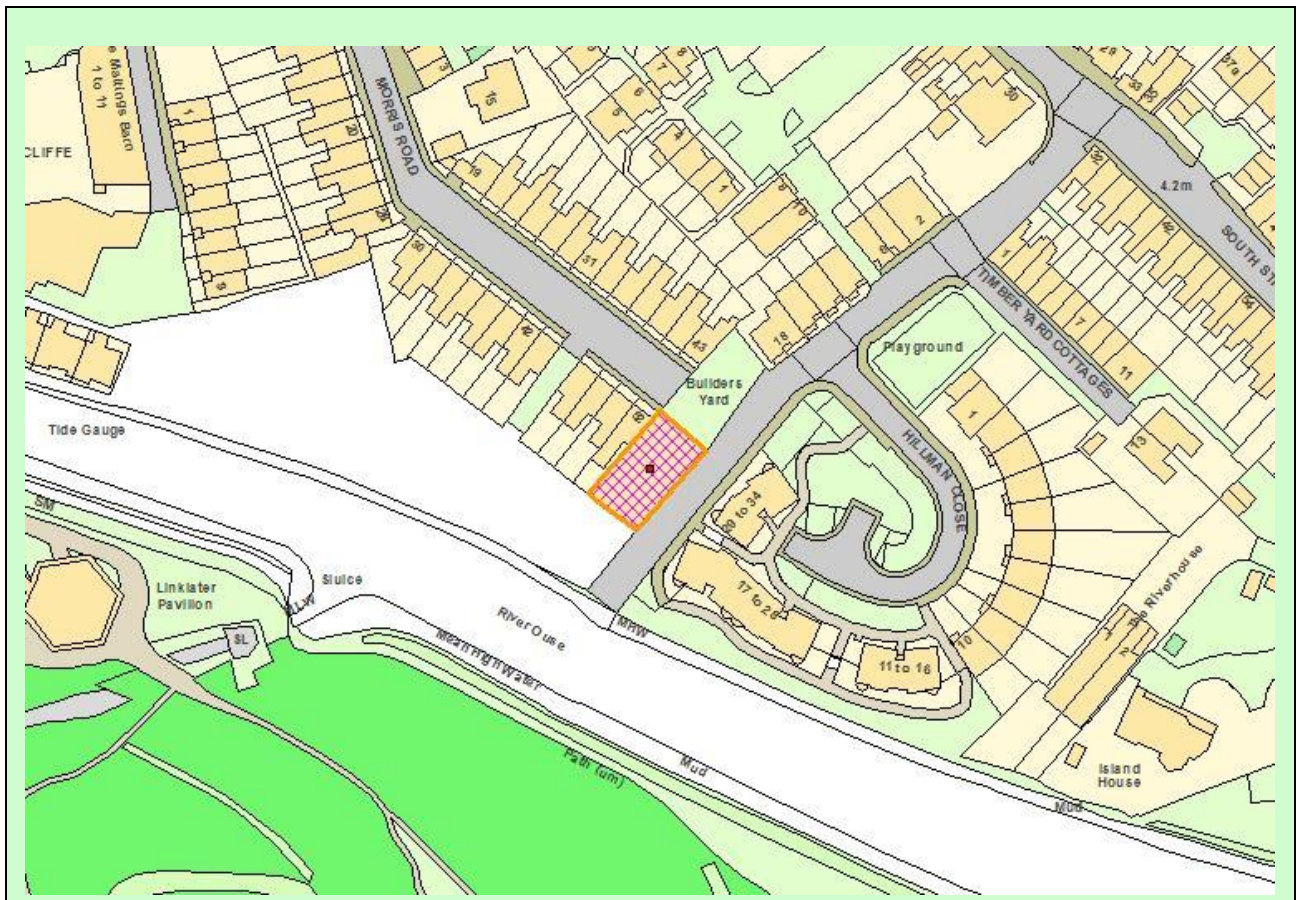
Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

Appendix 1

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

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

Plan Type	Reference	Version	Date on Plan	Status
Plans - Proposed North West Elevation	P-106 C		11.01.2017	Superseded
Plans - View from Timberyard Lane	P-114		11.01.2017	Superseded
Plans - View from Morris Road	P-115		11.01.2017	Superseded
Plans - Proposed Ground Floor Plan	P101 D		09.02.2017	Approved
Plans - Proposed first floor plan	P102 C		09.02.2017	Approved
Plans - Proposed Roof Plan	P103 C		09.02.2017	Approved
Plans - Proposed SW Elevation	P104 C		09.02.2017	Approved
Plans - Proposed SE Elevation	P105 D		09.02.2017	Superseded
Plans - Proposed NW Elevation	P106 D		09.02.2017	Approved
Plans - Proposed NE Elevation	P107 D		09.02.2017	Approved
Plans - Comparison Diagrams	P109 A		09.02.2017	Approved
Plans - Section BB	P116		09.02.2017	Approved
Plans - Section AA	P117		09.02.2017	Approved
Application Documents -	DESIGN AND ACCESS STATEMENT		09.02.2017	Approved
Plans -	P-105 D		13.02.2017	Approved
Application Documents -	FLOOD RISK ASSESSMENT		13.01.2017	Approved
Application Documents -	HER CONSULTATION REPORT		06.12.2016	Approved
Application Documents -	HERITAGE STATEMENT		06.12.2016	Approved
Plans - Location & block plans	P-001		18.11.2016	Approved
Plans - Location Plan	P-002		18.11.2016	Approved
Plans - Existing Elevations	P-003		18.11.2016	Approved
Plans - Existing neighbouring elevations	P-004		18.11.2016	Approved
Plans - Existing site photos	P-005		18.11.2016	Approved
Plans - Proposed ground floor plan	P-101 C		18.11.2016	Superseded
Plans - Proposed first floor plan	P-102 C		18.11.2016	Superseded
Plans - Proposed roof plan	P-103 B		18.11.2016	Superseded
Plans - Proposed South West elevation	P-104 B		18.11.2016	Superseded
Plans - Proposed south east elevations	P-105 C		18.11.2016	Superseded
Plans - Proposed north west	P-106 B		18.11.2016	Superseded

