



Working in Partnership



To all Members of the Planning Applications Committee

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

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

This meeting may be filmed, recorded or broadcast by any person or organisation. Anyone wishing to film or record must notify the Chair prior to the start of the meeting. Members of the public attending the meeting are deemed to have consented to be filmed or recorded, as liability for this is not within the Council's control.

05/05/2017

Catherine Knight
Assistant Director of Legal and Democratic Services

Agenda

- 1 Minutes**
To approve the Minutes of the meeting held on 26 April 2017 (copy previously circulated).
- 2 Apologies for Absence/Declaration of Substitute Members**
- 3 Declarations of Interest**
Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct.
- 4 Urgent Items**
Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972. A Supplementary Report will be circulated at the meeting to update the main Reports with any late information.
- 5 Petitions**

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

Planning Applications OUTSIDE the South Downs National Park

- 6 LW/17/0279 - Boathouse Organic Farm Shop, Uckfield Road, Ringmer, East Sussex, BN8 5RX (page 5)**
- 7 LW/17/0006 - Corsica Cottage, Old Uckfield Road, Ringmer, East Sussex, BN8 5RX (page 15)**
- 8 LW/17/0090 - 54 Belgrave Road, Seaford, East Sussex, BN25 2EN (page 19)**
- 9 LW/16/1006 - The Ranch, North Common Road, North Chailey, East Sussex, BN8 4EB (page 23)**

Planning Applications WITHIN the South Downs National Park

- 10 SDNP/17/00499/FUL - Waitrose, Eastgate Street, Lewes, BN7 2LP (page 28)**

Non-Planning Application Related Items

- 11 Outcome of Appeal Decisions on 3rd April 2017 and 27th April 2017 (page 36)**
To receive the Report of the Director of Service Delivery (Report No 76/17 herewith).
- 12 Written Questions from Councillors**
To deal with written questions pursuant to Council Procedural Rule 12.3 (Page D8 of the Constitution).
- 13 Date of Next Meeting**
To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 7 June 2017 in the Council Chamber, County Hall, St Annes Crescent, Lewes, commencing at 5:00pm.

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

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

NOTES

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

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

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

Planning Applications OUTSIDE the South Downs National Park

Section 2 of each report identifies policies which have a particular relevance to the application in question. Other more general policies may be of equal or greater importance. In order to avoid unnecessary duplication general policies are not specifically identified in Section 2. The fact that a policy is not specifically referred to in this section does not mean that it has not been taken into consideration or that it is of less weight than the policies which are referred to.

Planning Applications WITHIN the South Downs National Park

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

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes. Government policy relating to national parks set out in National Planning Policy Framework and Circular 20/10 is that they have the highest status of protection in relation to natural beauty, wildlife and cultural heritage and their conservation and enhancement must, therefore, be given great weight in development control decisions.

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| | | | |
|----------------------------|--|-----------------------|---------------------------------|
| APPLICATION NUMBER: | LW/17/0279 | ITEM NUMBER: | 6 |
| APPLICANTS NAME(S): | Blue Sonic | PARISH / WARD: | Ringmer / Ouse Valley & Ringmer |
| PROPOSAL: | Variation of Planning Condition for Variation of condition 25 (plans) relating to planning approval LW/14/0830 for amendments to the affordable units, site layout and approved access | | |
| SITE ADDRESS: | Boathouse Organic Farm Shop Uckfield Road Ringmer East Sussex BN8 5RX | | |
| GRID REF: | TQ 44 13 | | |



1. SITE DESCRIPTION / PROPOSAL

1.1 The application site lies on the eastern side of the A26, Uckfield Road, approximately 2.2 km to the north west of Ringmer. The site is currently occupied by a single dwelling, known as The Orchards and a small farm shop and associated car parking. The shop is currently vacant and not trading.

1.2 Planning permission was granted in 2015 for the redevelopment of the site with 11 new dwellings, made up from a mix of 3, 4 and 5 bedroom dwellings. As part of that approval the applicants signed a Section 106 Legal Agreement securing (amongst other things) the provision of two on-site affordable dwellings.

1.3 The applicant is now seeking a variation of condition 25 of that approval (which lists the approved plans as was added by virtue of an application for a non-material amendment reference LW/17/0275) to allow for minor amendments to the proposed affordable units, site layout and access. Effectively this is an application under Section 73 of the Town and Country Planning Act 1990 that allows for applications to be made to vary existing conditions. A variation of the condition that lists the approved plans allows for minor alterations to the approved scheme that are more than non-material but which do not substantially alter what has already been approved, i.e. a minor material amendment.

1.4 In detail the proposed amendments involve the following changes to the approved scheme:

- Reduction in size of Units 10 & 11, from 130 sqm floor area per unit to 81 sqm per unit (overall reduction of 96 sqm);
- Slight relocation and reorientation of Units 10 & 11 to south west, to facilitate a reduction in plots sizes;
- Increase in plot sizes for Unit 8 & 9;
- Removal of 196 sqm of garaging on western boundary;
- Removal of 70 sqm of bin and bike store by site entrance;
- Replacement of courtyard hardstanding area with simplified road layout;
- Provision of an increase in the number of off-street parking spaces;
- Creation of small front garden spaces for Units 4,5,6 & 7;
- Relocation of site entrance further south;
- Increase in plot size of Unit 1;
- Subdivision of Units 2 & 3 to create detached units (no change in size of units); and
- Reduction in the overall extent of hard landscaping and increase in areas of soft landscaping.

2. RELEVANT POLICIES

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

LDLP: – ST11 – Landscaping of Development

LDJCS: – CP1 – Affordable Housing

LDJCS: – CP11 – Built and Historic Environment & Design

LDJCS: – CP13 – Sustainable Travel

RNP62 – Policy 6.2 - Affordable Units

RNP83 – Policy 8.3 - Off-Road Parking

RNP91 – Policy 9.1 - Design, Massing and Height

3. PLANNING HISTORY

The site has an extensive planning history the most recent and relevant of which are:

LW/14/0830 - Demolition of existing farm shop and dwellinghouse and erection of 11 dwellinghouses, with associated car parking, bund and landscaping. - **Approved**

LW/17/0275 - Non-material amendment to planning approval LW/14/0830 for the addition of a condition (no. 25) to the original decision which lists the approved plans - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Ringmer Parish – to be reported.

ESCC Highways – to be reported.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

None received.

6. PLANNING CONSIDERATIONS

6.1 As set out above planning permission was granted in 2015 for the redevelopment of the application site with 11 new dwellings. Whilst not sought by officers as it was not a policy requirement (on the basis that the proposal falls under the threshold for affordable housing) the applicants offered an affordable housing contribution as part of the development proposal. This was welcomed by Members and a Section 106 was agreed accordingly. This delivered the on-site provision of two three-bedroom dwellings as affordable units that would ultimately be transferred to a Registered Social Landlord (RSL).

6.2 Earlier this year a Deed of Variation was submitted to the Council seeking to amend the Section 106 Agreement (S106) signed in association with application LW/14/0830. Having made concerted efforts to get a RSL on board with the approved scheme the applicants had failed to secure a partner RSL and therefore sought to vary the S106 to allow the replacement of the originally agreed provision of two on-site affordable units with a commuted sum payment. Despite officer support, at the Planning Applications Committee in February 2017 Members deferred consideration of the Variation in order to allow the applicant additional time to consult with a Local Housing Trust that the applicants had not approached in their initial enquiries. Members were keen to retain on-site provision of the affordable houses and wanted to ensure all possible avenues had been explored.

