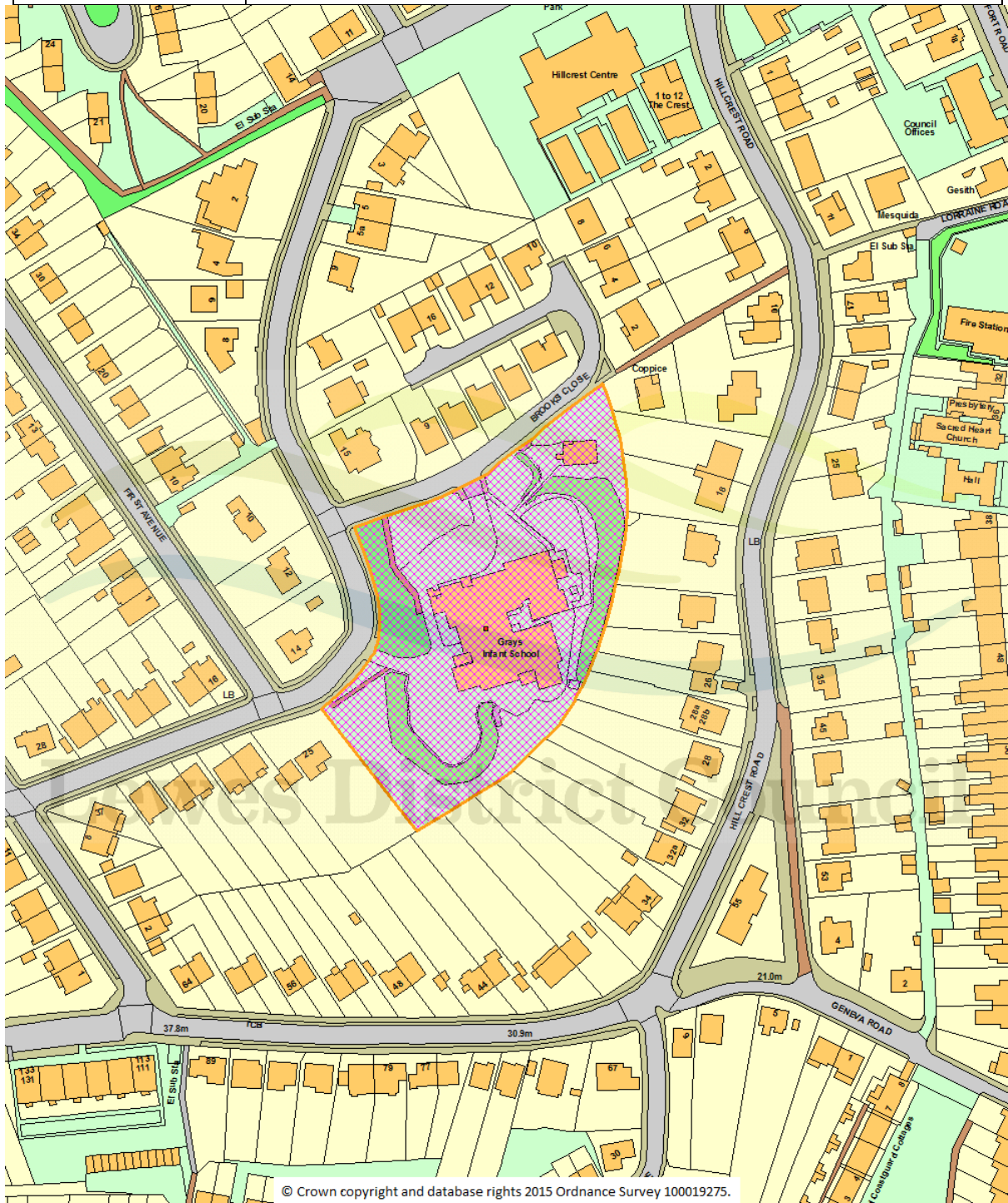


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|----------------------------|--|-----------------------|---------------------------------------|
| APPLICATION NUMBER: | LW/16/0542 | ITEM NUMBER: | 6 |
| APPLICANTS NAME(S): | Cayuga 001 Ltd | PARISH / WARD: | Newhaven / Newhaven Denton & Meeching |
| 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 $52\% \times 12.8 = 6.72$ [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: $0.72 \text{ units} \times 98 \text{ sq m} \times £908.19 = \mathbf{£64,081.89}$.

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 |