elevation				
Plans - Proposed north east elevation	P-107 C		18.11.2016	Superseded
Plans - Comparison Diagrams	P-109		18.11.2016	Superseded
Plans - Existing and proposed views	P-110		18.11.2016	Approved
Plans - Existing and proposed views	P-111		18.11.2016	Approved
Plans - Materials palette	P-112		18.11.2016	Approved
Application Documents -	DESIGN,ACCESS & HERITAGE		28.11.2016	Superseded
Application Documents -	LOSS OF EMPLOYMENT STATEMENT		18.11.2016	Approved

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

Agenda Item No: 9 **Report No:** 56/17
Report Title: Outcome of Appeal Decisions from 30 January – 27th February 2017
Report To: Planning Applications Committee **Date:** 30 March 2017
 (previously deferred from meeting on 15 March 2017)
Cabinet Member: Cllr Tom Jones
Ward(s) Affected: All
Report By: Director of Service Delivery
Contact Officer(s):
Name(s): Mr Steve Howe and Mr Andrew Hill
Post Title(s): Specialist Officer Development Management
E-mail(s): Steve.howe@lewes.gov.uk and Andrew.hill@lewes.gov.uk
Tel No(s): (01273) 471600

Purpose of Report: To notify Members of the outcome of appeal decisions (copies of Appeal Decisions attached herewith)

<p>19 Christie Avenue, Ringmer, East Sussex, BN8 5JT</p> <p>Description:</p> <p><i>Erection of single storey front extension</i></p>	<p>Application No: LW/16/0866</p> <p>Delegated Refusal</p> <p>Householder</p> <p>Appeal is dismissed</p> <p>Decision: 10th February 2017</p>
<p>24 Bannings Vale, Saltdean, East Sussex, BN2 8DB</p> <p>Description:</p> <p><i>Erection of two storey extension</i></p>	<p>Application No: LW/16/0567</p> <p>Delegated Refusal</p> <p>Householder</p> <p>Appeal is dismissed</p> <p>Decision: 27th February 2017</p>

<p>62 East View Fields, Plumpton Green, East Sussex, BN7 3EF</p> <p>Description:</p> <p><i>Erection of a two storey side extension</i></p>	<p><i>Application No: LW/16/0567</i></p> <p>Delegated Refusal</p> <p>Householder</p> <p>Appeal is dismissed</p> <p><i>Decision: 27th February 2017</i></p>
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Robert Cottrill
 Chief Executive of Lewes District Council and Eastbourne Borough Council



Appeal Decision

Site visit made on 1 February 2017

by **C J Leigh BSc(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 February 2017

Appeal Ref: APP/P1425/D/16/3164838

19 Christie Avenue, Ringmer, Lewes, BN8 5JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Linda Ellis against the decision of Lewes District Council.
 - The application Ref LW/16/0866, dated 7 October 2016, was refused by notice dated 28 November 2016.
 - The development proposed is a new single storey front extension.
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding residential area.

Reasons

3. Christie Avenue is a pleasant residential street which has a distinct character at its eastern end, along with Delves Way, which sees pairs of semi-detached houses that have been designed in an imaginative way to give the appearance of detached houses. This is achieved through one of each pair of houses having their entrance on the side elevation of the house, and No. 19 is one such property.
4. The proposed development would see a small extension on the front elevation of the house to provide a downstairs WC/wet room. I appreciate the wish to have this facility at the property. However, I share the Council's concern relating to the position and design of this addition. The siting of the extension on the front elevation of the building would upset the careful balance that is evident in the design of the pair of properties. This would be an unwelcome change to an otherwise consistent street scene.
5. Saved Policy DES13 of the adopted Lewes District Local Plan 2003 states that *'in a street or area which has definite rhythm and similar style of dwelling, extensions in the front will not normally be acceptable'*. I consider such a circumstance exists in this case, and so the proposed development would conflict with that Policy and lead to the harm identified above. I note the appellant's reference to a front extension permitted by the Council at 34 Delves Way (ref. LW/01/0193). In my view, that historic extension has been harmful

to the consistent appearance of the housing in that road, by upsetting a definite rhythm and similar style of housing, and so should not be a precedent for further harm; the current appeal is determined against the relevant adopted policies that now apply, and Policy DES13 indicates the Council's current position is to be against such extensions.

6. I also note the appellant's reference to front extension to the west of the appeal property along Christie Avenue, but those have been on properties of a different design to the appeal property, and so are not comparable in their effect on the character of the area.
7. I therefore remain of the opinion that harm would arise to the character and appearance of the area, and so there would be conflict with saved Policies DES13 and ST03 of the Local Plan, the general thrust of which is to seek to ensure new development respects the surrounding area. I recognise the appellant's wish to provide improved accommodation to the property, but this personal circumstance must be balanced against other matters of acknowledged importance, and in this instance the conflict with the adopted Local Plan outweighs other considerations. The appeal is therefore dismissed.

C J Leigh

INSPECTOR

Appeal Decision

Site visit made on 14 February 2017

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 February 2017

Appeal Ref: APP/P1425/D/16/3161762

24 Bannings Vale, Saltdean, Brighton BN2 8DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Parrish against the decision of Lewes District Council.
 - The application, Ref. LW/16/0567, dated 12 April 2016, was refused by notice dated 21 September 2016.
 - The development proposed is a two storey extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed extension on the living conditions for adjoining occupiers at No. 26 as regards outlook and light.