6.3 Whilst the applicants have discussed their proposals with the Local Housing Trust (Jubilee Housing Trust) it is understood that the Trust have confirmed that they would be unable to comply with the existing S106 and/or the timeframe for delivery of units on site.

6.4 However noting Members desire to retain on-site provision of the two affordable units, the applicants have gone back to the only RSL that previously showed any interest in taking on the on-site units, Landspeed. As explained to Members previously whilst Landspeed had shown interest in taking on the two on-site affordable units, they were concerned that the size of the approved units would severely limit their affordability and therefore the number of people who would be able to secure a mortgage for them. Their initial suggestion was that one of the existing affordable units be subdivided into two flats. However as this would have increased the number of proposed units at the site this would have resulted in the need for a new planning application that would have attracted a CIL charge. This in turn would significantly increase costs at the site and would present funding and contract issues for the applicants, potentially jeopardising the delivery of any housing on this site. For these reasons this option was discounted.

6.5 The applicants have however revisited the issue and had further discussions with Landspeed and now propose, through this application for a Minor Material Amendment to the original application, the retention of the two affordable units as a pair of semi-detached three bedroom dwellings, but with smaller overall floorspace and plot sizes. Amendment of the application in this manner crucially maintains the original description of the application and the number of units on the site. This, along with the fact that the units are being reduced in overall size, means that the proposals do not attract any CIL contribution.

6.6 Whilst making this change to facilitate the retention of on-site affordable housing provision, the applicants are also taking the opportunity to make a number of other small changes to the scheme as listed above. Overall these alterations are considered to be minor cosmetic changes to the originally approved development. They do not increase the scale, bulk or amount of development proposed at the site and in fact actually reduce the bulk to a small degree. The overall layout remains generally as originally approved and in terms of overall impact on the wider locality the end result is considered to be practically identical, if not an improvement with a reduction in hardsurfacing, an increase in soft landscaping, an increase in on-site parking provision and increased visibility from the relocated access. For these reasons the scheme as proposed to be amended is still considered to comply with the relevant Development Plan policies listed above.

Section 106/Deed of Variation

6.7 On the basis that this application will alter the approved plans a Deed of Variation amending the S106 in relation to application LW/14/0830 is still required in order to ensure that the S106 refers to the revised plans. The alterations to the access location and layout will also require an amendment to the 278 Agreement, as the requirement for pavements connecting to the local bus stop will change. To be clear, the originally sought variation seeking the replacement of the onsite affordable housing provision with a commuted payment is no longer being pursued.

Conclusion

6.8 Whilst there is still no policy requirement for the scheme to deliver affordable housing the applicants are clearly keen to deliver on their earlier promise. Approval of this Minor Material Amendment allows this to be facilitated without substantial changes to the scheme as originally approved and will secure the delivery of 11 new dwellings on this site, two of which will be affordable.

6.9 For these reasons no objections are raised to this 'minor material amendment' which is still considered to comply with policies ST3 and ST11 of the Lewes District Local Plan and Core Policy 11 of the Joint Core Strategy and Policies 6.23, 8.3 and 9.1 of the Ringmer Neighbourhood Plan.

7. RECOMMENDATION

7.1 It is recommended that, subject to the completion of a Deed of Variation of the Section 106 agreement to ensure the provisions originally secured under application LW/14/0830 are equally applicable to this revised scheme and the following conditions, permission be granted.

The application is subject to the following conditions:

1. The development hereby approved shall be carried out in all respects in accordance with the details previously approved under conditions 1, 2, 6, 17, 19 and 23 of application LW/14/0830, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory development in keeping with the locality; to ensure that the archaeological and historical interest of the site is safeguarded and recorded; in the interest of residential amenity and the character of the locality; 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 and 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.

2. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with National Policy Guidance contained in the National Planning Policy Framework 2012.

3. 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 without unacceptable risks to workers, neighbours and other offsite receptors in accordance with National Policy Guidance contained in the National Planning Policy Framework 2012.

4. 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 without unacceptable risks to workers, neighbours and other offsite receptors in accordance with National Policy Guidance contained in the National Planning Policy Framework 2012.

5. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 6 of application LW/14/0830 to the satisfaction of the Local Planning Authority, in consultation with the County 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 2012.

6. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed roads, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with this Authority.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large.

7. Prior to the commencement of any development [including demolition] a Construction Traffic Management Scheme shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This shall include the size of vehicles, routing of vehicles and hours of operation which should avoid the peak traffic times and details of contractors parking during demolition and construction.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large.

8. During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Planning Authority, to prevent contamination and damage to the adjacent roads.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large.

9. The development shall not be occupied until turning spaces for vehicles have been provided and constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority 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.

10. The development shall not be occupied until parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

11. The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.

12. Before house building commences, the new estate road[s] shall be completed to base course level, together with the surface water and foul sewers and main services to the approval of the Planning Authority in consultation with this Authority.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large

13. The new access shall be in the position shown on the submitted plan and laid out and constructed in accordance with the attached HT407 form/diagram and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority prior to occupation of the development hereby permitted.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

14. The access shall not be used until the areas shown hatched green on the submitted plan are cleared of all obstructions exceeding 600mm in height and kept clear thereafter.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

15. 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 **** or in accordance with the programme approved in writing with the Local Planning Authority.

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

16. The development hereby approved shall be carried out in accordance with the ecological enhancement recommendations set out within the submitted Preliminary Ecological Appraisal

Report and Protected Species Assessment dated 28th May 2014 submitted with application LW/14/0830.

Reason: To mitigate against the loss of existing biodiversity and nature habitats.

17. Development shall not begin until details of foul and surface water drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The approved drainage works shall be implemented prior to the occupation of the development.

Reason: To secure a satisfactory standard of 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.

18. Construction work shall be restricted to the hours of 0800 to 1800 Monday to Fridays and 0830 to 1300 on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

Reason: In the interest of residential amenities of the neighbours having regard to Policy ST3 of the Lewes District Local Plan.

19. Notwithstanding the provisions of the Town and Country (General Permitted Development) 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.

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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

