

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