

Supplementary Report to the Planning Applications Committee
on 26th April 2017

Newhaven
LW/16/0831

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Due to a technical error the recommended conditions and informatives have not been brought through to the main agenda report. The recommended conditions and informatives are as follows:--

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, 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. 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. No development shall take place until details of the means of providing surface water drainage have been submitted to and approved in writing by the local planning authority in consultation with East Sussex County Council as the Lead Local Flood Authority. The details shall include:

1. Details of the existing surface water management including the connection to the wider drainage network and existing peak discharge rate;
2. Efforts to reduce the discharge from the development at detailed design stage;
3. Hydraulic calculations which take into account the connectivity of the different surface water drainage features and the possibility of a surcharged outfall, covering various rainfall events including those with a 1 in 100 (plus climate change) annual probability of occurrence. Any flooding of the network during a 1 in 100 (plus climate change) event should be stored safely on site;
4. Investigations and assessments into the condition and capacity of the existing 225mm diameter outfall, including a CCTV survey, to accommodate the surface water runoff from the entire site should be carried out prior to detailed design.
5. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely;
6. The detailed design of the attenuation tanks should be informed by findings of groundwater monitoring in winter. The design should leave at least 1m unsaturated zone between the base of the tank and the highest recorded groundwater level. If this cannot be achieved, details of measure which will be taken to manage the impacts of high groundwater on the drainage system should be provided. Evidence how impacts of high groundwater on the structural integrity of the tank will be managed should also be provided.
7. A maintenance and management plan for the entire drainage system should be submitted to the local planning authority before any construction commences on site. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. Evidence that these responsibility arrangements will remain in place.

Reasons: In the interests of amenity and to ensure that adequate provision is made for surface water runoff without increasing the risks of flooding, 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.

6. The development hereby permitted shall not be occupied or brought into use until evidence (including photographs) has been submitted to the local planning authority and approved in writing by the local planning authority, that the drainage system has been constructed in accordance with the final agreed detailed drainage designs, which shall then be retained as such thereafter.

Reasons: In the interests of amenity and to ensure that adequate provision is made for surface water runoff without increasing the risks of flooding, 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.

7. A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, balconies, 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.

8. 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.

9. Neither the residential units hereby approved shall not be occupied nor the commercial use be brought into use, until such time as the vehicular accesses onto Beach Close has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of 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.

10. 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.

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

- the size, frequency and number of vehicles (contractors and deliveries) during construction;
- 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;
- the erection and maintenance of security hoarding;
- loading and unloading of plant, materials and waste;
- storage of plant and materials used during construction;
- the location of any site huts/cabins/offices; and
- details of public engagement both prior to and during construction works.

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.

12. The residential units hereby approved shall not be occupied until the parking areas 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.

13. 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.

14. 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.

15. 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.

16. 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 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.

17. No development shall be commenced until such time as revisions to an existing Traffic Regulation Order securing the provision of alterations to/additional parking restrictions in the vicinity of the junction of Beach Close with Beach Road have 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 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.

18. No part of the development shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport, 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.

19. No development shall take place until a full acoustic and odour management schemes is submitted to and approved in writing by the local planning authority. The scheme shall set out the following detailed designs and management elements aimed to provide the necessary noise and internal air quality environment as set out in the supporting documents accompanying this planning application, in particular Anderson Acoustics Technical Memo dated the 22nd March 2017:

- o The secondary glazing and justification for how that glazing has been designed and installed to mitigate and manage low frequency noise from buses and coaches;
- o The mechanical ventilation system is capable of purging the flats and providing an adequate flow of air to cool the flats facing the Bus Depot having regard to the relevant standards;

- o Explanation on how the mechanical ventilation system will be installed to minimise airborne and structural noise from the systems fans and plant;
- o How the mechanical ventilation scheme shall be fitted with a particulate filter to remove diesel particulates from its input air;
- o A management programme and contract for the maintenance of the mechanical ventilation plant and machinery for the expected lifetime of the development; and
- o Details of how and where records will be kept relating to the management of the mechanical ventilation plant in a manner that would enable an officer of a local authority or a resident of the development in the future to request details of programmed and ad hoc inspections, services and repair and improvements. These records should be kept for the expected lifetime of the development.