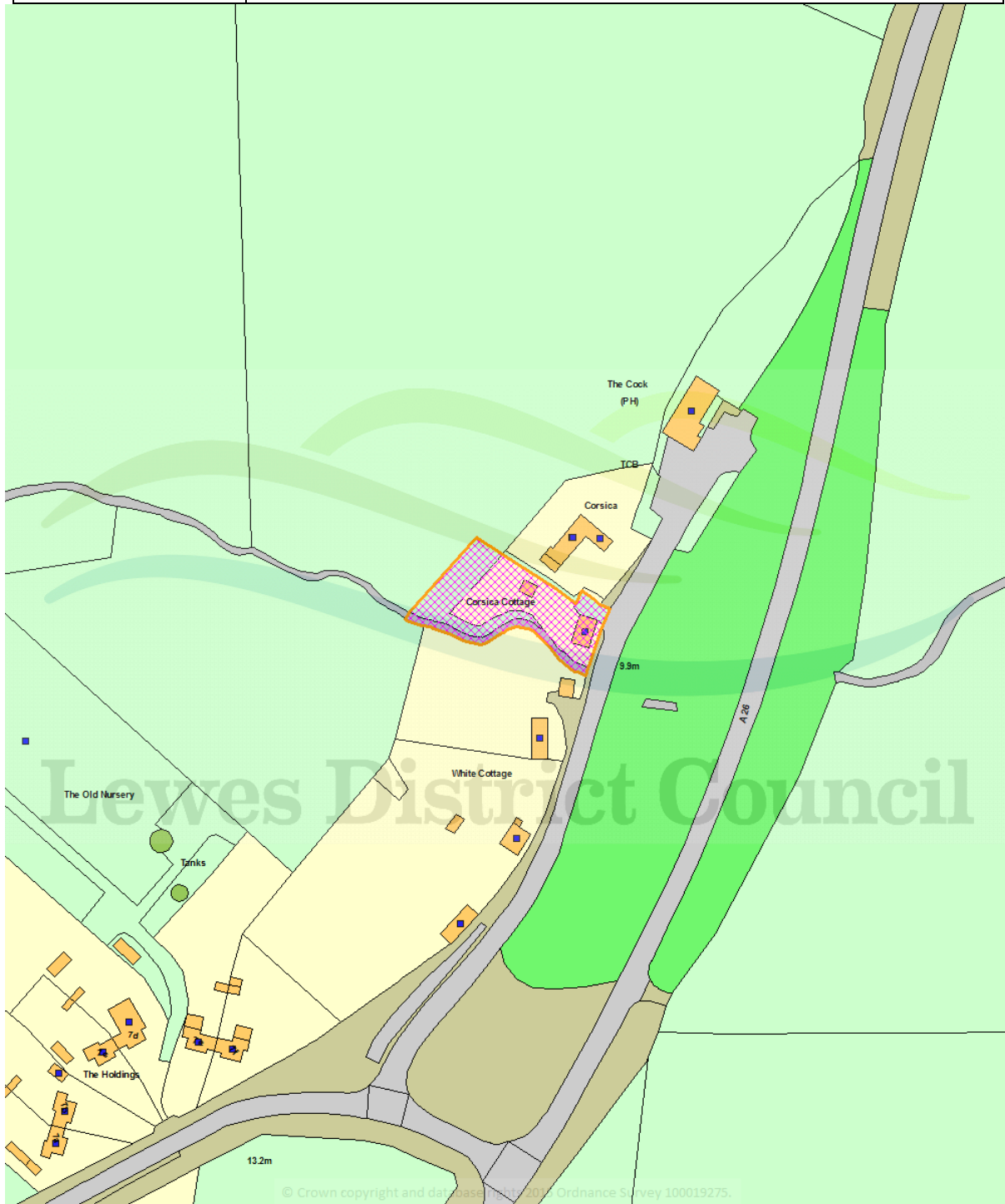
This decision is based on the following submitted plans/documents:

| <u>PLAN TYPE</u> | <u>DATE RECEIVED</u> | <u>REFERENCE</u> |
|------------------------|----------------------|------------------|
| Proposed Layout Plan | 31 March 2017 | 102 |
| Proposed Floor Plan(s) | 31 March 2017 | P-201 |
| Proposed Roof Plan | 31 March 2017 | P-201 |
| Proposed Elevation(s) | 31 March 2017 | P-201 |

| | | |
|---------------------------|------------------|--------------------------------|
| Proposed Floor Plan(s) | 31 March 2017 | P-202 |
| Proposed Roof Plan | 31 March 2017 | P-202 |
| Proposed Elevation(s) | 31 March 2017 | P-202 |
| Proposed Floor Plan(s) | 31 March 2017 | P-206 |
| Proposed Roof Plan | 31 March 2017 | P-206 |
| Proposed Elevation(s) | 31 March 2017 | P-206 |
| Proposed Block Plan | 31 March 2017 | P-101 |
| General | 26 November 2014 | SCHEDULE OF EXT MATERIALS |
| General | 26 November 2014 | DESIGN BRIEF |
| Landscaping | 7 November 2014 | MASTERPLAN |
| Landscaping | 7 November 2014 | STRATEGY |
| Planning Statement/Brief | 7 November 2014 | VIEWPOINT ASSESSMENT |
| Design & Access Statement | 3 November 2014 | OCTOBER 2014 |
| Planning Statement/Brief | 3 November 2014 | LAND STRAT & O/L PLANTING SPEC |
| Planning Statement/Brief | 3 November 2014 | ARCH DESK BASED ASS |
| Flood Risk Assessment | 3 November 2014 | OCTOBER 2014 ISSUE 2 |
| Planning Statement/Brief | 3 November 2014 | PROTECTED SPECIES APPRAISAL |
| Travel Plan | 3 November 2014 | TRANSPORT STATEMENT |
| Location Plan | 3 November 2014 | 14/0810 1.1 |
| Proposed Section(s) | 3 November 2014 | 14/0812 4.1 |
| Existing Block Plan | 3 November 2014 | 14/0812 1.2 EXISTING |
| Proposed Elevation(s) | 3 November 2014 | 14/0812 3.1 |
| Proposed Floor Plan(s) | 3 November 2014 | 14/0812 3.1 |
| Proposed Roof Plan | 3 November 2014 | 14/0812 3.1 |
| Proposed Elevation(s) | 3 November 2014 | 14/0812 3.4 |
| Proposed Floor Plan(s) | 3 November 2014 | 14/0812 3.4 |

| | | |
|------------------------|-----------------|-----------------------|
| Proposed Roof Plan | 3 November 2014 | 14/0812 3.4 |
| Proposed Elevation(s) | 3 November 2014 | 14/0812 3.5 |
| Proposed Floor Plan(s) | 3 November 2014 | 14/0812 3.5 |
| Proposed Roof Plan | 3 November 2014 | 14/0812 3.5 |
| Proposed Elevation(s) | 3 November 2014 | 14/0812 3.7 |
| Proposed Floor Plan(s) | 3 November 2014 | 14/0812 3.7 |
| Proposed Roof Plan | 3 November 2014 | 14/0812 3.7 |
| Proposed Elevation(s) | 3 November 2014 | 14/0812 3.8 |
| Proposed Floor Plan(s) | 3 November 2014 | 14/0812 3.8 |
| Proposed Roof Plan | 3 November 2014 | 14/0812 3.8 |
| Proposed Elevation(s) | 3 November 2014 | 14/0812 5.1 |
| Proposed Elevation(s) | 3 November 2014 | 14/0812 5.4 NOS 2 & 3 |
| Proposed Elevation(s) | 3 November 2014 | 14/0812 5.4 NO 4 |
| Proposed Elevation(s) | 3 November 2014 | 13/1203 5.5-6 |
| Proposed Elevation(s) | 3 November 2014 | 14/0812 5.7 |
| Proposed Elevation(s) | 3 November 2014 | 14/0812 5.8-11 |

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|----------------------------|---|-----------------------|---------------------------------|
| APPLICATION NUMBER: | LW/17/0006 | ITEM NUMBER: | 7 |
| APPLICANTS NAME(S): | Mr & Mrs Pilfold | PARISH / WARD: | Ringmer / Ouse Valley & Ringmer |
| PROPOSAL: | Planning Application for Erection of a detached annexe | | |
| SITE ADDRESS: | Corsica Cottage Old Uckfield Road Ringmer East Sussex BN8 5RX | | |
| GRID REF: | TQ43 13 | | |



1. SITE DESCRIPTION / PROPOSAL

1.1 Corsica Cottage is a detached dwelling situated on Old Uckfield Road to the north-west of the A26. It enjoys a rural location, with footpath 2b running along the north-eastern boundary behind a 2m close board fence, open fields to the north-west, and the Norlington Stream to the south-western boundary.