Reasons

3. I saw on my visit that the extension to the rear of No. 26 has resulted in a rear elevation some distance beyond the rear wall of No. 24 and thereby affords an opportunity for the latter to also extend to an equivalent distance without any adverse effect in terms of the main issue.
4. However, the appeal scheme is to widen the building on part of the flank closest to No. 26 and then project that increased width for a further 7.8m at the rear, thereby extending some way beyond the extended No. 26. I consider this has a significant potential to unduly affect the light and outlook for No. 26 and do not consider that the appellant's 45 degree line satisfactorily demonstrates otherwise.
5. I agree with the point that the high boundary hedging would currently negate much of any adverse effect, although the increased width of the extension compared with the existing house could result in its substantial thinning or even loss. In any event, it would be unwise to allow an extension that would be too large for its context on an assumption that the screening effect of existing planting could be relied upon in perpetuity.
6. This was the view of the Planning Committee on the first application and I consider that it remains relevant for the current proposal. The trees / hedge could be removed at some time in the future and even a condition requiring

their retention would be of little or no effect were the vegetation to become seriously diseased or die.

7. I have used the term 'significant potential' in paragraph 4 above because with the hedge in the way it was not possible to accurately assess all the circumstances at Nos. 24 and 26, including their relative land levels. Nonetheless from the submitted plans I consider it reasonable to reach the conclusion that the bulk and proximity of the proposed extension would be likely to have an unacceptable effect on the living conditions for adjoining occupiers at No. 26 as regards outlook and light.
8. This would conflict with Retained Policies ST3 and RES13 of the Lewes District Local Plan 2003, as included in the Lewes District Council & South Downs NPA Lewes District Local Plan Part 1 Joint Core Strategy (JCS) 2010-2030 adopted in May 2016 - (Policy CP11 of the JCS mentioned in the Notice of Refusal does not appear particularly relevant). It would also conflict with Section 7: 'Requiring Good Design' and the core planning principles of the National Planning Policy Framework 2012.
9. I have carefully noted all the other matters referred to in the Grounds of Appeal. However, I have found nothing to alter my conclusion on the main issue. The appeal is therefore dismissed.

Martin Andrews

INSPECTOR



Appeal Decision

Site visit made on 14 February 2017

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 February 2017

Appeal Ref: APP/P1425/D/16/3165220

62 East View Fields, Plumpton Green, Lewes BN7 3EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr L Evans against the decision of Lewes District Council.
 - The application, Ref. LW/16/0840, dated 29 September 2016, was refused by notice dated 24 November 2016.
 - The development proposed is a two storey side extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. I saw on my visit that the western end of East View Fields is a cul-de-sac but in the form of a loop that creates a central island accommodating half a dozen pairs of semi-detached houses. The appeal property forms half of one of these pairs with No. 60 and has its south western flank set well back from the highway footpath.
4. When travelling along this part of East View Fields in either direction the openness as a result of the absence of two-storey development combined with the boundary hedges and greenery of the side gardens plays an important part in the spacious and verdant character and appearance of the area.
5. The proposed extension would leave only a minimal gap to the south western site boundary. I acknowledge that the extension would be set down and set back to achieve the required element of subservience. This is a point in the scheme's favour and I have also noted the disadvantages for the appellant of the previously agreed extension.
6. However, the absence of any meaningful gap between the two-storey side elevation and the boundary means that the proposed addition would represent a harmfully intrusive incursion into this relatively open area. With its position towards the middle of this side of the loop the eye would be drawn to a building that is uncomfortably close to the road, especially as the extension would then be read with the original dwelling and No. 60 as a single building mass.

7. As an incongruous projection into the street scene, the loss of symmetry with No. 60 would also become more apparent, notwithstanding the modest element of subservience. Furthermore, if the appeal is allowed it would be difficult for the Council in all fairness to refuse permission at some point in the future for a similar extension to the facing property.
8. I acknowledge that there are a variety of house types nearby, in particular the eye catching chalet style houses with high mansard roofs on the south side of the road. However, this variety does not to my mind justify what I consider to be the harmful effect on the character and appearance of the area as a result of the proposal.
9. This effect would conflict with Retained Policies ST3 and RES13 of the Lewes District Local Plan 2003, as included in the Lewes District Council & South Downs NPA Lewes District Local Plan Part 1 Joint Core Strategy (JCS) 2010-2030 adopted in May 2016. It would also be contrary to Section 7: 'Requiring Good Design' of the National Planning Policy Framework 2012.
10. The appeal is therefore dismissed.

Martin Andrews

INSPECTOR

Agenda Item No: 10 **Report No:** 67/17
Report Title: Outcome of Appeal Decisions from 27th February – 17th March 2017
Report To: Planning Applications Committee **Date:** 5th April 2017
Cabinet Member: Cllr Tom Jones
Ward(s) Affected: All
Report By: Director of Service Delivery
Contact Officer(s):
Name(s): Mr Steve Howe and Mr Andrew Hill
Post Title(s): Specialist Officer Development Management
E-mail(s): Steve.howe@lewes.gov.uk and Andrew.hill@lewes.gov.uk
Tel No(s): (01273) 471600

Purpose of Report: To notify Members of the outcome of appeal decisions (copies of Appeal Decisions attached herewith)