Reason: To ensure that risks from noise and odour contamination to the future users and residents of the development are minimised, in the interests of amenity and in accordance with retained policy ST3 and Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy and in accordance with National Planning Policy Framework.

20. 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 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: 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].

21. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in

accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely 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].

22. 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: 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].

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, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely 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].

24. No development shall take place until a drainage strategy detailing the proposed means of foul and surface water disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable and maintained as such thereafter.

Reasons: In the interests of amenity, reduce the risks of flooding, and to ensure that adequate provision is made for foul and surface water disposal, 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.

INFORMATIVE(S)

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

2. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

4. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

5. The 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, In the interests of road safety.

6. The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway. The applicant should contact the Transport Development Control Team (01273 482254).

7. The applicant is advised that the erection of temporary directional signage should be agreed with Transport Development Control Team prior to any signage being installed. The applicant should be aware that a Section 171, Highways Act 1980 licence will be required.

8. The applicant is advised to contact the Transport Development Control Team (01273 482254) to commence the process associated with the proposed Traffic Regulation Order. The applicant would be responsible for meeting all costs associated with this process which is a minimum of £5000. The applicant should note that the outcome of this process cannot be guaranteed as it is open to public objection.

9. The applicant is advised to enter into a Section 59 Agreement under the Highways Act, 1980 to cover the increase in extraordinary traffic that would result from construction vehicles and to enable the recovery of costs of any potential damage that may result to the public highway as a direct consequence of the construction traffic. The applicant is advised to contact the Transport Development Control Team (01273 482254) in order to commence this process.

1 additional letter of objection:

- Proposal is in conflict with Policies 1 and 2 of the Wivelsfield Neighbourhood Plan
- The development will be unsustainable for Wivelsfield and LDC. Services will have to be supplied by MSDC where schools and health provision are already under serious pressure.
- Concerns about yet more traffic on our crowded local roads. The egress point for the proposed development is likely to create another hazard on Valebridge Road.
- Pavements along Valebridge Road are in a poor state and there are no cycle paths.
- Blocked drains have contributed to flooding in the area and new houses will make this worse.
- Development will totally change the character of the landscape.
- Destruction of trees and hedges will have a detrimental effect on wild life.
- Breaking up and destroying connections between trees and woodland
- Conflicts with LDC Core Strategy policy 10.

ESCC sustainable drainage team have confirmed that the amended details are satisfactory in terms of managing flows and flood risk and therefore have removed the conditions stated in the report, leaving only the requirement to provide photographic evidence that the drainage system has been constructed as per the final detailed drainage designs. (Conditions numbered 2-5 can be removed).

With regard to the CEMP, ESCC Highway have confirmed that they are satisfied with the amended document and that condition 26 can now be replaced with the following:

The Construction Management Plan produced by BEDARO (contract number 1077) version 001 received on the 12 April 2017 shall be implemented in full for the duration of the project.

Reason: To ensure that nuisance to neighbours and all road users is minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors 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

Condition 8 is amended to read:

No development shall take place until there have been submitted to and approved in writing by the local planning authority details of all hard and soft landscaping works, including a planting schedule (that schedule to include the quantity, size, species and positions or density of all trees and shrubs to be planted, how they will be protected and the proposed time of planting) and including details of the planting scheme to the **open area to the south** of the site. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the local planning authority.

It was noted that on page 87 of the agenda the report should read **Hamsey Parish Council** (and not Chailey as it appear in the report).

**Ringmer
LW/16/0930**

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Environmental Health –

No objection subject to a condition relating to unsuspected contamination during development.

**Lewes
SDNP/16/05778/FUL**

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Add the following condition:

The glazing in the first floor north west elevation to serve the bedroom and fire lobby of the development hereby approved shall be in obscured glass and be permanently fixed shut and shall be maintained as such.

Reason: To protect the privacy and residential amenity of neighbours 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.