1.2 This planning application seeks consent for a detached annexe to provide an office, gym/games room and WC on the ground floor, with an internal staircase to access attic storage and a playroom within the roof. It falls to be determined by the Planning Committee as the applicant is a Lewes District Council employee.

2. RELEVANT POLICIES

LDLP: – RES18 – Garages and other Buildings

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

LDLP: – CP11 – Built and Historic Environment & Design

3. PLANNING HISTORY

LW/00/1309 - Section 73A Retrospective application for continued change of use from agricultural to garden - **Approved**

E/53/0018 - Proposed improvements and installation of W.C's and drainage works. CRDC No Objection 02/02/1953. (Address Continued) Holding 2 & Brambles Ham Farm Ham Lane Ringmer East Sussex BN8 5SB.
- **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Environment Agency – No objections, but informative specified regarding need for an Environmental Permit.

4.2 Ringmer Parish Council – No objections.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

No comments have been received from adjoining occupiers.

6. PLANNING CONSIDERATIONS

6.1 The proposed building will measure 9m by 5m, with an eaves height of 3m. It will have a pitched roof with a ridge height of 5.68, and three roof lights inserted into the side (south-western) roofslope. A small upper level window will be inserted at each gable end, with French doors at the rear (north-eastern) elevation, a 0.6m x 1m window in the side (north-eastern) elevation, a 1.2m x 1.2m window in the front (south-eastern) elevation, and an

entrance door with two windows in the south-western elevation. It will be constructed from timber on a brick plinth, with a plain tile roof.

6.2 The building will replace an existing 6.7m x 3.3m single storey brick built garage with a flat felt roof. There will be no loss of parking as there is ample space within the site, to the side of the dwelling.

6.3 As originally submitted, the plans indicated a gabled projection to the side which extended 2.4m from the roofslope, forming a 0.5m extension to the side elevation. This was considered to give the building the character of a separate dwelling as opposed to simple annexe accommodation and was removed from the scheme.

6.4 The building will not be easily visible from the public realm. The close board fencing and 2m high gates to the front of the site will partially screen the building, and the pitched roof will slope away from the public footpath, effectively reducing the visual impact. The future use of the building as ancillary accommodation can be secured by an appropriate planning condition, and this is recommended. There will be little impact on the amenities of the closest neighbouring dwelling, Corsica, to the north-east, and any future installation of rooflights to the north-eastern roof slope of the building would require planning consent in their own right as the building will have more than one storey (*Class E, E.1 (d) General Permitted Development Order 2015*). Therefore the proposal is considered to accord with Policy ST3 (Design, Form and Setting of Development) of the Lewes District Local Plan (LDLP).

6.5 Policy RES18 (Garages and other Buildings) of the LDLP seeks to ensure that the scale and siting of ancillary buildings, *"will not detract from or dominate, the existing dwelling, other dwellings, the street scene or the character of the surrounding countryside"*. The timber construction and pitched, tiled roof of the proposed building is considered appropriate in this rural location. In addition, the generously sized rear garden is capable of accommodating the building without overdeveloping the site. As a result it is considered to accord with Policy RES18.

7. RECOMMENDATION

It is recommended that planning permission be granted.

The application is subject to the following conditions:

1. The detached annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Corsica Cottage, Old Uckfield Road, Ringmer.

Reason: To prevent the creation of an additional dwelling having regard to Policy CT1 of the Lewes District Local Plan 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. This development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any temporary or permanent proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Norlington Stream, designated as a 'main river'.

This was formerly called a Flood Defence Consent.

Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission.

Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. For any further advice, please contact the local flood risk team at PSOEastSussex@environment-agency.gov.uk.

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

| <u>PLAN TYPE</u> | <u>DATE RECEIVED</u> | <u>REFERENCE</u> |
|---------------------------|----------------------|------------------|
| Design & Access Statement | 4 January 2017 | PL1 |
| Existing Elevation(s) | 4 January 2017 | PL1 |
| Existing Floor Plan(s) | 4 January 2017 | PL1 |
| Existing Layout Plan | 4 January 2017 | PL1 |
| Location Plan | 4 January 2017 | PL1 |
| Existing Block Plan | 4 January 2017 | PL1 |
| Proposed Elevation(s) | 20 April 2017 | PL2 E |
| Proposed Floor Plan(s) | 20 April 2017 | PL2 E |
| Proposed Layout Plan | 20 April 2017 | PL2 E |
| Location Plan | 20 April 2017 | PL2 E |
| Proposed Block Plan | 20 April 2017 | PL2 E |

| | | | |
|----------------------------|---|-----------------------|---------------------------|
| APPLICATION NUMBER: | LW/17/0090 | ITEM NUMBER: | 8 |
| APPLICANTS NAME(S): | Mr D Reader | PARISH / WARD: | Seaford / Seaford Central |
| PROPOSAL: | Planning Application for Section 73A retrospective application for erection of side and rear single storey extensions | | |
| SITE ADDRESS: | 54 Belgrave Road Seaford East Sussex BN25 2EN | | |
| GRID REF: | TQ 48 97 | | |



1. SITE DESCRIPTION / PROPOSAL

1.1 The application property, 54 Belgrave Road, Seaford, is a semi-detached two storey house which is set back from the southern side of Belgrave Road on the northern side of the A259 Eastbourne Road. The locality is within the planning boundary and is an Area of Established Character as defined in the Lewes District Local Plan.

1.2 The application proposes retrospective permission for a single storey side extension and the construction of a rear extension. The side extension is set back approximately 3.3m from the principle elevation fronting Belgrave Road. It measures 4.8m deep and extends up to the boundary shared with 52 Belgrave Road. It has a flat roof with a glazed lantern centrally positioned within it and an eaves height of about 2.5m above ground level. The materials match existing.

1.3 The proposed single storey rear extension would adjoin the boundary shared with 56 Belgrave Road and measures 3.3m wide by 4m deep. It has a flat roof with a glazed lantern to be centrally positioned like the existing side extension. Materials are to match the existing dwelling.

2. RELEVANT POLICIES

LDLP: – RES13 – All extensions

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

LDLP: – CP11 – Built and Historic Environment & Design

3. PLANNING HISTORY

LW/16/0486 - Erection of a single storey side extension and a single storey rear extension
- **Approved**

LW/17/0090 - Section 73A retrospective application for erection of side and rear single storey extensions -

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Main Town Or Parish Council – It was **RESOLVED** to **SUPPORT** the granting of consent for the side extension element of the application but to **OBJECT** to the rear extension on the grounds that it would lead to loss of natural light to the living room of the neighbouring property and be generally detrimental to the amenities of the residents of that property

4.2 Southern Gas Networks – The applicant is reminded that hand dug trial holes should be carried out where the development is within proximity to any gas mains.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 A letter of objection has been received from the occupants of 56 Belgrave Road. Their objection raises concern over the proposed rear extension in relation to;

- overshadowing and loss of light, and
- overbearing structure by reason of height, building mass and proximity to the shared boundary.