<p>16 Rustic Road, Peacehaven, East Sussex</p> <p>Description:</p> <p><i>Demolition of existing double garage and erection of a two storey, three bedroom dwelling</i></p>	<p>Application No: LW/16/0160</p> <p>Delegated Refusal</p> <p>Written Representations</p> <p>Appeal is dismissed</p> <p>Decision: 13th March 2017</p>
<p>26 Bramber Avenue, Peacehaven</p> <p>Description:</p> <p><i>Demolition of existing bungalow and construction of a pair of semi-detached dwellings</i></p>	<p>Application No: LW/16/0489</p> <p>Delegated Refusal</p> <p>Written Representations</p> <p>Appeal is allowed</p> <p>Decision: 13th March 2017</p> <p>Costs Decision: The application for an award of costs is refused.</p>

<p>Land East of Ditchling Road, Wivelsfield</p> <p>Description:</p> <p><i>Erection of 95 new dwellings, with the provision of two new bus stops, associated pedestrian and cycle access via Blackmores, landscaping and parking.</i></p>	<p>Application No: LW/15/0607</p> <p>Delegated Refusal</p> <p>Public Inquiry – Secretary of State</p> <p>Appeal is dismissed</p> <p>Decision: 14th March 2017</p>
<p>Land East of Allotment Gardens, North End, Ditchling</p> <p>Description:</p> <p><i>Single storey timber outbuilding</i></p>	<p>Application No: SDNP/16/00345/FUL</p> <p>Delegated Refusal</p> <p>Written Representations</p> <p>Appeal is dismissed</p> <p>Decision: 17th March 2017</p>

Robert Cottrill
Chief Executive of Lewes District Council and Eastbourne Borough Council

Appeal Decision

Site visit made on 28 February 2017

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 March 2017

Appeal Ref: APP/P1425/W/16/3163961

16 Rustic Road, Peacehaven, East Sussex BN10 7SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jon Dudley against the decision of Lewes District Council.
 - The application Ref LW/16/0160, dated 3 March 2016, was refused by notice dated 28 June 2016.
 - The development proposed is the demolition of existing double garage and erection of no.1 two storey, three bedroom dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised in respect of the appeal are the effect of the proposed development on: -
 - (a) The character and appearance of the area;
 - (b) The living conditions of existing occupiers; and
 - (c) Parking provision for existing occupiers.

Reasons

Character and appearance of the area

3. The area is predominantly residential in character comprising a mix of bungalows and detached two-storey dwellings. I observed that the existing plot size is generally wider than those of properties to the north, south and west of the appeal site, although I note the properties to the east have longer rear gardens. I acknowledge the appellant has made an assessment of the sizes of the plots in the vicinity of the appeal site. The land level increases in height west to east. Whilst development would normally also rise incrementally in height following the inclining topography of the land, this has not happened here. The existing bungalow and garage are lower in height than the two-storey dwellings either side.
4. The subdivision of the site and resulting plot width for the proposal would be narrower than those generally in the area. In addition, the width of the proposed dwelling is also narrower than the properties within the vicinity of the appeal site. I observed that whilst the two-storey dwellings in the area are positioned close to the side boundaries, their juxtaposition with one another

- maintains a sense of space between them. The dwellings to the east have greater separation between dwellings.
5. The footprint of the proposed dwelling would be positioned close to the side boundaries of the site and would be in close proximity to the adjoining bungalow. I note that there would be space between the existing bungalow and the proposed development to provide side access. However, the proposed dwelling would be constrained within the restricted width of the appeal site and would appear cramped when viewed in the context of the surrounding existing development.
 6. The height of the proposed dwelling would be around 1m taller than the two-storey property of No 18 Rustic Road and 3m taller than the bungalow of No 16 Rustic Road, and 4.5m higher than the existing garage. The proposed dwelling would appear tall between these adjoining dwellings. Furthermore, the proposed narrow two-storey frontage elevation with mono-pitch roof would project forward of No 18. This projection and overall height would appear particularly conspicuous adjacent to the existing bungalow and would be uncharacteristically visually dominant between these adjoining dwellings. The height of the proposed dwelling and the close proximity of the adjoining dwellings would amplify the constrained appearance of the proposal within the street scene.
 7. I acknowledge the existing bungalow and garage are lower in height than the mainly two-storey dwellings in the vicinity of the appeal site and that development in this location would normally rise incrementally following the inclining gradient of the land. The new house would be of contemporary design incorporating an asymmetric roof form, glazed balconies to the front, slate and cedar cladding elevations. I do not find, taken on its own merit, this design approach to be unacceptable. However, the proposed dwelling would appear cramped within the appeal site and its layout, form and height would be out of keeping and visually intrusive in this part of the street scene.
 8. For the above reasons the proposed development would be harmful to the character and appearance of the area, and would be contrary to Policies CP2 and CP11 of the Lewes District Joint Core Strategy and saved Policy ST3 of the Lewes District Local Plan, which seek development to respect the overall scale, height, massing, alignment, site coverage, density, landscaping, character, rhythm and layout of neighbouring buildings and the local area, amongst other matters. The proposal would also conflict with the aims of paragraphs 17, 56 and 58 of the National Planning Policy Framework (the Framework) that aims to provide high quality homes.

Living conditions of existing occupiers

9. The subdivision of the plot would remove the outdoor amenity space behind the existing garage to the side of the existing dwelling and would result in a smaller plot for the existing dwelling. The existing bungalow is of modest size and the existing side garden remains important for use by the occupants of this bungalow as an outdoor amenity space. Such space would normally be used by occupants for sitting out, drying clothes, storing bicycles and outbuildings, general outdoor recreation, and so on. Although the appellant considers sufficient amenity space would be provided for both the existing and proposed dwellings, I do not consider that the resulting plot size would provide adequate

space to accommodate such activities for the existing dwelling. This would be detrimental to the living conditions of the occupiers of this existing dwelling.

