

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

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

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### **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 Planning 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**

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 16<sup>th</sup> 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 2<sup>nd</sup> September to 28<sup>th</sup> 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).

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:

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**

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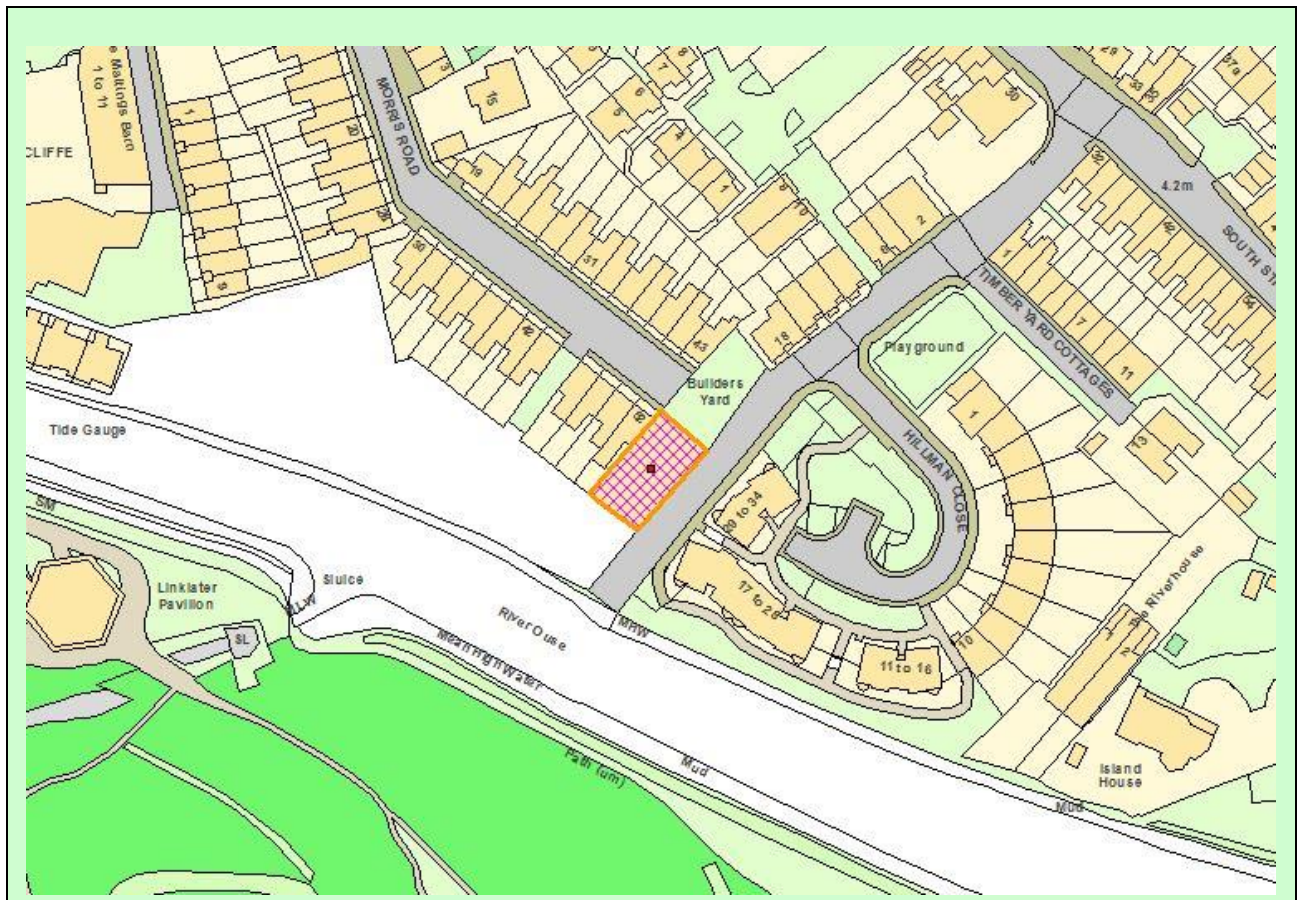
Appendices Appendix 1 - Site Location Map  
Appendix 2 – Plans Referred to in Consideration of this Application

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.