5.2 No objection is raised to the proposed side extension.

6. PLANNING CONSIDERATIONS

6.1 The main planning issues for consideration are the impact on the character and appearance of the street scene and character and appearance of the locality and impact on the character and appearance of the property and living conditions for the occupants of adjoining properties.

6.2 The existing side extension is considered to be a subservient addition to the existing dwelling because it is single storey and set back from the principle elevation. It is considered to respect the character and appearance of the dwelling and the street scene and locality.

6.3 It is also considered that the proposed extension at the rear is subservient in terms of its scale and proportions. It would not be visible in the street scene and would not detract from the character and appearance of the dwelling.

6.4 The occupants of 56 Belgrave Road, which is the other half of the semi-detached properties, has objected on the grounds of overshadowing /loss of daylight and overbearing impact. The proposed extension would project only 2.9m beyond the rear building line of the adjoining property and the highest part of the party wall would be approximately 2.6m above ground level. It is considered that the proposed extension would not materially harm the living conditions for the occupants of 56 Belgrave Road by reason of appearing oppressive in their outlook, sufficient to justify refusal.

6.5 The depth of the proposed extension does not cut across the 60 degree splay when taken from the mid-point of the ground floor window at 56, which is closest to the extension. As such, the proposed extension would not result in any material harm for the occupants of 56 by reason of overshadowing and loss of daylight. It should also be noted that, no. 56 has a two storey rearwards projection adjacent to the proposed single storey extension.

6.6 Overall, the proposed extensions are considered to be acceptable and comply with the criteria of relevant planning policies in the Joint Core Strategy and Lewes District Local Plan. It is recommended that permission be granted.

RECOMMENDATION

That permission be GRANTED.

The application is subject to the following conditions:

1. The development hereby approved shall be finished in external materials to match those used in the existing building.

Reason: To ensure a satisfactory development in keeping with the locality having regard to CP11 of the Joint Core Strategy and policies RES13 and ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

INFORMATIVE(S)

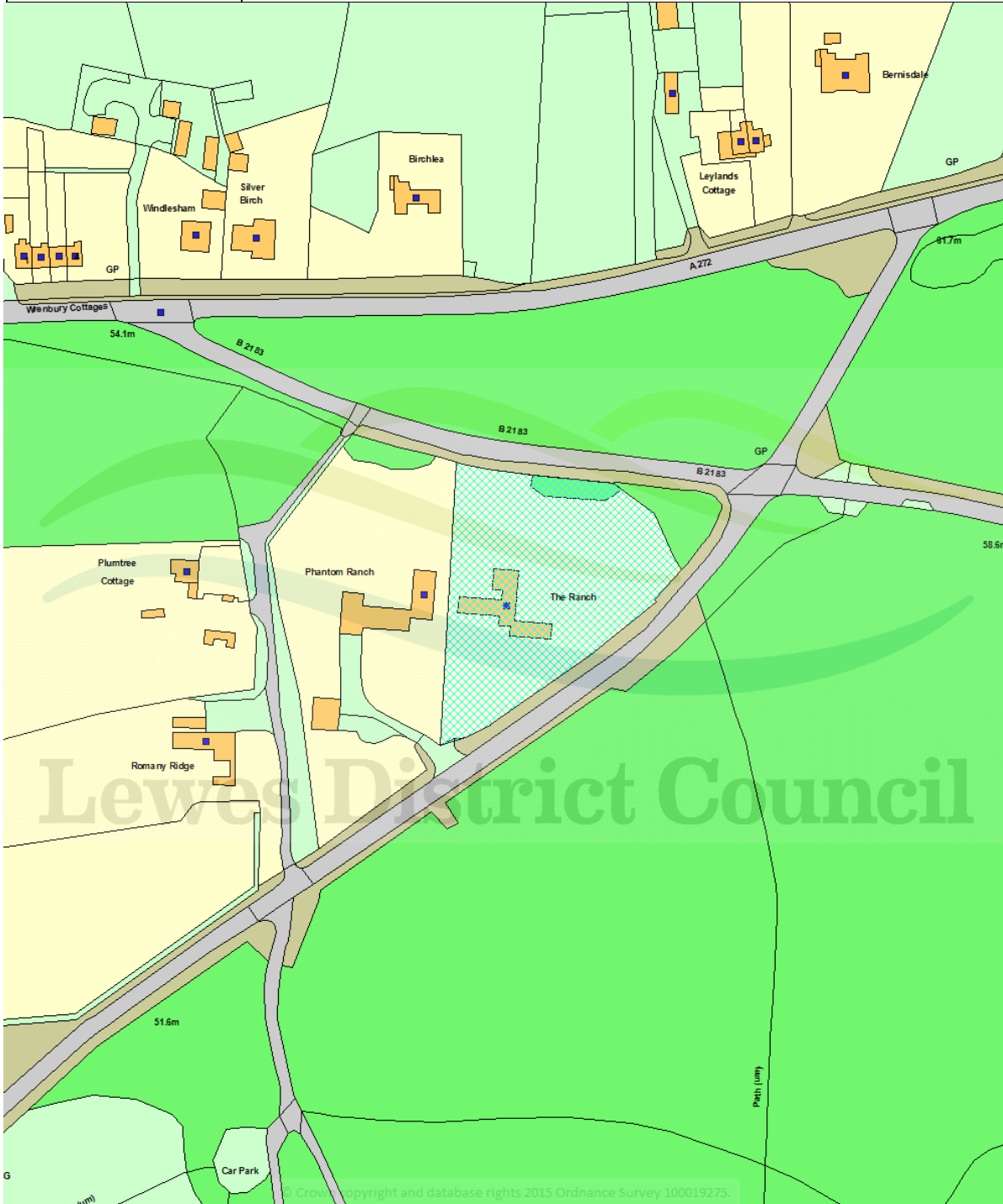
1. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>

2. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

| <u>PLAN TYPE</u> | <u>DATE RECEIVED</u> | <u>REFERENCE</u> |
|------------------------|----------------------|------------------|
| Existing Elevation(s) | 1 February 2017 | 01 |
| Existing Floor Plan(s) | 1 February 2017 | 02 |
| Proposed Floor Plan(s) | 1 February 2017 | 04C |
| Proposed Elevation(s) | 20 February 2017 | 05E |
| Proposed Block Plan | 1 February 2017 | 08A |
| Location Plan | 1 February 2017 | 08A |

| | | | |
|----------------------------|--|-----------------------|---------------------------------|
| APPLICATION NUMBER: | LW/16/1006 | ITEM NUMBER: | 9 |
| APPLICANTS NAME(S): | Mr S Scotland | PARISH / WARD: | Chailey / Chailey & Wivelsfield |
| PROPOSAL: | Planning Application for Part section 73A retrospective application for the erection of a 2m high close boarded fence painted moss green | | |
| SITE ADDRESS: | The Ranch North Common Road North Chailey East Sussex BN8 4EB | | |
| GRID REF: | TQ37 20 | | |



1. SITE DESCRIPTION / PROPOSAL

SITE DESCRIPTION

1.1 The application site is occupied by a detached dwelling on a triangular shaped plot bounded to the north by Beggars Wood Road, leading up to the A272 Haywards Heath Road, and to the south by North Common Road, to the south of which lies Common Land. Both the Common Land and the areas of landscape to the northern side of Beggars Wood Road are designated as Sites of Special Scientific Interest (SSSI) and Local Natural Reserves. The application site has an area of some 2230 square metres (0.22 hectares).