10. The proposed siting of the eastern elevation of the proposed dwelling would be in a similar position to that of the existing garage but it would, as noted above, project further forward and be two-storey. The eaves are high but there would be separation between the existing bungalow and proposed dwelling. The proposed development would be more noticeable to the existing occupiers of No 16. However, I do not consider the proposal to be substantially more oppressive in outlook to that of the garage. Furthermore, due to the positioning of the proposed dwelling, it would not be dominant in outlook when viewed from the rear garden area of No 16.
11. Notwithstanding this, for the previously given reasons the proposed development with insufficient rear outdoor amenity space would be harmful to the living conditions of existing occupiers, and would be contrary to saved Policy ST3 of the Lewes District Local Plan, which seeks to respect the amenities of adjoining properties, amongst other matters. The proposal would also conflict with the aims of paragraphs 17 and 57 of the Framework that seek to provide high quality homes and to secure a good standard of amenity for all future occupants of land and buildings.

Parking provision for existing occupiers

12. The proposal illustrates four parking spaces along the frontage of the appeal site. The Council is concerned that the proposal does not show any of these parking spaces to be linked with the existing dwelling. I consider that this matter could be adequately dealt with by an appropriately worded condition that would ensure that off-road parking would be provided for both the existing and proposed dwellings.
13. Overall, I conclude that the parking provision for existing occupiers could be secured, and, for the reasons given, the proposed development would not materially conflict with saved Policy ST3 of the Lewes District Local Plan.

Other Matters

14. The Framework and Policy CP2 of the Lewes District Joint Core Strategy set out the presumption in favour of sustainable development. The proposal would optimise previously developed land maximising its potential and would be a preferable option to using a greenfield site. It would also provide an additional three-bedroom dwelling contributing to the Council's Core Strategy housing target. Although the appellant suggested the housing target has consistently not been met and the proposal would go some way to meeting the increased demand for residential dwellings this would, in my opinion, be very modest. In any event, these benefits would not overcome the harm that I have identified.

Conclusions

15. Having regard to the above findings and the other concerns relating to the proposed development raised by nearby residents, the appeal should be dismissed.

Nicola Davies

INSPECTOR



Appeal Decision

Site visit made on 28 February 2017

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 March 2017

Appeal Ref: APP/P1425/W/16/3162762
26 Bramber Avenue, Peacehaven BN10 8HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by S Bruce on behalf of JJ SEA Ltd against the decision of Lewes District Council.
 - The application Ref LW/16/0489, dated 10 June 2016, was refused by notice dated 3 November 2016.
 - The development proposed is demolition of existing bungalow and construction of a pair of semi-detached dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing bungalow and construction of a pair of semi-detached dwellings at 26 Bramber Avenue, Peacehaven BN10 8HR in accordance with the terms of the application, Ref LW/16/0489, dated 10 June 2016, subject to the conditions set out in the Schedule to this decision.

Application for costs

2. An application for costs was made by S Bruce on behalf of JJ SEA Ltd against Lewes District Council. That application is the subject of a separate Decision.

Main Issues

3. The main issues raised in respect of the appeal are the effect of the proposed development on:
 - (a) The character and appearance of the area; and
 - (b) The living conditions of existing occupiers.

Reasons

The character and appearance of the area

4. The area is a residential area comprising a mix of detached bungalows and semi-detached and terraced two-storey dwellings, some chalet style with the first storey in the roof slope. The adjoining property to the north is chalet style and to the south is a bungalow with garage to the side between it and the appeal site.

5. I observed that properties within Bramber Avenue are constructed close to the side boundaries of their plots. The proposed development, although set off the side common boundaries, would have a similar relationship to the side boundaries of the appeal site as other properties in this street.
6. The appeal site is positioned at a slightly higher ground level to that of No 24 Bramber Avenue to the south. However, the proposed eaves level of the proposal would be low and the roof would incorporate side barn hips. The front dormer would be set within the roof slope stepped in from the side eaves of the main roof. Whilst the proposed development would be taller than No 24 I saw similar variation in height in the surrounding area. Furthermore, there are other examples in the area of similar roof forms to that proposed that incorporate long roof dormers to both the front and rear of properties. I therefore cannot conclude that the proposed development would appear cramped or out of place within this streetscene or that it would be overly tall in its relationship to No 24.
7. I am aware that neighbour concern is raised to potential maintenance problems. The separation to the side boundary would enable maintenance of the proposed building.
8. Overall, I conclude that the proposed development would not harm the character and appearance of the area and, for the reasons given, would not materially conflict with Policy CP11 of the Lewes District Joint Core Strategy and saved Policy ST3 of the Lewes District Local Plan, which seek development to respect the overall scale, height, massing, alignment, site coverage, density, landscaping, character, rhythm and layout of neighbouring buildings and the local area, amongst other matters. The proposal would not conflict with the aims of paragraphs 17, 56 and 58 of the National Planning Policy Framework (the Framework) that aim to provide high quality homes.

The living conditions of existing occupiers

9. As noted above, No 24 is positioned at a slightly lower ground level to that of the appeal site. The Council advises that the side wall of the proposed development would be a height of 5.5m to the semi-hip and 7.2m to the ridge with the side wall set away from the common boundary by 1m with the roof overhang reducing this separation to 0.7m. Whilst the raised ground level at the appeal site would elevate the proposed development and both the front and rear dormers would add to the overall size of the development to some extent, I do not consider the proposal to be excessively visually imposing to the occupiers of No 24, taking into account the proposed low eaves level.
10. In addition, the intervening garage of No 24 steps this existing dwelling away from the side boundary. The side windows of No 24 currently have outlook onto the existing garage at the appeal site that is built next to the common boundary. The proposed development would have much the same building line as that of No 24. Whilst the proposed development would be more apparent to the occupiers when viewed from the back garden, the proposal would not be of a size that would be disproportionately dominant in their outlook.
11. I acknowledge that local residents have raised concerns to potential overlooking and loss of sunlight. The development proposes windows in the side elevations. At ground floor level the windows would provide light to garages and outlook for kitchens. Class A of Schedule 2 Part 2 of the Town and

Country (General Permitted Development) Order 2015 enables the erection of a fence or wall along the side common boundaries. This could protect privacy of adjoining occupiers at ground floor. The windows at first floor level in the side elevations of the proposed development would serve bathrooms and would normally be obscure glazed to protect the privacy of future occupiers and would restrict outlook from these rooms. Whilst the development would be in close proximity to the adjoining properties a degree of separation between developments would remain. I consider this would provide adequate light to the side windows of adjoining properties and the small glass porch extension at the side No 28C Bramber Avenue. Any loss of sea view is beyond the scope of planning control.

12. Further to the above, the rear dormer window would increase overlooking of adjoining occupiers properties but this would not be to the extent that would be harmful to the living conditions of these occupiers and would be of a degree normally found to take place in residential areas such as this. Similarly, the noise generated by the occupiers of two family dwellings would not be out of keeping with or significantly greater than that which would take place in residential areas.
13. Overall, I conclude that the proposed development would not harm the living conditions of existing occupiers and, for the reasons given, would not materially conflict with saved Policy ST3 of the Lewes District Local Plan, which seeks to respect the amenities of adjoining properties, amongst other matters. The proposal would not conflict with the aims of paragraphs 17 and 57 of the Framework that aim to provide high quality homes and to secure a good standard of amenity for all future occupants of land and buildings.

Other Matters

14. Some residents suggest that a pair of bungalows would be a more suitable development for the site. However, I am required to consider the proposed development that is before me, including that of the more intensive use of the site and its related garden. The proposal can and should be considered on its own merits.
15. Concern is also raised to potential demolition and construction disturbance and damage to other properties and/or the supply of services. A condition relating to construction methods could control works at the appeal site to ensure the protection of the living conditions of adjoining occupiers during construction. There is no substantive evidence before me that would indicate damage to other properties or services would occur. Demolition of the existing property would likely take place over a short period of time and any disturbance to neighbouring occupiers would be limited. Matters relating to drainage, the structural impact of adjoining dwellings and asbestos would be subject to Building Regulations. Security and potential builders profit are again beyond the scope of planning control, as is the potential for seagulls to nest on the flat roofs of the proposed roof dormers. Appropriate land levels can be achieved by the imposition of a condition relating to finished floor levels.
16. It was clear from my visit that Bramber Avenue is subject to parking pressure. Off-road parking for two vehicles at each of the proposed dwellings would be provided. I consider this sufficient for two four bedroom dwellings. I acknowledge that Bramber Avenue is a narrow highway. However, the increase in one dwelling would not significantly alter any existing access issues

or generate substantially greater highway safety concerns. A condition requiring the vehicle parking to be put in place would restrict the garages being used for any other purpose.

17. None of these matters alter my conclusion that the appeal should be allowed.

Conditions

18. I have considered the planning conditions suggested by the Council in light of paragraph 206 of the National Planning Policy Framework and the advice in the Planning Practice Guidance. In addition to the standard time limit conditions and in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.

19. Conditions relating to materials and finishes to be used in the external elevations, roof and boundary treatment are appropriate in the interests of the character and appearance of the area. A condition relating to construction work is necessary to ensure the protection of the living conditions of adjoining occupiers. I consider a condition relating to finished floor levels to be reasonable to ensure the development is carried out at an appropriate land level. These conditions are fundamental to the acceptability of the proposal and, therefore, are necessary to be agreed before development takes place. A condition relating to parking provision is necessary to prevent inconvenience to road users and to ensure highway safety.

20. The Council considers that the removal of Class A to Class C of Schedule 2 Part 1 of the Town and Country (General Permitted development) Order 2015 permitted development rights would be appropriate. I refer to the advice in the Planning Practice Guidance which state that conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances. I do not consider there to be exceptional circumstances here.

Conclusions

21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Nicola Davies

INSPECTOR

SCHEDULE

CONDITONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed 01-0616 -03, 01-0616-04, 01-0616-05, 01-0616-07, 01-0616-08 and 01-06 16 -11.
- 3) No development shall commence until samples of the materials and finishes to be used in the external elevations and roof of the dwelling hereby approved, along with details of the site's boundary treatment, 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 thereafter retained as such.
- 4) No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Construction Method Statement.
- 5) No development shall take place until details of the finished floor levels 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.
- 6) No dwelling shall be occupied until the vehicle parking (garages and driveways) have been laid out in accordance with the approved plans and thereafter shall be kept available for such use.

Costs Decision

Site visit made on 28 February 2017

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 March 2017

Costs application in relation to Appeal Ref: APP/P1425/W/16/3162762 26 Bramber Avenue, Peacehaven BN10 8HR

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by S Bruce on behalf of JJ SEA Ltd for an award of costs against Lewes District Council.
 - The appeal was against the refusal of planning permission for the demolition of existing bungalow and construction of a pair of semi-detached dwellings.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. Irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant indicates that the Council's pre-application advice was sought. The application was submitted incorporating various amendments that had been recommended by the local planning authority. The Council's officer recommended the scheme, but members turned it down. The appellant asserts that the refusal of planning permission has prevented and delayed development that should have been permitted and considers it has met the relevant planning policies.
4. It is of course open to Council members to come to a different conclusion to their officers, but the Council must give adequate reasons for its decision. I am satisfied that the application was considered on its own merit in light of policy considerations and that the Council has substantiated its reason for refusal in these respects. The fact that I have arrived at a contrary view does not, of its self, show that the Council has behaved unreasonably.
5. In addition, the appellant contends that the Council has granted a similar scheme close by at No 24 Dorothy Avenue (planning application ref LW/14/0319) under their delegated authority. I acknowledge that this site has been subject to a revised planning permission (planning application ref LW/16/1028). There may be similarities between schemes, which is often the case in residential areas. However, irrespective of other developments that may take place within the surrounding area each proposed development should be considered on its own merits as different circumstances will apply.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Nicola Davies

INSPECTOR

Appeal Decision

Site visit made on 8 February 2017

by **David Walker MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17th March 2017

Appeal Ref: APP/Y9507/W/16/3153683

**Land East of Allotments, Grove House, East Gardens, Ditchling,
East Sussex BN6 8ST**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Rowena Cager against the decision of South Downs National Park Authority.
 - The application Ref SDNP/16/00345/FUL, dated 19 January 2016, was refused by notice dated 23 March 2016.
 - The development proposed is a single storey timber outbuilding situated next to a pond to use as a nature lookout.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is the effect of the proposal on the character and appearance of the South Downs National Park.

Reasons

3. The appeal site is a parcel of land located at the fringe of Ditchling that has been the subject of recent works for the provision of a pond and new planting. A position close to the appellant's property affords easy access for wildlife appreciation. The presence of garden furniture and play equipment at the time of my site inspection is indicative of some domestic use of the land.
4. Although the appeal site is largely enclosed with tall hedgerows, gaps remain through which the use of the land is apparent from the extensive public rights of way network that passes close by. Whilst the proposed outbuilding would be a modest development it would be positioned obtusely at the edge of the pond where it would be prominent within the open expanse of the land.
5. The outbuilding would appear as a recreational addition that would lead to the further domestication of the land. Having regard to the policy of paragraph 115 of National Planning Policy Framework to give great weight to conserving landscape and scenic beauty in National Parks such an effect would be harmful to the rural character of the area.
6. I acknowledge that the appeal site is close to existing development at Dumbrells Court and that the outbuilding would not lead to coalescence between the outer lying parts of the settlement. However, the appeal site falls

outside of the planning boundary drawn for Ditchling within the Lewes District Local Plan 2007 (the Local Plan) and is more closely related to the surrounding open countryside and nearby rural land uses than it is to the built up area.

7. I have given consideration to the use of conditions to reinforce hedgerows for additional screening and to restrict the hours of usage. However, these would not achieve a scheme that would be suitably assimilated into the existing characteristics of the area. I also acknowledge the appellant's willingness to share the use of the facility with neighbours, but with no mechanism to secure its community use there is little public benefit to weigh in its favour.
8. The proposal would therefore have a harmful effect on the character and appearance on the South Downs National Park. It would conflict with Policy CT1 of the Local Plan which requires the retention of the open character of the countryside. The policy remains saved following the adoption of the Lewes District and South Downs National Park Joint Core Strategy in 2016.

Conclusion

9. For the reasons given above I conclude that the appeal should be dismissed.

David Walker

INSPECTOR



Department for
Communities and
Local Government

Simon Packer
Director
Turley
6th Floor North
2 Charlotte Place
Southampton SO14 0TB

Our ref: APP/P1425/W/16/3145053
Your ref: LW/15/0607

14 March 2017

Dear Mr Packer

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78 - APPEAL MADE BY BOVIS HOMES LTD - ERECTION OF UP TO 95 DWELLINGS AT LAND EAST OF DITCHLING ROAD, WIVELSFIELD, EAST SUSSEX - APPLICATION REF: LW/15/0607

1. I am directed by the Secretary of State to say that consideration has been given to the report of Terry G Phillimore, MA MCD MRTPI, who held a public local inquiry on 14-16 September 2016 into your clients' appeal against the decision of Lewes District Council ("the Council") to refuse planning permission for an application for planning permission for the erection of 95 new dwellings with the provision of two new bus stops, associated pedestrian and cycle access via Blackmores, landscaping and parking at Land East of Ditchling Road, Wivelsfield, in accordance with application ref: LW/15/0607, dated 17 July 2015.
2. On 6 September 2016 the appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990 because the appeal involves a proposal for residential development of over 25 units in areas where a qualifying body has submitted a neighbourhood plan proposal to the local authority but the relevant plan has not yet been made.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be dismissed. For the reasons given below, the Secretary of State agrees with the Inspector's recommendation and dismisses the appeal. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Matters arising since the close of the inquiry

4. Following the making of the Wivelsfield Parish Neighbourhood Plan (WNP) and the publication of the Written Ministerial Statement on Neighbourhood Plans, the Secretary of State invited additional comments from the main parties to the appeal on 6 January 2017. A list of the representations received is at Annex A and copies may be obtained on written request to the address at the foot of the first page of this letter. The Secretary of State has given careful consideration to all representations received but, for the reasons given below, does not consider that they raise any further issues on which he requires additional information before proceeding to a decision on this case.

Policy and statutory considerations

5. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
6. In this case the development plan comprises the saved policies of the Lewes District Local Plan (LP) adopted in March 2003; the Lewes District Local Plan Part 1: Joint Core Strategy (JCS) 2010-2030, adopted by Lewes District Council on 11 May 2016 and by the South Downs National Park Authority on 23 June 2016; and the Wivelsfield Parish Neighbourhood Plan (WNP) made on 7 December 2016. The Secretary of State considers that the development plan policies of most relevance to this case are those set out at IR18-28 and, following the making of the WNP, those policies set out at IR31-34.
7. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance').

Agreed matters

8. The Secretary of State notes that, ahead of the inquiry, a Planning Statement of Common Ground was agreed between the appellant and the Council as described in the Inspectors report IR 35-38.

Main issues

9. The Secretary of State agrees with the Inspector that the main considerations are those set out at IR 254.

The relationship of the proposal to the development plan

10. For the reasons given at IR 255–257 the Secretary of State agrees that the scheme is in conflict with saved policy CT1 and that there is no dispute on this. Like the Inspector, the Secretary of State considers the weight that should be attached to this policy is considered later in this decision letter (IR258-259). The Secretary of State has considered carefully the Inspector's analysis at IR260-264, and agrees that, despite the degree of compliance with other policies, and given the fundamental nature of the conflict with policy CT1, the proposal was not in accordance with the development plan as considered at the inquiry (IR264). The Secretary of State notes that, following the close of the inquiry, the WNP has been made and now forms part of the development plan. Having considered carefully the representations received following the making of the WNP, and noting that none of the relevant policies referenced by the Inspector at IR267-

269 have changed from the emerging WNP to the made WNP, the Secretary of State agrees with the Inspector that the proposal is in breach of the `made` WNP (IR270).

11. Overall, and despite the degree of compliance with a number of policies in the LP, JCS and WNP, given the fundamental nature of the conflicts with policy CT1, and WNP Policy 1, the Inspector concludes that the proposal is not in accordance with the development plan as a whole.

Five year land supply

12. The Secretary of State notes that whether the Council can demonstrate a five year land supply is in dispute, with the Council calculating the existing supply as 5.6 years, and the appellant at 2.6 years (IR274). The Secretary of State has considered the Inspector's analysis and approach at IR275-296 and the further representations received from the appellant. The Secretary of State notes that the additional representations, and the main parties position regarding the 5 year land supply, effectively mirror the evidence considered by the Inspector at the inquiry. He agrees with the Inspector that the appropriate buffer should be set at 5% and that the `Liverpool method` should be applied in this case.
13. The Secretary of State considers like the Inspector, and based on the evidence before him and the representations received, that the Council can demonstrate a five year land supply – and given this there is no reason to find the agreed policies for the supply of housing should be considered out of date (IR297-299).

Sustainable development

14. For the reasons set out at IR317-321, the Secretary of State agrees with the Inspector that, overall, the site is one that performs relatively well in environmental terms and within a constrained district with an extensive housing requirement, this is a factor in favour of the appeal scheme and significant weight should be given to this in the balancing exercise (IR322). He further agrees that substantial weight should be given to the housing gain that would result from the proposal (IR323-325).

Plan-led

15. The Secretary of State has considered the Inspector's analysis around whether the appeal proposal is genuinely plan-led and the weight to be given to the identified conflict with the current development plan (IR326). For the reasons set out at IR327-328, the Secretary of State agrees that LP policy CT1 is not out of date (either by operation of paragraph 215 or paragraph 49 of the Framework) and that the conflict with it should be given significant weight in the decision. While he notes and agrees with the Inspector's analysis at IR331-335, the position has now changed as the WNP is now part of the development plan. Having considered the representations made following the inquiry, he concludes that there is a clear conflict with the WNP.

Planning conditions

16. The Secretary of State has considered the proposed conditions at IR Annex B, the Inspector's analysis at IR300-309, the reasons for them, and to national policy in paragraph 206 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 206 of the Framework. However, he does not consider that the imposition of these conditions would overcome his reasons for dismissing this appeal.

Planning obligation

17. Having had regard to the Section 106 Agreement and submitted at the Inquiry, paragraphs 203-205 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010 as amended, the Secretary of State agrees with the Inspector's conclusions (IR310-315), the Agreement complies with Regulation 122 of the CIL Regulations and the tests at paragraph 204 of the Framework and would be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. However, the Secretary of State does not consider that the obligation overcomes his reasons for deciding that the appeal should be dismissed.

Planning balance and overall conclusion

18. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with saved policies CT1 and WNP Policy 1, that these policies should be considered up to date, and is therefore not in accordance with the development plan as a whole. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan. The Secretary of State attaches significant weight in favour of the appeal to the delivery of housing, including affordable housing. While recognising the benefits of the scheme in terms of the economic and social roles of sustainable development the Secretary of State concludes that the material considerations weighing in favour of the appeal scheme are not sufficient to outweigh the conflict with the development plan.

Public Sector Equality Duty

19. In accordance with section 149 of the Equality Act 2010, due regard has been given to the need to (a) eliminate discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The Secretary of State has considered the protected characteristics of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. In this regard and in coming to this decision, the Secretary of State has considered the negative impact that would arise given that affordable homes will not be built.

Formal decision

20. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses planning permission for up to 95 dwellings (including affordable housing), with the provision of two new bus stops, associated pedestrian and cycle access, landscaping and parking in accordance with application ref: LW/15/0607, dated 17 July 2015.

Right to challenge the decision

21. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an

application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

22. A copy of this letter has been sent to Lewes District Council and Wivelsfield Parish Council, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Ray Colbourne

Ray Colbourne
Authorised by Secretary of State to sign in that behalf

Annex A Schedule of representations

Party	Date	Nature of response
Mrs Sarah Sheath Senior Planning Officer Lewes District Council	10/01/17	Response to reference back of 06/01/2017 consultation
John Kay CPRE Sussex	11/01/17	Response to reference back of 06/01/2017 consultation
Jason Stoner	13/01/17	Response to reference back of 06/01/2017 consultation
Wivelsfield Parish Council	13/01/17	Response to reference back of 06/01/2017 consultation
Simon Packer Director Turley	13/01/17	Response to reference back of 06/01/2017 consultation
Mrs Sarah Sheath Senior Planning Officer Lewes District Council	18/01/17	Response to Final reference back of 16/01/2017 consultation
Simon Packer Director Turley	20/01/17	Response to Final reference back of 16/01/2017 consultation
Wivelsfield Parish Council	20/01/17	Response to Final reference back of 16/01/2017 consultation