1.2 The application site lies on the western outskirts of North Chailey and is outside of the defined planning boundary.

1.3 The buildings on the site are not Listed and are not situated in a conservation area.

PROPOSAL

1.4 The application seeks planning permission for the erection of a timber close-boarded fence at a height of 2m along the northern boundary of the site with the edge of Beggars Wood Road. The applicant states that the fencing is required to reduce road noise.

1.5 Following the refusal of the previous planning application, ref. LW/16/0012, the applicant has sought to mitigate the visual impact of the fence by painting it a green colour and by planting natural looking shrubs and hedges in front of it.

2. RELEVANT POLICIES

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

LDLP: – CP10 – Natural Environment and Landscape

LDLP: – CP11 – Built and Historic Environment & Design

3. PLANNING HISTORY

LW/16/0012 - Erect a 2m high close boarded timber fence in front of the North boundary hedge - **Refused**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Main Town Or Parish Council – Objection

4.2 When the applicant applied for permission to erect a fence (application LW/16/0012 refers) Councillors objected to the application. Their reasons for so doing were that the fence would be out of character, obtrusive, too high and not in keeping. They also believed that it would be going on Common land. The original application was refused

by Lewes District Council for broadly the same reasons. The fence was erected in any event. Councillors considered that the present application, which is essentially to allow the fence to remain, paint it green and screen it using planting, does not meet their original concerns. The painting and planting may help to alleviate concerns over obtrusiveness, but these proposed moves do nothing to address Councillors' original concerns over the character and height of the fence, both of which detract from the sensitive nature of the area and the Commons which are immediately adjacent to The Ranch. Finally, Councillors' concerns over the possible siting of the fence on common land did not appear to have been addressed.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 A representation has been received from Phantom Ranch, North Chailey, in support of the application, no specific reasons given.

6. PLANNING CONSIDERATIONS

6.1 The key considerations in the determination of the application are the visual impact of the proposed fence and the impact on residential amenity.

Visual impact

6.2 The environs of Beggars Wood Road are rural, with both sides being edged by trees and planting. There are no man-made means of enclosure such as walls or fences, which are readily visible. Both sides of the road have a natural appearance.

6.3 The proposal to erect a close-boarded timber fence along this stretch of the road would stand out as an alien and incongruous feature, more related to a suburban residential environment as opposed to this rural location in which the positive characteristics include its natural and sylvan appearance on the edge of Chailey Common (but not on Common land) with softer planting along property boundaries as opposed to solid walls and fences.

6.4 For these reasons the proposals would be detrimental to visual amenity. These views are echoed by the Chailey Parish Council, which raises an objection to the proposal.

6.5 The previous application, LW/16/0012 was refused planning permission and the fence that was proposed would have been on the edge of the property boundary. Following this decision the applicant sought to explore their permitted development rights by building a fence that is set back from the highway, believing that planning permission would not be required. The fence has been erected. However, the local authority has taken the view that the fence is still adjacent to the highway and as such requires planning permission.

6.6 Concerns have been raised that the current fence is harmful as per the reason for the refusal of the previous planning application. However, the applicant has sought to mitigate the visual impact of the fence by painting it a green colour and by planting shrubs and hedges in front of it, in order to soften its appearance and screen it from view using natural planting, similar to the appearance of the vegetated road verges in this rural location.

6.7 On balance these mitigation measures, together with the fence being set back approximately 1 metre from the road edge, are considered to be acceptable although it must be stressed that the preferred siting for the fence would in fact be behind the tree line along the back edge of the applicant's garden.

Residential amenity

6.8 There are no immediate neighbours that would be affected by the proposed fence by way of loss of light or an overbearing impact as the fence would be sited along the boundary of the application site with the road. The applicant states that the fence is required to reduce noise levels coming from the nearby A272 (Haywards Heath Road).

7. RECOMMENDATION

On balance the application is recommended for approval.

The application is subject to the following conditions:

1. Within a period of 28 days from the date of this decision, details of a landscaping and planting scheme on the land between the fence hereby permitted and the public highway (namely Beggars Wood Road) to include the species, planting density and height at the time of planting, shall be submitted to and approved in writing by the local planning authority.

Reason: To create an acceptable standard of development in the interests of visual amenity and preserving the rural character of the locality, having regard to retained policy ST3 and Core Policies 10 and 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. The approved landscaping scheme shall be implemented within 3 calendar months from the date on which the details are approved, and the planting shall be maintained at a height of no less than 1.8 metres above ground level, unless otherwise agreed in writing by the local planning authority, for the full duration that the fence hereby permitted remains in situ.

Reason: To create an acceptable standard of development in the interests of visual amenity and preserving the rural character of the locality, having regard to retained policy ST3 and Core Policies 10 and 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.

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.

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

| <u>PLAN TYPE</u> | <u>DATE RECEIVED</u> | <u>REFERENCE</u> |
|---------------------------|----------------------|--------------------|
| Proposed Block Plan | 1 December 2016 | A1 |
| Design & Access Statement | 1 December 2016 | |
| Photographs | 13 December 2016 | EXISTING ELEVATION |
| Location Plan | 13 December 2016 | 1:2500 |

Report to **Planning Committee**
Date **17 May 2017**
By **Director of Planning**
Local Authority **Lewes District Council**
Application Number **SDNP/17/00499/FUL**
Applicant **Mr J Charlesworth**
Application **Proposed horticulture unit**
Address **Waitrose
Eastgate Street
Lewes
BN7 2LP**

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

Executive Summary

1 Site Description

1.1 Waitrose occupies a corner site towards the northern periphery of Lewes Conservation Area, opposite the bus station, with a large paved frontage which encompasses a bus stop, public seating areas, bike rack, supermarket trolley shelter, and entrance to the car park at the rear. Two mature trees are features of the site, one of which is a large Horse Chestnut subject to Tree Preservation Order (No. 25) 1976.

2 Proposal

2.1 Consent is sought for the renewal of SDNP/14/00020/FUL (Installation of horticulture unit at front and associated works). This permission encompassed:

- 1 x 3 bay "horticulture unit" - 4.3m wide x 1.35m deep x 2.7m high, with shelves to display plants and flowers, metal framed and clad with stained vertical softwood boarding;
- 1 x "compost pallet locker unit" - 1.5m wide x 1.36m deep x 1.21 high to store bags of compost for sale - secure metal box set within stained softwood cladding similar to horticulture units;
- 4 x "horticulture mobile cupboards" - .960m wide x .550m deep x 1.675m deep to display bedding plants and other gardening accessories - construction as horticulture units;
- 1 x mobile merchandising table 1.244m wide x .644m deep x .903 high to accommodate a mobile till - metal framed, colour grey (RAL 9007). *Officer note: No mention of a mobile till is made in the current application*

2.2 The purpose of the units is to allow customers to purchase plants and other similar merchandise separately outside of the store. The main horticulture unit is fixed to a concrete base; the other units are mounted on heavy duty swivel casters with brakes. The table will be taken into the store outside of opening hours.

3 Relevant Planning History

SDNP/14/00020/FUL - Installation of horticulture unit at front and associated works - Temporary three year approval granted 10th February 2014

4 Consultations

LE - Design and Conservation Officer

The context of the site is sensitive it being located within the Lewes Conservation Area and adjacent to Eastgate House, a grade II listed building. The land immediately to the east of the public entrance to Waitrose is a small open space created by the set back of the frontage of the supermarket from the highway. It is hard surfaced with seating, and two large mature trees, which help to break up the tight urban grain found generally within Lewes.

The proposal is for four Mobile Units, one Pallet Locker Unit, one Bay Pod and one table for use related to horticulture sales. The application is a renewal of application SDNP/14/00020/FUL which gave a temporary consent for the works.

Since approval SDNP/14/00020/FUL there has been an increase in the existing equipment and amenities to the frontage of Waitrose. At the time of the site visit there were three or more waste bins, one plastic bag recycling bin, two benches, two trolley shelters, a large bike rack, signage, as well as an additional five wheeled crates, which are also used for horticultural sales. It is considered there is now notable clutter to the frontage of Waitrose.

The cumulative impact of these works, of which the horticulture equipment subject to this application are part, is considered to undermine the character and appearance of the Lewes Conservation Area and the setting of the Listed Building. While most of the equipment and amenities outside Waitrose do not require planning permission it is considered important to carefully control works where possible to avoid detrimental clutter. For this reason objection is raised to the proposed works and it is recommended the application be refused

Lewes Town Council Consultee

Members **OBJECTED** to this proposal, raising concern at increase of 'clutter' in the immediate vicinity

5 Representations

5.1 Friends of Lewes - "...object to this application for units that are already in place. The horticulture units contribute to the generally cluttered appearance outside the store and make access between the car park and the main entrance difficult to traverse for wheelchairs, buggies and rollators."

6 Planning Policy Context

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 Local Plan (2003)** and the following additional plan(s):

[Page 29 of 40](#)

- Lewes District Council - The Core Strategy (Local Plan Part 1) 2014

- National Planning Policy Framework

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 - Ensuring the vitality of town centres

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 Local Plan (2003)** are relevant to this application:

- H5 - Within / Affecting Conservation Area
- ST3 - Design, Form and Setting of Development

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

- CPI1 - Built and Historic Environment and Design

The following policies of the **National Planning Policy Framework** are relevant to this application:

- NPPF - Ensuring the vitality of town centres

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 following Policies and Outcomes are of particular relevance to this case:

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

8 Planning Assessment

8.1 The external horticultural units currently in place at Waitrose, Lewes, are part of a retail strategy that Waitrose has put in place over most of its UK stores in the past few years. However, it is clear from the comments received by the Design and Conservation Officer, Lewes Town Council, and the Friends of Lewes, that problems exist over clutter to the supermarket frontage caused by the cumulative effect of the siting of additional mobile racking which, in themselves, do not require planning permission, but are a product of this additional retail offer.

8.2 Although the plans submitted with this application are identical to the previous consent therefore implying the acceptability of this renewal application, a site visit in February clearly showed the clutter and general impression of untidiness that the siting of mobile racks around the Horse Chestnut has engendered. These racks hold plants, and as stated earlier are closely associated with the horticultural products on offer in the fixed pods. It was also noticed during the visit that the mobile table was not sited where shown on the submitted plans, and this was brought to the applicant's attention.

8.3 One solution to the above concerns would be to ensure that racking is not placed around the horse chestnut, and instead runs in a straight line opposite the pods. This should leave a much more open and uncluttered area around the main door. Although not enforceable, it was made clear during the site meeting that any future renewal of consent would be dependent on this area around the tree remaining clear, and as an added incentive it was also made clear that a temporary consent for just one year would be recommended in this case allowing for an earlier review of the situation. As a result, and on balance, it is considered that the present situation can be overcome making the proposal acceptable in terms of Policy H5 (Development within or affecting Conservation Areas) of the Lewes District Local Plan.

9 Conclusion

It is recommended that temporary consent for one year be granted.

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. [Page 31 of 40](#)

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. **Approved Plans**

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

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

3. The permission hereby granted shall be for a limited period expiring on 16/05/18 and the units shall be removed and the land restored to its former condition on or before that date in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to review the situation in the light of the circumstances then pertaining 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.

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**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Tim Slaney
Director of Planning
South Downs National Park Authority

Contact Officer: Mrs Alyson Smith

Tel: 01273 471600

email: alyson.smith@lewes.gov.uk

Appendices

Appendix 1 - Site Location Map

Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

Appendix I

Site Location Map



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. South Downs National Park Authority, Licence No. 100050083 (2016) (Not to scale).

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 |
|--|--------------------|---------|--------------|----------|
| Site Photographs - | | | 30.01.2017 | Approved |
| Plans - Location and site plan | 11700-727-00 | | 30.01.2017 | Approved |
| Plans - Proposed plan and schedule of works | 11700-727-01 | | 30.01.2017 | Approved |
| Application Documents - Design Statement | 11700/PL/00/727 | | 30.01.2017 | Approved |
| Plans - General Assembly: 3 bay horticultural unit | 2UN0763 | | 30.01.2017 | Approved |
| Plans - Mobile Merch table | 3TB0020 | | 30.01.2017 | Approved |
| Plans - Mobile horticultural cupboard | 3UN0036 | | 30.01.2017 | Approved |
| Plans - Compost unit | 3UN2890 | | 30.01.2017 | Approved |
| Application Documents - | HERITAGE STATEMENT | | 10.02.2017 | Approved |

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

Agenda Item No: 11 **Report No:** 76/17
Report Title: Outcome of Appeal Decisions on 3rd April 2017 and 27th April 2017
Report To: Planning Applications Committee **Date:** 17 May 2017
Cabinet Member: Cllr Tom Jones
Ward(s) Affected: All
Report By: Director of Service Delivery
Contact Officer(s):
Name(s): Mr Steve Howe and Mr Andrew Hill
Post Title(s): Specialist Officer Development Management
E-mail(s): Steve.howe@lewes.gov.uk and Andrew.hill@lewes.gov.uk
Tel No(s): (01273) 471600

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

| | |
|---|---|
| <p>Clevedon, The Broyle, Ringmer</p> <p>Description:</p> <p><i>Change of use of an agricultural building to a residential dwelling house</i></p> | <p>Application No: LW/16/0529</p> <p>Delegated Refusal</p> <p>Written Representations</p> <p>Appeal is dismissed</p> <p>Decision: 27th April 2017</p> |
|---|---|

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

Appeal Decision

Site visit made on 28 March 2017

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 27 April 2017

Appeal Ref: APP/P1425/W/16/3163582

Clevedon, The Broyle, Ringmer, East Sussex BN8 6PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Roy Higgs against the decision of Lewes District Council.
 - The application Ref LW/16/0529, dated 21 June 2016, was refused by notice dated 22 September 2016.
 - The development proposed is prior approval for a change of use of an agricultural building to a dwelling house (Class C3).
-

Decision

1. The appeal is dismissed.

Background and Main Issues

2. Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order (England) 2015 (GPDO) permits the change of use of an agricultural building and any land within its curtilage to a residential use, along with building operations reasonably necessary to convert the building. This is subject to a number of situations where such development is not permitted, listed under paragraph Q.1, and to conditions in paragraph Q.2.
3. In this case, the Council has raised an issue in relation to the extent of the curtilage around the appeal building under Class Q of the GPDO and the exclusion in paragraph Q.1 (a) in respect of the agricultural use of the building. On the evidence before me, I have no reason to come to any alternative view.
4. On that basis, the main issues are:
 - Whether the proposal would accord with permitted development requirements relating to the extent of the curtilage under Schedule 2, Part 3, Class Q of the GPDO; and
 - Whether or not the building was used solely for an agricultural use, as part of an established agricultural unit, within the applicable timeframes in paragraph Q.1 (a) of the GPDO.

Reasons

Curtilage of the proposed development

5. The appeal site comprises a timber framed barn building that is set back from the road within an open field. It is situated behind a dwelling and stable building that forms part of a small cluster of ribbon development in the open countryside along the southern side of The Broyle. The barn is accessed via a driveway at the side of the main dwelling and is separated from the dwelling and stable building by fencing.
6. The appeal form indicates that the area of the whole appeal site is 0.2ha and that the floor area of the agricultural building to be converted is about 65 sqm. The floor area is therefore below the size threshold set in paragraph Q1(b) of the GDPO. However, there is also a requirement relating to curtilage. The definition given in Schedule 2, Part 3, Paragraph X of the GDPO states that, for the purposes of Class Q, the curtilage means (i) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or (ii) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser. This means that the curtilage should not exceed 65 sqm in this case.
7. On my site visit I observed that the barn is surrounded by an open field, but does not itself have a clearly defined piece of land with which it is closely associated. Nonetheless, the amended submitted site plan (2016/055/PL2 rev:C) indicates a designated 'curtilage' area immediately to the south of the barn shown edged in green, which does not appear to exceed the floor area of the appeal building.
8. However, the submitted plans also show a much larger red lined 'proposed site boundary' which extends to the north of the barn and incorporates a large area of land marked as a 'cobbled forecourt' and a car parking area. The 'cobbled forecourt' and parking area lie immediately to the north of the existing stable building is enclosed by fencing and linked to the barn by a pedestrian access. I consider on the basis of its position, access arrangements and the enclosed nature of this area, it is likely that the cobbled forecourt and parking area would function as a separate parking area and would be used for domestic purposes by the occupiers of the proposed dwelling. As such, the area of land which would operate as curtilage would be significantly greater than the area of the existing barn.
9. Consequently, the extent of the curtilage falls outside the definition given in Schedule 2, Part 3, Paragraph X of the GDPO. Therefore, I conclude that the extent of the curtilage as defined by the red line site boundary precludes the proposal from being permitted development and as such the proposal does not meet the requirements under Schedule 2, Part 3, Class Q of the GPDO.

Agricultural use

10. Paragraph X of Schedule 2, Part 3 of the GPDO, states that an 'agricultural building' means a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business. The GPDO does not define at what point an agricultural activity becomes a trade or business. Development is not permitted by Paragraph Q(a) of the GDPO if the site was

not solely used for an agricultural use as part of an established agricultural unit¹ on or before 20 March 2013 or for 10 years before the date the development begins. As such, whether or not the appeal building was an 'agricultural building' on the 20 March 2013, as defined by the GPDO, is a matter of fact and degree based on the particular merits of the case and the evidence presented.

11. The GPDO further sets out that 'established agricultural unit' means agricultural land occupied as a unit for the purposes of agriculture. I would note that nowhere in relevant legislation or the Planning Practice Guidance is there a requirement for such a trade or business to be of a certain scale, intensity or turnover in this context.
12. It is not disputed by the Council and appellant that the building was designed for agricultural purposes when it was originally built in the 1980s. The appellant states the barn was used between 2007 and 2015 for the keeping of livestock. At the time of my visit the barn was being used for storage of small scale agricultural and non-agricultural items. The building contained a number of partitions that appeared to have been used in the past and remain suitable for the accommodation of livestock.
13. The appellant has submitted various supporting information regarding the agricultural activities undertaken at the appeal site including a County Parish Holding Number and Single Business Identifier obtained in September 2011 and an Animal Health Registration letter from September 2011. Whilst I accept that these do not necessarily demonstrate an agricultural business, I have also noted the DEFRA reports showing movement of pigs by the appellant between 2011 and 2014 received as weaners and transported to a local abattoir. A letter from a Turkey Poults supplier in June 2016 also confirmed the supply of young turkeys to the appellant between 2012 and 2015.
14. The Council has questioned the details submitted regarding the agricultural activities and whether the number of pigs and turkeys being kept on the land was sufficient in itself to establish that the building and land have been used as an agricultural business. The Council also indicated that the evidence submitted was identical to that submitted with a previous prior approval application² for the conversion of the existing stable building to a dwelling, which was subsequently withdrawn. This raised some element of doubt regarding the exact use of the barn.
15. The Council considers that at the time of their decision insufficient information had been provided to show that an agricultural business was operating on the site. The Officer's report stated that the evidence provided demonstrate that the use of the site was used for no more than hobby farming rather than an established agricultural trade or business.
16. Following a request from the Council, additional information was submitted by the appellant as part of the original application process. This comprised of a selection of receipts for the processing and the sales of pig and turkey meat over the period from November 2012-May 2013 and photographic evidence of pigs and turkeys being kept at the barn in December 2012 and April 2013.

¹ Paragraph X Interpretation of Part 3 Established agricultural unit means agricultural land occupied as a unit for the purposes of agriculture.

² LW/15/0824

Notwithstanding this, the Council consider the receipts submitted to be generic, with no indication that they have been issued by a trade or business. I understand the Council's concerns, and acknowledge the limited information available on the sales receipts in this case. The onus of proof is on the appellant and the correct test that should be applied is 'on the balance of probability'.

17. Paragraph 4.7 of the appellant's appeal statement shows further evidence, though I accept low in numbers, including an invoice from the abattoir relating to the transport of pigs in May 2013 and a subsequent invoice from a butcher to cut and prep two pigs on 23 May 2013. Although there are no financial accounts to verify the appellant's position there is nonetheless information before me over a lengthy period of time since the activity on site commenced, from the appellant and various sources attesting to the livestock purchases, sales and movements to and from the appeal site and confirming the purchase of pig and turkey meat which pre-date 20 March 2013.
18. Therefore, on the balance of probabilities and based on the evidence before me, I cannot find other than that the use to which the appeal site has been put amounts to a trade or business rather than a hobby. I conclude that the barn whilst not presently in use for agriculture was, at the relevant date 20 March 2013, used solely for agricultural use and that a trade or business was in operation, albeit of a comparatively small scale. I have also carefully considered the Council's representations in relation to the site not being part of an established agricultural unit. However, there is nothing in Class Q that requires the agricultural unit to be farmed or operated by the owner or, for that matter, intensively.

Other matters

19. I noted the Council's references to a number of appeal/court decisions and the taxation guidance from the Government HMRC website. The small agricultural businesses have different development characteristics to the appeal scheme and took place some time ago in a different policy context. Nevertheless, each case must be judged on its merits, and it is on this basis that I have determined this appeal. The taxation information is generalised guidance and planning legislation requires that the proposal is considered against the national and local planning policies. I accord these matters limited weight.

Conclusion

20. Notwithstanding my findings regarding the agricultural use of the appeal building, I conclude that the proposed development would not accord with the requirements for permitted development relating to the extent of the curtilage under Schedule 2, Part 3, Class Q of the GPDO, as the area of curtilage would be significantly larger than the area of the barn. Thus it is not necessary or appropriate for me to comment on the planning merits of the development and whether the proposal meets the conditions in paragraph Q.2 of the GPDO. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR